



Frequently Asked Questions Regarding the SEQR Environmental Assessment Forms

On January 25, 2012, the New York State Department of Environmental Conservation (DEC) adopted new "Short" and "Full" Environmental Assessment forms (EAFs). The new EAFs will become effective on October 7, 2013. The new forms are designed to work with the new Short-EAF and Full-EAF workbooks and the "EAF Mapper" software program - which, the DEC, expects will improve and modernize environmental impact analysis and the SEQR process. Here are frequently asked questions regarding the new forms, workbooks, and the EAF Mapper software program.

Q. When should we start using the new EAFs?

The new model environmental assessment forms (EAFs) take effect on Monday, October 7, 2013. Project sponsors that submit an EAF in support of an application for funding or a discretionary approval from a state or local agency after October 7, 2013 must use the new model EAF forms. Environmental assessment forms submitted to a state or local agency before October 7, 2013 should use the current (pre-October 7, 2013) forms. If the project sponsor has submitted Part I of the EAF before October 7, 2013 then the lead agency should complete parts 2 and 3 using the current or pre-October 7, 2013 EAF.

Q. Can an agency continue to use the pre-October 7, 2013 EAFs after October 7, 2013?

No. After October 7, 2013, agencies must use the new EAF forms except in individual cases where Part I was submitted by the project sponsor to an agency before October 7, 2013.

Q. My board or agency prefers to use the Full-EAF for all applications. Can we continue that practice?

The Department strongly urges lead agencies to use the Short-EAF for all Unlisted actions except for activities that fall just below a numeric threshold that if exceeded would have resulted in the activity being classified as a Type I action. Examples of Unlisted actions that fall just under the Type I threshold (where use of the Full-EAF may be more appropriate) would include the construction of a commercial structure with 225,000 square feet of gross floor area in a city, town or village with more than 150,000 persons. Since the numeric threshold for this activity is 240,000 square feet of gross floor area, the project falls just below the Type I threshold. In general, the new Short-EAF is adequate for all but the most large-scale Unlisted actions. Lead agencies should reasonably exercise their discretion when asking a project sponsor of an Unlisted action to complete the Full-EAF. In exercising their discretion, lead agencies should ask whether it needs all of the information and analysis that is called for in the full-form.

Q. Where can I find more information about the use of the new EAFs?

The EAF Workbooks contain ample information that will assist both project sponsors and agencies to use the new EAFs. They were developed in conjunction with the new EAFs and are available on the Department's website for the Revised Model EAF Forms and Draft Workbook

Q. Now that the forms are designed to be completed electronically are lead agencies required to accept e-filing of the forms?

No. Agencies are not required to accept electronic versions of the new forms. However, the new EAFs have been designed to accommodate e-submission should a local or state agency have the capability and desire to accept application forms via an electronic submission.

Q. Can our board or agency still require paper submission of forms?

Yes.

Q. Can the new forms be completed without the use of a computer with internet access?

Yes. The new forms can be completed without the use of a computer or internet access. However, the new forms, workbooks and mapper software were designed to work best when used together. Using the new EAFs without these tools will add to the time needed to complete the forms.

Q. Can my community adopt its own forms?

Yes. While the Legislature directed the DEC to prepare model EAF forms (which are used by almost all agencies in the State with one notable exception being the City of New York) the SEQR regulations provide that "[t]he model full and short EAFs contained in Appendices A and C of section 617.20 of this Part [changed to appendices A and B] may be modified by an agency to better serve it in implementing SEQR, provided the scope of the modified form is as comprehensive as the model." The downside of an agency adopting its own forms is that such forms may not be sufficiently comprehensive, and not have the benefits of the new model forms which are designed to work with the EAF workbooks and new EAF Mapper software.

Q. Does my board or agency need to review the workbook or rely on it when completing the new forms?

No. However, the workbooks are an invaluable resource in completing the new EAFs. The workbooks explain the background behind each question and provide additional sources of information that can be consulted if the project sponsor or the agency would like to get additional information on a topic. The workbooks also make generous use of examples to illustrate typical situations that project sponsors and agencies encounter when conducting an environmental assessment.

Q. What is the EAF Mapper software program and how does it help project sponsors and lead agencies to complete the new forms?

Using the EAF Mapper, a project sponsor can obtain answers to certain spatial information questions contained in Part I simply by identifying the proposed project location. Six questions on Part 1 of the Short-EAF and up to 20 questions in Part 1 of the Full-EAF will be completed by the EAF Mapping software. The EAF, as completed by the Mapper program, can then be electronically saved to allow for completion of remaining questions on the form. This should reduce the time and effort spent by project sponsors in the preparation of Part I of the EAF.

Q. How complete is the spatial data used to answer questions for the new forms?

The spatial data used by the EAF mapping program to complete the new EAFs is based on the GIS data sets used and maintained by DEC, or actively maintained by various agencies and shared with DEC. The spatial data on the EAF Mapper will be updated on the same schedule as the DEC internal

GIS. The only difference between the EAF mapping program data and the mapping information used by DEC staff is the inclusion of buffers in the mapping program. These buffers have been added to account for the different scales used for preparing the resource maps and the base maps, to insure that all resources are identified in the initial screen of a project, and in some cases to protect resources such as species that are classified as threatened or endangered and archaeological sites where disclosing the exact location of the resource may be detrimental to the protection of the species or artifact.

Q. Can an applicant disagree with the answers provided by the EAF Mapper software?

Yes. The use of buffers will mean that some projects will receive an answer that the site may be close to a mapped resource. If the project sponsor believes that a project location is within the buffer area but sufficiently far enough away from the resource to render the issue not relevant or non-significant they may need to provide more specific supporting information to the reviewing agency as part of its EAF submission. A project sponsor, involved agency or the public can confirm the information provided by the spatial data platform through site visits and the use of consulting services if technical assistance is needed.

Q. Does the lead agency have to confirm the answer provided by the EAF Mapper software if the program determines that a resource is not present on, or adjacent to, the proposed project site?

No. Given the incorporation of a buffer into the spatial data there should not be any need to confirm the data provided by the EAF Mapper software when it determines that the project site does not contain or is not located in proximity to a mapped resource.

Q. Will a project sponsor need to hire a consultant to complete the new EAFs?

The short EAF was designed to be completed without the need for consultant services. If a project sponsor uses the EAF Mapper it will provide an answer to the 6 place-based questions contained in Part 1 of the short EAF. The remaining 14 questions depend on the project sponsor's specific knowledge of the site and the proposed activity. Also, the short EAF Workbook will provide background information and guidance, including illustrative examples, should the project sponsor needs any assistance. A project sponsor can always obtain the services of a consultant but many project sponsors for Unlisted actions will find that using the short EAF Workbook and the EAF Mapper are sufficient to answer the Part 1 questions.

The full EAF which is required for all Type I actions may require the services of a consultant depending on the size and nature of the proposed project. The EAF Mapper software will provide the answer to approximately 20 of the place-based questions contained in Part 1 of the full EAF and the workbook will provide background information and guidance, including illustrative examples. However, depending on the technical capability of the project sponsor there may be questions that will require the services of a consultant. Currently, many project sponsors for Type I actions hire consultants to assist in the completion of the full EAF and the supporting materials needed for an application for local and state permits. We expect that this will continue.

Q. If I hire a professional consultant, will they have to follow the workbooks?

No. Project sponsors and agencies are free to use or not use the workbooks. The workbooks are intended to serve as a resource tool on how to complete the EAFs.

Q. Can the workbook be used to challenge the information contained in EAFs?

If a project sponsor or agency has consulted the workbooks and used them to help in the completion of an EAF and in the conduct of an environmental assessment, they should have a solid record in support of their actions. The public (who has always played a major role in the review of projects) could consult the workbooks as they submit questions or comments on an environmental assessment.

Q. Who can I contact if I have a question or a comment on the EAFs or the workbooks?

You can call the Division of Environmental Permits at 518-402-9167 or send an email to the following address: deprmt@gw.dec.state.ny.us . Please include the word "EAF" in the subject line.