

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Routine Program Change for New York State's Coastal Management Program							
Project Location (describe, and attach a location map): NYS Coastal Management Plan covers New York State's entire coastal area.							
Brief Description of Proposed Action: New York State Department of State (DOS), has prepared a Routine Program Change (RPC) for the New York State Coastal Management Program (NYS CMP) (15 C.F.R. §§ 923.81(a) and 923.84) under its authority as the program administrator pursuant to L.1975, c. 464, § 47. DOS is also the designated state agency with the authority to undertake an RPC for the NYS CMP in accordance with the federal Coastal Zone Management Act. This RPC is a programmatic action that: edits the NYS CMP, and updates the enforceable language and supporting policy explanation of Coastal Policy 29; updates all 44 coastal policies based on recent state laws, regulations, and administrative orders; makes the NYS CMP consistent with current New York State policy language as a result of these new statutes; and removes typographical errors and inconsistencies along with other style and formatting edits.							
Name of Applicant or Sponsor: New York State Department of State		Telephone: (518) 474-6000 E-Mail: riobart.breen@dos.ny.gov					
Address: Office of Planning and Development - 99 Washington Avenue, Suite 1010							
City/PO: Albany		State: New York	Zip Code: 12231				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: NYS Department of State

Date: September 12, 2016

Signature: 

Project: Routine Program Change - NYS CMP

Date: September 12, 2016

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

New York State Department of State (DOS), has prepared a Routine Program Change (RPC) for the New York State Coastal Management Program (NYS CMP) in accordance with 15 C.F.R. §§ 923.81 and 923.84 and through its authority as the program administrator pursuant to L. 1975, c. 464, § 47. DOS is also the designated state agency with the authority to undertake an RPC for the NYS CMP in accordance with the federal Coastal Zone Management Act. (16 U.S.C. §§ 1455(d)(6); 1455(e); 15 C.F.R. § 923.47). DOS, as lead agency and the sole preparer of this action (6 NYCRR § 617.6(b)(1)), has determined that the RPC will not have significant adverse impacts on the environment. (6 NYCRR § 617.7). The State Coastal Assessment Form (CAF), prepared in accordance with 19 NYCRR § 600.4, was completed prior to DOS’s determination of significance as required by SEQRA (6 NYCRR Part 617). DOS’s prior completion of the CAF assisted the agency in arriving at the determination that this programmatic action will not have a significant adverse effect on the environment and this conclusion is also based upon the contents of the short-form Environmental Assessment Form, the CAF, and the criteria for determining significant in 6 NYCRR § 617.7(c). A Draft Environmental Impact Statement will not be prepared.

Name of Action: Routine Program Change to the New York State Coastal Management Program

SEQR Status: Unlisted

Description of Action: The RPC is a programmatic action inclusive of the updating of the language in enforceable Coastal Policy 29 including an updated policy explanation, an update to the state authorities supporting the New York State Coastal Management Program’s enforceable 44 coastal policies based on recent state laws, regulations and an administrative decision, and conforming edits to update program language and reflect current New York State policy. The RPC also removes obsolete passages, agency titles, and general New York State policies (as distinguished from the enforceable coastal policies) that no longer apply to current, pending, or future federal license applications for licensing, permitting, or other forms of approval. These changes will have a beneficial effect on the enforceable coastal policies by providing for the timely and accurate review of proposed federal agency actions that will have reasonably foreseeable effects on the State’s coastal resources and uses. The RPC also includes corrections of typographical errors and

inconsistencies along with other style and formatting edits improving readability, clarity and uniformity in language. All edits will assist DOS in preparing future RPC submissions on a routine basis.

The updates to all 44 enforceable coastal policies reflect recent passage and adoption of State laws, regulations and administrative orders and reflect the most recent statutory framework and policies of New York State. The NYS CMP language throughout the document includes conforming language to be consistent with current New York State policy language as reflected in the State laws, regulations and administrative orders. The RPC has beneficial effects on the environment and includes consistent statewide planning for water and land uses including water dependent uses, operation of major ports, small harbors, public, recreational opportunities, and structures, sites or districts of historic, archeological or cultural significance to the State or nation. The additional State authorities also provides for the beneficial effect of consistent Statewide consideration of Significant Coastal Fish and Wildlife Habitats (19 NYCRR Part 602), scenic resources of statewide significance (19 NYCRR Part 602), important agricultural lands, commercial and recreational use of fish and wildlife resources, and the scenic quality of the coastal environment. Federally approved Local Waterfront Revitalization Programs will also benefit through participating and contributing local consistency reviews within the context and framework of an updated NYS CMP. (19 NYCRR Part 601).

The updated language added to Policy 29 incorporates New York State energy policy as presented in NYS Energy Law Article 6: Energy Planning, NYS Public Service Law Article 10: Siting of Major Electric Generating Facilities, the 2015 New York State Energy Plan and the New York State Public Service Commission Order Adopting a Clean Energy Standard (Issued and Effective August 1, 2016 - Cases 15-E-0302 & 16-E-0270). The updates to Policy 29 provide clarification to the original intent of the policy by encompassing all offshore resources and uses on the outer continental shelf and in New York's state coastal waters, including the development of renewable energy resources and facilities and the identification and recognition of ocean and Great Lakes habitats. The updates to Policy 29 are not a pre-determination of an outcome for any future energy project located in New York State or federal waters. The change is intended to be consistent with current New York State energy policy and planning and further intended to be a beneficial change that will reflect positive impacts on the environment by advancing offshore habitat protection.

The removal of typographical errors will improve readability and improve clarity. Edits to table format and style, including Appendix F and the Table of Contents, will provide for the ease of future updates by simply adding new rows for additional statutes or other legal authorities for future program changes. The renumbering of tables and correction of table reference errors will improve clarity and readability, and eliminate possible confusion. The conversion of footnotes to corresponding endnotes will improve

readability and eliminate the complexity of excessive repagination resulting from the use of footnotes in future routine program changes.

DOS will submit this RPC to the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Management for their concurrence that the changes do constitute an RPC, prepared in accordance with 15 C.F.R. §§ 930.81 and 923.84 and for the incorporation of changes to the NYS CMP.

**Location:** New York's entire coastal area as defined in Executive Law § 911(1).

### **Reasons Supporting this Determination:**

The NYS CMP is and remains the framework for government decision-making which affects New York's coastal area and contains New York State's enforceable 44 coastal policies and 13 Long Island Sound coastal policies that are intended to either promote the beneficial use of coastal resources, prevent their impairment, or deal with major activities that substantially affect coastal resources and uses. The RPC has only beneficial environmental effects and DOS finds that program changes would advance the NYS CMP enforceable coastal policies.

While the CMP applies to New York State's entire coastal area, the RPC is a programmatic action that has no direct adverse impacts on any elements included in items 1 through 11 in the EAF, Part II. This RPC includes an update to the enforceable language and supporting policy explanation of enforceable Coastal Policy 29; the addition and removal of State authorities to all 44 coastal policies based on recent state laws and regulations; conforming edits that update the NYS CMP to make it consistent with current New York State policy language as a result of these new statutes; and removal of typographical errors and inconsistencies along with other style and formatting edits. These are necessary because of changing conditions, contexts, language, policies, and standards over the past several decades since New York's CMP was first created. Changes will improve readability, clarity and uniformity in language. The update to Coastal Policy 29 will allow New York State to more fully implement and advance the State's coastal policies relating to protection, preservation, and restoration of Significant Coastal Fish and Wildlife Habitats while advancing the appropriate development of offshore renewable energy and identifying those areas important to New York's coastal uses and resources to minimize or eliminate negative coastal area impacts.

This programmatic action will also advance the state policies in Executive Law § 912 and implementing regulations in 19 NYCRR Part 600, which encompass the Congressional findings and declarations of the federal Coastal Zone Management Act. (16 U.S.C. §§ 1451 and 1452). While the RPC will have broad applicability for New York State's coastal area, state waters and offshore areas of the Atlantic Outer Continental Shelf, this RPC

will advance the State's coastal policies relating to sustainable offshore energy development, including renewable energy, and the protection, preservation, and restoration of Significant Coastal Fish and Wildlife Habitats (19 NYCRR Part 602) and Critical Environmental Areas (6 NYCRR § 617.14(g)). The RPC will not have a significant adverse effect on existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems but will instead seek to constructively and beneficially address these environmental concerns through the comprehensive updated changes.

DOS has already determined through its completion of a CAF in accordance with 19 NYCRR § 600.4, that the RPC is consistent with all of New York State's enforceable coastal policies and will have no significant adverse impacts on New York's coastal area and there are no significant adverse impacts to the environment that may be reasonably expected to result from the proposed action. The RPC does not direct an action involving alterations to the environment (6 NYCRR § 617.7(c)(1)(i)) or create a conflict with a community's current plans or goals as officially approved or adopted (6 NYCRR § 617.7(c)(1)(iv)). The RPC provides for the protection of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character (6 NYCRR § 617.7(c)(1)(v)) and is not a major change in either the use in quantity or type of energy (6 NYCRR § 617.7(c)(1)(vi)). There are no human hazards identified within this RPC and the updating of a program that is not accompanied by any associated concurrent decision-making will lead to the change in land use (6 NYCRR § 617.7(c)(1)(vii) and (viii)), alter patterns of human travel (6 NYCRR § 617.7(c)(1)(ix)), or present or lead to the creation of cumulative impacts of reasonably related long-term, short-term, direct, indirect and cumulative impacts (6 NYCRR § 617.7(c)(1)(xi) and (xii) and (2)). Instead the RPC is a programmatic update to ensure that federal and state consistency reviews of individual fact-specific actions, which are outside the purview of this programmatic action, are completed in accordance with the most recent New York State information, which is a benefit and not a detriment to the environment.

As the RPC contents are not a predetermination of a federal or state consistency review, this programmatic action is not a determination of a particular action or the demonstration of a preference for a particular outcome or review. DOS has determined that the proposed action would be undertaken in a manner consistent with, and would advance, applicable State coastal policies and lead to the protection of natural resources and appropriate development and uses of the coastal area. The RPC also does not have a significant adverse impact on the criteria in 6 NYCRR § 617.7(c) for determining significance and the completion of a draft Environmental Impact Statement is not required for this action. (6 NYCRR § 617.7(a)).

Agency Use Only [If applicable]

Project: Routine Program Change - NYS CMP

Date: September 12, 2016

**For Further Information Contact:** Riobart Breen, Ocean and Great Lakes Program, NYS Department of State, Office of Planning and Development, 99 Washington Avenue, Suite 1010, Albany, NY 12231-0001, (518) 473-3368

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

New York State Department of State

September 12, 2016

Name of Lead Agency

Date

Sandra Allen

Deputy Secretary of State, Office of Planning and Dev't

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)