

## What is SEQR (“seeker”) and how can it help us?

State Environmental Quality Review is a regulatory process under Article 8 of the Environmental Conservation Law, designed to promote a balance between the natural environment and human/community resources. SEQR establishes a process to systematically consider environmental factors early in the planning stages of actions that are directly undertaken, funded or approved by local, regional and state agencies. By incorporating environmental review early in the planning stages, projects can be modified as needed to avoid adverse impacts on the environment.

A detailed SEQR Handbook is found as a PDF file at [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seqrhandbook.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf)

Training is provided by the NYS Department of State Local Government Program. Consultation is available by NYS Department of Environmental Conservation staff in regional offices.

### **What actions apply under SEQR?**

The following activities, singly or in combination, apply:

- physical projects or activities such as construction of a shopping center or residential development, building a road, dredging a stream or mining gravel;
- adoption or administration of rules, regulations or procedures, by a government agency, such as local zoning, public health regulations, wetland protection or handling of toxic wastes; or
- decisions by agencies on plans or policies such as land use plans, formation of special districts or establishment of policies on use of public lands.

### **Does SEQR apply to a proposed action?**

The initial step in assessing a proposed action is to determine whether SEQR applies. The SEQR process must be applied whenever an action is

directly undertaken by a state, county or local agency\*;  
involves funding by an agency; or  
requires new or modified discretionary approvals from an agency or agencies.

*\*Agencies include municipalities, authorities, school and fire districts, etc.*

If the decision is made that the activity is one that is subject to SEQR review, the next step in the process is to determine what classification of action is being analyzed. The action will fall into one of the following categories:

**Type I** – a list of actions that experience has shown are more likely to have significant adverse environmental impacts; (described in 6 ECL Section 617.4)

**Type II** – a list of actions that have been determined not to have a significant adverse environmental impact; (described in 6 ECL Section 617.5) If the action is classified as Type II, SEQR is satisfied, and no further action is required. However, it is advisable to write a note to the file indicating that SEQR was considered, and the action was determined to be classified as Type II.

**Unlisted** – all actions that are not Type I or Type II. This is the vast majority of actions that come under SEQR review.

For Type I and Unlisted actions, the next step is to systematically consider environmental factors involved with the action to make a reasoned determination regarding the likelihood that the action may have a significant adverse impact on the environment. The initial SEQR tool used to make this determination is the Environmental Assessment Form (EAF).

## **The EIS**

If the EAF shows that a significant adverse impact is likely to occur, an **Environmental Impact Statement (EIS)** is prepared to explore ways to avoid or reduce such impacts or to identify a potentially less damaging alternative. If, on the other hand, the determination is made that the proposed action will not significantly impact the environment, then a Negative Declaration (“**neg dec**”) is prepared which ends the SEQR process.

An important aspect of SEQR is its public participation component, which provides opportunities for outreach and public participation throughout the environmental impact statement (EIS) process. These opportunities allow the public and other agencies to provide input into the planning or review process, resulting in a review with a broader perspective. It also increases the likelihood that the project will be consistent with community values.

## **What is the role of the applicant under SEQR?**

The applicant is the entity that requests or proposes a governmental action or approval. An applicant may be a homeowner, businessperson, land development company or even a governmental agency. The applicant who is proposing an action is required under SEQR to complete an environmental assessment form that describes the details of proposed actions and identifies what segments of the environment might be impacted by the action. If the reviewing governmental agency determines that that proposed action might have some significant impacts on the environment, that agency can ask the applicant to prepare a draft environmental impact statement (DEIS) which explores in more detail those potential impacts.

## **What is the role of the reviewing (lead) agency under SEQR?**

The reviewing agency is the one with the authority to issue an approval or make a decision on a project. Since the highest volume of actions that have potential for adverse effects on the environment are local land use development projects, the reviewing agency under SEQR is usually the municipal planning board or zoning board of appeals. However, when purchasing land, adopting a plan or approving a zoning amendment, the city council, town or village board is the reviewing agency. When a proposal needs approval from more than one governmental agency, those agencies have to determine who will be the lead agency for the SEQR environmental review. The reviewing agency has the responsibility to ensure that significant adverse impacts are avoided or adequately mitigated before granting any approval.