



**Division of Local  
Government Services**

# **New York State Environmental Quality Review Act (SEQRA)**

A Division of New York Department of State

# Introduction

# Statutory authority

- Environmental Conservation Law, Article 8
  - Title 6 NYCRR, Part 617
- Discretionary actions made by state and local agencies subject to review
- Coordination between stakeholders is encouraged and required in some cases
- Process ensures mitigation of adverse impacts
- State court system is only enforcement mechanism



## Basic purpose

## Part 617.1 (c)

Incorporate consideration of environmental factors into an agency's decision making process at earliest possible time



**What are “environmental factors?”**

# Resources or characteristics affected by action

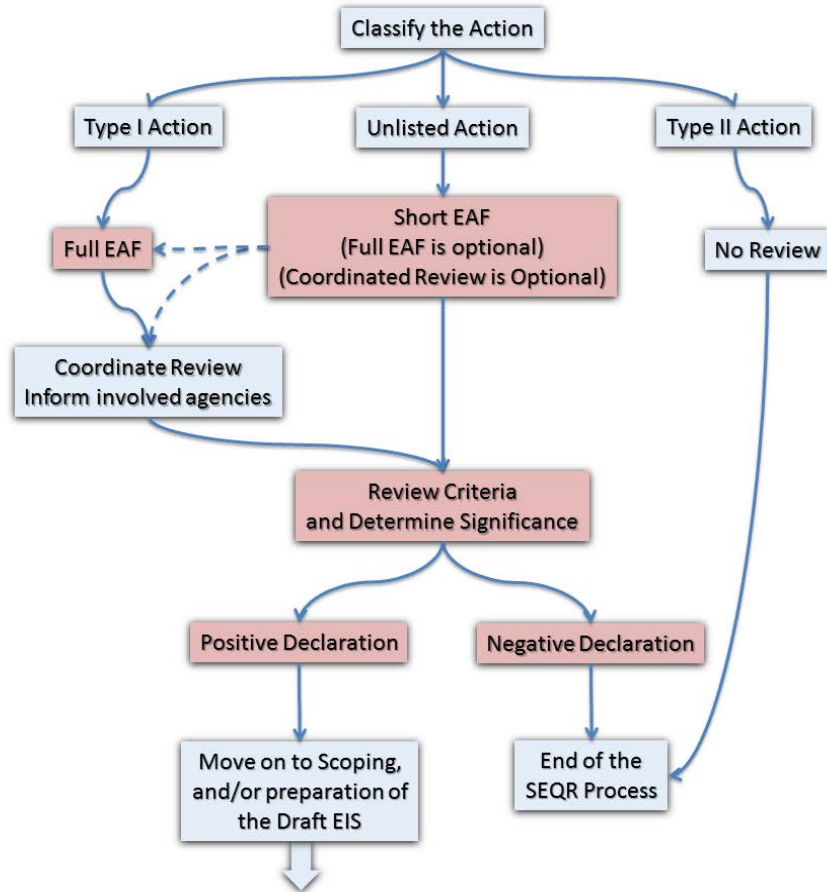
- Resources of agricultural, archeological, historic or aesthetic significance
- Existing patterns of population concentration distribution or growth
- Existing community or neighborhood character
- Human health



- Land
- Air
- Water
- Minerals
- Flora
- Fauna
- Noise

# How SEQRA works

- Agency proposes action or receives application
  - Action classified\*
  - Lead agency established
  - Significance of action determined\*
  - Environmental Impact Statement (EIS), if needed
  - Findings and agency decision\*
- 
- \*SEQRA process can conclude at any of these points





# Actions

# What are “actions?”

All are subject to SEQRA consideration

- Undertaking, funding or approving projects or physical activities (discretionary actions)
- Planning & policy making activities
- Adopting rules, regulations & procedures
- Any combination above

# Classification of actions

## One of three classifications

- Type II\*                      6 NYCRR Part 617.5
- Type I                         6 NYCRR Part 617.4
- Unlisted                      6 NYCRR Part 617.2 (ak)

\*DEC recommends making a note to file

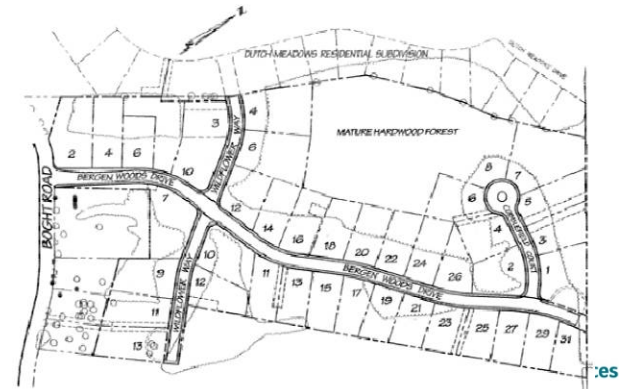
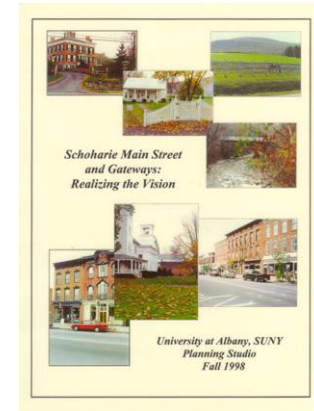
# Type II actions

- Pre-determined not to have significant adverse impact on environment
  - Area variances for one, two, or three family residences
  - Construction of commercial structure < 4,000 SF gross floor area and consistent with zoning
  - Official ministerial acts involving no discretion
- Classification concludes SEQRA
  - Normal agency processes resume



# Type I actions

- Carry presumption of significant adverse impact on environment
- More likely to be issued positive declaration & require preparation of EIS
- Requires that SEQRA continue until its conclusion



# Unlisted actions

- Not found on either Type I or Type II list
  - Physical disturbances of <10 acres (commercial)
  - Use variance needing no other approvals
- Governing board may supplement Type I or Type II lists with otherwise Unlisted actions
  - No agency bound by action on another's Type II list
- Requires SEQRA continue to conclusion

# Agencies

# What are SEQRA “agencies?”

**Agency:** state or local public body

**Involved agency:** public body which has jurisdiction by law to fund, approve or directly undertake action

**Interested agency:** public body which does not have jurisdiction over project, but wishes to participate in process because of its expertise or specific concern

**Lead agency:** the involved agency responsible for determining whether EIS will be required, and for its preparation and filing, if required



# Possible SEQRA agencies

## Involved

- Planning board
- Zoning board of appeals
- Town board, city council, village board of trustees
- School board
- Industrial development agency & Local development corporation
- State agency

## Interested

- State or local agencies acting in advisory roles
  - County planning board or regional agency GML §239-m review
  - Environmental management or conservation advisory councils

### Not classified as SEQRA agencies:

- Federal departments or agencies
- Private entities

# Establishing lead agency

## Involved agencies only

- If only one:
  - lead agency by design
- If more than one:
  - lead agency is selected by consensus (coordinated)
  - no lead agency (uncoordinated)



# Establishing lead agency

- Agency to propose action, or first receive application must contact all involved agencies
  - Distribute EAF Part 1 & application
  - Inform that lead agency must be established
- Lead agency must be established within 30 days
- Once established, lead agency must make determination of significance within 20 days
  - GML §239-m review need not be concluded prior  
(full statement: EAF Part 1 & all materials submitted)

# Review



**No decisions before SEQRA concluded**

# “Complete application”

- Local submission requirements have been satisfied for Type I or Unlisted action, and:
  - Negative declaration (or CND) has been issued; or
  - Positive declaration
    - Draft EIS has been accepted as satisfactory
  - [6 NYCRR Part 617.3\(c\)](#)
- Once complete, hearing must be held within 62 days
  - Subdivision, special use permit, site plan

# Literal compliance

- Satisfaction of procedural requirements
- Integration with other reviews where appropriate once application is complete
  - Draft EIS public hearing 617.3 (c)
- Some elements of P&Z review may be similar, but are not to be substituted for or represented as being equivalent to SEQRA's requirements
  - Separate & distinct processes

# Subdivision – directly incorporated

- Incorporate process directly into **preliminary & final plat approvals**
  - Town Law §276
  - Village Law §7-728
  - General City Law §32
- Process differs if:
  - Planning board acts or does not act as lead agency
  - EIS required or not





# Substantive compliance

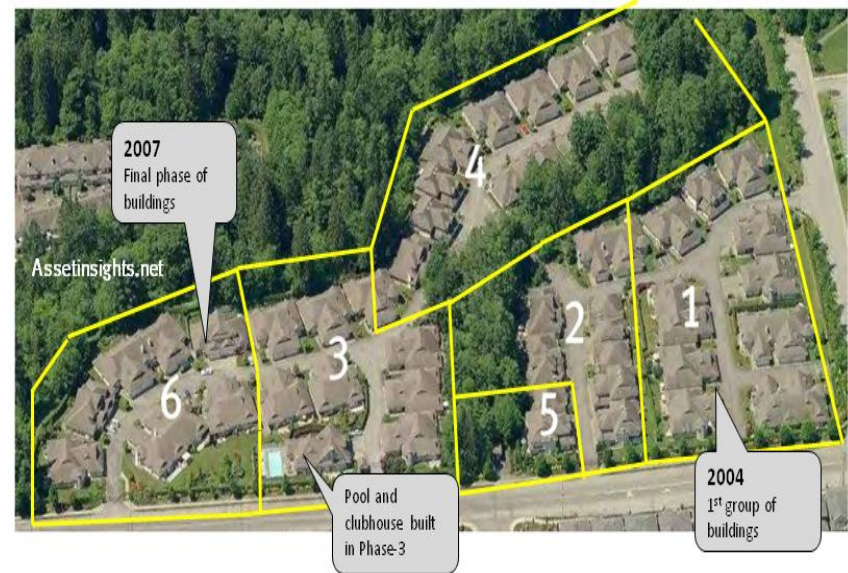
- Consider and evaluate all potential impacts
- Take a “hard look”
  - H.O.M.E.S. v NYS UDC (1979)
- Record written reasons why impact(s):
  - May be significant; or
  - Will not be significant



# Avoid segmentation

“Whole action”: all components, phases, or aspects of proposal

- Rezoning for specific project
- Phased projects
- Commercial or industrial parks
- Some subdivisions
- Sale of property
- Road and highway projects



# Environmental Assessment Form

## Short EAF

- Unlisted Actions at lead agency's discretion
- 4 pages in length
  - Previously 2

## Full “Long” EAF

- Unlisted Actions at lead agency's discretion
- Mandatory for Type I Actions
- 25 pages in length
  - Previously 21

# Both full and short forms

- Part 1: Project information
  - Project sponsor
- Part 2: Impacts and their magnitude
  - Lead Agency
- Part 3: Evaluation of moderate to large impacts identified in part 2
  - Lead Agency
  - Statement of Significance

# EAF revision update

- NEW forms effective 10/7/2013
- Considers additional areas of environmental concern
  - 1978 (full) & 1987 (short)
- No longer a visual assessment form
- Statement of significance in Part 3
- Online “workbooks” with detailed guidance and instruction
- Geographic Information Systems (GIS) Mapper
- [www.dec.ny.gov/permits/70293.html](http://www.dec.ny.gov/permits/70293.html)

# Uncoordinated review

## Unlisted actions only

- No lead agency
- Each agency acts independently and issues individual determinations of significance
- If any one agency issues a positive declaration:
  - All involved agencies must coordinate
  - Any negative declarations issued by other agencies are superseded
    - Exception: other agency already made final decision
- 6 NYCRR Part 617.6 (b) (4)

# Coordinated review

## One integrated environmental review

- Lead agency administratively responsible for conducting review process until its completion
- Other involved agencies may assist lead by providing information and comments
- Lead Agency responsibility cannot be delegated
- 6 NYCRR Part 617.6 (b) (3)

# Determination of Significance





**Determining significance**

**Part 617.7**



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# Criteria

- Adverse changes to the environment
- Reduction of wildlife habitat
- Hazard to human health;
- Substantial change in the use of land
- Creating a conflict with adopted community plans or goals
- Impairment of “community character”



# Evaluate impacts in context

Magnitude	Duration	Likelihood
Moderate (localized)	Short-term	Unlikely to occur
	Medium-term	Possibly will occur
Large (severe)	Long-term	
	Irreversible	Probably will occur

# Context

Magnitude, duration & likelihood



# Will action have a potential significant adverse environmental impact?

## Yes

- Positive Declaration
- EIS required

## No

- Negative Declaration
- EIS not required
- Process concludes

# Negative declaration

- Analysis of **adverse environmental impacts** concludes:
  - No likely impacts identified; or
  - None identified are significant; or
  - Identified significant impacts are mitigated
- Written determination must include reasons behind conclusions
- Incorporate into any subsequent legal notices
- 6 NYCRR Part 617.7 (a) (2)

# Conditioned negative declaration

- Criteria for CND determination
  - Only for Unlisted actions
  - Full EAF required
  - Coordinated review required
- May be issued if imposed conditions will mitigate or avoid significant impacts
- Publish notice in Environmental Notice Bulletin and provide at least 30 days for public comment
- Must be rescinded and reissued as positive declaration if substantive comments identify that mitigation may not be accomplished

# After the negative declaration

- Each agency returns to underlying procedures
  - **Planning board or zoning board of appeals:** site plans; subdivisions; variances; special use permits
  - **Local legislative body:** adoption/revision to zoning or comprehensive plan; funding or bonding
  - **State or other local agencies:** permits; grants, loans or bonds; construction; regulations
- May be amended or rescinded prior to final decision if substantive changes proposed; new information discovered; changes in circumstances



# Positive declaration

- Intended for lead agency to apply low threshold
- Action has potential to cause or result in at least one significant adverse environmental impact
- Environmental Impact Statement required
- If no coordination, one agency's positive declaration supersedes another's negative declaration
- [6 NYCRR Part 617.7 \(a\) \(1\)](#)

# Environmental Impact Statement

# Environmental Impact Statement (EIS)

- Disclosure document, the process by which:
  - Provides a means for agencies, project sponsors & public to systematically consider significant adverse environmental impacts, alternatives & mitigation
  - Facilitates the weighing of social, economic & environmental factors early in planning & decision-making process
- [6 NYCRR Part 617.2\(n\)](#)

# Generic EIS

- Broader & more general than site/project specific EIS
- Should discuss logic & rationale for choices/options
- May include assessment of specific impacts
- May be conceptually based in some cases
- May identify important natural resources, existing & projected cultural features, patterns & character
- May discuss constraints & consequences of hypothetical scenarios that could occur

6 NYCRR Part 617.10

[www.dec.ny.gov/permits/56701.html](http://www.dec.ny.gov/permits/56701.html)

# Preparation of draft EIS (DEIS)

- Initial statement circulated for review & comment
- Prepared by project sponsor or delegated to lead agency
- However, lead agency is responsible for determining adequacy of DEIS for public review within 45 days
  - 30 day period for re-submission of a DEIS
- Lead agency may charge fees to applicant in order to recover actual costs of **either preparation or review of DEIS/FEIS, but not both**
- [6 NYCRR Parts 617.9](#) & [617.13](#)

# Scoping the DEIS

- Focus DEIS on significant issues
- Identify what information is needed
- Eliminate non-significant issues
- Identify alternatives
- Identify mitigation measures
- Provide opportunity for other agency and public input
  
- [6 NYCRR Part 617.8](#)

# Draft EIS (DEIS) content

- Describe action
- Define location & setting
- Evaluate potential significant adverse impacts
- Identify potential mitigation
- Discuss reasonable alternatives
- Analyze “no action” alternative
  
- [6 NYCRR Part 617.9 \(b\)](#)

# Public hearings

- Optional at lead agency's discretion
- Hold concurrently with any other required hearing(s)
- Supplemental hearing earlier in the process?
- Publish legal notice  $\geq 14$  days prior to hearing
- Hearing must start 15-60 days after [Notice of completion w/hearing](#) published
- Public comment period continues for at least 10 days after close of hearing
- 6 NYCRR Part 617.9 (4)



# Preparation of FEIS

- Lead agency responsible for completion within:
  - 45 days after public hearing, **or**;
  - 60 days after DEIS notice of completion if no public hearing
- Notice of completion begins 10+ day period for involved agencies and public to consider FEIS
  - Lead agency may issue written findings afterwards
- [Notice of Completion of Draft/Final EIS](#)

# Final EIS (FEIS) content

- Revised Draft EIS
- Supplements, if applicable
- All comments received
- Lead agency's responses to substantive comments
- 6 NYCRR Part 617.9 (b) (8)



## Conditions Part 617.3 (b)

Authority to impose substantive conditions that are practicable & reasonably related to impacts identified in EIS or in conjunction with CND

# Decision-making and findings

- [Findings](#) must:
  - Consider information in FEIS
  - Balance environmental factors
  - Provide rationale for decisions
  - Certify rules have been followed
  - Certify chosen alternative mitigates adverse environmental impacts to extent possible
- Findings & final decision may be made concurrently
- [SEQR Findings Form](#)

# Filing and Publication

# Filing

## What gets “filed”

- Type I: negative and positive declaration
- Unlisted: CND and positive declaration
- Environmental Impact Statement
- EIS Notice of completion
- Notice of hearing
- Findings

## Who gets a copy

- Involved agencies
- Applicant
- Individuals upon request
- Chief Executive Officer

Additional filing may be applicable  
NYS DEC: EIS only  
NYS DOS: EIS only in coastal areas

# Environmental notice bulletin (ENB)

- Official online publication [www.dec.ny.gov/enb/87269.html](http://www.dec.ny.gov/enb/87269.html)
  - Type I: negative and positive declaration
  - Unlisted: CND and positive declaration
  - [Notice of completion of EIS](#)
- Published weekly: 6 PM Wednesday submission deadline for publishing following Wednesday
- Submit [ENB Notice Publication Form](#) by email or mail:
  - [enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)
  - ENB, NYS DEC, 625 Broadway, 4th Floor, Albany, NY 12233

# Proposed Changes to SEQR Regulations

- Reduce thresholds in the Type 1 list for residential subdivisions and parking
- Expand Type 2 list to encourage development in urban areas and to encourage green infrastructure
- Require scoping for Environmental Impact Statements
- Add language to clarify when a submitted draft EIS is adequate
- Establish a more meaningful timeframe for the completion of the final EIS



# New York Department of State

Division of Local Government

(518) 473-3355

[www.dos.ny.gov/lg/index.html](http://www.dos.ny.gov/lg/index.html)

# New York Department of Environmental Conservation

Division of Environmental Permits

(518) 402-9167

[www.dec.ny.gov/permits/357.html](http://www.dec.ny.gov/permits/357.html)

**FINAL SCOPE**  
**for the**  
**Generic Environmental Impact Statement (GEIS)**  
**on the**  
**Proposed Amendments**  
**to the**  
**State Environmental Quality Review Act (SEQRA)**

**6 NYCRR - Part 617**

**PREPARED BY THE NEW YORK STATE**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**DIVISION OF ENVIRONMENTAL PERMITS & POLLUTION PREVENTION**  
**November 28, 2012**

**1.0 Description of the Action & Environmental Setting**

The New York State Department of Environmental Conservation (DEC) proposes to amend the regulations that implement the State Environmental Quality Review Act (öSEQRö, Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York . The principal purpose of the amendments is to improve and streamline the SEQR process without sacrificing meaningful environmental review. The changes being proposed are modest in nature, not intended to change the basic structure of an environmental review, build on the changes made to the environmental assessment forms and are within the authority of the DEC to implement without seeking additional legislative action. SEQR applies to all state and local agencies in New York State when they are making a discretionary decision to undertake, fund or approve an action.

DEC has proposed changes to the SEQR regulations, which it does not expect to have a significant impact on the environment. However, given the importance of the SEQR regulations in general in all areas of environmental impact review, DEC has chosen to use a generic environmental impact statement (GEIS) as the means to discuss the objectives and the rationale for the proposed amendments, present alternative measures which are under consideration and provide the maximum opportunity for public participation.

**2.0 Summary of Proposed Amendments to 6 NYCRR Part 617**

**617.2 DEFINITIONS**

- Add definition of öGreen Infrastructureö
- Add definition of Minor Subdivisionö
- Add definition of öMunicipal Centerö
- Add Definition of öReplacement in Kindö
- Add definition of öSubstantially Contiguousö

- Revise definitions of:
  - "Negative Declaration"
  - "Positive Declaration"

617.4 TYPE I ACTIONS

- Reduce number of residential units in items 617.4(b)(5)(iii), (iv) & (v);
- Reduce number of parking slots for municipalities with a population under 150,000; and
- Reduce the threshold reduction for historic resources [617.4(b)(9)] in line with other resource based items on the Type I list and add eligible resources.

617.5 TYPE II ACTIONS

- Add new Type II actions to encourage development on previously disturbed sites in municipal centers and to encourage green infrastructure projects;
- Add new Type II actions to encourage the installation of solar energy arrays;
- Add new Type II action that allows for the sale, lease or transfer of property for a Type II action;
- Add new Type II action for minor or small scale subdivisions;
- Add a new Type II actions to make the disposition of land by auction a Type II action; and
- Add a new Type II action to encourage the renovation and reuse of existing structures.

617.8 SCOPING

- Make scoping mandatory;
- Provide greater continuity between the environmental assessment process, the final written scope and the draft environmental impact statement (EIS) with respect to content;
- Strengthen the regulatory language to encourage targeted EISs;
- Clarify that issues raised after the completion of the final written scope cannot be the basis for the rejection of the draft EIS as inadequate.

617.9 PREPARATION AND CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

- Add language to require that adequacy review of a resubmitted draft must be based on the written list of deficiencies; and
- Revise the timeline for the completion of the FEIS.

617.12 DOCUMENT PREPARATION, FILING, PUBLICATION AND DISTRIBUTION

- Add language to encourage the electronic filing of EISs with DEC.

617.13 FEES AND COSTS

- Add language to require that a lead agency provide the project sponsor with an estimate of review cost, if requested; and
- Add language to require that a lead agency provide the project sponsor with a copy of invoices or statements for work done by a consultant, if requested.

#### § 617.4 Type I actions

(a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.

(1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and requires the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in section 617.7(c) of this Part.

(2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.

(b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

(1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;

(2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;

(3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;

(4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;

- (5) construction of new residential units that meet or exceed the following thresholds:
- (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
  - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iii) in a city, town or village having a population of [less than] 150,000 persons or less, [250] 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iv) in a city, town or village having a population of greater than 150,000 but less than 1,000,000, [1,000] 500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
  - (v) in a city or town having a population of [greater than] 1,000,000 or more persons, [2,500] 1000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
- (i) a project or action that involves the physical alteration of 10 acres;
  - (ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
  - (iii) parking for 500 vehicles in a city, town or village having a population of 150,000 persons or less;
  - [iii] (iv) parking for 1,000 vehicles in a city, town or village having a population of 150,000 persons or more;
  - [iv] (v) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;
  - [v] (vi) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;
- (7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;

(8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;

(9) any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places (Volume 36 of the Code of Federal Regulations, parts 60 and 63, which is incorporated by reference pursuant to section 617.17 of this Part), or that [has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that] is listed on the State Register of Historic Places or that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law [(The National Register of Historic Places is established by 36 Code of Federal Regulations (CFR) Parts 60 and 63 , 1994 (see section 617.17 of this Part))];

(10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62[, 1994] ([see] which is incorporated by reference pursuant to section 617.17 of this Part); or

(11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.

## § 617.5 Type II Actions

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

(1) in no case, have a significant adverse impact on the environment based on the criteria contained in section 617.7(c) of this Part; and

(2) not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes [unless such action meets or exceeds any of the thresholds in section 617.4 of this Part];

(3) retrofit of an existing structure or facility to incorporate green infrastructure;

(4) [3] agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;

(5) [4] repaving of existing highways not involving the addition of new travel lanes;

(6) [5] street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(7) Installation of fiber-optic or other broadband cable technology in existing highway or utility rights of way;

(8) [6] maintenance of existing landscaping or natural growth;

(9) [7] construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

(10) [8] routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;

(11) [9] construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph [(11)] (13) of this subdivision and the installation, maintenance [and/]or upgrade of a drinking water well [and] or a septic system, or both;

(12) [10] construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;

(13) [11] extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

(14) installation of cellular antennas or repeaters on an existing structure that is not listed on the National or State registers of historic places or located within a district listed in the National or State registers of historic places or that has not been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

(15) Installation of five megawatts or less of solar energy arrays on a sanitary landfill, brownfield site that has received a brownfield site clean-up order certificate of completion (under 6 NYCRR 375-.3.9), waste-water treatment facilities, sites zoned for industrial use or installation of five megawatts or less of solar canopies at or above residential and commercial parking facilities (lots or parking garages).

(16) installation of five megawatts or less of solar energy arrays on an existing structure that is not listed on the National or State Register of Historic Places or located



within a district listed in the National or State Register of Historic Places or on a structure or within a district that has not been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

(17) [12] granting of area variances not involving a change in allowable density [individual setback] and lot-line [variances] adjustments;

[13 granting of an area variance[s] [for a single-family, two-family or three-family residence;]

(18) subdivisions defined as minor under a municipality's adopted subdivision regulations, or subdivision of four or fewer lots, whichever is less, that involve ten acres or less, and provided the subdivision was not part of a larger tract subdivided within the previous five years from the date of the application for plat approval and is not within or substantially contiguous to a critical environmental area that has been designated pursuant to section 617.14 of this Part;

(19) on a previously disturbed site in the municipal center of a city, town or village having a population of 20,000 persons or less, with an adopted zoning law or ordinance, construction of a residential or commercial structure or facility involving less than 8,000 square feet of gross floor area, not requiring a change in zoning or a use variance or the construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(20) on a previously disturbed site in the municipal center of a city, town or village having a population of more than 20,000 persons but less than 50,000 persons, with an adopted zoning law or ordinance, construction of a residential or commercial structure or facility involving less than 10,000 square feet of gross floor area, not requiring a change in zoning or a use variance or construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(21) on a previously disturbed site in the municipal center of a city, town or village having a population more than 50,000 persons but less than 250,000 person , with an adopted zoning law or ordinance, construction of a residential or commercial structure or facility involving less than 20,000 square feet of gross floor area, not requiring a change in zoning or a use variance or construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(22) on a previously disturbed site, within one quarter of a mile of a commuter railroad station, in a municipal center of a city, town or village having a population of 250,000 persons or more, with an adopted zoning law or ordinance and within a transit oriented zoning district or transit oriented overlay zoning district, construction of a residential or commercial structure or facility involving less than 40,000 square feet of gross floor area, not requiring a change in zoning or a use variance or construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(23) in a city, town or village with an adopted zoning law or ordinance, reuse of a commercial or residential structure where the activity is consistent with the current zoning law or ordinance;

(24) the recommendations of a county or regional planning board or agency pursuant to General Municipal Law sections 239-m or 239-n;

(25) [14] public or private best forest management ([silvicultural] silviculture) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;

(26) [15] minor temporary uses of land having negligible or no permanent impact on the environment;

(27) [16] installation of traffic control devices on existing streets, roads and highways;

(28) [17] mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(29) [18] information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

(30) [19] official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

(31) [20] routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(32) [21] conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

(33) [22] collective bargaining activities;

(34) [23] investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;

(35) [24] inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;

(36) [25] purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

(37) [26] license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;

(38) [27] adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

(39) [28] engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the

project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

(40) [29] civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action to achieve compliance and that is specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(41) [30] adoption of a moratorium on land development or construction;

(42) [31 interpreting] interpretation of an existing code, rule or regulation;

(43) [32] designation of local landmarks or their inclusion within historic districts;

(44) dedication of parkland;

(45) acquisition of less than one hundred acres of land for parkland;

(46) transfer or conveyance of five acres or less by a municipality or a public corporation to a not-for-profit corporation for the construction or rehabilitation of one, two or three family housing;

(47) sale and conveyance of real property by public auction pursuant to Article 11 of the Real Property Tax Law;

(48) brownfield site clean-up agreements pursuant to Title 14 of Article 27 of the Environmental Conservation Law, provided that design and implementation of the remedy do not commit the Department or any other agency to specific future uses or actions or prevent an evaluation of a reasonable range of alternative future uses of or actions on the remedial site;

(49) Construction and operation of an anaerobic digester, at a publically-owned wastewater treatment facility or a municipal solid waste landfill, provided the digester has a feedstock capacity of less than 150 tons per day, and only produces Class A digestate that is beneficially used or biogas to generate electricity or to make vehicle fuel, or both.

(50) [33] emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake

other activities after the emergency has expired is fully subject to the review procedures of this Part;

(51) [34] actions undertaken, funded or approved prior to the effective dates set forth in SEQRA (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

(52) [35] actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or [X] 10 of the Public Service Law and the consideration of, granting or denial of any such certificate;

(53) [36] actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to sections 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and

(54) [37] actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

#### § 617.4 Type I actions

(a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.

(1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and requires the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in section 617.7(c) of this Part.

(2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.

(b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

(1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;

(2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;

(3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;

(4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;

- (5) construction of new residential units that meet or exceed the following thresholds:
- (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
  - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iii) in a city, town or village having a population of [less than] 150,000 persons or less, [250] 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iv) in a city, town or village having a population of greater than 150,000 but less than 1,000,000, [1,000] 500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
  - (v) in a city or town having a population of [greater than] 1,000,000 or more persons, [2,500] 1000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
- (i) a project or action that involves the physical alteration of 10 acres;
  - (ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
  - (iii) parking for 500 vehicles in a city, town or village having a population of 150,000 persons or less;
  - [iii] (iv) parking for 1,000 vehicles in a city, town or village having a population of 150,000 persons or more;
  - [iv] (v) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;
  - [v] (vi) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;
- (7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;

(8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;

(9) any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places (Volume 36 of the Code of Federal Regulations, parts 60 and 63, which is incorporated by reference pursuant to section 617.17 of this Part), or that [has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that] is listed on the State Register of Historic Places or that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law [(The National Register of Historic Places is established by 36 Code of Federal Regulations (CFR) Parts 60 and 63 , 1994 (see section 617.17 of this Part))];

(10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62[, 1994] ([see] which is incorporated by reference pursuant to section 617.17 of this Part); or

(11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.



## § 617.5 Type II Actions

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

(1) in no case, have a significant adverse impact on the environment based on the criteria contained in section 617.7(c) of this Part; and

(2) not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes [unless such action meets or exceeds any of the thresholds in section 617.4 of this Part];

(3) retrofit of an existing structure or facility to incorporate green infrastructure;

(4) [3] agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;

(5) [4] repaving of existing highways not involving the addition of new travel lanes;

(6) [5] street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(7) Installation of fiber-optic or other broadband cable technology in existing highway or utility rights of way;

(8) [6] maintenance of existing landscaping or natural growth;

(9) [7] construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

(10) [8] routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;

(11) [9] construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph [(11)] (13) of this subdivision and the installation, maintenance [and/]or upgrade of a drinking water well [and] or a septic system, or both;

(12) [10] construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;

(13) [11] extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

(14) installation of cellular antennas or repeaters on an existing structure that is not listed on the National or State registers of historic places or located within a district listed in the National or State registers of historic places or that has not been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

(15) Installation of five megawatts or less of solar energy arrays on a sanitary landfill, brownfield site that has received a brownfield site clean-up order certificate of completion (under 6 NYCRR 375-.3.9), waste-water treatment facilities, sites zoned for industrial use or installation of five megawatts or less of solar canopies at or above residential and commercial parking facilities (lots or parking garages).

(16) installation of five megawatts or less of solar energy arrays on an existing structure that is not listed on the National or State Register of Historic Places or located

within a district listed in the National or State Register of Historic Places or on a structure or within a district that has not been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

(17) [12] granting of area variances not involving a change in allowable density [individual setback] and lot-line [variances] adjustments;

[13 granting of an area variance[s] [for a single-family, two-family or three-family residence;]

(18) subdivisions defined as minor under a municipality's adopted subdivision regulations, or subdivision of four or fewer lots, whichever is less, that involve ten acres or less, and provided the subdivision was not part of a larger tract subdivided within the previous five years from the date of the application for plat approval and is not within or substantially contiguous to a critical environmental area that has been designated pursuant to section 617.14 of this Part;

(19) on a previously disturbed site in the municipal center of a city, town or village having a population of 20,000 persons or less, with an adopted zoning law or ordinance, construction of a residential or commercial structure or facility involving less than 8,000 square feet of gross floor area, not requiring a change in zoning or a use variance or the construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(20) on a previously disturbed site in the municipal center of a city, town or village having a population of more than 20,000 persons but less than 50,000 persons, with an adopted zoning law or ordinance, construction of a residential or commercial structure or facility involving less than 10,000 square feet of gross floor area, not requiring a change in zoning or a use variance or construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(21) on a previously disturbed site in the municipal center of a city, town or village having a population more than 50,000 persons but less than 250,000 person , with an adopted zoning law or ordinance, construction of a residential or commercial structure or facility involving less than 20,000 square feet of gross floor area, not requiring a change in zoning or a use variance or construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(22) on a previously disturbed site, within one quarter of a mile of a commuter railroad station, in a municipal center of a city, town or village having a population of 250,000 persons or more, with an adopted zoning law or ordinance and within a transit oriented zoning district or transit oriented overlay zoning district, construction of a residential or commercial structure or facility involving less than 40,000 square feet of gross floor area, not requiring a change in zoning or a use variance or construction of new roads, where the project is subject to site plan review, and will be connected (at the commencement of habitation) to existing community owned or public water and sewerage systems including sewage treatment works that have the capacity to provide service;

(23) in a city, town or village with an adopted zoning law or ordinance, reuse of a commercial or residential structure where the activity is consistent with the current zoning law or ordinance;

(24) the recommendations of a county or regional planning board or agency pursuant to General Municipal Law sections 239-m or 239-n;

(25) [14] public or private best forest management ([silvicultural] silviculture) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;

(26) [15] minor temporary uses of land having negligible or no permanent impact on the environment;

(27) [16] installation of traffic control devices on existing streets, roads and highways;

(28) [17] mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(29) [18] information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

(30) [19] official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

(31) [20] routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(32) [21] conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

(33) [22] collective bargaining activities;

(34) [23] investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;

(35) [24] inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;

(36) [25] purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

(37) [26] license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;

(38) [27] adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

(39) [28] engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the

project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

(40) [29] civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action to achieve compliance and that is specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(41) [30] adoption of a moratorium on land development or construction;

(42) [31 interpreting] interpretation of an existing code, rule or regulation;

(43) [32] designation of local landmarks or their inclusion within historic districts;

(44) dedication of parkland;

(45) acquisition of less than one hundred acres of land for parkland;

(46) transfer or conveyance of five acres or less by a municipality or a public corporation to a not-for-profit corporation for the construction or rehabilitation of one, two or three family housing;

(47) sale and conveyance of real property by public auction pursuant to Article 11 of the Real Property Tax Law;

(48) brownfield site clean-up agreements pursuant to Title 14 of Article 27 of the Environmental Conservation Law, provided that design and implementation of the remedy do not commit the Department or any other agency to specific future uses or actions or prevent an evaluation of a reasonable range of alternative future uses of or actions on the remedial site;

(49) Construction and operation of an anaerobic digester, at a publically-owned wastewater treatment facility or a municipal solid waste landfill, provided the digester has a feedstock capacity of less than 150 tons per day, and only produces Class A digestate that is beneficially used or biogas to generate electricity or to make vehicle fuel, or both.

(50) [33] emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake

other activities after the emergency has expired is fully subject to the review procedures of this Part;

(51) [34] actions undertaken, funded or approved prior to the effective dates set forth in SEQRA (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

(52) [35] actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or [X] 10 of the Public Service Law and the consideration of, granting or denial of any such certificate;

(53) [36] actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to sections 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and

(54) [37] actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>	<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>	<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				





18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>	<b>YES</b>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>	<b>YES</b>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>	<b>YES</b>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

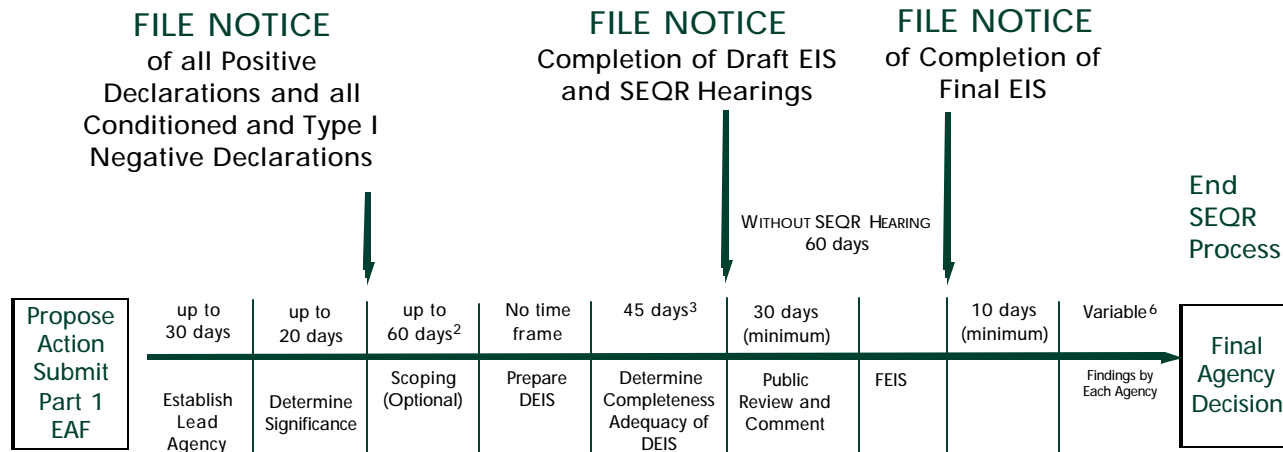
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

# SEQR TIME FRAMES<sup>1</sup>



## Footnotes

- 1-All time frames may be extended by mutual consent of involved parties.
- 2-Time clock starts with submission of draft scope by applicant
- 3-Thirty days resubmitted DEIS
- 4-Publish hearing in general circulation newspaper at least 14 days before a public hearing. The hearing may commence on the 15th day.
- 5-Public comment must remain open until 10 days after the close of hearing.
- 6-When applicant is involved, lead agency findings and decisions must be made within 30 days of filing the FEIS; otherwise, findings not required until an agency must make a decision on final action.

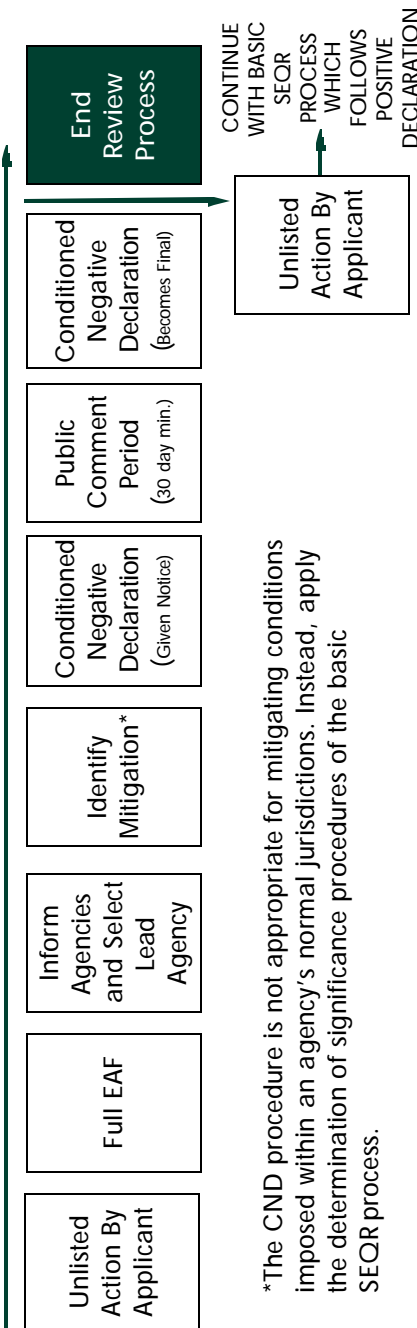
### IF SEQR HEARINGS HELD

15 days <sup>4</sup> (maximum)	No Time Frame	45 days (maximum)
60 days (maximum)	Hearing	Hearing

Public Comment Period<sup>5</sup>

## CONDITIONED NEGATIVE DECLARATION (CND) PROCESS

(Possible only for Unlisted Actions proposed by an applicant)

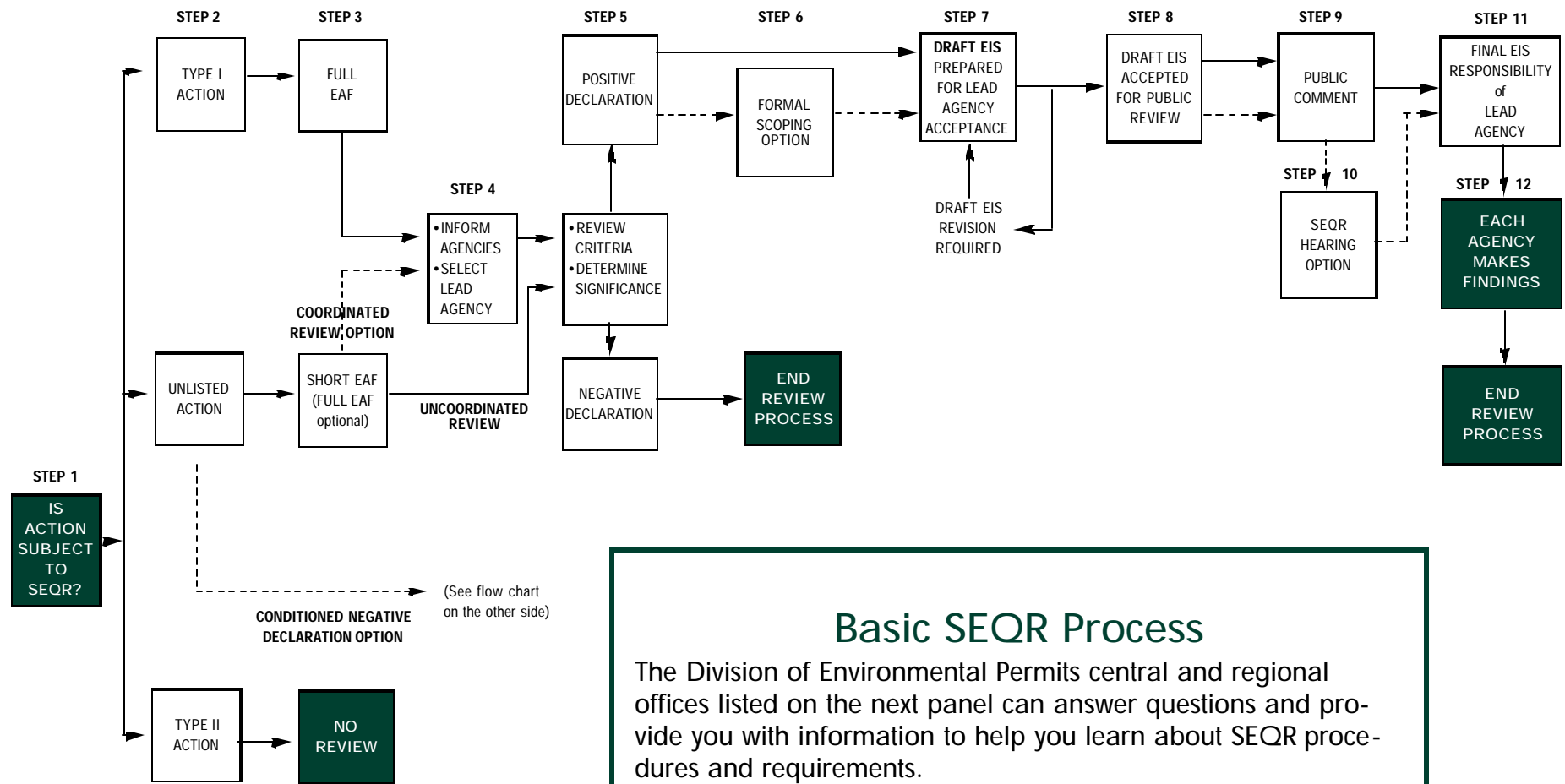


\*The CND procedure is not appropriate for mitigating conditions imposed within an agency's normal jurisdictions. Instead, apply the determination of significance procedures of the basic SEQR process.



# SEQR FLOW CHART AND TIME FRAMES





(See flow chart on the other side)  
 CONDITIONED NEGATIVE DECLARATION OPTION

## Basic SEQR Process

The Division of Environmental Permits central and regional offices listed on the next panel can answer questions and provide you with information to help you learn about SEQR procedures and requirements.

These references are available:

- The statewide SEQR regulations, 6 NYCRR Part 617 (the latest revision effective July 12, 2000)
- The SEQR Cookbook—a step-by-step discussion of the basic SEQR process
- What is SEQR—An introductory brochure
- Applicant’s Guide to SEQR
- Citizen’s Guide to SEQR
- Local Official’s Guide to SEQR
- DEC SEQR website: [www.dec.ny.gov/public/357.html](http://www.dec.ny.gov/public/357.html)

- Region 1 (Nassau, Suffolk counties)  
 Building 40, SUNY at Stony Brook  
 Stony Brook, NY 11790-2356 (631) 444-0359  
 Fax (631) 444-0360
- Region 2 (all of New York City)  
 One Hunters Point Plaza, 47-40 21st Street  
 Long Island City, NY 11101-5407 (718) 482-4997  
 Fax (718) 482-4975
- Region 3 (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester counties)  
 21 South Putt Corners Road  
 New Paltz, NY 12561-1696 (845) 256-3054  
 Fax (845) 255-3042
- Region 4 (Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, Schoharie counties)  
 1150 North Westcott Road  
 Schenectady, NY 12306-2014 (518) 357-2069  
 Fax (518) 357-2460
- Region 5 (Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, Washington counties)  
 Route 86, PO Box 296  
 Ray Brook, NY 12977-0296 (518) 897-1234  
 Fax (518) 897-1394
- Region 6 (Herkimer, Jefferson, Lewis, Oneida, St. Lawrence counties)  
 State Office Building, 317 Washington Street  
 Watertown, NY 13601-3787 (315) 785-2245  
 Fax (315) 785-2242
- Region 7 (Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, Tompkins counties)  
 615 Erie Boulevard West  
 Syracuse, NY 13204-2400 (315) 426-7438  
 Fax (315) 426-7425
- Region 8 (Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Yates counties)  
 6274 East Avon-Lima Road  
 Avon, NY 14414-9519 (585) 226-2466  
 Fax (585) 226-2830
- Region 9 (Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming counties)  
 270 Michigan Avenue  
 Buffalo, NY 14203-2999 (716) 851-7165  
 Fax (716) 851-7168
- Central Office, Environmental Permits  
 625 Broadway 4th Floor  
 Albany, NY 12233-1750  
 (518) 402-9167 Fax (518) 402-9168

## §617.4 Type I actions

(a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.

(1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and require the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in subdivision 617.7(c) of this Part.

(2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.

(b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

(1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;

(2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;

(3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;

(4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;

(5) construction of new residential units that meet or exceed the following thresholds:

(i) 10 units in municipalities that have not adopted zoning or subdivision regulations;

(ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(iii) in a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(iv) in a city, town or village having a population of greater than 150,000 but less than 1,000,000, 1,000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or

(v) in a city or town having a population of greater than 1,000,000, 2,500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:

(i) a project or action that involves the physical alteration of 10 acres;

(ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;

(iii) parking for 1,000 vehicles;

(iv) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

(v) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;

(7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;

(8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;

(9) any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.17 of this Part));

(10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.17 of this Part); or

(11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.

## **§617.5 Type II actions**

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

(1) in no case, have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c) of this Part; and

(2) not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;

(3) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;

(4) repaving of existing highways not involving the addition of new travel lanes;

(5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(6) maintenance of existing landscaping or natural growth;

(7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

(8) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;

(9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;

(10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;

(11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

(12) granting of individual setback and lot line variances;

(13) granting of an area variance(s) for a single-family, two-family or three-family residence;



- (14) public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
- (15) minor temporary uses of land having negligible or no permanent impact on the environment;
- (16) installation of traffic control devices on existing streets, roads and highways;
- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- (19) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (22) collective bargaining activities;
- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

(29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(30) adoption of a moratorium on land development or construction;

(31) interpreting an existing code, rule or regulation;

(32) designation of local landmarks or their inclusion within historic districts;

(33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

(34) actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

(35) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;

(36) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and

(37) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.