

FREQUENTLY ASKED QUESTIONS

The Public Role in State Environmental Quality Review Act (SEQRA) and the “Scoping” Process



What is SEQR?

In New York, SEQR requires all state, regional and local government agencies to determine, at the earliest possible time, whether “actions” (projects or activities they undertake or fund directly, or that require their approval), may have a significant impact on the environment. If the proposed action is seen to have at least one environmental impact, then agencies must issue a “positive declaration of significance” (pos dec) and require the preparation of an environmental impact assessment (EIS).

An important aspect of SEQR is the public’s ability to participate in the environmental assessment process. They have several opportunities, beginning with public input in the preparation of a “scope,” which will guide and direct the project sponsor’s preparation of the draft environmental impact statement (DEIS). The lead agency has the discretion to conduct scoping; if it does so, state regulations require an opportunity for the public (as well as interested agencies) to participate in the process.

What is a DEIS and why is it important?

It is the primary source of environmental information to help involved agencies consider environmental concerns in making decisions about a proposed action. The DEIS examines the nature and extent of an action’s identified potential environmental impacts, as well as steps that could be taken to avoid or minimize these impacts. As noted above, if the lead agency chooses to conduct scoping, the public has the opportunity to comment on a “draft scope,” providing input in the development of the DEIS.

What is scoping?

Scoping is a process that develops a written document (final scope) outlining the topics and analyses of an action’s potential environmental impacts that will be addressed in a DEIS.

The scoping process is intended to:

- Focus the EIS on potentially significant adverse impacts and eliminate considerations of those impacts that are irrelevant or nonsignificant;
- ensure public participation in the EIS development process;
- allow open discussion of issues of public concern; and
- permit inclusion of relevant, substantive public issues in the final written scope.

Who prepares the scope?

Either the lead agency or the project sponsor. The project sponsor must submit a draft scope to the lead agency that complies with the requirements of SEQR. Once formal scoping has started, the lead agency directs the process and preparation of the final written scope.

What is the lead agency’s role in the scoping process?

It must provide the draft scope to all involved agencies and any that express interest in writing, ensuring an opportunity for them and the public to offer input. Under SEQR, this opportunity is required. The lead agency may provide it by circulating the draft scope and providing time for the public to submit written comments, holding one or more public meetings, or a combination of these. Written comments create a clearer record for the lead agency to use in developing the final scope.



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Why is public participation in developing the scope important?

Public involvement reduces the likelihood that unaddressed issues will arise during public review of the draft EIS. From the public's perspective, scoping is important because it offers an opportunity to ensure the DEIS is as comprehensive as possible to minimize the project's environmental impact on the community. It also increases the likelihood the project will be consistent with community values.



What is considered "the environment" in this environmental review?

The definition is very comprehensive and includes impacts relating to:

- Land use, zoning and public policy
- Vegetation and wildlife
- Geology, soils and topography
- Storm water, waste water
- Water Supply, surface water, ground water
- Wetlands
- Cultural resources
- Solid waste
- Air quality
- Noise
- Community character, community services
- Socioeconomic, fiscal

Writing Effective Scoping Comments

Scoping comments from the public and other agencies provide the environmental review process with a broader perspective. The outline below can help guide you when writing an effective scoping comment, ensuring the DEIS prepared by the project sponsor is relevant, comprehensive and addresses concerns of all potentially impacted stakeholders.

IMPACT—Introduce yourself, your purpose for writing and potential impacts of concern—e.g., water/air quality, farmland, open space, recreational resources, climate change, fish and wildlife, culture, economics, health. State direct, indirect or cumulative impacts you want studied:

- *"Please study health effects of an oil spill contaminating drinking water sources."*
- *"Study maintenance, monitoring, training and management of pipeline operators."*

SIGNIFICANCE—Describe the significance of the impact(s). Define the breadth of study necessary to address adequately the impact's significance in terms of time, geography and populations affected. For example:

- *"Please study the pipelines' impacts on the Hudson River's sturgeon population."*
- *"Please study the pipelines' impacts on water quality in perpetuity. A spill could cause crude oil contamination to remain in a Hudson River tributary for decades."*

FORESEEABLE—Provide support as to why impact(s) is/are foreseeable:

- Link the proposed project to effects that are reasonably foreseeable—e.g.: *"Please study the impact of increased amounts of oil transported via the pipelines."*
- If available, offer supporting information or research regarding potential harms.

ALTERNATIVES—Identify alternative(s) you want the DEIS to consider, including no alternative (where the project is not permitted), mitigations and other courses of action.