

## **II. SEQR CONCLUSIONS**

The State Environmental Quality Review Act defines a process that introduces the consideration of environmental factors into the early planning stages of actions that are directly undertaken, funded or approved by local, regional and State agencies. By incorporating a systematic interdisciplinary approach to environmental review in the early planning stages, projects can be modified as needed to avoid adverse impacts on the environment.

The law mandates that agencies act on the information produced in the environmental review. This may result in project modification or project denial if the adverse environmental effects are overriding and adequate mitigation or alternatives are not available. One of the primary purposes of this final GEIS is to clearly establish the guidelines for environmental review and approval of the DEC actions subject to the Oil, Gas and Solution Mining Law.

A Generic Environmental Impact Statement differs from the site or project-specific Environmental Impact Statement (EIS) by being more general or conceptual in nature. A GEIS may be used to assess the environmental effects of:

- (1) a number of separate actions in a given geographic area which, if considered singly may have minor effects, but if considered together may have significant effects,
- (2) a sequence of actions, contemplated by a single agency or individual,
- (3) separate actions having generic or common impacts, or
- (4) an entire program or plan having wide application or restricting the range of future alternative policies or projects.

The final GEIS sets forth some of the specific conditions or criteria under which future actions will be undertaken. Site-specific impacts which have not been addressed adequately or analyzed in this statement may be subjected to additional review through the drafting of a supplemental EIS. The Findings Statement that the Department must issue no sooner than 10 days after the final GEIS is published will be based largely on the following sections regarding SEQR requirements, determinations, compliance and reviews.

#### **A. PROPOSED SEQR REQUIREMENTS AND SEQR DETERMINATIONS**

**(1) The permitting of any standard, individual oil, gas, solution mining, stratigraphic, geothermal or gas storage well, pursuant to the Oil, Gas and Solution Mining Law and its current regulations, in combination with casing and cementing permit guidelines and/or aquifer, wetland, and drinking water watershed permit conditions when applicable, is considered to be a non-significant action under the State Environmental Quality Review Act.**

(2) Permits for the following types of projects will require detailed site-specific environmental assessments (i.e. long-form EAF) and may require site or project specific environmental impact statements:

- Oil and gas drilling permits in Agricultural Districts if more than two and one-half acres will be altered including the access road.
- Oil and gas drilling permits in State Parklands.
- Oil and gas drilling permits when other DEC permits are required.
- Oil and gas drilling permits less than 2,000 feet from a municipal water supply well.
- New major waterflood or tertiary recovery projects.
- New underground gas storage projects or major modifications.
- New solution mining projects or major modifications.
- Brine disposal well drilling or conversion permits.

- Any other project not conforming to the standards, criteria or thresholds required by the draft and final GEIS.

Table 1 represents the general criteria against which each of the agency actions will be reviewed. The table summarizes the various actions that DEC undertakes with regard to the oil, gas, and solution mining regulatory program and the environmental impact determination under the State Environmental Quality Review Act based on current regulations, special permit conditions and the discussions contained within the draft and final GEIS. This final GEIS satisfies SEQR requirements for all these standard operations when they conform to the thresholds described in Table 1 on pages FGEIS16 through FGEIS18.

#### **B. FUTURE SEQR COMPLIANCE**

Based upon the conclusions and findings of this final GEIS:

- 1) A shortened Environmental Assessment Form (EAF) specific to oil, gas, solution mining and other wells drilled under Article 23 legislation will continue to be required with every well drilling permit application submitted. The EAF is the best tool to evaluate whether an action triggers any of the thresholds requiring further environmental assessment and SEQR review. See the Topical Response on the EAF and site-specific permit conditions for further discussion of the EAF issue.
- 2) No further SEQR compliance is required so long as site-specific projects subject to the oil, gas and solution mining regulatory program are carried out in conformance with the general conditions and thresholds listed above and in Table 1.
- 3) Permit conditions will continue to be added on a site-specific basis to ensure that the drilling of a well, for example, will not have a significant effect on the environment. Again, see the Topical Response on this subject for further

discussion.

- 4) A supplemental EIS may be required if the proposed action is not addressed in this document and if the subsequent action involves one or more significant adverse environmental impacts.
- 5) A supplemental findings statement will be required if the proposed subsequent action is not adequately addressed in the final GEIS.

### **C. PARAMETERS FOR FUTURE SEQR REVIEWS**

For the purpose of future SEQR reviews that may be necessary for oil, gas and solution mining permit applications, the following parameters are used for the description of a project, size of the project and lead agency status.

1) Project - Each application to drill a well is considered as an individual project. An applicant applying for five wells is treated the same as five applicants each applying to the Department individually, because the wells may not be drilled at the same time or in the same area. Planned future wells might not be drilled at all depending on the results of the first wells drilled.

The exceptions to this are proposed new or major expansions of solution mining, enhanced recovery or underground gas storage operations which require that several wells be drilled and operated for an extended period of time within a limited area. The environmental disturbance of even these multi-well projects can be mitigated by using common access roads and other measures. These multi-well projects will require further environmental assessment, and will require a negative declaration or supplemental environmental impact statement.

2) Size of Project - The size of the project is defined as the surface acreage affected by development. The Department's drilling, completion, plugging and spacing requirements preclude

any subsurface impacts other than the permitted action to recover hydrocarbons or brine. Surface acreage includes the acreage disturbed for the drilling of the well, the access roads, the drill site, and any other physical alteration necessary. Even though the statewide spacing of natural gas wells is generally a maximum of one well per 40 acres (i.e. the approximate area defined by the required setbacks from property lines and other wells), the actual total disturbance is usually less than two acres. Additionally, it should be noted that the physical disturbance is temporary in nature. After the well is drilled and completed, the remaining area of disturbance for the producing well may be as small as 20 feet by 20 feet, or 1/100 acre, plus the access road if one is necessary for well maintenance.

3) Lead Agency - In 1981, the Legislature gave exclusive authority to the Department to regulate the oil, gas and solution mining industries:

"The provisions...shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law."  
(Section 23-0303(2))

Thus, only the Department has jurisdiction with respect to the granting of drilling permits for wells subject to Article 23 legislation, except within State Parklands. The criteria for lead agency specify that the lead agency should be the one that has the broadest governmental powers for investigation into the impacts and the greatest capability for the most thorough environmental assessment of the action. These criteria would support the Department as lead agency. However, if the proposed action falls under the jurisdiction of more than one agency based upon local approvals necessary for a floodplain or wetland permit, for example, the lead agency must be determined by agreement among the involved agencies. An involved agency has the obligation to ensure that the lead agency is aware of all issues of concern to the involved agency.

To the extent practicable, the Department will actively seek lead agency designation, consistent with the general intent of Chapter 846 of the Laws of 1981, to establish the DEC as the primary regulator of the oil, gas and solution mining industries in New York State.

**TABLE 1**  
**SEQR DETERMINATIONS**

<b>Agency Action</b>	<b>Environmental Impact</b>	<b>Explanation</b>
a. Standard oil, gas, stratigraphic and geothermal well drilling permits (no other permits involved).	not significant	Rules and regulations and conditions are adequate to protect the environment. The draft and final GEIS satisfy SEQR for these actions.
b. Oil and gas drilling permits in State Parklands.	may be significant	Site-specific conditions of State Parklands are not discussed in the draft or final GEIS. Further determination of significant environmental impacts is needed for State Parklands.
c. Oil and gas drilling permits in Agricultural Districts.	may be significant	Rules and regulations and conditions are adequate to protect the environment. For most oil and gas operations in Agricultural Districts which utilize less than 2½ acres the GEIS satisfies SEQR. If more than 2½ acres are disturbed, this is a Type I action under 6NYCRR Part 617 and an additional determination of significance is required.
d. Oil and gas drilling permits in the "Bass Island" fields.	not significant	Special conditions and regulations under Part 559 are adequate to protect the environment.
e. Oil and gas drilling permits for locations above aquifers.	not significant	Rules and regulations and special aquifer conditions employed by DEC have been developed specifically to protect the groundwater resources of the State.
f. Oil and gas drilling permits in close proximity (less than 1,000 feet) to municipal water supply wells.	always significant	A supplemental EIS is required dealing with the groundwater hydrology, potential impacts and mitigation measures.

Agency Action	Environmental Impact	Explanation
g. Oil and gas drilling permits in proximity (between 1,000 and 2,000 feet) to municipal water supply wells.	may be significant	A supplemental EIS may be required dealing with the groundwater hydrology, potential impacts and mitigation measures. A site-specific assessment and SEQR determination are required.
h. Oil and gas drilling permits when other DEC permits required.	may be significant	A site-specific SEQR assessment and determination are needed based on the environmental conditions requiring additional DEC permits.
i. Oil, gas, solution mining, stratigraphic, geothermal and gas storage well plugging permits.	Type II	By law all wells drilled must be plugged before abandonment. Proper well plugging is a beneficial action with the sole purpose of environmental protection, and constitutes a routine agency action.
j. New waterflood or tertiary recovery projects.	may be significant	For major new waterfloods and new tertiary recovery projects, a site specific environmental assessment and SEQR determination are required. A supplemental EIS may be required for new waterfloods to ensure integrity of the flood. Also, a supplemental EIS may be required for new tertiary recovery projects depending on the scope of operations and methods used.
k. New underground gas storage projects or major modifications.	may be significant	A site-specific environmental assessment and SEQR determination are required. May require a supplemental EIS depending on the scope of the project.
l. New solution mining projects or major modifications.	may be significant	A site-specific environmental assessment and SEQR determination are required. May require a supplemental EIS depending on the scope of the project.

Agency Action	Environmental Impact	Explanation
m. Spacing hearing.	not significant	Action to hold hearing is non-significant. A review and SEQR determination with respect to all other issues must be made before the hearing. Any permit issued subsequently will be reviewed on issues raised at hearing.
n. Variance hearing.	not significant	Action to hold hearing is non-significant. A review and SEQR determination with respect to all other issues must be made before the hearing. Any permit issued subsequently will be reviewed on issues raised at hearing.
o. Compulsory unitization hearing.	not significant	Action to hold hearing is non-significant. A review and SEQR determination with respect to all other issues must be made before the hearing. Any permit issued subsequently will be reviewed on issues raised at hearing.
p. Natural Gas Policy Act pricing recommendations.	none	Action results in only recommendations to Federal Energy Regulatory Commission; therefore, action is not subject to SEQR.
q. Brine disposal well drilling or conversion permit.	may be significant	The brine disposal well permitting guidelines require an extensive surface and subsurface evaluation which is in effect a supplemental EIS addressing technical issues. An additional site specific environmental assessment and SEQR determination are required.