

§617.4 Type I actions (annotated)

Note: This list contains notes and examples of the types of OPRHP projects that are commonly reviewed as Type I actions under SEQR. It is not all inclusive. If you are unsure if an action is Type I, please consult with Division of Environmental Stewardship and Planning (DESP). Grayed out sections are actions seldom encountered for OPRHP facilities.

**Part 617.4 (9) for actions involving historic resources or
Part 617.4 (10) for action on Parkland
reduce thresholds to 25% of any threshold in this section.**

(a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.

(1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and require the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in subdivision 617.7(c) of this Part.

(2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.

(b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

(1) the adoption of a municipality's land use plan, **the adoption by any agency of a comprehensive resource management plan** or the initial adoption of a municipality's comprehensive zoning regulations;

Example: Adoption and implementation of Master Plans for OPRHP Facilities.

(2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;

(3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;

(4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;

Example: Acquisition of 25 acres of parkland (note: thresholds for actions on parkland are reduced to 25% of listed thresholds)

(5) construction of new residential units that meet or exceed the following thresholds:

- (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
- (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (iii) in a city, town or village having a population of 150,000 persons or less, 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (iv) in a city, town or village having a population of greater than 150,000 persons but less than 1,000,000 persons, 500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
- (v) in a city or town having a population of 1,000,000 or more persons, 1,000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:

- (i) a project or action that involves the physical alteration¹ of 10 acres;

Notes: This is the most commonly used threshold for Type I actions in OPRHP facilities as it involves any project that will physically alter 2.5 or more acres of parkland (due to the reduced threshold for activities on parkland.)

Examples: where physical alteration is 2.5 acres or more for construction of new camping loop or cabin area, major reconstruction of an existing day use area, control of Phragmites using an herbicide or construction of a solar array/installation. The expansion of any existing non-residential facility that will require the disturbance of more than 1.25 acres (expanding a visitor center with additional parking).

¹ **Physical alteration** includes, but is not limited to, the following activities: vegetation removal, demolition, stockpiling materials, grading or other forms of earthwork, dumping, filling or depositing, discharges to air or water, excavation or trenching, application of pesticides, herbicides or other chemicals, application of sewage sludge, dredging, flooding, draining or dewatering, paving, construction of buildings, structures or facilities, and extraction, injection or recharge or resources below ground (Part 617.1(ab))

(ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day

Example: an existing golf course irrigation system that would increase water usage by 250,000 gallons per day (due to the reduced threshold for activities on parkland).

(iii) parking for 500 vehicles in a city, town or village having a population of 150,000 persons or less;

Examples: new parking lot for 125 vehicles or expansion of an existing lot by 63 vehicles (due to reduced thresholds for activities on parkland).

(iv) parking for 1,000 vehicles in a city, town or village having a population of more than 150,000 persons;

Examples: new parking lot for 250 vehicles or expansion of an existing lot by 125 vehicles (due to reduced thresholds for activities on parkland).

(v) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

Examples: a new visitor center with more than 25,000 square feet of gross floor area or expansion of an existing bathhouse facility by more than 13,500 sq. ft. in a more rural area of the state (due to reduced thresholds for activities on parkland.).

(vi) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;

Examples: a new visitor center with more than 60,000 square feet of gross floor area or expansion of an existing bathhouse facility by more than 30,000 sq. ft. (due to reduced thresholds for activities on parkland)

(7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;

Examples: a cell tower exceeding 25 feet in height (due to reduced thresholds for activities on parkland.)

(8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;

(9) any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is **listed on the National Register of Historic Places** (Volume 36 of the Code of Federal Regulations, parts 60 and 63, which is incorporated by reference pursuant to section 617.17 of this Part), **or that is listed on the State Register of Historic Places or that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register** of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

Notes: Because many structures within State Parks and Historic Sites are either on or determined to be eligible for the State or National Register, the thresholds provided in previous sections are reduced to 25%. The examples provided under each of the above sections takes this into consideration.

Examples: Any new construction that will disturb 2.5 acres or more in a NR/SR eligible or listed park or site (parking lot, ball field, new camping loop). The expansion of any existing non-residential facility in a NR/SR eligible or listed park or site that will require the disturbance of 1.25 acres (expanding a visitor center with additional parking).

(10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.17 of this Part);

Note: Because most of our projects are within a State Park, the thresholds provided in previous sections are reduced to 25%. The examples provided under each of the above sections takes this into consideration.

(11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.