

Opportunities for citizen involvement

The goal of New York's Environmental Quality Review (SEQR) Act is to avoid or limit possible negative impacts on the environment from proposed actions such as sub-dividing land, adopting land use plans, building a housing development or a roadway or filling wetlands.

When any state or local agency makes a decision about a proposed action, it must give equal consideration to environmental protection, human and community resources and economic factors. The SEQR process provides a way for agencies to look closely at the possible environmental impacts of a proposed action.

Citizens have an important role in the environmental review of proposed projects. You can offer information about local history, community character or important local resources that could be impacted by a proposed action. You can offer this information as an individual or in cooperation with civic, environmental or other local interest groups.

Determining Significance - The agency conducting the SEQR review must determine if a proposed action may or will not have significant adverse impacts on the environment. Impacts must be evaluated for both severity and importance. During this evaluation, an agency must consider all components/phases of the proposed action (the "whole action").

Determinations of significance must be based on information provided by the project sponsor in an Environmental Assessment Form, other supporting documents and comments from any involved agencies and the public.

Determinations can be:

- *A Negative Declaration ("Neg Dec")* when an agency determines that a proposed action will not result in significant adverse environmental impacts. An agency's Neg Dec must show, in writing, the reasons why the identified environmental impacts will not be significant. Therefore, an Environmental Impact Statement (EIS) is not required. A Conditioned Negative Declaration (CND) is a type of Neg Dec that can be issued for certain Unlisted actions. A CND allows an agency to impose specific conditions, outside of its routine jurisdiction, to minimize identified impacts. For example, a Planning Board could impose a condition requiring an additional turning lane to improve traffic flow.

- SEQR regulations require a 30-day public comment period for CND's. All other Neg Decs do not require a public comment period since the proposed action will not result in significant adverse environmental impacts. An agency is required to make copies of all Neg Decs available to the public. Decisions based on Neg Decs may be challenged in court if an agency fails to thoroughly analyze the potential environmental impacts.

- *A Positive Declaration ("Pos Dec")* when the agency determines that there may be one or more significant adverse environmental impacts from a proposed action.

- *A Pos Dec means that an EIS must be prepared and made available for public review.*

Scoping - is not a requirement of SEQR. However, this useful process identifies the topics that should be covered by the EIS, including significant adverse environmental impacts of a proposed project and alternatives that could avoid or minimize these impacts. As a result, the draft EIS is concise, accurate and focused on the significant issues.

- If an agency decides to scope, it must involve community members. The lead agency circulates a draft scope and solicits public involvement. An agency can also decide to hold a public scoping meeting. A final written scope of issues must be completed within 60 calendar days of receiving the draft scope.

A Draft Environmental Impact Statement (Draft EIS) - should impartially analyze the significant adverse environmental impacts of a proposed action and examine how impacts can be avoided or minimized.

- *Public review of a draft EIS is important. A minimum 30-day public review and comment period is required.*

A Public Hearing - may be held, at the discretion of the lead agency, during the draft EIS public review period.

- *All interested persons are invited to the hearing or they may file written comments instead. All substantive comments become part of the official record and must be responded to by the lead agency in the final EIS.*

A Final Environmental Impact Statement (Final EIS) - typically consists of the draft EIS plus supplemental information; substantive public comments and the lead agency's responses to those comments.

- *The lead agency files a public notice of the completion of a final EIS and then must wait 10 days before taking any other steps. Public comments may be submitted during the 10-day period. They become part of the official record and must be considered when the lead and involved agencies make written findings prior to issuing a final decision. No agency response to these comments is required.*

Tips for being effective in the SEQR process...

Know the steps of the SEQR process; terms, timetables and the requirements for making a decision.

Familiarize yourself with which actions require SEQR review. DEC has determined that some actions will not have any significant adverse environmental impacts and therefore do not require further SEQR review (known as Type II actions).

Study the EAF, the draft EIS and other information about the proposed action. If needed, ask for clarification of scientific terms or interpretation of data presented.

Focus on the major issues and disregard minor discrepancies. Remember, the lead agency is only required to consider and respond to substantive comments. Avoid speculative comments and statements that cannot be supported.

Gather the Facts about issues, possible impacts and alternatives by networking with other people, organizations, agencies etc.

Identify reasonable and well thought out alternatives or options that may have been overlooked.

Organize your comments by placing the most important issues first. Present references and facts whenever possible.

Highlight the effects that the proposed action may have on the locality or region such as: effects on community services, housing, land use, transportation, aesthetics, cultural value or historic features.

Find out about proposed projects that may be subject to SEQR by attending public meetings of local government boards and checking newspapers, radio or TV which usually cover proposed major development projects. Local newspapers may cover smaller projects that are of community interest.

Public Notices are official notifications of SEQR decisions and include:

Environmental Notice Bulletin (ENB) - is a DEC publication listing all SEQR notices filed with DEC such as: Negative Declarations for Type I actions, all Positive Declarations, scoping notices, completion of draft and final EIS's, and hearing notices. The ENB is available FREE on DEC's Website at www.dec.state.ny.us/website/enb. For more information, contact the Division of Environmental Permits in Albany at (518) 457- 2224.

Newspaper notices of SEQR hearings should appear 14 days before a hearing.

Public Files are available at any state or local agency involved with the proposed action. Files are available to the public under the Freedom of Information Law (FOIL) and include: SEQR notices, EIS's, application materials and other related documents. City, town or village halls may post meeting minutes and notices on bulletin boards.

Need more info? Visit DEC's Website at www.dec.state.ny.us. Select the SEQR button in the Regulatory Information block. There you will find details about SEQR, forms that can be downloaded and information about regulations and laws. Contact the Division of Environmental Permits at the central and regional offices with specific questions or for written materials about SEQR procedures and requirements.

DEC Division of Environmental Permits (ask for the Regional Permit Administrator)

Region 1 (Nassau, Suffolk counties)
Building 40, Loop Road, SUNY
Stony Brook, NY 11790-2356(631) 444-0365

Region 2 (all of New York City)
1 Hunters Point Plaza, 47-4- 21st Street
Long Island City, NY 11101-5407 (718) 482-4997

Region 3 (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster,
Westchester counties)
21 South Putt Corners Road
New Paltz, NY 12561-1696 (845) 256-3054

Region 4 (Albany, Columbia, Delaware, Greene, Montgomery, Otsego,
Rensselaer, Schenectady, Schoharie counties)
1150 North Westcott Road
Schenectady, NY 12306-2014 (518) 357-2069

Region 5 (Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren,
Washington counties)
Route 86, PO Box 296
Ray Brook, NY 12977-0296(518) 897-1234

Region 6 (Herkimer, Jefferson, Lewis, Oneida, St. Lawrence counties)
State Office Building , 317 Washington Street
Watertown, NY 13601-3787 (315) 785-2245

Region 7 (Broome, Cayuga, Chenango, Cortland, Madison,
Onondaga, Oswego, Tioga, Tompkins counties)
615 Erie Boulevard West
Syracuse, NY 13204-2400 (315) 426-7438

Region 8 (Chemung, Genesee, Livingston, Monroe, Ontario, Orleans,
Schuyler, Seneca, Steuben, Wayne, Yates counties)
6274 East Avon-Lima Road
Avon, NY 14414-9519 (716) 226-2466

Region 9 (Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming
counties)
270 Michigan Avenue
Buffalo, NY 14203-2999 (716) 851-7165

Central Office, Environmental Permits
50 Wolf Road, Room 538
Albany, NY 12233-1750
(518) 457-2224

New York State



A CITIZEN'S GUIDE TO SEQR

(State Environmental
Quality Review Act)

New York State
Department of Environmental Conservation
Division of Environmental Permits
George E. Pataki, Governor
John P. Cahill, Commissioner