

New Environmental Assessment Forms under SEQRA



New Environmental Assessment Forms (EAFs)

- Adopted January 25, 2012, after more than one year of public review and comment
- First major update to forms in decades
- Incorporate new areas of concern- climate change, brown fields, stormwater, for example
- Structure of forms makes them easier to use
- Forms must be used beginning October 1, 2012



New Environmental Assessment Forms

- Forms will also be made available in “fillable format” (on the web in near future)
- A workbook to assist the public in using the new forms will also be available on line soon
- New forms are more user friendly
 - Visual EAF Addendum merged into full EAF
 - Determination of significance has been merged into Part 3 of the EAF



New Environmental Assessment Forms

- Short EAF will be able to be completed without assistance from an outside consultant
- Short EAF will be used more frequently for Unlisted Actions because it has more questions and goes into more depth
- Consultants may still need to be used for parts of the Full EAF



New Environmental Assessment Forms

- Initially there may be a small increase in time to complete the new EAFs
- Should be offset by the decrease in time that is now spent in back-and-forth discussions or correspondence with applicant



EAFs used in Conjunction with SEQRA, the State Environmental Quality Review Act

- They help the lead agency determine if an environmental impact statement must be prepared



What Does SEQRA Say?

- “No agency involved in an “action” may undertake, fund or approve the “action” until it has complied with the provisions of SEQRA”
- What is an “Agency” as defined here?
 - A public body- elected and appointed
 - Includes state departments, local boards, districts, governing bodies and public authorities



Specific Examples of Agencies

- County Legislatures
- Planning Boards
- Zoning Boards of Appeal
- School Boards
- Industrial Development Agencies
- City Councils
- Town Boards



Lead, Involved and Interested Agencies

- **Involved Agency** -public body which undertakes, funds or approves proposed action
- **Lead Agency** - involved agency which coordinates the SEQRA review
 - responsible for determining whether an environmental impact statement will be required.
- **Interested Agency** -public body not undertaking, funding or approving the proposed action
 - wishes to participate in the process because of its expertise or specific concerns
 - Sierra Club, Audubon, Conservation Advisory Council etc.



What's the Same

- Standards for classifying a project remain the same- Type I, Type II and Unlisted are still the same categories of actions
- Part 617 hasn't changed at all



What's the Same- Structure

- Three parts to EAF
 - Part 1
 - Site and Project Descriptions
 - Project Sponsor/Applicant Completes
 - Part 2
 - Potential Impacts and Magnitudes
 - Lead Agency Completes
 - Part 3 (may be optional)
 - Importance of Impacts Identified in Part 2
 - Lead Agency Completes, if necessary



What's the Same-Process

- Two Types-Short and Full/Long Environmental Assessment Forms (EAF)
- Both have Parts 1, 2, and 3
- Lead agency can require supplemental information to EAF if needed to make determination of significance
- **Type I Actions-** must complete full EAF
- **Unlisted Actions-** may use short form, but lead agency can require applicant to use full/long form



What's the Same-Process

- Lead agency responsible for reviewing EAF and verifying accuracy of info. with materials submitted for project
 - Should flag any problem
 - Identify missing information
 - Request revisions if necessary



What's Different-Generally

- Recognizes adoption of a plan, local law or ordinance as different from other physical actions- (Part I, question 1)
- These can have greater impacts on the environment than individual physical changes.
- Previously, these types of actions were hard to deal with on the SEQR forms



What's Different-Short Form

- Short form is longer; more useful for Unlisted Actions
- Asks questions about impacts to: state energy code, mass transit, biking and walking facilities, and other topics not addressed in past
- Specific questions about discharges created via stormwater
- Asks questions about creation of retention ponds, dams, waste lagoons
- Will there be remediation for hazardous materials on site?



What's Different- Short Form

- Part II requires lead agency to identify impact as either “none/small impact” or “moderate to a large impact”
- Does action impair natural resources?
- Does action increase potential for erosion, flooding, drainage problems?
- Does action create hazard to environmental resources or human health?



What's Different- Long Form

- Sections of questions are grouped together: Sponsor Information, Government Approvals, Planning and Zoning, Project Details, Setting of Proposed Action, and Additional Information
- More logical flow of questions and answers



What's Different- Long Form

- Coastal area questions added
- Asks questions about zoning, community services, school districts, park, fire and police
- Asks for size and percentage of expansion, if such is the case
- Asks for type of subdivision- residential, commercial or industrial; is it clustered?
- Asks for building space to be heated and cooled in square feet



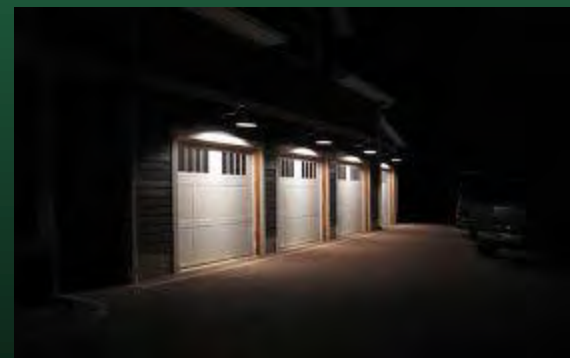
What's Different- Long Form

- If a phased project, any contingencies where progress of one phase may determine timing or duration of future phases
- Detailed questions on excavation, mining, dredging- purpose, amount of material moved, volume, duration of time
- Many more detailed, specific questions under the “demand for water” topic
- New stormwater questions



What's Different- Long Form

- Methane emission and estimates for such required
- Must describe outdoor lighting including: height, direction, removing natural barriers that block light
- Must identify facilities serving children, elderly or people with disabilities within 1500 feet of project
- Will hazardous waste be treated or disposed of at the site? Does land adjoin such?
- Any spills at the site? What type? DEC spill #?



What's Different- Long Form

- Is project in 500 year flood plain?
- Dam on site that's failed safety inspection?
- Will project change flood water flows that contribute to flooding?
- Specific thresholds for greenhouse gases of different types must be noted
- Effect on nesting/breeding/foraging or over wintering habitat for predominate species using site?
- Herbicide or pesticide use?



What's Different- Long Form

- Identify when more than 500 parking spaces will be created.
- Identify specific increases in energy use if more than 2500 MW hrs being used
- Displacement of Affordable or low income housing?
- Human Health Impacts section added
 - Is site undergoing remediation?
 - Any institutional controls on site?
 - Could explosive gases (from a landfill site) occur?



Review of Hypothetical Development Using New EAF Short Form

- “Proposed Super Wal-Mart”
- Location:
 - Erie Blvd. East, Syracuse, between Midler and Thompson Avenues
 - Site is commercial, but includes a DEC freshwater wetland
 - 16 acre site, 9 acres to be developed
 - 156,000 square foot building
 - 735 parking spaces
 - Seasonal garden center

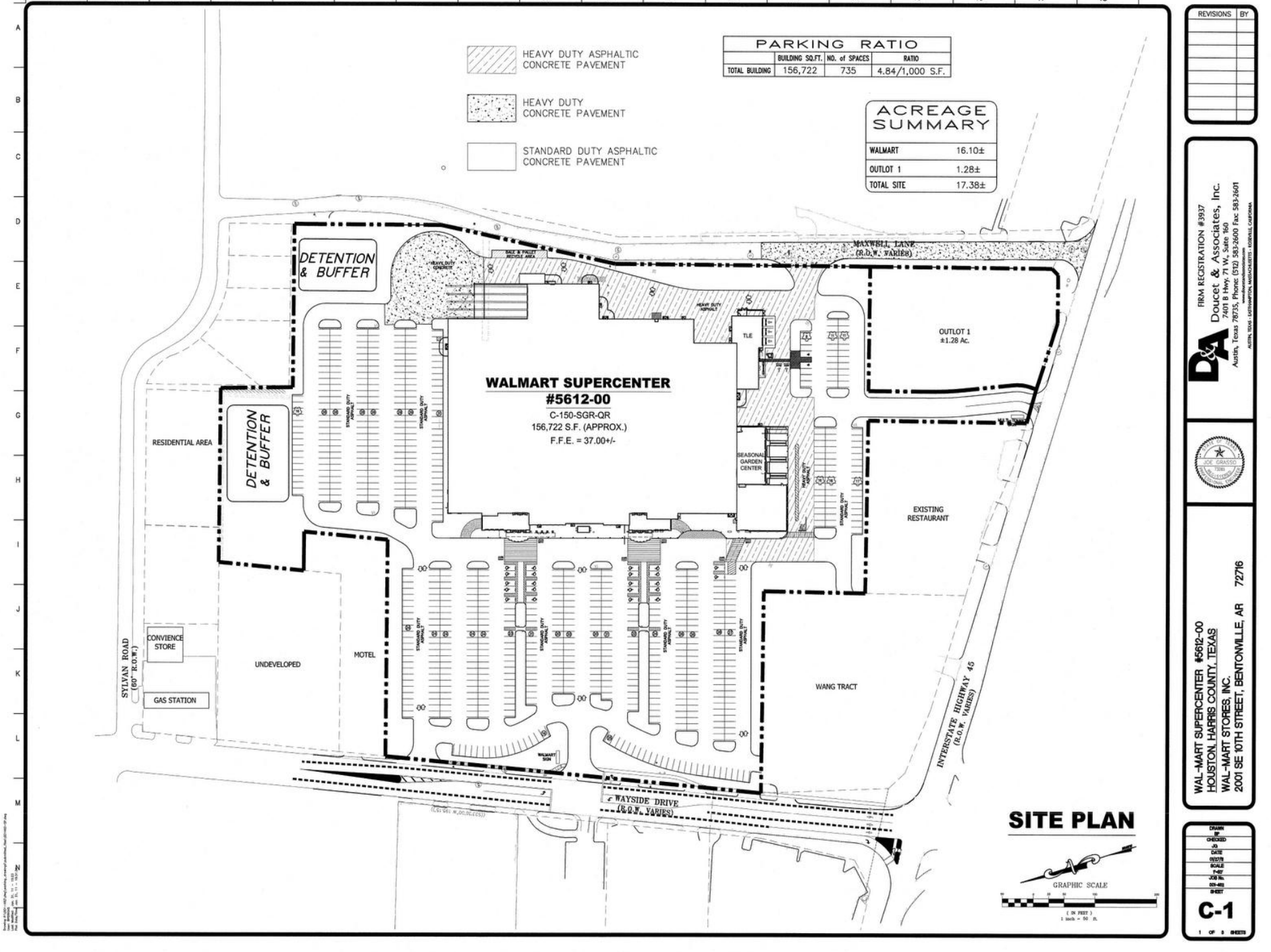






Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.





- HEAVY DUTY ASPHALTIC CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- STANDARD DUTY ASPHALTIC CONCRETE PAVEMENT

PARKING RATIO			
	BUILDING SQ.FT.	NO. OF SPACES	RATIO
TOTAL BUILDING	156,722	735	4.84/1,000 S.F.

ACREAGE SUMMARY	
WALMART	16.10±
OUTLOT 1	1.28±
TOTAL SITE	17.38±

WALMART SUPERCENTER
#5612-00
 C-150-SGR-QR
 156,722 S.F. (APPROX.)
 F.F.E. = 37.00+/-

MAXWELL LAKE
 (R.D.W. VARIER)

OUTLOT 1
 ±1.28 Ac.

EXISTING RESTAURANT

WANG TRACT

RESIDENTIAL AREA

DETENTION & BUFFER

DETENTION & BUFFER

SYLVAN ROAD
 (60' R.O.W.)

CONVIENCE STORE
 GAS STATION

UNDEVELOPED

MOTEL

WAYSIDE DRIVE
 (R.O.W. VARIER)

INTERSTATE HIGHWAY 45
 (R.O.W. VARIER)

SITE PLAN



1" = 50' ±

REVISIONS	BY

FIRM REGISTRATION #3937
D&A
Doucet & Associates, Inc
 7401 B Hwy 71 W, Suite 160
 Austin, Texas 78735, Phone: (512) 582-2600 Fax: 583-3601
AUSTIN, TEXAS (LICENSED ARCHITECT, PROFESSIONAL ENGINEER)



WAL-MART SUPERCENTER #5612-00
 HOUSTON, HARRIS COUNTY, TEXAS
 WAL-MART STORES, INC.
 2001 SE 10TH STREET, BENTONVILLE, AR 72716

- DRAWN
- CHECKED
- DATE
- DESIGN
- PLOTTED
- DATE
- SCALE

C-1

Lead Agency Categorizes Action

- Unlisted Action (alteration of less than 10 acres of land)
- Needs Short EAF
- City Planning Board issuing a site plan approval
- DEC issuing a wetlands permit
- DOH issuing a water permit
- Coordinated review chosen by lead and involved agencies (DEC, planning board, DOH)
- Lead Agency, Planning Board, to review information in Part I prepared by applicant/developer



Developer's Information Part I of EAF

- Applicant notes a site plan is needed from City Planning Board
- Nine acres will be physically disturbed
- Land uses on site are mostly urban/industrial and wetlands
- Site abuts Rt. 690, Erie Blvd. and Lowe's
- Complies with existing zoning and comprehensive plan



Developer's Information

Part I of EAF

- Action is consistent with predominant character of the existing built landscape
- Not in a Critical Environmental Area
- Public transit serves the area; existing roads can handle traffic increase
- Facility not planning on using energy efficient means to heat and cool building
- Site will use public water and sewer system which have sufficient capacity



Developer's Information

Part I of EAF

- No structures on or near site listed on the State or National Register of Historic Places
- Not in an archeological sensitive area
- Building will encroach into a wetland, DEC Freshwater Wetland, Syracuse 19
- Will create 735 parking spaces
- Will encroach on 8 acres of wetlands
- Type IV wetland, least valuable on scale of I-IV



Developer's Information

Part I of EAF

- No endangered or threatened species on the site
- Not in the 100 year flood plain
- Stormwater discharges will be held on site via a detention pond; won't flow off site.
- Adjoining site, Lowe's was a hazardous waste site which was remediated via use of in-situ heat treatment about five years ago.
- Lighting not downcast



Lead Agency's Information

Part II

- Action complies with local land use plans and zoning
- Action will result in change in the intensity of use of land
- Won't impair character of existing community
- Could result in adverse change in existing traffic; 735 spaces proposed (moderate to large impact)
- Project won't incorporate energy conservation techniques



Lead Agency's Information

Part II

- Action won't impact water or wastewater supplies
- Historic Archeological and aesthetic resources will not be impaired
- Action will result in adverse change to natural resources, i.e. wetlands (moderate to large impact)
- No increase in potential for flooding, or erosion as detention pond will be created
- Bright lights proposed; not downcast lighting



Lead Agency's Information

Part III

- Discuss mitigation measures for any impacts identified as moderate to large (in Part II)- wetlands, traffic, energy efficiency, downcast lighting
- Discuss how lead agency decided impact is significant or not significant.
- Situating a building and non-porous pavement on 8 acres of wetlands with 735 additional parking spaces for a retail use is a significant action.
- Developer says he's unable to move building to avoid construction in wetlands; argues wetlands aren't significant due to urban nature of land- Type IV and adjacent remediated property



Lead Agency's Information Part III

- Developer argues that 735 parking spaces won't cause an impact traffic
- City Planning Board checked with City Traffic Department, which believes otherwise.
- Developer unwilling to use energy efficient heating, lighting, or design in building- cookie cutter approach
- Developer unwilling to install lighting that will is downcast; proposed lighting will light up the site, neighboring properties and the sky.



Three Types of Determinations

- **Negative Declaration**

- Action will have no significant adverse environmental impact
- Result: Ends SEQRA process

- **Positive Declaration**

- Action has potential to cause or result in at least one significant adverse environmental impact
- Result: Environmental Impact Statement must be prepared



Three Types of Determinations

- **Conditioned Negative Declaration**
 - Only used with Unlisted Actions, not Type I Actions
 - A full EAF must have been prepared
 - A coordinated review must have been completed
 - Result: Conditions are imposed that eliminate or reduce significant adverse impact(s) to a non-significant level



Decision of Lead Agency

- Positive Declaration
- Reasons:
 - Inability of developer to offer mitigation or reasonable alternatives to destruction of wetlands, traffic concerns, energy efficiency building construction and lighting.
 - Developer didn't want to undertake a traffic study; will now have to as part of the EIS process.



SEQRA Tips

- Start SEQRA process early
- Establish good communication with all parties, including the public
- You can charge applicant for review of a DEIS
 - Charge should be in your schedule of fees
 - Town of Colonie charges a flat fee for the first 20 pages; thereafter the fee is \$2 per page
 - Encourages brevity in EIS



SEQRA Tips

- SEQRA gives lead agencies authority to ask for more information from applicant
 - Full EAF, not short EAF
 - Correct information that's missing/wrong in Part I of EAF
 - Additional information if DEIS is incomplete
- Although SEQRA has time frames, clock doesn't start "ticking" until a complete application, as deemed such by the lead agency, is received.



SEQRA Resources on the DEC Website

- General SEQRA Information
<http://www.dec.ny.gov/permits/357.html>
- Stepping Through SEQRA- Sequential Information on SEQRA
<http://www.dec.ny.gov/permits/6189.html>
- SEQRA Handbook (Updated)
<http://www.dec.ny.gov/permits/6188.html>
- SEQRA Forms - <http://www.dec.ny.gov/permits/6191.html>
- Other SEQRA Publications
<http://www.dec.ny.gov/permits/26860.html>
- Draft Model Short and Full Environmental Assessment Forms-proposed <http://www.dec.ny.gov/permits/70393.html>



For More Information

- NYS Department of Environmental Conservation,
Division of Environmental Permits
625 Broadway, Albany, NY
12233
518-402-9167
<http://www.dec.ny.gov/permtis/357.html>
- NYS Department of State
Division of Local Gov't
One Commerce Plaza
99 Washington Ave
Suite 1015
Albany, NY 12231
518-473-3355
518-474-6740 (Legal)
<http://www.dos.state.ny.us/lgss/index.htm>



For More Information

- **NYS DEC, Region 7 Offices**

615 Erie Blvd. W

Syracuse, NY 13204

315-426-7403 Public Outreach & Education

315-426- 7438 Environmental Permits

<http://www.dec.ny.gov/about/615.html>

reg7info@gw.dec.state.ny.us

