

*Adoption of Revised Model Environmental Assessment Forms for 6
NYCRR Part 617 on January 25, 2012 – Summary of Public
Comments Received by the Department of Environmental
Conservation and Responses for Proposed Changes to the Model
Environmental Assessment Forms for Part 617 (SEQR)*

The Department (DEC) received about 70 comments on the forms – many of which were highly detailed. Comments were both favorable and unfavorable. Criticism centered on 1) the length of the Full EAF, 2) that some of the questions were too DEC-centric (too parochial to DEC's jurisdictions), 3) that in some cases the DEC was asking for a too detailed level of analysis and information at the point in the project review process when EAFs are normally completed, 4) the elimination of the table in Part 2 of the Full EAF that enabled the lead agency to categorize impacts according to whether they are small to moderate, potentially large, or can be mitigated by project changes, and 5) the information needed to answers the questions would be difficult for project sponsors and municipalities to find without the use of consulting services. In response to these criticisms, DEC made the following changes to the EAFs:

DEC reduced the length of Part I of the Full EAF by, among other ways, eliminating DEC centric and redundant questions.

DEC responded to the criticism that it was seeking a too detailed level of analysis at the EAF stage by eliminating questions that would require even a more sophisticated applicant to hire a consultant to answer the questions. Lead agencies still have the flexibility to seek more information where traffic may be a significant issue.

DEC reinserted an improved table into Part 2 of the Full EAF that allows the project sponsor to categorize impacts as “no, or small impact” or “moderate to large impact.” If an impact is judged to be not present or small, no further analysis is required. If the lead agency determines that an impact may be moderate to large, then it must explain the impact as being not significant or significant in Part 3. The new table strikes a balance that allows lead agencies to dismiss impacts that are small and ones that should require a more detailed explanation as to why they are or are not significant. The Short EAF has been conformed to the Full EAF so both forms have the same method of analysis.

All references to the EAF in the responsiveness summaries are keyed to the original forms as circulated for public review and comment in 2010. Finally, responses to comments on the Regulatory Impact Statement and regulatory flexibility analyses are set out in the response to public comment on the Full EAF.