

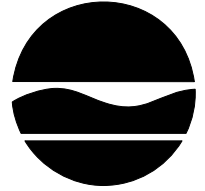
# New York State Department of Environmental Conservation

## Division of Environmental Permits, 4<sup>th</sup> Floor

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Alexander B. Grannis  
Commissioner

September 17, 2008

Dear Interested Stakeholders:

Attached please find two preliminary draft documents relating to conduct of environmental reviews under the New York State (NYS) Environmental Quality Review Act (SEQR). The NYS Department of Environmental Conservation (DEC) is circulating them to a range of potentially interested organizations and individuals for early, informal review and comment before we proceed with more formal, fully-noticed public review and comments. We will appreciate any suggestions or criticisms which you may be able to offer. We will accept comments on these first drafts through the close of business on Friday, October 31, 2008, via electronic or hard-copy mail (addresses below). Please feel free to share these drafts among your colleagues, with the qualification that they are truly preliminary, discussion-generating drafts.

The first document is a proposed complete revision of the Full (“long”) Environmental Assessment Form (EAF). As most of you realize, the EAF is the formal tool which helps all state and local agencies in NYS develop and document each “determination of significance”, or decision whether to require preparation of an environmental impact statement (EIS), on any particular project or proposal. The existing EAF is nearly 30 years old, with very few questions added or revised during that time, so a major rethinking of topics and structure was definitely due. Because the EAF is included in the SEQR regulations (6 NYCRR 617.20), any revisions of the form must be undertaken as a regulatory change.

As we developed this preliminary draft, we tried to keep in mind the major users of the EAF, including not only state agency staff and planning/engineering consultants but also local governments, especially their planning and zoning board members. These citizen appointees are generally not environmental specialists but are regularly asked to make a wide variety of far-reaching land use decisions, including most day-to-day decisions on the application of SEQR. To best support those non-specialist users, we propose to retain the basic 3-part structure which has become familiar for most users, and we have also tried to retain a systematic, topic-by-topic flow which guides an evaluator through the assessment to the final determination of significance.

This preliminary draft contains more pages than the current EAF, but please note that one major reason is that we have used a 12-point font, which we hope will be easier to read or make notes on than the print size on the existing form. Within the parts, note that the Part 1 questions (project and site description and inventory) in this preliminary draft have been re-organized to allow sponsors to skip one or more entire sections when the questions are not relevant to the proposed action. Similarly, the Part 2 (impact identification) questions are also structured so that

an evaluator may skip an entire section if the question is not relevant; for example, if there are no contaminated areas within or adjoining a project site, the form is structured to direct the evaluator to the next topic. Part 3 requires the evaluators to prepare narrative explanations, which would now include magnitude of impacts as well as available mitigation, but provides more robust instructions than the current form. Finally, by moving the certification block to the end of the form, this preliminary draft would eliminate the need to prepare both a Part 3 and a separate negative or positive declaration.

In conjunction with the actual EAF, but not included with this preliminary draft of the form itself, we are also developing a companion "workbook" which would contain question-by-question links or referrals to relevant information sources or explanations; for example, the question about whether a project is near an environmental justice community of concern would link to the EPA's definitions and mapping function for those communities. This workbook is being developed concurrently with the rulemaking, but will not be included as part of it. This will allow us to routinely maintain and update the workbook.

The second preliminary draft document is a technical guidance regarding the inclusion of energy use, energy conservation and climate change in an EIS. This draft document would be applicable to projects only after they have received a positive declaration that identifies energy use or greenhouse gas emissions among the suite of potentially-significant adverse environmental impacts. When the scope of an EIS includes these issues, guidance as to methodologies for estimating greenhouse gas emissions, including the boundaries for consideration of upstream and downstream impacts, may be useful. Specific guidance regarding these issues is not currently included in DEC sources such as the *SEQR Handbook* or adopted policy. In response, DEC is circulating this first discussion draft for comment and critique. Any finalization of this guidance document would follow established DEC protocols for policy adoption, including publication of notice of availability for review and comment in the *Environmental Notice Bulletin*, with public comments accepted prior to adoption.

Thank you for your input. Remember, comments will be accepted on both documents until close of business on October 31, 2008, via electronic or hard-copy mail. Please address comments on the EAF to Betty Ann Hughes, and comments on the GHG guidance to Anne Reynolds.

Sincerely,

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