

 **Department of Environmental Conservation**



2018 Amendments to the Regulations Implementing SEQR

September 28, 2018

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SEQR – Overview

The Fundamental Tenets of SEQR

1. Environmentally-Informed Government Decisions
2. Consideration of Alternatives
3. Public Disclosure of Environmental Impacts
4. Avoidance and Mitigation of Impacts
5. Contextual Impact Analysis



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A Brief History of SEQR

- National Environmental Policy Act of 1969
- State Environmental Quality Review Act of 1975
- Original SEQR Regulations adopted in 1976
- Major Amendments to SEQR Regulations 1978, 1987, 1996




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2018 Amendments to SEQR – Part 617

2018 amendments build upon previous improvements:

- EAFs revised to web-based forms
- GIS Mapping component added (EAF Mapper)
- Workbooks released as guidance



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DEC's SEQR Website



www.dec.ny.gov/permits/357.html




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DEC's SEQR EAF Mapper

www.dec.ny.gov/EAFMapper

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DEC's SEQR EAF Workbooks

www.dec.ny.gov/permits/90125.html

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DEC's SEQR Handbook

<http://www.dec.ny.gov/permits/6188.html>

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DEC's SEQR Cookbook

<http://www.dec.ny.gov/permits/57228.html>


The SEQR Cookbook

A Step-by-Step Discussion of the Basic SEQR Process

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2018 SEQR Amendments – Part 617


- Goal: Streamline regulatory process without sacrificing environmental protection
- Generic EIS and findings explain changes



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Timeline for 2018 SEQR Amendments


- Notice of Intent and Draft Scope - July 11, 2012
- Final Scope - November 28, 2012
- Proposed Rule and Draft GEIS – January 20, 2017
- Revised Rule and Revised Draft GEIS – April 4, 2018
- Rule Adopted - June 27, 2018
- Rule Effective - January 1, 2019



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Overview of Amendments

- Type I List
- Type II List
- EIS Scoping
- EIS Preparation
- Document Preparation
- SEQR Fees



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DEC's 2018 Amendments – Critical Documents

<https://www.dec.ny.gov/permits/83389.html>

Department of Environmental Conservation Permits Review Permit & Control Policies Regulatory Permit & Licensing

State Environmental Quality Review Act - Adopted Amendments 2018

The New York State Department of Environmental Conservation (DEC) announces the adoption of amendments to the regulations that implement the State Environmental Quality Review Act (SEQRA) to improve the SEQRA process and better coordinate environmental review.

Among other changes, DEC has adopted amendments to the State Land Use Code of Rules, as well as the existing and proposed procedures for both environmental impact statements (EIS) and categorical project (CP) review and approval of projects. These changes are the first major amendments to the SEQRA regulations that DEC made since 2006.

DEC intends to release the proposed rules and the regulatory analysis (including Regulatory Impact Statement and RIR) documents in mid-November 2018. Following public review, DEC will publish the proposed rules and the regulatory analysis with the approval of the Department of Justice, Environmental Impact Statement (EIS) and CP review and approval of projects. DEC will also publish the proposed rules and the regulatory analysis with the approval of the Department of Environmental Conservation and the State Office of General Services (SOGS) in early 2019. DEC will also publish the proposed rules and the regulatory analysis with the approval of the Department of Environmental Conservation and the State Office of General Services (SOGS) in early 2019. DEC will also publish the proposed rules and the regulatory analysis with the approval of the Department of Environmental Conservation and the State Office of General Services (SOGS) in early 2019.

The Department is also publishing the following links with the Regulatory Statement (RS) and other the regulatory documents made up by the SEQRA rules, the amendments from the SEQRA rules and other:

Regulatory Statement and other documents of the SEQRA rules (and other documents, where applicable): [http://www.dec.ny.gov/permits/83389.html](#)


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Type I List

Lowered thresholds for residential subdivisions:

- From 250 to 200 units - pop. 150,000 or less
- From 1,000 to 500 units – pop. 150,001 to 999,999
- From 2,500 to 1,000 units – pop. 1,000,000 or greater




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Type I List

Added a threshold for parking spaces in smaller communities:


- 500 or more vehicles – pop. of 150,000 or less
- 1,000 of more vehicles – pop. of 150,001 or more



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Type I List


- Adds thresholds to historic properties similar to other sensitive resources
- Adds "eligible" historic properties
- Eligible properties will now appear on EAF Mapper



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Type II List


- Upgrading buildings to meet state energy code



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Type II List


- Green infrastructure



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Type II List


- Installation of telecommunications cables in ROWs with trenchless burial or use of existing poles



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Type II List


- Conveyances of land in connection with 1-3 family residence



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Type II List


- Solar (on rooftops, landfills, brownfield and Superfund sites, wastewater treatment facilities, parking lots/garages and industrial areas)



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Type II List


- Lot line adjustments



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Type II List


- Reuse of a commercial or residential structure



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Type II List


- GML §§ 239-m or 239-n planning recommendations



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Type II List


- Acquisition/dedication of parkland or conservation easement



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Type II List

- Conveyance of property by public auction



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Type II List


- Organic digesters at operating municipal landfills



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Scoping


- Scoping will be required for all EISs (similar to Federal and NYC requirements) except for supplemental EISs
- New process for late-filed comments on scope



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EIS Preparation


- Clarify procedures to define when a DEIS is adequate for public review
- Addition of requirement, where relevant, to evaluate measures to avoid or reduce an actions impact on climate change and associated impacts of flooding and sea level rise.



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Document Preparation and SEQR Fees

- Draft and final scopes must be noticed in the ENB
- Draft and final scopes, as well as draft, final and supplemental EISs must be posted on a publicly available website



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Q&A



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documents)