

Appendix

Summary of Changes to the SEQR Regulations

617.2 - Definitions	A new definition was added for the term “green infrastructure” and non-substantial or conforming changes have been made to six existing definitions (“critical environmental area,” “environmental assessment form,” “environmental notice bulletin,” “positive declaration,” “scoping,” and “Type II action”).
617.4 - Type I List	<p>617.4 (b) (5) (iii), (iv) & (v) – modified this item to lower the numeric threshold for number of new residential units that would trigger a Type I classification.</p> <p>617.4 (b) (6) (iii) & (iv) – added a new numeric category threshold for smaller communities and modifies the existing threshold for parking that triggers a Type I classification.</p> <p>617.4 (b) (9) – creates a threshold for when an action <i>that is located wholly or partially</i> within or substantially contiguous to a National Register listed historic site becomes a Type I action and adds properties determined to be eligible for inclusion on the State Register of Historic Sites to the Type I list.</p>
617.5 – Type II List	<p>617.5 (C) (2) – modified to include upgrading an existing building to meet energy codes.</p> <p>617.5 (C) (3) – adds a new express Type II item for retrofit of an existing structure to incorporate green infrastructure.</p> <p>617.5 (C) (7) – adds a new express Type II item for installation of telecommunications cables in existing highway or utility rights of way.</p> <p>617.5 (C) (11) [formerly 9] – construction or expansion of a single-family, a two-family or a three-family residence - modified to include the conveyances of land in connection therewith.</p> <p>617.5 (C) (14) & (15) - added a new express Type II item for installation of up to 25 acres of solar energy arrays on a closed landfill, environmental remediation sites (brownfields, environmental restoration project, and inactive hazardous waste sites), currently disturbed areas at publicly-owned WWTFs,</p>

	<p>currently disturbed areas at sites zoned for industrial use, and parking lots/garages. Installation of solar arrays on certain existing buildings.</p> <p>617.5 (C) (16) [formerly 12] – Existing Type II for granting of individual setback and lot line variances modified to include lot line adjustments.</p> <p>617.5 (C) (18) - added a new express Type II category for reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses.</p> <p>617.5 (C) (19) - added a new express Type II category for recommendations of a county or regional planning board or agency pursuant to General Municipal Law sections 239-m or 239-n.</p> <p>617.5 (C) (39) - added a new express Type II category for 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.</p> <p>617.5 (C) (40) - added a new express Type II category for sale and conveyance of real property by public auction.</p> <p>617.5 (C) (41) - added a new express Type II category for construction and operation of an anaerobic digester, within currently disturbed areas at an operating municipal solid waste landfill.</p>
<p>617.6 – Initial Review of Actions and Establishing lead agency</p>	<p>Removed the language that allows the lead agency to waive the requirement for an EAF.</p>
<p>617.8 - Scoping</p>	<p>617.8 (a) - Modifications were made to make scoping required for all EIS’s, except for supplements to EIS’s which remains optional.</p> <p>617.8 (g) [formerly h] – modified this section to require that the project sponsor <u>must</u> incorporate eligible late filed comments on the scope into the DEIS or attach them to an appendix of the DEIS.</p> <p>Additional non-substantive amendments of a procedural nature were also made to other sections of 617.8.</p>
<p>617.9 – Preparation and content of environmental impact statements</p>	<p>617.9 (a) Changes to this section tighten the procedures to define when a DEIS is adequate for public review.</p> <p>617.9 (b)(5)(iii) – A new clause was added to evaluate measures to avoid or reduce an</p>

	actions impact on climate change and associated impacts of flooding and sea level rise.
617.12 – Document preparation, filing, publication and distribution.	<p>617.12(c) (1) – section was modified to require draft and final scopes be noticed in the ENB;</p> <p>617.12 (c) (5) – section was modified to add the existing statutory requirement that EIS’s be published on a publicly available website and included in this section that draft and final scopes also be published.</p> <p>Other non-substantial modification and edits were also made.</p>
617.13 – SEQR Fees	617.13 (e) – section was modified to require lead agencies, upon request, to provide applicants with copies of invoices for work prepared by a consultant in preparing or reviewing an EIS.