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THROUGH MEANINGFUL REFORMS**

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**Patricia E. Salkin, Esq.
Associate Dean and Director**

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Opportunities to Enhance SEQRA Through Meaningful Reforms



Patricia E. Salkin

Last year the State Environmental Quality Review Act (SEQRA) celebrated its 25th Anniversary. Albany Law School marked this milestone with a conference attended by over 200 SEQRA practitioners and law students who generated ideas to ease the implementation of regulations and the use of SEQRA.

During the last decade, there have been many calls for SEQRA reform. Some of the suggestions include: creating a statewide environmental review board; reexamining the judicially created limitations on standing; addressing the SEQRA fee structure to encourage, not discourage, prompt reviews; more effectively employing generic environmental impact statements; using technology (specifically the Internet) to create a searchable public database of EISs; developing of a model that can result in a more predictable environmental review process; better integrating SEQRA into the local land use decision making process; alternately exempting local zoning from the SEQRA process; narrowing the scope or definition of "environment" under SEQRA regulations; authorizing impact fees in lieu of impact statements; and reaching true consensus on the issue of cumulative impacts.

The number of reform proposals should not signal that the process is not working. In fact, a number of environmental issues confronting communities today were not even on the radar screen when SEQRA was enacted. Proponents certainly can point to dozens, if not hundreds, of significant examples where SEQRA undoubtedly resulted in a positive benefit to the environment. What follows is a review of some of recommendations in the areas of education and technology where there seemed to be consensus at the silver anniversary event.

EDUCATION

Strengthening of the state resource commitment to SEQRA education is critical. Currently, both the Department of State (DOS) and the Department of Environmental Conservation (DEC) offer no-cost training programs for municipal officials on SEQRA, and there is typically one or more courses offered on SEQRA during the annual training sessions sponsored by the statewide municipal associations. The fact remains, however, that with approximately 1,600 units of local government in the state, and with the estimated turnover of one-third each year, there is simply not enough geographically diverse training offered at convenient times for the approximately 30,000 municipal officials and volunteers who must work with this law.

In addition, effort needs to be focused on SEQRA training for regional planning organizations and for state agencies whose actions may be subject to environmental review. More formal partnerships with the municipal associations and groups including the New York Planning Federation, the New York Builders Association and the County Planning Directors Association would be a good start. Increased training sessions, more explanatory information, and critical feedback on how particular boards and agencies dealt with SEQRA and its implementing regulations would also be welcome. In the area of education, ideas are limited only by creativity...and available staff and fiscal resources. The demand is built-up and backlogged.

INFORMATION SHARING

It is not simply enough for DEC to

collect and archive paper copies of completed environmental impact statements (EISs). These statements contain an enormous body of data about natural history, land use and technology and myriad related information about a site and its surroundings, all compiled at considerable public expense. It is time to collect and inventory all EISs, including technical appendices, in electronic format so that they may be easily accessed by all. The resources available to DEC, the Office for Technology (OFT) and the State Archives could certainly undertake such a valuable initiative. This could save both time and money since work done once need not be repeated, but merely updated where appropriate.

TECHNOLOGY

Furthermore, using available technology, the State could offer an electronic notification system to interested parties who desire to track certain applications. This can be a critical aid in inviting citizen participation. The data available on OFT's Geographic Information System (GIS) is a useful start for consultants and municipal planners, and the State GIS Clearinghouse holds significant promise for the future. A search engine could be created to allow EIS writers and reviewers to avoid reinventing the wheel by accessing work on in the same geographic area that had already taken a hard look at some of the environmental issues. And of course there is the obvious - moving SEQRA into cyberspace allows environmentalists to practice what they preach by saving paper.

Patricia E. Salkin is Associate Dean and Director of the GOVERNMENT LAW CENTER OF ALBANY LAW SCHOOL. She has written and lectured extensively on the subject of smart growth.