

**Remarks
DEC Commissioner Pete Grannis
Patterns for Progress
New Paltz, New York
September 17, 2009**

Good Afternoon and thank you, Jonathan (Drapkin).

It's always great to be in the Hudson Valley.

I've had a whirlwind schedule here over the last two days. Yesterday I was in Pelham to announce the completion of large remediation cleanup which will help both the environment and the local economy, and this morning I was in Verplanck to announce an enforcement settlement with Tilcon, \$100,000 of which will go to Clearwater to educate students about the environment.

And I'm particularly happy to be able to join you to discuss the future of one of our bedrock environmental statutes.

I want to commend Jonathan and Patterns for Progress for all of the important work you do to facilitate an ongoing, positive dialogue on the pressing issues that are facing the region.

The title of today's meeting is spot on.

I say it everywhere I go: Environmental quality and economic progress are inextricably linked.

For Hudson Valley – and all of New York to flourish – economically, and environmentally – we need a **balanced** approach.

SEQR, at its best, can help us to achieve this critical balance.

When it comes to SEQR, evolution and adaptation are key. And that's what I want to focus my comments on today.

SEQR is a *forward-looking* statute -- written in 1976 as a tool to address environmental problems known at that time – and into the future.

It's not meant to **fix** existing problems, but instead, it's meant to **facilitate good decision-making** by local communities and other public agencies to prevent future problems.

No matter what the issue is, by encouraging disclosure, avoidance and mitigation of environmental impacts, SEQR can prevent pollution and avoid poor design to help shape sustainable *and successful* land use in our communities.

Of course, that's the ideal. We all know that SEQR is not a panacea.

It isn't – and shouldn't be - a substitute for forward-thinking planning and smart laws.

I know that many are disappointed at what SEQR can and can't do ...

Some are frustrated that it doesn't provide more protection – and that DEC can't police how it's implemented ... some blame SEQR for delaying the approval of “good” projects.

The fact is, DEC's role under SEQR is very different than it is for the Clean Air Act or the Clean Water Act, where we have the authority and responsibility to fully enforce the law.

In contrast to those laws, SEQR defers to lead agencies, usually local governments – leaving DEC's role to provide training, guidance and to be one of a number of agencies that participate in a “coordinated review.”

I think SEQR is most valuable on large projects with diverse impacts and projects that impact critical natural resources – especially when the reviewing agencies communicate and coordinate their efforts throughout the process.

At its most effective, SEQR provides critical data on impacts to all the key decision-makers, including the state, so that their decisions are well informed.

Clearly, that process of communicating and coordinating isn't perfect. And that's why gatherings like this are so important.

We need to continue to partner to identify things that are working – and those that aren't– we need to continue to evolve and adapt – and most importantly, improve implementation of the law.

And DEC is working to do that, both on a statewide and regional basis.

There's no bigger issue for SEQR to adapt to than **Climate Change**.

Back in the 1970's when SEQR was signed into law, the threat of global warming was an esoteric pursuit of a handful of scientists. Our understanding of its impact was in its infancy.

Today, Climate Change is accepted by almost everyone as the environmental challenge of our time – a pivot point in history which necessitates fundamental change – specifically in the production and use of energy.

As a state – we have responded to this challenge ...from our Regional Greenhouse Gas Initiative (RGGI), where we've joined with 9 other northeastern and mid-Atlantic states to create a carbon cap and trade system... to aggressively working to fast-track development of clean/renewable power ... to ramping up our energy efficiency and conservation efforts ... and setting an example with our own sustainable practices...

And just as we have responded to this global crisis by moving forward on key initiatives and transforming our approach in critical program areas...

... We must view the SEQR process through the Climate Change prism as well.

It is impossible to read SEQR or its implementing regulations without recognizing that energy use, energy conservation, and climate change impacts must be among the range of potential impacts that SEQR reviews discuss.

Court decisions under (NEPA) and in other states, especially California, have made that clear.

In response to valid questions DEC received about how climate change should be addressed in EIS's, I directed my staff to develop a guidance document on this subject.

It was put out for public notice both informally and then, last fall, published for formal comments. In June, I'm pleased that it was issued as final.

The policy is designed to provide guidance to our own staff in reviewing an EIS that includes a discussion of energy use and greenhouse gas emissions.

We issued this policy for several reasons.

First – Project proponents were beginning to include these issues in EIS's and asking DEC about methodology...

Second – We believe we have not just the authority, but a responsibility under current law and regulations to integrate climate change into our SEQR reviews when we are lead agency ...

Third – As I said before ...we believe that one of the state's most important environmental laws - SEQR – should take into account one of the most critical environmental issues – Climate Change.

Let me make something clear.

The policy does not tell a project proponent when to include greenhouse gases in an EIS. That will be addressed through our second SEQR initiative – updating the Environmental Assessment Form (EAF) – which will now include some questions about energy use and greenhouse gas emissions to help people make that “significance determination.”

Our redesign of the EAF goes beyond that one issue.

The EAF has not been comprehensively updated since it was promulgated nearly 30 years ago.

It needs to evolve as well.

A redesigned EAF is sorely needed to facilitate better SEQR reviews – and an effort to update the form has been in the works for several years.

I'm happy to tell you that we've made very good progress recently and we expect to send a draft rule to GORR by the end of this calendar year.

And I think you'll be happy to know that in redesigning this form, we're working to improve its flow and organization – including removing obsolete questions and adding relevant new ones and making it clear that certain projects can skip certain sections that are not relevant to their proposed activity.

We're also planning to draft and publish an online SEQR EAF workbook to help preparers work through the form.

While the workbook won't be part of our regulations, it will be completely linked to an online version of the EAF, so that for each term and question, you will be able to jump to an explanation of the question and its importance, and get clear guidance about how to respond.

Again – the focus here is to facilitate better communication on the front end of the process so we can avoid problems later on.

We're not only refining the law on a statewide basis – we're also looking to improve the SEQRA process here in the Hudson Valley.

And there's good reason for that.

Compared to other parts of our state, this region has the fastest growing communities and the highest concentration of endangered species ... there is development pressure and unique natural resources ... there are large parcels of developable land, but also pressure on parcels with unique resources, steep slopes and wetlands resources.

As a result, the strengths and weaknesses of SEQR appear in stark contrast here more than almost anywhere else.

For instance, there are places, including Dover Knolls and Carvel in Dutchess, Williams Lake in Ulster and Lost Lake in Sullivan where stakeholders and project reviews are working together to try and advance environmentally sensitive, climate smart, economically sound green projects.

But there are also proportionately more projects here than in other regions that are controversial, and that are receiving “pos decs” – and some where DEC is lead agency.

Here, finding the right balance is a more delicate exercise than almost anywhere else – and we’re constantly looking for ways to improve our implementation of SEQR.

I’m pleased to announce that Regional Director Willie Janeway and DEC Region 3 staff are taking two new steps in our effort to be a more proactive and helpful partners to you and other project sponsors.

First, Region 3 staff today started distributing a DEC Catskill Hudson Valley Region Project Review Checklist of Greener Site Design Principles.

The checklist is non-regulatory. Rather, it’s designed as an optional tool for project designers, applicants, municipal boards and staff to use when developing or reviewing projects. It will be modified and will evolve based on feedback and comments, including yours.

We want to collaborate on and support good, green projects that foster economic development and environmental conservation.

This voluntary checklist can help those who want to develop green development proposals that we can support with an expedited review.

Simply, these design principles are a way for us to offer upfront guidance on what we consider smart growth, climate smart sustainable development – rather than identifying issues or problems once your proposal comes in.

The second step we’re taking here in Region 3 is creating a regional workgroup to improve SEQR in the Hudson Valley.

I am pleased to announce that Jonathan Drapkin, in partnership with our Regional Director Willie Janeway will organize a regional working group to undertake a regional review of the rules and implementation practices under SEQR in an effort to help identify opportunities to improve the process.

The review will identify two categories of recommendations:

Those that can be accomplished in the region within a short time frame without legislative or regulatory changes, and those that will necessitate a longer legislative or regulatory review.

We're looking at an aggressive three month timeframe, with recommendations by the end of 2009.

I look forward to seeing those recommendations, and I thank those who will work with Willie and Jonathan to make this happen.

As we work to improve SEQRA – we can't forget why we need it:

It all comes back to the word of the day: **Balance**.

When SEQR was passed, back in the mid-seventies, things had gotten significantly OUT of balance.

Decades of wanton disregard for the environment had left a legacy of devastating industrial pollution – with no greater example of that was the desperate plight of the mighty Hudson River .

This year, as we celebrate the Hudson River's Quadricentennial – we'd be wise to also remember that just 40 years ago, the Hudson River was an open sewer – a waterbody so imperiled that Pete Seeger sailed the Clearwater from New York City to Albany to call attention to its terrible state.

But as a direct result of the widespread improvements brought about by massive investments under the Clean Water and Safe Drinking Water Acts as well as forward thinking laws like SEQR which have led to better, more sustainable community planning ... the River has made a miraculous recovery – and we have made incredible environmental progress across the state.

Now more than ever – we need to remember what's at stake - the importance of these powerful laws, why they were necessary – and what they have achieved.

I know this is a difficult time in the Hudson Valley, as it is all over New York State.

You've suffered through some significant job losses – in fact, I read recently that you have lost almost 18,000 private sector jobs over the last year.

To move forward from these difficult times and create the healthy, prosperous, sustainable communities that will draw businesses and jobs ...

We need to continue to work together to find the right **balance**.

SEQR is key to that.

Is SEQR perfect? clearly not.

Will there continue to be some frustration? Of course.

Can we improve it? Absolutely.

But one thing is clear – through it, we can build the New York State we need – and want.

Let me assure you that my door is open –as is Willie’s. I truly value your input and guidance.

I look forward to working with you and continuing the dialogue.

Thank You.