



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

**Legal Affairs Committee
October 8, 2015**

The Legal Affairs Committee convened at 11:35 am.

Legal Affairs Committee Members Present:

Karen Feldman, Chair, Arthur Lussi, Sherman Craig, Richard Booth and Bradley Austin (DED)

Other Members and Designees Present:

Leilani Ulrich, Chairwoman, William Thomas, Dan Wilt, Robert Stegemann (DEC) and Dierdre Scozzafava (DOS)

Local Government Review Board:

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Executive Director, James Townsend, Counsel, Paul Van Cott, Associate Attorney, Mary Palmer.

Proposed Revisions to Agency State Environmental Quality Review (SEQR) and Freedom of Information Law (FOIL) Regulations

Karen Feldman, Committee Chair, noted that these rulemakings were brought before the Board in June 2014. She added that there has been some changes and the Board is being asked to re-approve proceeding with formal rulemaking.

Paul Van Cott noted that since the 2014 approval of proceeding with the SEQR and FOIL rulemaking the Agency sought input from the DEC, the Local Government Review Board and other involved stakeholders, receiving no material comments. He added that the Committee on Open Government fully endorsed the FOIL rule changes.

Mr. Van Cott stated that after the outreach effort the agency submitted the rulemaking package to the Division of Budget (DOB). He noted that since it was submitted the Division of Budget established a new process for rulemakings. The new process resulted in the Agency staff asking for reaffirmation of what was authorized in 2014.

James Townsend, Counsel, added that it is not a SAPA process change but an internal review process within DOB.

Richard Booth asked what the proposed SEQR rule changes would accomplish. Mr. Van Cott stated that it would eliminate all the duplication of DEC's rules that are in the Agency's existing rules. He added that some of the agency's rules are inconsistent and outdated with the DEC rules.

Mr. Van Cott noted that the changes would also clarify the Agency's Type 1 and Type 2 list of projects, and will add necessary rules for APA's specific implementation of SEQR. He stated that the agency does have the statutory ability to evaluate alternatives even for APA projects. He noted that this will provide more efficiency in the Agency's process and consistency with DEC process.

Mr. Booth commented that Type 2 actions are those activities that will not have a significant impact on the environment. Mr. Van Cott agreed and clarified that they are those that do not require an Environmental Impact Statement but are still subject to the Act.

Ms. Feldman asked for a motion to proceed. By motion of Mr. Craig, seconded by Mr. Booth, the formal rulemaking was unanimously approved.

Old Business

None

New Business

None

Karen Feldman, Committee Chair adjourned the meeting at 11:55 am.