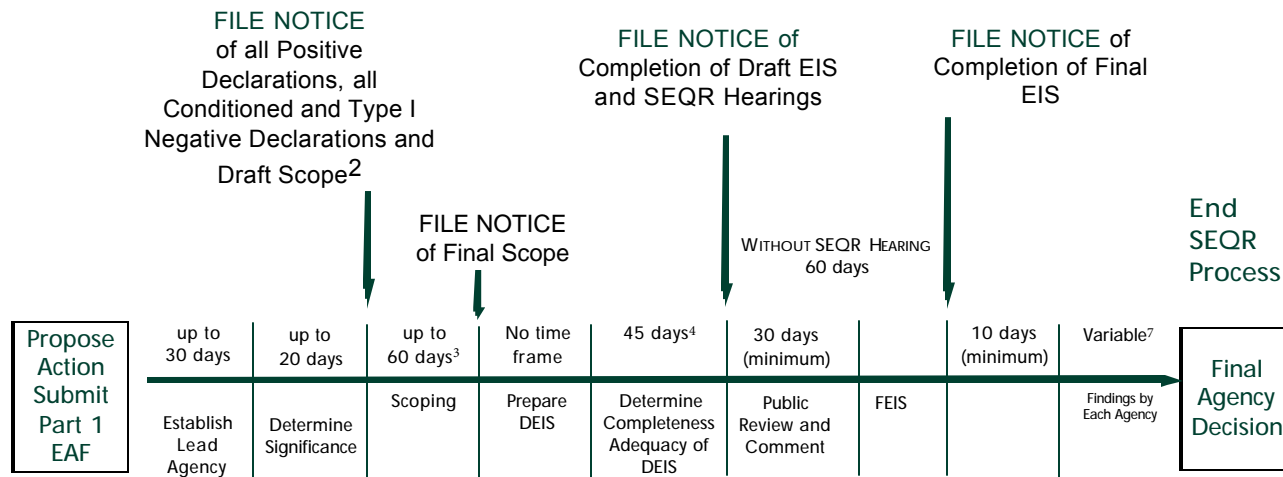


# SEQR TIME FRAMES<sup>1</sup>



## Footnotes

- 1-All time frames may be extended by mutual consent of involved parties.
- 2-No time frame required for submittal of a draft scope. The lead agency will send notice of the draft scope to the ENB when it receives it from the sponsor.
- 3-Time clock starts with submission of draft scope by applicant
- 4-Thirty days resubmitted DEIS
- 5-Publish hearing in general circulation newspaper at least 14 days before a public hearing. The hearing may commence on the 15th day.
- 6-Public comment must remain open until 10 days after the close of hearing.
- 7-When applicant is involved, lead agency findings and decisions must be made within 30 days of filing the FEIS; otherwise, findings not required until an agency must make a decision on final action.

### IF SEQR HEARINGS HELD

15 days <sup>5</sup> (maximum)	No Time Frame	45 days (maximum)
60 days (maximum)	Hearing	Hearing

Public Comment Period<sup>6</sup>

## CONDITIONED NEGATIVE DECLARATION (CND) PROCESS

(Possible only for Unlisted Actions proposed by an applicant)

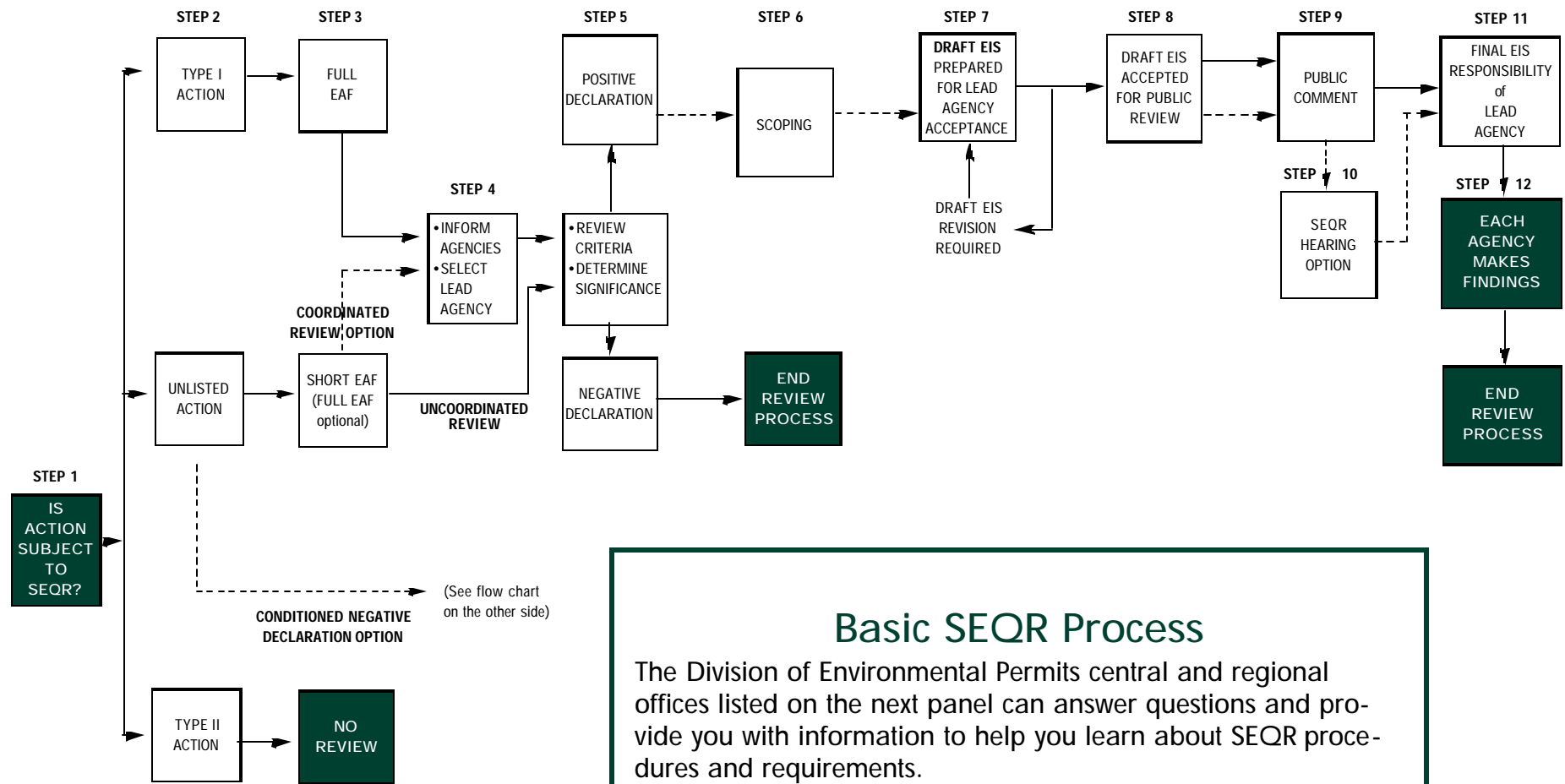


\*The CND procedure is not appropriate for mitigating conditions imposed within an agency's normal jurisdictions. Instead, apply the determination of significance procedures of the basic SEQR process.



# SEQR FLOW CHART AND TIME FRAMES





## Basic SEQR Process

The Division of Environmental Permits central and regional offices listed on the next panel can answer questions and provide you with information to help you learn about SEQR procedures and requirements.

These references are available:

- The statewide SEQR regulations, 6 NYCRR Part 617 (the latest revision effective January 1, 2019)
- The SEQR Cookbook—a step-by-step discussion of the basic SEQR process
- SEQR **Handbook**—<https://www.dec.ny.gov/permits/6188.html>
- **SEQR EAF Workbooks** - <https://www.dec.ny.gov/permits/90125.html>
- Citizen’s Guide to SEQR
- Local Official’s Guide to SEQR
- DEC SEQR website: <https://www.dec.ny.gov/permits/357.html>

- Region 1** (Nassau, Suffolk counties)  
50 Circle Road, Stony Brook, NY 11790  
(631) 444-0355
- Region 2** (all of New York City)  
One Hunters Point Plaza, 47-40 21st Street  
Long Island City, NY 11101  
(718) 482-4997
- Region 3** (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester counties)  
21 South Putt Corners Road, New Paltz, NY 12561  
(845) 256-3054
- Region 4** (Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, Schoharie counties)  
1150 North Westcott Road, Schenectady, NY 12306  
(518) 357-2069
- Region 5** (Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, Washington counties)  
1115 Route 86, PO Box 296, Ray Brook, NY 12977  
(518) 897-1234
- Region 6** (Herkimer, Jefferson, Lewis, Oneida, St. Lawrence counties)  
State Office Building, 317 Washington Street  
Watertown, NY 13601  
(315) 785-2245
- Region 7** (Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, Tompkins counties)  
615 Erie Boulevard, West Syracuse, NY 13204  
(315) 426-7438
- Region 8** (Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Yates counties)  
6274 East Avon-Lima Road, Avon, NY 14414  
(585) 226-2466
- Region 9** (Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming counties)  
270 Michigan Avenue, Buffalo, NY 14203  
(716) 851-7165
- Central Office, Environmental Permits**  
625 Broadway 4th Floor, Albany, NY 12233  
(518) 402-9167

## SEQRA TYPE I and TYPE II ACTIONS

### EXCERPT FROM SEQR REGULATIONS - 6 NYCRR PART 617

(Effective date: January 1, 2019)

#### § 617.4 TYPE I ACTIONS

- (a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.
- (1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and requires the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in section 617.7(c) of this Part.
  - (2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.
- (b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:
- (1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;
  - (2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
  - (3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;
  - (4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
  - (5) construction of new residential units that meet or exceed the following thresholds:
    - (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
    - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

- (iii) in a city, town or village having a population of 150,000 persons or less, 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iv) in a city, town or village having a population of greater than 150,000 persons but less than 1,000,000 persons, 500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
  - (v) in a city or town having a population of 1,000,000 or more persons, 1000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
- (i) a project or action that involves the physical alteration of 10 acres;
  - (ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
  - (iii) parking for 500 vehicles in a city, town or village having a population of 150,000 persons or less;
  - (iv) parking for 1,000 vehicles in a city, town or village having a population of more than 150,000 persons;
  - (v) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;
  - (vi) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;
- (7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;
- (8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;
- (9) any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places (Volume 36 of the Code of Federal Regulations, parts 60 and 63, which is incorporated by reference pursuant to section 617.17 of this Part), or that is listed on the State Register of Historic Places or that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

- (10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62 ( which is incorporated by reference pursuant to section 617.17 of this Part); or
- (11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.

#### **§ 617.5 TYPE II ACTIONS**

- (a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part, except as otherwise provided in this section. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.
- (b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. The fact that an action is identified as a Type II action in an agency's procedures does not mean that it must be treated as a Type II action by any other involved agency not identifying it as a Type II action in its procedures.

An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

- (1) in no case, have a significant adverse impact on the environment based on the criteria contained in section 617.7(c) of this Part; and
  - (2) not be a Type I action as defined in section 617.4 of this Part.
- (c) The following actions are not subject to review under this Part:
- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
  - (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
  - (3) retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;
  - (4) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
  - (5) repaving of existing highways not involving the addition of new travel lanes;
  - (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

- (7) installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles;
- (8) maintenance of existing landscaping or natural growth;
- (9) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- (10) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- (11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith;
- (12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- (14) installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites:
  - (i) closed sanitary landfills;
  - (ii) brownfield sites that have received a Brownfield Cleanup Program certificate of completion ("COC") pursuant to ECL § 27-1419 and 6 NYCRR § 375-3.9 or Environmental Restoration Project sites that have received a COC pursuant to 6 NYCRR § 375-4.9, where the COC under either program for a particular site has an allowable use of commercial or industrial, provided that the change of use requirements in 6 NYCRR § 375-1.11(d) are complied with;
  - (iii) sites that have received an inactive hazardous waste disposal site full liability release or a COC pursuant to 6 NYCRR § 375-2.9, where the Department has determined an allowable use for a particular site is commercial or industrial, provided that the change of use requirements in 6 NYCRR § 375-1.11(d) are complied with;
  - (iv) publicly-owned wastewater treatment facilities;
  - (v) sites zoned for industrial use; and
  - (vi) parking lots or parking garages;
- (15) installation of solar energy arrays on an existing structure provided the structure is not:

- (i) listed on the National or State Register of Historic Places;
  - (ii) located within a district listed in the National or State Register of Historic Places;
  - (iii) been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law; or
  - (iv) within a district that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;
- (16) granting of individual setback and lot line variances and adjustments;
  - (17) granting of an area variance for a single-family, two-family or three-family residence;
  - (18) Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;
  - (19) the recommendations of a county or regional planning board or agency pursuant to General Municipal Law sections 239-m or 239-n;
  - (20) public or private best forest management ( silviculture) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
  - (21) minor temporary uses of land having negligible or no permanent impact on the environment;
  - (22) installation of traffic control devices on existing streets, roads and highways;
  - (23) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
  - (24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
  - (25) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
  - (26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
  - (27) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal

- for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (28) collective bargaining activities;
  - (29) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
  - (30) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
  - (31) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
  - (32) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
  - (33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
  - (34) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
  - (35) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
  - (36) adoption of a moratorium on land development or construction;
  - (37) interpretation of an existing code, rule or regulation;
  - (38) designation of local landmarks or their inclusion within historic districts;
  - (39) an agency's acquisition and dedication of 25 acres or less of land for parkland, or dedication of land for parkland that was previously acquired, or acquisition of a conservation easement;
  - (40) sale and conveyance of real property by public auction pursuant to article 11 of the Real Property Tax Law;
  - (41) Construction and operation of an anaerobic digester, within currently disturbed areas at an operating municipal solid waste landfill, provided the digester has a feedstock capacity of less than 150 wet tons per day, and only produces Class A digestate (as defined in 6 NYCRR § 361-3.7) that can be beneficially used or biogas to generate electricity or to make vehicle fuel, or both.
  - (42) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund,



approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

- (43) actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;
- (44) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII, X or 10 of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (45) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to sections 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- (46) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.