

SEQR

617.21
Appendix E
State Environmental Quality Review
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS
Determination of Significance

Project Number N/A

Date May 4, 2007

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The New York State Department of Environmental Conservation, as Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action:

SEQR Status: Type I
Unlisted

Scoping: No Yes

The Department conducted a public comment period for the regulatory pre-proposal to amend 6 NYCRR Part 242 from December 5, 2006 until March 13, 2007. The Department utilized the extensive comments received in lieu of scoping.

Description of Action:

The Department is proposing to establish the CO2 Budget Trading Program (the Program) by promulgating 6 NYCRR Part 242, and to revise 6 NYCRR Part 200, General Provisions. The Program establishes the New York State component of the Regional Greenhouse Gas Initiative (RGGI)*, a regional initiative designed to stabilize and then reduce anthropogenic emissions of CO2, a greenhouse gas, from CO2 budget sources in an economically efficient manner. The Program establishes a cap-and-trade program for CO2 emissions from fossil fuel-fired electric generating facilities.

*In addition to New York, the other states participating in RGGI are: Connecticut, Delaware, Maine, New Hampshire, New Jersey, Maryland, Massachusetts, Rhode Island and Vermont.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.) New York State

Reasons Supporting this Determination:

The Department determined after careful consideration that the proposed CO2 Budget Trading Program may have a significant positive effect on the environment. No significant adverse impacts will be associated with the action. As such, the Department would not normally prepare a GEIS for action not predicted to have adverse impacts. The Department, however, has chosen to use the GEIS process to provide the maximum opportunity for public participation. The GEIS also provides an opportunity to discuss the rationale for the proposed CO2 Budget Trading Program and to present alternatives to the proposed rule. Further, the Department determined that preparation of a broad-based GEIS would be more appropriate than a site-specific EIS because the proposed Action is generic in nature and would not have a direct effect on the environment at any specific location, although those participating in the program described by this regulation may rely on the GEIS to evaluate and assess the potential environmental impacts associated with the individual actions. It is recognized that the instant action would likely create circumstances that could induce activities affecting the environment statewide. Preparation of a GEIS will allow the Department to analyze and consider, in general and conceptual terms, hypothetical scenarios that are likely to occur as a result of the Action, and evaluate the impact of those scenarios.

For Further Information:

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A Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 625 Broadway, Albany, New York 12233

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located

Applicant (if any)

Other involved agencies (if any)