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MANUAL 900-1

SECTION 02.6

STATE ENVIRONMENTAL QUALITY REVIEW ACT

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

This procedure is used to assist the New York State Canal Corporation (Corporation) with the State Environmental Quality Review Act (SEQRA) process and identify whether the Corporation's actions will impact the environment in a manner that would require mitigation or whether the action would require further evaluation as required by an Environmental Impact Statement.

In addition, the Corporation's real property transactions may require floodplain management and/or other permits. This procedure provides a process for conducting SEQRA reviews and a checklist to assist the Corporation in identifying all necessary permits for land transactions.

2. Applicable Law and/or Guidance

New York State Environmental Conservation Law §§8-0101 to 8-0117

6 NYCRR Part 617 (SEQRA Regulations)

6 NYCRR Part 502 (Floodplain Management)

New York State Finance Law §139-j, §139-k

Executive Instruction entitled Inappropriate Lobbying Influence In Authority/Corporation Procurements

Canal Real Property Management Policy (25-6-01C)

3. Introduction

The Corporation is responsible for the maintenance, operation, construction, reconstruction, improvement, development, financing and promotion of the Canal System and for implementation of the New York State Canal Recreationway Plan (CRP). As such, the Corporation must determine the environmental significance of its actions related to real property transactions.

4. Procedure

4.1. General Procedure

This general procedure is to ensure that the Corporation will identify all known and potential environmental impacts associated with a real property transaction. In addition, this procedure assists the Corporation in identifying other permits which may be needed for proposed land transactions.

4.2. Reviewing Environmental Considerations Beyond SEQRA Review

4.2.1. Pursuant to 6 NYCRR Part 502, Floodplain Management Criteria for State Projects, the Corporation must ensure that the use of property under the jurisdiction of the Corporation and the siting, construction, administration and disposition of property under the jurisdiction of the Corporation and State-financed facilities are conducted in ways that will minimize flood hazards and losses. The Division Canal Engineer, in consultation with the Office of Transportation Planning and Environmental Services (OTPES), will complete the FLOODPLAIN MANAGEMENT CRITERIA FOR STATE PROJECTS (NYCRR PART 502)¹ for projects that fall within a floodplain to ensure compliance with 6 NYCRR Part 502. The completed document will be filed in the Project Record.

4.2.2. The applicant is responsible for identifying, applying for and receiving any other local, State or federally required permits for any proposed use and/or work associated with the real property transaction. The Corporation can use ENVIRONMENTAL PERMITS POTENTIALLY APPLICABLE TO PROJECTS ON CANAL CORPORATION LAND² as guidance to determine which permits may be required by the applicant. This form is for internal use only and will not be distributed externally or used to advise the applicant of any potential permitting requirements. The applicant retains the responsibility for identifying required permits and for obtaining them. The applicant must supply the Corporation with copies of required permits prior to start of any work on property under the jurisdiction of the Corporation.

4.2.3. If federal approval or funding is required, a review under the National Environmental Policy Act (NEPA) is also required.

1 Exhibit 1

2 Exhibit 2

4.3. The General SEQRA Process

- 4.3.1. SEQRA requires environmental review at an early stage of the land transaction process. SEQRA requires a “lead agency” to properly define – or scope – the action under consideration before attempting to determine the environmental significance of the action. This requirement seeks to avoid segmenting the environmental review. Usually, all phases of a project must be considered at one time. For example, if an applicant wants to lease land to initially place two or three docks, but may ultimately develop the site into a marina, the scope of review should include the marina. Typically, the Corporation will be the lead agency for projects on land under the jurisdiction of the Corporation. However, in some cases, where it is to the Corporation’s benefit and is made with Corporation concurrence, a decision for a municipality or another State agency to assume SEQRA project lead may occur. Any finding of the municipality or State agency must be consistent with Canal rules, regulations, and policies. On non-Canal lead projects, the Corporation, as the landowner and an involved agency, may supplement a municipal determination by preparing a findings statement that would provide additional requirements pursuant to the Corporation’s approval processes.
- 4.3.2. SEQRA and environmental permitting requirements are complex and based on statutes, regulations, State agency guidance documents and court decisions. The Legal Department has an important role within this procedure and should be contacted if there are any questions, or if assistance or guidance is required during the SEQRA review.

4.4. Determining the Type of Action

- 4.4.1. The SEQRA regulations identify three types of SEQRA actions:
- Type I actions are those which have the greatest actual or potential for a significant environmental impact. They are listed in SEQRA TYPE I ACTIONS (6 NYCRR §617.4)¹.
 - Type II actions are those which do not have a significant environmental impact. Type II actions are exempt from further environmental review. They are listed in SEQRA TYPE II ACTIONS (6 NYCRR § 617.5)².

1 Exhibit 3

2 Exhibit 4

- Unlisted actions are those which are not Type I or II.

In addition, the Corporation completed a Generic Environmental Impact Statement (GEIS) for the Canal Recreationway Plan (CRP). Actions that were reviewed as part of the CRP need no further environmental review. They are described in Section 4.4.6.2. However, note that if the action to be taken has changed from the action in the CRP or has increased in scope, additional environmental review is necessary.

- 4.4.2. The applicant will submit an application form and provide information to the Corporation to initiate the land transaction process.
- 4.4.3. The Division Permit Engineer (DPE) will review the CANAL INQUIRY (TA-N99114) and determine, with the advice of the Division Environmental Specialist and/or Headquarters' OTPES, whether a Short Environmental Assessment Form (SEAF) or Full Environmental Assessment Form (FEAF) is required, and will forward the appropriate form to the applicant with the application package.
 - 4.4.3.1. At a minimum, a SEAF must be prepared by the applicant. Part 1 is completed by the applicant and Part 2 is completed by the lead agency. A SEAF can be used for environmental assessment of an unlisted action and can fully satisfy the lead agency's requirements under SEQRA. However, agencies are free to prepare (or cause to prepare) a FEAF where circumstances warrant obtaining additional information.
 - 4.4.3.2. The preparation of a FEAF is mandatory for all Type I actions. The FEAF consists of three major parts. Part 1 is completed by the applicant. Part 2 contains questions that establish the magnitude of the proposed project's environmental impacts. Part 3 is to be completed if one or more potentially significant environmental impacts have been identified in Part 2. Part 2 and Part 3, if applicable, are completed by the lead agency.
- 4.4.4. The applicant will complete Part 1 of the SEAF or FEAF and return the form with the completed application package.

- 4.4.5. Upon submittal of the complete application package, including the SEAF or FEAF, the Division Canal Engineer (DCE), DPE, Division Environmental Specialist and/or OTPES as appropriate will review the application and determine if the application should be progressed based on known and/or potential environmental impacts associated with the project.
- 4.4.6. If the application is progressed, the DCE, in consultation with the DPE and the Division Environmental Specialist and/or OTPES, will review the SEAF or FEAF and determine whether the action is exempt from environmental review under SEQRA or whether this activity was considered under the GEIS for the CRP.
- 4.4.6.1. Type II actions are not subject to further environmental review under SEQRA. OTPES and/or the Legal Department should be contacted if there are any questions whether an action is Type II or not.
- 4.4.6.2. The GEIS completed for the CRP provides an evaluation for already established uses of the Canal System. Since these uses have already been evaluated under SEQRA, no further review is required for the following actions if the scope of the action is the same as the action now proposed:
- Permitting upland property owners or public entities access to the Canal where no construction, reconstruction or other work is conducted on the permitted premises;
 - Renewal of existing permits for uses deemed to be consistent with the goals and objectives of the CRP where the use and intensity of use are identical to the original permit;
 - Permits for simple wooden docks requiring no other construction or reconstruction and containing less than 100 feet of linear dockage and moorings for four or fewer boat slips;
 - Installation of directional and interpretive signage not exceeding 80 square feet; and
 - Installation of fencing or other simple barriers designed to protect the health, safety and welfare of the general public.

- 4.4.7. If the action does not require further review (e.g., Type II action or under the GEIS), then the DCE need not complete Part 2 or Part 3 of SEAF or FEAF. The DCE will complete DOCUMENTATION OF PROJECTS THAT DO NOT REQUIRE FURTHER SEQRA REVIEW⁺, to document that no further review is necessary, and put this form in the Project Record.
- 4.4.8. If the action is subject to further SEQRA review, the DCE, in consultation with the DPE and Division Environmental Specialist and/or OTPES, will determine whether the action is a SEQRA Type I action or Unlisted Action in accordance with 6 NYCRR §617.4.
- 4.4.9. For Type I and unlisted actions inconsistent with use of a SEAF or if the applicant has not submitted a FEAF, the DCE will provide the applicant with a FEAF and instruct the applicant to prepare Part 1 of the document. Review cannot continue until applicant returns the FEAF.

4.5. Determining Other Agency Involvement and Review

- 4.5.1. The DCE, in consultation with the DPE and Division Environmental Specialist and/or OTPES, will determine whether the action includes other “involved” and/or “interested agencies” that will need to review the SEQRA documentation for the land transaction.
- 4.5.2. If the application is for a Type I action and there are other involved agencies, the DCE, in consultation with OTPES, will initiate lead agency coordination with the other involved agencies pursuant to 6 NYCRR §617.6. The Legal Department should be contacted to assist if needed.

+ Exhibit 5

- 4.5.3. If the application is for an unlisted action and there are other involved agencies, the DCE, in consultation with the Corporation's Office of Land Management (OLM) and OTPES, will decide whether to pursue a coordinated or uncoordinated review with the other involved agencies, after determining whether a coordinated SEQRA review would better protect the interest of the Corporation. In a coordinated review, one agency is chosen to be the lead agency. In an uncoordinated review, each agency would act independently and make its own findings. The Legal Department should be contacted to assist if needed.
- 4.5.4. When the Corporation is not the lead agency, a permit, lease, sale or easement may not be issued until a Type II determination, a negative declaration or a Final Environmental Impact Statement (FEIS) has been received and reviewed by the Corporation and the ultimate decision has been made for the transaction. In the case of a FEIS, the Corporation must also issue a Findings Statement.

4.6. Determining if the Action is in a Coastal Zone

If the action is either a Type I or unlisted action and is in the coastal area, the provisions of 19 NYCRR Part 600 apply. This provision applies whether the Corporation is the lead agency or an involved agency. The following areas are designated as coastal zones:

- The western end of the Erie Canal, from the Niagara River easterly for approximately 4.02 miles; and
- The northern end of the Oswego Canal, from Lake Ontario southerly for approximately 1.74 miles.

4.7. Determining Environmental Significance

- 4.7.1. If the Corporation is the designated lead agency under SEQRA, the DCE, in consultation with the DPE and Division Environmental Specialist and/or OTPES, will draft Part 2 of the SEAF or FEAF and, if necessary, a visual EAF addendum.

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- 4.7.2. The DCE will make a draft recommendation regarding the environmental significance of the proposed action. Part 2 of the SEAF or FEAF and DETERMINING ENVIRONMENTAL SIGNIFICANCE UNDER SEQRA (6 NYCRR §617.7)⁺ shall be used to determine the environmental significance. If needed, OTPES and/or the Legal Department should be contacted to assist.
- 4.7.3. The DCE will forward the SEQRA documents and recommendations to the OTPES,. The DCE will notify OLM that the SEQRA documents and recommendation have been forwarded to Headquarters.
- 4.7.4. The OTPES will review the application, the SEAF or FEAF and any recommendations from DCE and make a final recommendation of environmental significance to the Chief Engineer. The Chief Engineer has been delegated the authority by the Canal Board to review and make SEQRA determinations on behalf of the Corporation for land transactions under the contracts program. For other land transactions, the Canal Board will review, make SEQRA determinations, and once a SEQRA determination is made, delegate as appropriate the final sign-off of the determination.
- 4.7.5. If the Corporation issues a positive declaration (i.e., there is the potential for a significant environmental impact), a permit, lease, sale or easement may not be issued until there is further environmental study and review. The Chief Engineer will notify OTPES, and OLM. In consultation with OLM, OTPES will contact the Legal Department as necessary for further SEQRA process advice. OLM will also notify the Division Canal Engineer of the determination.
- 4.7.5.1. OLM will notify the applicant of the positive declaration and the applicant will be required to obtain all necessary information needed to develop a Draft Environmental Impact Statement (DEIS).
- 4.7.5.2. OLM will coordinate review with the Legal Department who has review and oversight responsibility for the SEQRA process following the submittal of the DEIS.
- 4.7.5.3. The lead agency will ensure that copies of the DEIS are forwarded to other involved or interested agencies.

+ Exhibit 6

4.7.6. If the Corporation issues a negative declaration (i.e., there will be no significant environmental impact), the Chief Engineer or his designee will notify OLM.

4.7.6.1. The lead agency will send a copy of the negative declaration to other involved agencies and interested agencies, the DCE, applicant and the Legal Department.

4.7.7. It is important to note that at any time prior to its decision, the Corporation may have its negative declaration superseded by a positive declaration by any other involved agency. If this happens, no permits, leases, sales or easements can be granted until the involved agency requirements are satisfied.

4.7.8. The Corporation, as lead agency, may issue a conditioned negative declaration as part of its determination of environmental significance for an unlisted action only. The applicant must have completed a FEAF, coordinated review must have been completed, and the lead agency must find that all identified significant environmental impacts can be mitigated by conditions imposed upon the applicant. A 30-day public comment period must also be provided. This eliminates the need to prepare an EIS. The Chief Engineer or his designee must confer with the Legal Department to ensure that all SEQRA requirements have been met.

4.7.9. Original documents will be maintained in the Project Record.

5. Complying with §139-j and §139-k of the State Finance Law (Lobbying Law)

Any contact (inquiry, etc.) made regarding a real property transaction following the TRANSACTION ANALYSIS/RECOMMENDATION (TAR) form approval for negotiated sales and subsequent to the first notice of a competitive process for disposal of such real property (solicitation, RFP, etc.) is subject to the Lobbying Law and must be recorded. See the Executive Instruction entitled INAPPROPRIATE LOBBYING INFLUENCE IN AUTHORITY/CORPORATION PROCUREMENTS.

6. Responsibilities

The DCE will coordinate a review of the application, including SEQRA documents, review the SEQRA SEAF/FEAF and determine whether the action is exempt from environmental review. For exempt actions, the DCE will complete Exhibit 5 and ensure the form is retained in the file. The DCE will determine whether there are other involved and/or interested agencies, complete Part 2 and/or Part 3 (if applicable) of the SEAF/FEAF and provide a recommendation as to potential environmental impacts to Headquarters.

The Division Environmental Specialist will work with the DCE on the initial SEQRA review.

The DPE will review the CANAL INQUIRY determine whether the applicant should file a SEAF or FEAF and provide the applicant with the appropriate form. The DPE will work with the DCE on the initial SEQRA review.

OTPEs will receive SEQRA documents and Division recommendations and work with OLM and the DPE to coordinate the SEQRA review at Headquarters level and provide recommendations to the Chief Engineer.

OLM will oversee the SEQRA process when a positive declaration has been issued and an environmental impact statement and review are required.

The Legal Department will assist with any SEQRA procedural questions and assist with the SEQRA process as needed.

7. Definitions

Actions include:

1. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency;
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;

2. Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
3. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
4. Any combination of the above.

Coordinated Review is a process that establishes a lead agency when more than one agency is involved in the review to ensure the satisfactory completion of the SEQRA process. A coordinated review is required for Type I actions and is optional for unlisted actions.

Involved Agency is any agency that has jurisdiction by law to fund, approve or directly undertake an action.

Interested Agency is any agency that lacks the jurisdiction to fund, approve or directly undertake an action, but wishes to participate in the review process because of its specific expertise or concern about a proposed action.

Mitigation is a way or method to avoid or minimize adverse environmental impacts.

Negative Declaration is a written determination by a lead agency that the implementation of the action as proposed will not result in any significant adverse environmental impacts.

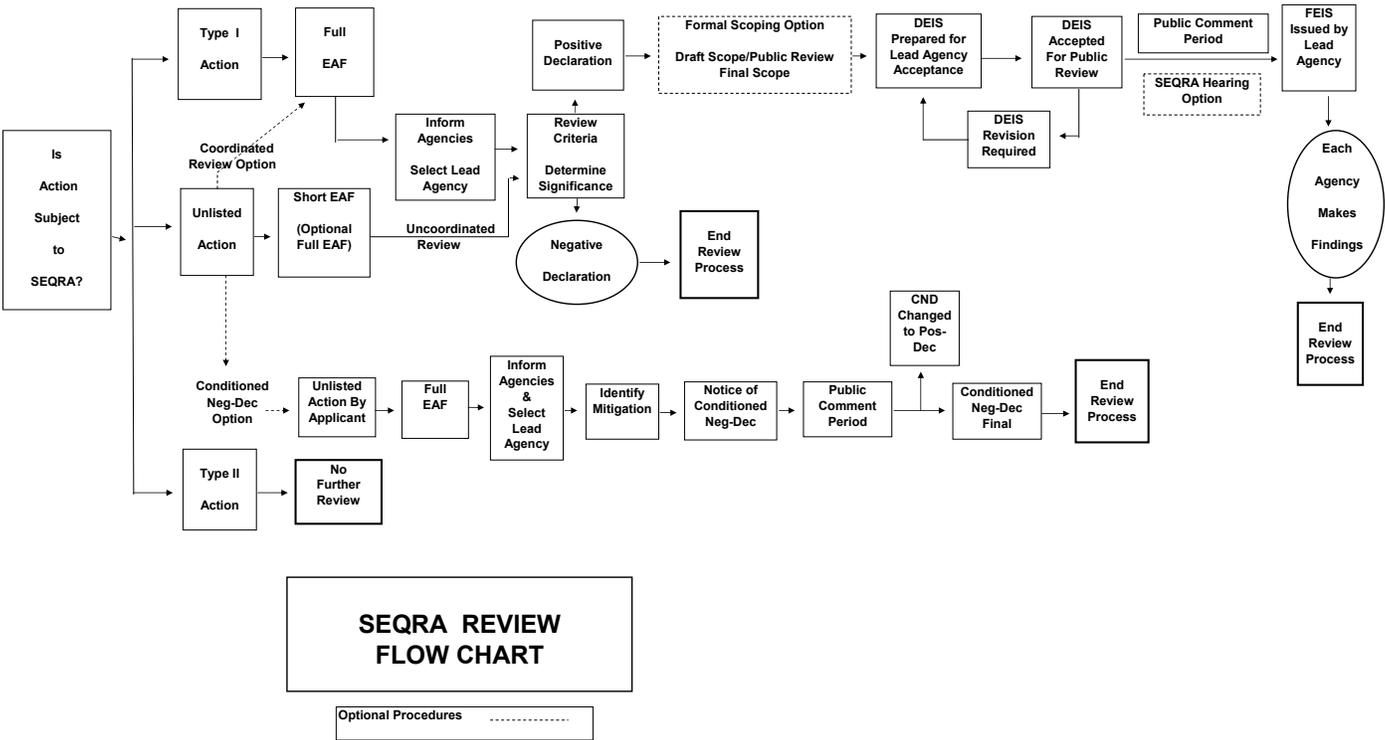
Positive Declaration is a written statement prepared by the lead agency indicating that implementation of the action as proposed may have a significant adverse impact on the environment and that an environmental impact statement will be required.

Segmentation is the division of the environmental review of an action such that various activities or stages are addressed under SEQRA as though they were independent, unrelated activities, needing individual determinations of significance.

State Agency is any State department, agency, board, public benefit corporation, public authority or commission.

Uncoordinated Review is a process in which more than one agency is involved in the SEQRA review process and there is no lead agency. Each agency proceeds as if it was the only one involved and each agency makes its own determination of significance. An uncoordinated review may be done for unlisted actions.

8. SEQRA Flowchart



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EXHIBIT 1
FLOODPLAIN MANAGEMENT CRITERIA FOR STATE PROJECTS (6 NYCRR PART 502)
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The Corporation must ensure that the use of property under the jurisdiction of the Corporation and the siting, construction, administration and disposition of property under the jurisdiction of the Corporation and State-financed facilities are conducted in ways that will minimize flood hazards and losses. For projects within a flood hazard area, the Corporation must ensure that the project meets regulatory requirements by considering and documenting the following criteria. These requirements do not include projects involving ordinary maintenance and repair of existing structures or facilities. Contact Geographic Information Systems (GIS) for identification of flood hazard areas.

I. Determination of Flood Hazard Area Boundaries and Base Flood Elevations

- ___ 1. Has the New York State Department of Environmental Conservation (NYSDEC) designated the flood hazard areas and/or base flood elevations for the project location on a flood hazard boundary map or flood insurance rate map or a flood insurance study? If no, these must be determined by the Corporation in cooperation with NYSDEC. Contact GIS for assistance.

II. Floodplain Management Criteria for Projects in Flood Hazard Areas

A. Areas where the regulatory floodway or coastal high hazard area has not been designated within the flood hazard area

- ___ 2. Are there alternative locations for the project which would not involve a flood hazard area?
- ___ 3. Does the applicant have all required permits? See Exhibit 2 for permits that may be required.
- ___ 4. Is the project designed and adequately anchored to prevent floatation, collapse or lateral movement?
- ___ 5. Is the project constructed with materials and utility equipment resistant to flood damage?
- ___ 6. Is the project constructed by methods and practices to minimize flood damage?

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- 7. Is the project designed and constructed to minimize flood damage in the flood hazard area?
- 8. Are all public utilities and facilities (e.g., sewer, gas, electric and water systems) located and constructed to minimize or eliminate flood damage?
- 9. Is there adequate drainage to reduce exposure to flood hazards?
- 10. For new and replacement water supply systems, are they designed to minimize or eliminate infiltration of floodwaters into the systems?
- 11. For new and replacement sanitary sewage systems and waste disposal systems, are they designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters? Are they located to avoid impairment to the disposal system or contamination during flooding?
- 12. For new residential structures and substantial improvements on existing residential structures, is the lowest floor (including basement) elevated to not less than one foot above the base flood level?
- 13. For new nonresidential structures and substantial improvements on existing structures, is the lowest floor (including basement) elevated or flood-proofed to not less than one foot above the base flood level? Is the structure (including utility and sanitary facilities) below this elevation watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy?
- 14. If flood proofing is used to comply, a New York licensed professional engineer or architect must certify that the method is adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
- 15. Records must include the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of new or substantially improved structures, specify if there is a basement, and the elevation to which a structure was flood-proofed (if applicable).
- 16. If a watercourse is altered or relocated, has the local municipality and NYSDEC been notified? Will the flood carrying capacity be maintained?

FLOODPLAIN MANAGEMENT CRITERIA FOR STATE PROJECTS (6 NYCRR PART 502)

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- ___ 17. Will the cumulative effect of the project, combined with all other existing and anticipated development, cause any material flood damage to the existing development?
- ___ 18. The following should not be undertaken in any flood hazard area: (i) bulk storage of chemicals (including petroleum), hazardous or toxic substances or floatable materials; (ii) hospitals, rest homes, correctional facilities, dormitories, patient care facilities; (iii) major power generation, transmission or substation facilities, except for hydroelectric facilities; (iv) major communication centers, such as civil defense centers; or (v) major emergency service facilities, such as central fire and police stations.
- ___ 19. In riverine situations, has it been demonstrated that the cumulative effect of the proposed project, combined with all other existing and anticipated development, will not increase the existing water surface elevation of the base flood more than one foot at any point? This does not apply if there is less than one square mile of drainage area for the watercourse above the project site and NYSDEC has not provided flood base elevations.
- ___ 20. If there will be mobile homes, see additional requirements in 6 NYCRR §502.4. These must also be documented in the project file.

B. Areas where the regulatory floodway has been designated within the flood hazard area

- ___ 21. Answer questions #2-18 above.
- ___ 22. No part of the project can be placed or located in the adopted regulatory floodway that will result in an increase in flood levels during the occurrence of the base flood discharge, unless the effect on flood level is completely offset by the creation of equal floodway hydraulic capacity at that point.
- ___ 23. No mobile homes can be placed in the adopted regulatory floodway.

C. Areas where the coastal high hazard area has been designated within the flood hazard area

- ___ 24. Answer questions #2-15 and 18 above.
- ___ 25. Are new structures located landward of the reach of mean high tide?

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___26. Are all new structures and substantial improvements of existing structures elevated on adequately anchored pilings or columns and securely anchored to them, so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to not less than one foot above the base flood level?

___27. Has a New York licensed professional engineer or architect certified that the structure is securely anchored to adequately anchored pilings or columns in order to withstand high velocity waters and hurricane wave wash?

Note: Questions 26 and 27 do not apply to temporary structures with recreational uses or marine uses such as bridges, docks, jetties, piers, breakwaters or groins.

___28. In all new structures and substantial improvements of existing structures is there space below the lowest floor free of obstructions or constructed with breakway walls intended to collapse under stress without jeopardizing the structural support of the structure? Temporarily enclosed space cannot be used for human habitation.

___29. There can be no use of fill for structural support of structures.

___30. There can be no mobile homes.

___31. There can be no alteration of sand dunes which would increase potential flood damage.

___32. None of the following projects can be undertaken within any levee protected area unless the entire project or the lowest floor of the project is elevated to at least one foot above the base flood level: (i) the facilities listed in #18; and (ii) transportation facilities which provide a major access route to any other listed facilities.

Other notes and comments:

Prepared by: _____

Date: _____

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EXHIBIT 2

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**ENVIRONMENTAL PERMITS POTENTIALLY APPLICABLE TO PROJECTS ON CANAL
CORPORATION LAND**

Permit Description	Permit Required?	
<p>Freshwater or Tidal Wetlands Permit—needed to develop or otherwise disturb wetlands subject to regulation by any federal, State, or local agency. Applications should be made to all agencies with jurisdiction over a particular wetland area.</p> <ul style="list-style-type: none"> ○ NYSDEC ○ County, City, or Town ○ Adirondack Park Agency ○ U.S. Army Corps of Engineers 	Yes	No
<p>Protection of Waters Permit</p> <ul style="list-style-type: none"> ○ Disturbance of the Bed or Banks of a Protected Stream or Other Watercourse—required for disturbing the bed or banks of a stream with a classification and standard of C(T) or higher (disturbance may be either temporary or permanent in nature). ○ Construction, Reconstruction or Repair of Dams and other Impounding Structures—required when constructing, reconstructing, repairing, or modifying dams and water impounding structures that permanently or temporarily impound water as a result of a structure placed across a watercourse or overland drainage way or which receive water from an external source such as drainage diversion or pumping of ground water. ○ Construction, Reconstruction or Expansion of Docking and Mooring Facilities—required for constructing, reconstructing, or repairing docks or platforms and installing moorings on, in or above navigable waters to create docking facilities, mooring areas or to facilitate other activities. 	Yes	No

**ENVIRONMENTAL PERMITS POTENTIALLY APPLICABLE TO PROJECTS ON CANAL
CORPORATION LAND**

Permit Description	Permit Required?	
<ul style="list-style-type: none"> ○ Excavation or Placement of Fill in Navigable Waters and Their Adjacent and Contiguous Wetlands—required for excavating or placing fill in navigable waters of the State, below the mean high water level, including adjacent and contiguous marshes and wetlands. ○ Water Quality Certifications for Projects Requiring a Federal Permit—required when placing fill or undertaking activities resulting in a discharge to waters of the United States where, for example, a permit is required from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. 	Yes	No
Rivers Act Permit —may be required when developing land near a wild, scenic, or recreational waterway. Applications must be made to any federal, state, or local agency with jurisdiction over the particular waterway segment under consideration.	Yes	No
Coastal Erosion Hazard Area Permits – required for construction, modification, restoration and activities in an area designated as a coastal erosion hazard area.	Yes	No
Air Pollution Control Permits —may be required before constructing a new source of air pollution or modifying an existing source of air pollution. Based on the level of emissions and types of pollutants, additional review, permits and requirements from NYSDEC and EPA may be required.	Yes	No
Bulk Petroleum Storage Registration —required if applicant intends to store petroleum products (whether below ground or above ground) or dispense petroleum products in the operation of the developed site or will be removing existing registered tanks.	Yes	No
Chemical Bulk Storage Permit – required when hazardous substances will be stored in tanks. A spill prevention report plan is also required.	Yes	No
Hazardous Waste Generator Identification Number —required from EPA if applicant will generate, store or treat hazardous waste during construction or operation.	Yes	No

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**ENVIRONMENTAL PERMITS POTENTIALLY APPLICABLE TO PROJECTS ON CANAL
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Permit Description	Permit Required?	
	Yes	No
Mined Land Reclamation Permit —required if the applicant will remove more than 1,000 tons of minerals from the ground in any 12 month period.	Yes	No
Solid Waste Management Facility Permit —required if applicant intends to store or process solid waste on the developed site.	Yes	No
State Pollution Discharge Elimination System (SPDES) Permit —required of any business that discharges any chemicals to the ground or surface water. Applicable during operation of the developed site as well as during construction of the site.	Yes	No
State Pollution Discharge Elimination System (SPDES) Stormwater Permit – required for construction that will affect more than one acre of land and required for operation of certain types of facilities with the potential to impact stormwater. A stormwater pollution prevention plan is also required.	Yes	No
Construction Permits —must be obtained from Corporation and/or other applicable agencies charged with ensuring that proposed construction is in accordance with all applicable building, fire and sanitary code requirements.	Yes	No
Floating Object Permit —required before placing any floating object in a navigable waterway. Issued by the agency with jurisdiction over the waterway.	Yes	No
U. S. Army Corps of Engineers (USCOE) Permits – required for a variety of activities affecting navigable waters including wetlands, dams, dikes, structures, dredging. Some permits are filed through a joint NYSDEC/USCOE application.	Yes	No
Other Permits Required:	Yes	No

Prepared by: _____

Date: _____

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SEQRA TYPE I ACTIONS (6 NYCRR §617.4)
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- (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 less than 150,000, 250 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 but less than 1,000,000, 1,000 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 greater than 1,000,000, 2,500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

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- (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 1,000 vehicles;
 - (iv) 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; or
 - (v) 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 non-agricultural 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) 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, or that has been proposed by the New York State Board For Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulations [CFR] Parts 60 and 63, 1994 [see Section 617.17 of this Part]);

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- (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, 1994 (see 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 SEQRA.

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SEQRA TYPE II ACTIONS (6 NYCRR §617.5)
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The following actions are not subject to review under SEQRA:

- (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 or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part;
- (3) 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;
- (4) repaving of existing highways not involving the addition of new travel lanes;
- (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- (6) maintenance of existing landscaping or natural growth;
- (7) construction or expansion of a primary or accessory/appurtenant, nonresidential 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;
- (8) 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;
- (9) 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 (11) of this subdivision and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
- (10) 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;

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- (11) 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;
- (12) granting of individual setback and lot line variances;
- (13) granting of an area variance(s) for a single-family, two-family or three-family residence;
- (14) public or private best forest management (silvicultural) 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;
- (15) minor temporary uses of land having negligible or no permanent impact on the environment;
- (16) installation of traffic control devices on existing streets, roads and highways;
- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (18) 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;
- (19) 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);
- (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

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- (21) 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;
- (22) collective bargaining activities;
- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) 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;
- (26) 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;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) 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;
- (29) 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;
- (30) adoption of a moratorium on land development or construction;
- (31) interpreting an existing code, rule or regulation;

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- (32) designation of local landmarks or their inclusion within historic districts;
- (33) 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 are fully subject to the review procedures of this Part;
- (34) actions undertaken, funded or approved prior to the effective dates set forth in SEQRA (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;
- (35) actions requiring a certificate of environmental compatibility and public need under article VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (36) 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
- (37) 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.

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EXHIBIT 5
DOCUMENTATION OF PROJECTS THAT DO NOT REQUIRE FURTHER SEQRA REVIEW

This form must be completed if the real property transaction under review does not require further SEQRA review pursuant to 6 NYCRR §617.5 or is identified in the Generic Environmental Impact Statement (GEIS) prepared for the Canal Recreationway Plan (CRP).

It has been determined that this action is exempt from SEQRA review because:

_____ Identified impacts (if any) of the action have been adequately addressed in the GEIS conducted with relation to the CRP, and the action now contemplated is the same scope of action addressed in the GEIS. The proposed action is:

-[or]-

_____ The proposed action is a SEQRA Type II action that will not require further environmental review. List appropriate number from Exhibit 4 in which the proposed action falls under and provide any additional explanation if needed:

Print Name of Reviewing Engineer: _____

Signature of Reviewing Engineer: _____ Date: _____

EXHIBIT 6
DETERMINING ENVIRONMENTAL SIGNIFICANCE UNDER SEQRA (6 NYCRR §617.7)
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Determining significance

(a) The lead agency must determine the significance of any Type I or unlisted action in writing.

- (1) To require an EIS for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact.
- (2) To determine that an EIS will not be required for an action, the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant.

(b) For all Type I and unlisted actions, the lead agency making a determination of significance must:

- (1) consider the action as defined in 6 NYCRR §617.2(b) and 6 NYCRR §617.3(g);
- (2) review the SEAF or FEAF, the criteria contained in subdivision (c) of this attachment and any other supporting information to identify the relevant areas of environmental concern;
- (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and
- (4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.

(c) Criteria for determining significance:

- (1) To determine whether a proposed Type I or unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:

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- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to 6 NYCRR §617.14(g);
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) the creation of a material demand for other actions that would result in one of the above consequences;

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- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
 - (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.
- (2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:
- (i) included in any long-range plan of which the action under consideration is a part;
 - (ii) likely to be undertaken as a result thereof; or
 - (iii) dependent thereon.
- (3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:
- (i) its setting (e.g., urban or rural);
 - (ii) its probability of occurrence;
 - (iii) its duration;
 - (iv) its irreversibility;
 - (v) its geographic scope;
 - (vi) its magnitude; and
 - (vii) the number of people affected.