

SEQRA PROCESS SUMMARY

Set forth below is a brief outline of the principal steps in the environmental review process under the New York State Environmental Quality Review Act and its implementing regulations (“SEQRA”). A flow chart with applicable regulatory timeframes¹ of the SEQRA process follows this outline.

I. Commencement of an Action. Initiation of a direct action by an agency or receipt by an agency of an application for review (“Action”) accompanied, in either case, by an Environmental Assessment Form (“EAF”).

II. Classification of the Action. The Agency initiating a direct action or receiving the application (“Agency”) classifies the Action as Type I, Type II, or Unlisted, as specified in the SEQRA regulations. In making this classification, the Agency must consider the whole action, including all its components, phases, and aspects.

III. Coordinated Review of the Action. The Agency undertakes a Coordinated Review by (1) identifying other persons, agencies or entities that have permitting or other approval authority over any aspect of the Action (“Involved Agencies”); and (2) circulating a Notice of Intent to be Lead Agency to the other Involved Agencies. Unless an objection is received within 30 days from the date of the Notice, the Agency becomes the Lead Agency for purposes of conducting the environmental review of the Action.

IV. Determination of Significance. The Lead Agency makes a Determination of Significance (whether the Action has the potential to cause or result in at least one significant adverse environmental impact), based upon its review of Part 1 of the EAF and its completion of Parts 2 and 3 of that EAF. A Positive Declaration that the Action may have a significant adverse affect on the environment requires the preparation of an Environmental Impact Statement (“EIS”). The Lead Agency must make its determination

¹ Generally may be extended by agreement of Agency and Project Sponsor.

within 20 days of its establishment as lead agency, or within 20 calendar days of its receipt of all information it may reasonably need to make the determination, whichever occurs later.

V. Scoping. Scoping creates a formal outline for the draft EIS. The Project Sponsor prepares a draft Scope, an opportunity for public participation in the scoping process is provided and the Agency approves a Final Scope. The SEQRA regulations allot 60 days for completion of the scoping process but that timeframe may be extended by agreement between the Lead Agency and the Project Sponsor.

VI. Preparation of DEIS. The Project Sponsor prepares a draft EIS (“DEIS”) and submits it to the Lead Agency. The Lead Agency reviews the DEIS, and, within 45 days, determines whether it is adequate for public review. In the event that the Lead Agency determines that the DEIS is not complete, the document will be returned to the Project Sponsor for revisions, accompanied by specific written comments or suggested changes. The Project Sponsor makes the required changes and resubmits the DEIS to the Lead Agency. Within 30 days of its resubmission, the Lead Agency determines completeness.

VII. Notice of Completion of DEIS. The Lead Agency prepares, files and publishes a Notice of Completion of the DEIS and Notice of Public Hearing on the DEIS, if applicable. If a public hearing is to be held it must take place a minimum of 15 days and a maximum of 60 days after filing of the Notice of Completion.

VIII. Public Hearings. The public hearing on the DEIS must be noticed in a newspaper of general circulation at least 14 days before the public hearing. The public hearing on the DEIS may be consolidated with hearings required by the Lead Agency for approvals of the components of the Action over which it has permitting or approval authority. If a public hearing is not held there is a minimum period of 30 days for public comment.

IX. Written Comment Period At the close of the DEIS public hearing, the Lead Agency establishes an additional period (minimum 10 days) for the submission of written comments on the DEIS.

X. Preparation of FEIS. The Project Sponsor prepares a Final Environmental Impact Statement ('FEIS') which responds to the comments on the DEIS received from other agencies, entities or the public. The Lead Agency is ultimately responsible for the content of the FEIS.

XI. Determination of Completeness of FEIS. The Lead Agency reviews the FEIS and determines its completeness.

XII. Notice of Completion of FEIS. The Lead Agency prepares, files and publishes a Notice of Completion of the FEIS. A Notice of Completion for the FEIS must be filed no more than 45 days after the close of the public hearing or within 60 days after filing of the DEIS, whichever is later.

XIII. Consideration Period. The Lead Agency, and all Involved Agencies, must wait at least 10 days before completing the environmental review process and making decisions on the Action.

XIV. Adoption of a Findings Statement. The Lead Agency adopts a Findings Statement summarizing its findings and conclusions regarding the environmental impacts of the Action. Lead Agency findings and decisions must be made within 30 days of filing the FEIS. Involved Agencies will adopt their own Findings Statements. This concludes the environmental review process and enables decisions to be made on the Action. Neither the Lead Agency nor any Involved Agency may make a decision on the Action until it adopts a Findings Statement.