

Steps in the State Environmental Quality Review Act (SEQR) Process

fairlife® project

Attorney Jerry A. Goldman, Presenting



Step 1

- Because the project is large enough to meet the Type I threshold under SEQR, the applicant must file a Full Environmental Assessment Form (FEAF) Part 1 with its initial application.

Step 2

- The environmental review of the Action is to be conducted by a "lead agency" from among the State and local agencies with approval authority (involved agencies).

Step 3

- Town Board declares their Intent to be Lead Agency for the Environmental Review (Resolution on June 15).

Step 4

- fairlife® filed the Full Environmental Assessment Form (FEAF) Part 1 with supporting documentation by to the Town of Webster dated June 21, 2023.

Step 5



- Notice of intent to serve as lead agency (*including the application to the Town Board and the FEA, as required by the SEQR regulations*) seeking consent to that designation either by formal acceptance or default (*failure to answer the declaration of intent*) within 30 days (as mandated by *the SEQR regulations*) was sent by the Town to involved agencies on June 23.

Step 6

fairlife® submitted a Supplement to the FEAf dated July 11.

Step 7

- In an abundance of caution, updated Notice with supplement sent to involved agencies on July 14.

Step 8

- No challenge to the Town Board acting as lead agency was received within 30 days of the initial notice and none is anticipated within 30 days of the second notice on July 14.
- Accordingly, the Town Board has placed on its tentative August 17 agenda action on a Resolution to confirm its lead agency status.

Step 9

- The Town Board, as lead agency, has the obligation to complete Part 2 (Identification of Potential Project Impacts) and Part 3 (Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance) of the FEAF.
- The lead agency's legal obligation is to take a "hard look" at the potential environmental issues/impacts and make a "reasoned elaboration" of its rationale in coming to its Determination of Significance.

Step 10

- Town staff and consultants are currently working on a draft Part 2 and Part 3 for the consideration of the Town Board.
- The Town Board has placed on its tentative August 17 agenda action on a Resolution to make a SEQR determination of significance (which actually would be adoption of Parts 2 and 3 of the FEAf).

Step 11

- After identification and evaluation of potential project impacts, the Town Board makes its determination of significance.
- A "negative declaration" is a determination that the project will not have significant adverse environmental impacts and concludes the SEQR process.
- A "positive declaration" is a determination that the project may have significant adverse environmental impacts mandating the preparation of an Environmental Impact Statement.