



State University of New York

*Times To All  
x up: legislation*

## Memorandum to Presidents

Date: January 19, 1977

Vol. 77 No. 1

From: Office of the Vice Chancellor  
for Capital Facilities

Subject: State Environmental Quality Review Act of 1975

The State Environmental Quality Review Act of 1975 (SEQRA) provides that effective September 1, 1976 all agencies of the State shall prepare an environmental impact statement (EIS) on any action they propose or approve which may have a significant effect on the environment. No action which may have an environmentally significant impact can be implemented until an environmental impact statement has been prepared and considered.

Enclosed is a copy of Part 314 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Implementation of State Environmental Quality Review Act) which has been adopted by the Board of Trustees of the University. These regulations provide for review by an Environmental Quality Review Committee of all State University line item capital construction projects. The members of the committee are Mr. John Grosvenor, Office for Capital Facilities; Messrs. Elwin Stevens and Morton Gassman, State University Construction Fund.

All other projects to be undertaken on the campus and funded through the minor rehabilitation and repair accounts, or any other account, should be reviewed by a designated member of your staff to determine whether or not such projects may have a significant effect on the environment. Any project which your staff feels could have a significant effect should be reported to John Grosvenor, Assistant Vice Chancellor for Capital Finance and Administration of this office, for review by the Environmental Quality Review Committee, at least 90 days in advance of the project.

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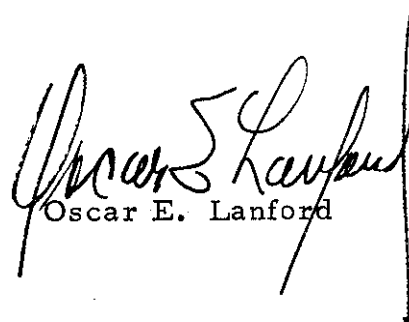
VICE CHANCELLOR  
FOR ACADEMIC POLICY

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The member of your staff designated to monitor all projects on the campus should secure the statewide rules and regulations (6 NYCRR 617) from the regional office of the Department of Environmental Conservation (list enclosed).

Should you have any questions regarding the procedures outlined in the attached material, please feel free to contact me or any of the review committee members named.



Oscar E. Lanford

Attachments

This memorandum addressed to:  
Presidents, State-operated Campuses  
Deans, Statutory Colleges

Copies for information only sent to:  
Presidents, Community Colleges  
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Vice President Cook

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PART 314

(Title 8 of the Official Compilation of Codes, Rules  
and Regulations of the State of New York)

IMPLEMENTATION OF STATE ENVIRONMENTAL QUALITY REVIEW ACT

November 24, 1976

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314.10	Filing of State Environmental Quality Review documents

## Section 314.1 Authority and purpose.

The State Environmental Quality Review Act of 1975, article 8 of the Environmental Conservation Law, provides that all agencies of the State shall prepare, or cause to be prepared by contract or otherwise, an environmental impact statement on any action they propose or approve which may have a significant effect on the environment. The procedures adopted herewith shall be effective as of September 1, 1976 and shall apply, in conjunction with regulations adopted by the State University Construction Fund, as prescribed in Article 8 of the Environmental Conservation Law.

## 314.2 Definitions.

(a) "Action" means any activity of the State University of New York, except an exempt action as defined in this section, including without limitation

(1) physical activities such as construction or other activities which change the use or appearance of any natural resource or structure;

(2) funding activities such as the proposing, approval or disapproval of contracts, grants, subsidies, loans, tax abatements or exemptions or other forms of direct or indirect financial assistance;

(3) licensing activities such as the proposing, approval or disapproval of a lease, permit, license, certificate or other entitlement for use or permission to act;

(4) planning activities such as site selection for other activities and the proposing, approval or disapproval of master or long range plans, zoning or other land use maps, ordinances or regulations, development plans or other plans designed to provide a program for future activities; and

(5) policy-making activities such as the making, modification or establishment of rules, regulations, procedures, policies and guidelines.

(b) "Environment" means the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character.

(c) "Environmental analysis" means a State University of New York evaluation of the short and long term, primary and secondary environmental effects of an action, with particular attention to the same areas of environmental impacts as would be contained in an environmental impact statement and it is the means by which State University of New York determines whether an action under consideration may or will not have a significant effect on the environment.

(d) "Environmental impact statement" means a written document prepared in accordance with 6 NYCRR 617.6 and these regulations. An environmental impact statement may either be a "draft" or be "final".

(e) "Exempt action" means any one of the following:

(1) maintenance, repair, and/or rehabilitation processes involving no substantial changes in existing roads, trails, structures, and facilities;

(2) except as set forth in section 314.10 of this Part actions undertaken or approved prior to the date(s) specified in Article 8 of the Environmental Conservation Law. An Action shall be deemed to be undertaken or approved prior to such date(s) if, in the case of construction activities, a contract for substantial construction activities has been entered into or if a "continuous program" of on-site construction or modification, and/or natural resource and environmental management has been engaged in, including protection measures against fires, insects, and disease, and the implementation of recognized silvicultural practices in such natural resource and environmental management endeavors, or if, in the case of an action involving Federal participation, either a draft environmental impact statement or a negative declaration has been duly prepared under the National Environmental Policy Act of 1969. For the purpose of this Part, construction activities at the emerging campuses at the State University of New York at Buffalo (Amherst), the State University College at Purchase, the State University College at Old Westbury, the State University of New York at Stony Brook and the Health Sciences Center of the State University of New York at Stony Brook and for the Central Administration of State University of New York shall be "continuous programs"

(3) actions which are immediately necessary on a limited emergency basis for the protection or preservation of life, health, property or natural resources or the environment. The term "temporary emergency" means a non-recurring circumstance of limited duration which may, or

now impairs the agency's legislative mission, interferes with its ability to discharge its responsibilities effectively, or presents a clear and present danger to life, property, natural resources or the environment. Such situations exceeding 90 calendar days shall not be considered temporary emergencies;

(4) actions of the Legislature of the State of New York or of any court;

(5) with respect to the requirements of subdivision 2 of section 8-0109 of Article 8 of the Environmental Conservation Law, actions subject to the jurisdiction of the Adirondack Park Agency pursuant to section 809 of the Executive Law including actions of the Adirondack Park Agency thereunder; and

(6) ministerial actions, i.e., actions performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the action, although such law may require, in some degree, a construction of its language or intent.

(f) "Negative declaration" means a written statement prepared by State University of New York after conducting an environmental review of an action which announces that State University of New York has determined that the action will not have a significant effect on the environment.

(g) "Notice of determination" means a written statement prepared by State University of New York after conducting an environmental analysis of an action which announces that State University of New York has determined that the action may have a significant effect on the environment.

(h) "Environmental Impact Assessment Form" means a written analysis prepared by State University of New York providing an identification and analysis of the environmental impacts of proposed actions.

(i) "Type I action" means an action contained in 6 NYCRR 617.12, State Environmental Quality Review regulations, that is listed as likely to require the preparation of an environmental impact statement.

(j) "Type II action" means an action listed in 6 NYCRR 617.12, State Environmental Quality Review regulations that the Commissioner of Environmental Conservation has found will not have a significant effect on the environment.

(k) "Typical associated effect" means change in one or more natural resources which usually occur because of impacts on other such resources as a result of natural interrelationships or cycles.

### 314.3 General procedure.

No final State University of New York decision to carry out or approve an action shall be taken until there has been full compliance with the provisions of these regulations.

### 314.4 Responsibilities.

(a) Upon initiating a Type I project, the Vice Chancellor for Capital Facilities shall direct that an environmental assessment form be prepared. The completed environmental assessment form shall be reviewed by an environmental quality review committee, whose membership shall contain one appointee of the Vice Chancellor for Capital Facilities and two appointees of the General Manager of the State University Construction Fund.

(b) The environmental assessment form shall contain sufficient information for the environmental quality review committee to conduct an environmental analysis to determine whether the project may or will not have a significant effect on the environment, and will include identification of those other agencies, including Federal agencies, which have a relationship to the project.

(c) Broad program statement, master or campus-wide statements or statements for comprehensive campus plans may be appropriate for use by the environmental quality review committee to assess the environmental effects of (1) a number of separate projects on a given campus, (2) a chain of contemplated projects, (3) separate projects having generic or common impacts, or (4) programs or plans having wide application or restricting the range of future alternative policies or projects. Such statements will eliminate multiple sequential reviews of the same or similar actions. No further environmental impact statement's need be prepared for projects which are included in such a statement.

(d) However, amendments or supplements to such statements must be prepared to reflect impacts which are not addressed or adequately analyzed in such a statement as initially prepared. The public and other agencies shall be informed of such additions through the same notification channels specified in section 314.6 of this Part.

314.5 Procedures prior to the preparation of draft environmental impact statements.

(a) Environmental review of proposed actions.

The environmental quality review committee, upon issuing a negative declaration or a notice of determination, shall immediately file such determination as follows:

(1) with the appropriate regional office of the Department of Environmental Conservation; and

(2) with the Commissioner of Environmental Conservation; and

(3) in the files of State University of New York and a copy to the subject State University of New York campus.

(b) Determination of no significant effect - negative declaration.

If the environmental quality review committee determines that the project will not have a significant effect on the environment, it shall prepare, circulate, file and make available for public inspection a negative declaration with a statement setting forth the reasons supporting its determination.

(c) Determination of significant effect - notice of determination.

If the environmental quality review committee determines that the project may have a significant effect on the environment, it shall immediately have prepared and filed a notice of determination as provided in subdivision (e) of this section. If the project involves other agencies, the environmental quality review committee shall notify such other involved agencies, including Federal agencies, of its determination, request the coordination of reviews by the agencies, and inform them of the need to resolve which agency shall be the lead agency,

(d) State University - Non-lead Agency Status

If State University of New York is not the lead agency for a project that may have a significant effect on the environment, it shall

(1) provide its views where appropriate and, to the extent practical, provide appropriate technical analysis and support;

(2) make written findings pursuant to 6 NYCRR 617.8.

(e) Contents of negative declaration and notices of determination.

All negative declarations and notices of determination shall contain the following:

- (1) a project identifying number
- (2) a brief description of the project
- (3) the location of the project (county and city, town or village)
- (4) in the case of a negative declaration, a statement that the environmental quality review committee has determined that the project will not have a significant effect on the environment; and
- (5) in the case of a notice of determination, a brief description of the possible significant effects of the project.

314.6 Notices of completion of draft environmental impact statements and public hearings and notices thereof.

(a) Notices of completion of draft environmental impact statements.

Upon the completion of a draft environmental impact statement, the environmental quality review committee shall immediately prepare, file and make available for public inspection a notice of completion as provided in paragraphs (1), (2) and (3) of this subdivision. All draft and final environmental impact statements prepared by or at the request of the environmental quality review committee shall contain the information specified in 6 NYCRR 617.6.

(1) Contents of notices of completion. All notices of completion shall contain the following:

- (i) a project identifying number
- (ii) a brief description of the project
- (iii) the location of the project and its potential impacts and effects (county and city, town, village); and
- (iv) a statement requesting comments on the draft environmental impact statement to be received and considered by the environmental quality review committee at State University of New York. The notice shall specify the public review and comment period on the draft environmental impact statement, which shall be for not less than 30 calendar days from the date of filing and circulation of the notice or not less than 10 calendar days following any public hearing on the draft environmental impact statement.

(2) Circulating notices of completion. All notices of completion shall be circulated to the following:

- (i) all other agencies involved in the project including Department of Environmental Conservation;
- (ii) all persons who have requested it;
- (iii) the State Clearing House;
- (iv) the subject State University of New York campus.

(3) Filing notices of completion. All notices of completion shall be filed and available for public inspection as follows:

- (i) with the Commissioner of Environmental Conservation;
- (ii) with the appropriate regional office of the Department of Environmental Conservation;
- (iii) with the county clerk whose jurisdiction most closely coincides with the location of the project and its potential impacts and effects;

(iv) with the editor of the Department of Environmental Conservation Monitor;

(v) in the files of State University of New York.

(b) Filing and making available draft environmental impact statements.

All draft environmental impact statements prepared by State University of New York shall be filed with and made available for public inspection as follows:

(1) with the Commissioner of Environmental Conservation;

(2) with the appropriate regional office of the Department of Environmental Conservation;

(3) with the county clerk whose jurisdiction most closely coincides with the location of the project and its potential impacts and effects.

(4) in the files of State University of New York and a copy to the subject State University of New York campus.

(c) Public hearings on draft environmental impact statements and notices thereof.

(1) Upon the completion of a draft environmental impact statement, the environmental quality review committee shall determine whether or not to conduct a public hearing on the draft environmental impact statement. In making this determination, the environmental quality review committee shall consider the requirements for hearings specified by other statutes or regulations, the degree of interest in the project shown or anticipated on the part of the public or other agencies, the magnitude of the project and its effects, the extent to which a public hearing can aid the State University of New York decision-making by providing a forum for, or an efficient mechanism for the collection of, public comment. Wherever practicable, an environmental quality review public hearing shall be made part of or held in conjunction with other public hearings on the project as may be conducted by State University of New York or other agencies.

(2) If a hearing is to be held, notice thereof may be contained in the notice of completion or, if not so contained, shall be given in the same manner in which the notice of completion is sent, filed and circulated pursuant to subdivision (a) of this section. In either case, the notice of hearing shall also be published at least 10 calendar days in advance of the public hearing in a newspaper of general circulation in the area of the potential impacts and effects of the project.

(3) If so held, the hearing shall be conducted by the environmental quality review committee no less than 15 calendar days or more than 60 calendar days after the filing of the draft environmental impact statement pursuant to subdivision (b) of this section, except as State University of New York may otherwise provide where it determines that additional time is necessary for public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under applicable statute or regulation.

314.7 Final environmental impact statement procedures.

(a) Except as provided in paragraphs (1) and (2) of this subdivision, the environmental quality review committee shall prepare or cause to be prepared a final environmental impact statement within 45 calendar days after the close of any hearing or within 60 calendar days after the filing of the draft environmental impact statement whichever last occurs.

(1) If the proposed project has been withdrawn or if, on the basis of the draft environmental impact statement or a hearing, the environmental quality review committee has determined that the projects will not have a significant effect on the environment, no final environmental impact statement shall be prepared.

(2) The environmental quality review committee may extend the last date for preparation of the final environmental impact statement (i) where it determines that additional time is necessary to complete the statement adequately, or (ii) to meet the requirements of other statutes or regulations, or (iii) where problems with the proposed project requiring material reconsideration or modification have been identified, or (iv) for other good cause.

(3) The final environmental impact statement shall reflect a revision and updating of the matters contained in the draft environmental impact statement in the light of further department review, comments received and the record of any hearing.

(b) Immediately upon the completion of a final environmental impact statement, the environmental quality review committee shall prepare, file, circulate and make available for public inspection a notice of completion of a final environmental impact statement in the manner specified in subdivision (a) of section 314.6 of this Part, provided, however, that the notice shall not contain the statement described in subparagraph (iv) of paragraph (1) of subdivision (a) of such section.

(c) Immediately upon completion of a final environmental impact statement, copies shall be filed and made available for review in the same manner as the draft environmental impact statement pursuant to subdivision (b) of section 314.6 of this Part.

314.8 Projects involving federal participation.

(a) If a project under consideration by the environmental quality review committee may involve a "major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969", then the procedures specified in this section shall be followed.

(b) In the case of a project under the National Environmental Policy Act of 1969 for which draft and final environmental impact statements have been prepared, the environmental quality review committee is not required to prepare an environmental quality review impact statement or to make findings pursuant to section 314.10 of this Part. The said environmental impact statements must contain information relating to growth inducement and energy use and conservation as required by paragraphs (7) and (8) of subdivision (d) of 6 NYCRR 617.6.

(c) In the case of a project for which has been prepared a negative declaration or other written threshold determination that the project will not require a Federal impact statement under the National Environmental Policy Act of 1969, the environmental quality review committee shall determine whether or not the action may have a significant effect on the environment pursuant to Article 8 of the Environmental Conservation Law, 6 NYCRR Part 617 and this Part and the project shall be fully subject to such law, rules and regulations.

314.9 Projects undertaken or approved prior to the effective date(s) of Article 8 of the Environmental Conservation Law.

(a) Except as provided in subdivision (b) of this section, no environmental impact statement shall be required for projects undertaken or approved prior to the effective date(s) of Article 8 of the Environmental Conservation Law.

(b) If, after the effective date(s) of Article 8 of the Environmental Conservation Law, the environmental quality review committee proposes to modify an action undertaken or approved prior to such date(s) which modification may have a significant adverse effect on the environment, such modification shall be an action fully subject to

314.10 Filing of State Environmental Quality Review documents.

(a) No decision to carry out or approve an action which may have a significant effect on the environment shall be made by State University of New York until after the filing and consideration of a final environmental impact statement. When State University of New York is the lead agency, its decision whether or not to approve an action which has been the subject of an environmental impact statement shall be made within 30 calendar days of the filing of a final environmental impact statement.

(b) When State University of New York decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written decision:

(1) consistent with social, economic and other essential considerations of State policy, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects to the maximum extent possible, including the effects disclosed in the relevant environmental impact statement; and

(2) consistent with social, economic and other essential considerations of State policy, all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

(c) For public information purposes, a copy of the decision shall be filed immediately in the same manner as the draft environmental impact statement as prescribed in subdivision (b) of section 314.7 of this Part.

(d) The office for Campus Development of State University shall maintain files available for public inspection of all negative declarations, notices of determinations of significance, notices of completion of draft and final environmental impact statement and decisions it has prepared or caused to be prepared. Copies of draft and final environmental impact statements shall be available to the public in accordance with the regulations of State University of New York on public access to University records contained in Part 311 of this title.