The Hughes Energy Facility Proposal Scoping Comment Guide and the Public Role in State Environmental Quality Review Act "Scoping" Process

What is SEQR?

In New York, SEQR requires all state, regional and local government agencies to determine whether their "actions" (projects or activities undertaken or funded directly, or that require government 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. There are several opportunities, beginning with public input in the preparation of the "scope," which will guide and direct the project sponsor's preparation of the environmental impact statement (EIS). Scoping is required for all EISs and must include an opportunity for public participation.

What is an EIS and why is it important?

The EIS is a report that ensures all environmental concerns are considered in the government decision-making process. It must analyze the nature and extent of an action's identified potential environmental impacts, as well as examine measures and alternatives that could be taken to avoid, minimize, or mitigate these impacts.

What is the "scope"?

The scope is a document that identifies the potentially significant adverse impacts that will be addressed in the EIS and outlines the content and depth of analysis of the EIS.

Who prepares the scope?

The scope is primarily prepared by the project sponsor in collaboration with the lead government agency (lead agency).

Read the draft scope.

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

The lead agency is responsible for ensuring that the scope meets all the requirements under the law. It also assures all interested parties have an opportunity for input. This includes coordinating feedback from all involved government agencies, and providing public participation opportunities. Public participation may be in the form of written comments, meetings, or other methods. The lead agency is also responsible for issuing the final scope.

Why is public participation in developing the scope important?

Public participation on the scope provides an opportunity to ensure that all environmental impacts of the project are included within the EIS and thoroughly studied. Members of the public can raise issues to be examined in the EIS, and influence the depth of the analysis.

It is critical to provide input at this stage of the SEQR process rather than waiting for the draft EIS. If a relevant topic or issue area is not raised at this point, it is possible that it will not be included within the EIS analysis and cannot be challenged later.

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 EIS prepared by the project sponsor is relevant, comprehensive and addresses concerns of all potentially impacted stakeholders.

WHO – Introduce yourself, your **purpose** for writing and **interest** in the project —e.g., water/air quality, farmland, open space, recreational resources, climate change, fish and wildlife, culture, economics, health.

- *I am a resident of X community who lives next to the local water body and frequently enjoys fishing in this water body. I have been living in the community for # years.*

WHAT – Describe what the **potential impacts** of concern are, including direct, indirect or cumulative impacts.

- *I am concerned about the project's potential impact to the fish populations, its effect on my ability to fish, and the indirect economic impact on our tourism industry.*

WHY – Provide justification for why these potential impacts are a real concern. Describe the **significance** and **likelihood** of the impact(s). Be as specific as you can and cite external sources of support where possible.

- *Increased impermeable surface leads to more stormwater runoff into our local water bodies, which often carries toxic pollutants from these surfaces. A recent study shows that stormwater runoff contributes to X% of water quality impairments. Addition of impermeable surface from a sizable development next to a water body presents a real risk to the water quality and fish populations if not managed properly. If fish populations are damaged, recreational tourism related to fishing would be negatively affected.*

HOW – Explain how these concerns should be addressed. Include suggestions for **depth** and **breadth** of study in terms of time, geography and populations affected. Discuss any additional **alternatives** that might avoid these
concerns. Recommend **mitigation** measures that should be considered to minimize impacts.

- *Fish population and water quality studies are needed to assess the current state of the waterbody to establish a baseline for the no-action alternative. Impacts from the proposed project must be compared to the no-action alternative. In addition, study of the long-term effects of the project's water quality impacts on the water bodies, and the connected waterways is needed. Mitigation measures such as permeable surfaces, retention ponds, and habitat restoration should be considered in the analysis.*

Submit your scoping comments

The scoping public comment period has opened, and will

end on November 30, 2021. Access the draft scope here. Submit your public comment to NYSDEC at:

Comment.HughesRoxbury2021@dec.ny.gov

What happens next?

After scoping, the lead agency will prepare an EIS. Similar to the scoping process, the public will have a chance to comment on the draft EIS before it is finalized.

For more information, contact:

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