

RESOLUTION TO ESTABLISH PROCEDURES TO  
IMPLEMENT SEQR

Adopted - April 9, 1979

Amended - January 14, 1980  
February 11, 1980

*RES # 60-7-2*

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RESOLVED that the Board of Hudson River-Black River Regulating District adopt and publish after a public hearing the following additional procedures which it deems necessary to implement SEQR pursuant to Article 8 of the New York Environmental Conservation Law for environmental quality review of actions it directly undertakes, funds or approves.

Section 1 (a) The terms and words used in these Rules shall have the same meaning as such terms and words are defined in Article 8 of the Environmental Conservation Law and Part 617 unless the context requires a different meaning.

(b) The following terms shall have the following meanings:  
SEQR - The State Environmental Quality Review Act as set forth in Article 8 of the Environmental Conservation Law; Part 617 - the rules and regulations set forth in Title 6 NYCRR 617; EAF - Environmental Assessment Form; EIS - Environmental Impact Statement; District - Hudson River-Black River Regulating District; Board - Board (governing body) of the Hudson River-Black River Regulating District.

Section 2 Actions defined as "exempt" or "excluded" in Part 617.2 of Title 6 NYCRR are not subject to SEQR requirements.

No decision to carry out or approve an action other than an action list in Section 3 (b) hereof or Section 617.13 of Title 6 NYCRR as Type II action, shall be made by the Board until there has been full compliance with all requirements of these rules, provided however, that nothing herein shall be construed as prohibiting:

(a) The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Board to approve, commence or engage in such action, or

(b) The engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination shall entitle or permit the applicant to commence the action unless and until all requirements of these rules and Part 617 Title 6 NYCRR have been fulfilled.

Section 3 (a) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the actions listed in Section 617.12 of Title 6 NYCRR as Type I actions, are likely to have a significant effect on the environment.

(b) Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in Section 617.13 of Title 6 NYCRR as Type II actions, are deemed not to have a significant effect on the environment:

(1) Deposit, relocation and regrading of less than 100 yards of earth material between the taking line and the fluctuating reservoir shoreline.

The following actions set forth in items (2), (3), (4), and (5) are restricted to the limits of the previously designated area issued under an Access Permit by the Board:

- (2) Boulder and stone placement (rip rap) in sufficient and unlimited amounts at eroded shoreline embankments. This will be considered Type II only when it involves minor bank stabilization which does not materially alter the natural character of the waterway.
- (3) Brush removal with no more than four inch base diameter. This action is limited to an area of less than one acre.
- (4) Removal of all dead and diseased trees.
- (5) Tree thinning and removal from the more thickly forest sections of reservoir lands. This action will be performed in conformance with acceptable forest management practices. Clearings in excess of one acre are not Type II actions per this item.
- (6) Placement of 4' x 4' x 8' dark green colored wooden storage boxes.

The construction activities listed in items (7) through (13) and (20) may not in every case be appropriately considered Type II actions, depending on the number of facilities to be constructed. Also the construction of stairways, patios, and fireplaces listed in items (7), (8), and (10) may not be considered Type II actions if the entire project involves the development of a campground which falls into the Type I or Unlisted category.

- (7) Placement of wooden access stairways, including 6' x 6' viewing platforms.
- (8) Construction of 46" x 52" x 24" maximum size boulder and mortar cooking or recreational fireplaces.
- (9) Placement of wheel and iron pipe type portable boat docks.\*See note below. Subject to SEQR requirements 617.11 (a) (3).
- (10) Patio construction of field stone, brick, concrete paving block, or flagstone laid in sand, without concrete or mortar connection joints.
- (11) Boulder and stone earth retaining walls with eighteen inch maximum height and five hundred feet maximum length.

\* Commercial enterprise involving the development of marinas, or the staging of public events generating large increases in public bathing beach use are not included in this threshold.

- (12) Concrete, blacktop, mortar joint flagstone, brick. split-field boulder beach access walkway not to exceed 3-1/2 feet in width and involving the paving of not more than one acre of surface area.
- (13) Boat launching and shore embankment access ramps constructed of boulders, cobblestones, gravel and quarry stone dust. Maximum width of ramp is twelve feet. Only one ramp permitted on a Non-Commercial access area.
- (14) Rustic-type foot bridges over small streams between the taking line and 769 foot shoreline elevation. These one-span wooden bridges shall be limited to five feet in width.
- (15) Beach bulldozing of surface boulders and stone, first against the eroded shoreline embankments and the remainder into jetties, within the limits and parallel with the side of access permit as extended from the taking line.
- (16) Minor beach regrading. Maximum beach cuts or fills will not exceed two feet in height.
- (17) Relocation of no more than 100 yards of beach sand at permitted Access areas.
- (18) Depositing and spreading of no more than fifty yards of beach sand at permitted Access areas.
- (19) Placement of shallow boulder and cobblestone around water drainage ditches.
- (20) Construction of gravel beach access roadways no more than 15 feet in width and involving the paving of not more than one acre of surface area.
- (20-A) Placement of corrugated iron pipe roadway culverts with diameters as required.
- (21) Placement of wooden and steel flagpoles.
- (22) Placement of boulder vehicle barricades.
- (23) Planting of shrubbery, trees, flowers, and small vegetable gardens solely for personal benefit. (SEQR requirements for this item applies only to actions of government agencies and not to those of private individuals where no government funds or approvals are involved.)
- (24) Nothing contained herein shall be construed as prohibiting the inspection and/or reestablishment, in the case of emergency, as determined by the Board, of any existing utility transmission facility in the same place and of the same type and capacity as originally existed to the emergency.

(25) It is the intention of the Board that any action taken on lands under its jurisdiction be inspected and reviewed by the District Engineering Department on a case by case basis and that no work will be performed by any person until final permission has been granted. The actions listed as Type II action in Section 3 (b) may not in every case be appropriately considered Type II depending on the circumstances. The actions listed in items (1) through (23) are intended as guidelines for the Board's agents in controlling work projects performed on Access areas issued by the Board under Permits of the Non-Commercial class. These guidelines have been formulated over a period of the past fifty years of operation. They have been constantly revised on the basis of experience gained. Commercial and Special Access Permits are given more stringent examinations before they are issued. These include Clubs, municipalities, fraternal and charitable groups. This procedure allows the Board to alert other State and Local Government agencies so that they may become involved if they are interested. None of the actions set forth in items (1) through (23) are meant to provide guidelines for existing or proposed Commercial or Special or Municipal Developments on District property.

Section 4 (a) An EAF shall be prepared by or on behalf of the Board in connection with any Type I action the Board contemplates or proposes to carry out directly. For an unlisted action an EAF in a short or long form may be prepared to facilities a preliminary determination of environmental signifiance.

(b) For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written application and EAF with the Board setting forth the name of the applicant; the location of the real property affected, if any; a desription of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the EAF shall be filed simultaneously with the application for the action. The EAF provided herein shall be upon a form prepared by the Board and shall contain such additional relevant information as shall be required in the prescribed form. Such EAF shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Board.

Section 5 When other agencies are involved, the procedures set forth in Sections 617.6 and 617.7, Part 617, of Title 6 NYCRR shall govern the designation of the lead agency.

Upon receipt of a complete application and an EAF, the Board shall cause a notice thereof to be posted on the signboard of the appropriate Regional Field office maintained by the Board describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Board no later than a date specified in such notice, such date being at least 7 calendar days from the date of receipt of the completed acceptable application.

Section 6 The Board shall render a written determination of such application within 30 days (15 days when an unlisted action is involved) following receipt of a complete application and statement provided, however, that such period may be extended by mutual agreement of the applicant and the Board. The determination shall state, giving reasons, whether such proposed action may or will not have a significant effect on the environment. The Board may hold informal meetings with the applicant and may meet with or consult with any other person for the purpose of aiding it in making a determination of the application.

Section 7 If the Board determines that the proposed action is not an exempt action (not an action listed in Section 3 (b) hereof or Section 617.13 of Title 6 of 6 NYCRR as a Type II action) and that it will not have a significant effect on the environment, the Board shall prepare, file and circulate such determination as provided in Section 617.10 (b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this ordinance. If the Board determines that the proposal action may have a significant effect on the environment, the Board shall prepare, file and circulate such determination as provided in Section 617.10 (c) of Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this Resolution and Part 617 of Title 6 NYCRR.

Section 8 Following a determination that a proposed action may have a significant effect on the environment, the Board shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:

(a) In the case of an action not involving an applicant, shall prepare a draft environmental impact statement (EIS), or

(b) In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare a draft environmental impact statement (EIS). If the applicant decides not to submit a draft EIS with the Board, then the Board, at its option, may terminate review of the action.

Section 9 Upon completion of a draft environmental impact statement prepared by, or at the request of the Board, a Notice of Completion containing the information specified in Section 617.10 (d) & (e) of Title 6 NYCRR shall be prepared, filed and circulated as provided in Section 617.10 (d) and (e) of Title 6 NYCRR. In addition, a copy thereof shall also be posted on the sign board of the appropriate Regional Field office maintained by the Board. Copies of the draft environmental impact statement and the Notice of Completion shall be filed with the Secretary of the Board, sent and made available by the Secretary as provided in Section 617.10 (e) of Title 6 NYCRR.

Section 10 If the Board determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the Notice of Completion and shall be published in the same newspapers designated by the Board for the publication of regular and special meeting notices at least fourteen (14) days prior to such public hearing. Such notice shall also state the place where

substantive written comments on the draft EIS may be sent and the date before which such comments shall be received. The hearing shall commence no less than fifteen (15) calendar days nor more than sixty (60) calendar days of the filing of the draft EIS, except as otherwise provided where the Board determines that additional time is necessary for the public or other agency review of the draft EIS or where a different hearing date is required as appropriate under other applicable law.

Section 11 If, on the basis of a draft EIS or a public hearing thereon, the Board determines that an action will not have a significant effect on the environment, the proposed action may be processed without further review.

Section 12 Except as otherwise provided herein, the Board shall prepare or cause to be prepared a final EIS in accordance with the provisions of Part 617 of Title 6 NYCRR, provided further that if the action involves an application, the Board may direct the applicant to prepare a final EIS. If the applicant decides not to prepare and submit a final EIS, then the Board at its option, may terminate review of the action. Such final EIS shall be prepared within forty-five (45) days after the close of any hearing or within sixty (60) days after the filing of the draft EIS, whichever last occurs, provided, however, the Board may extend this time as necessary to complete the statement adequately or where problems identified with proposed action require material reconsideration or modification.

Section 13 A Notice of Completion of a final EIS shall be prepared and sent in the same manner as provided in Section 9 herein and shall be sent to all persons to whom the Notice of Completion of the draft EIS shall be filed and made available for review in the same manner as the draft EIS.

Section 14 No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the Board shall be made until after the filing and consideration of the final environmental impact statement. Where the Board has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

Section 15 When the Board 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 determination that:

(a) It is consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements : and

(b) All practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects. In conformance with Section 617.9 (c) (2) (ii), Part 617 of Title 6 NYCRR, the mitigative measures identified as practicable in the EIS process will be carried out.

(c) The Board will prepare a written statement of the facts and conclusions relied upon in the EIS supporting its decision and indicating the social, economic and other factors and standards which formed the basis of its decision.

Section 16 For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 NYCRR.

Section 17 The Board shall maintain files open for public inspection of all Notices of Completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the Board.

Section 18 Where more than one agency is involved in an action, the procedures of Section 617.8 of Part 617 of Title 6 NYCRR shall be followed.

Section 19 This Resolution shall take effect immediately upon its adoption by the Board.

Resolution adopted by the following vote:

Ayes: Messrs. Wozniak, Ftizsimmons, Weinberg, Whiteman  
and Turk

Noes: None

Attest



Donald C. Bowes  
Asst. Secretary-Treasurer