



Department of
Environmental
Conservation



2018 Amendments to the Regulations Implementing SEQR

**Land Use and Sustainable Development
Conference, December 6, 2018**

Overview of Amendments

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



DEC's 2018 Amendments – Critical Documents

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

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[Home](#) » [Permits, Licenses, and Registrations](#) » [SEQR](#) » [SEQR Regulatory Documents](#) » [State Environmental Quality Review Act - Adopted Amendments 2018](#)

State Environmental Quality Review Act - Adopted Amendments 2018

The New York State Department of Environmental Conservation (DEC) announces the adoption of revisions to the regulations that implement the State Environmental Quality Review Act (SEQR) to streamline the SEQR process without sacrificing meaningful environmental review.

Among other changes, DEC has adopted amendments to the Type I and Type II lists of actions, as well as the scoping and acceptance procedures for draft environmental impact statements. DEC has also modernized the regulations related to web publication of documents. These changes are the first major amendments to the SEQR regulations that DEC made since 1996.

DEC initially noticed its proposal along with the availability of a combined Draft Generic Environmental Impact Statement and SAPA statement in the February 8, 2017 editions of both the State Register and Environmental Notice Bulletin. The comment period continued through May 19, 2017. In response to the many comments received, DEC modified the proposal and noticed a revised proposal along with the availability of a Revised Draft Generic Environmental Impact Statement in the April 4, 2018 editions of both the State Register and Environmental Notice Bulletin. The comment period continued through May 11, 2018, during which the Department received approximately 31 comments in response to the revised proposal. Comments were assessed and responded to in the FGEIS which the Department accepted on June 13, 2018. On June 27, 2018, DEC issued a Findings Statement and formally adopted the rule, which will become effective on January 1, 2019.

The Final Express Terms of the revisions, along with the Findings Statement, FGEIS and other key regulatory documents leading up to the FGEIS may be downloaded from the links set out below.

These documents are also available at the NYS DEC Central Office, located at 625 Broadway, Albany, NY 12233. Contact: James Eldred; E-mail: SEQRA617@dec.ny.gov; Phone (518) 402-9167.

[Findings Statement 2018 Amendments to 6NYCRR Part 617 \(PDF, 436 KB\)](#)

[Final Express Terms 2018 Amendments to 6NYCRR Part 617 \(PDF, 100 KB\)](#)

[Final Generic Environmental Impact Statement \(FGEIS\) \(PDF, 1.9 MB\)](#)

[Proposed Amendments to 6NYCRR Part 617, Revised Draft Express Terms \(PDF, 232 KB\)](#)

[Revised Draft GEIS and SAPA Impact Statements \(PDF, 1.8 MB\)](#)

[Proposed Amendments, Revised Full EAF Part 1 \(PDF, 398 KB\)](#)

[Proposed Amendments, Revised Full EAF Part 2 \(PDF, 554 KB\)](#)



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Type I List

617.4 (b) (5) (iii) - (v)

Lowered thresholds for residential units:

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

Type I List

617.4 (b) (6) (iii) – (iv)

Existing rule only applies to 1000 vehicles

The amendments add a threshold for parking spaces in smaller communities:

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

Type I List

617.4 (b) (9)

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



Type II List

- 617.5 (c) (2) - Upgrading buildings to meet state energy code



Type II List

- 617.5 (c) (3) Green infrastructure - retrofit
- “Green infrastructure’ means practices that **manage storm water** through infiltration, evapo-transpiration and reuse including only the following: the use of permeable pavement; bio-retention; green roofs and green walls; tree pits and urban forestry; storm water planters; rain gardens; vegetated swales; downspout disconnection; or storm water harvesting and reuse.”

Type II List

- 617.5 (c) (7) - Installation of telecommunications cables in existing ROWs with trenchless burial or use of existing poles

Type II List

- 617.5 (c) (11) - Conveyances of land in connection with 1-3 family residence

Type II List

- 617.5 (c) (14) & (15) – Installation of Solar (on rooftops, closed landfills, brownfield and Superfund sites, wastewater treatment facilities, parking lots/garages and industrial areas)

Type II List

- 617.5 (c) (16) - Lot line adjustments
“granting of individual setback and lot line
variances and adjustments”

Type II List

- 617.5 (c) (18) - Reuse of a commercial or residential structure including mixed use
 - must be permitted under the applicable zoning, including by special use permit
 - the action does not trigger a Type I (617.4) threshold

Type II List

- 617.5 (c) (39) Acquisition/dedication of parkland or conservation easement

Type II List

- 617.5 (c) (41) Organic digesters at operating publicly-owned landfills
 - Must be within currently disturbed areas
 - Feedstock capacity of < 150 wet tons/day
 - Only produces Class A digestate

Scoping (617.8)

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

EIS Preparation

- 617.9 (a)(2) - Clarify procedures to define when a DEIS is adequate for public review
- Meets the requirements of:
 - the final written scope
 - sections 617.8 (g) & 617.9 (b); late filed comments & EIS content respectively



EIS Content

- 617.9(b)(5)(iii)(i) - Addition of requirement, where relevant, to evaluate “measures to avoid or reduce both an action's impacts on climate change and associated impacts due to the effects of climate change such as sea level rise and flooding”.

Contact Information

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[http://www.dec.ny.gov/permits/
83389.html](http://www.dec.ny.gov/permits/83389.html) (regulatory
documents)



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