

CONFIDENTIAL LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.123 Name of Bill: DEC Permit Process Improvement

Agency of Natural Resources / Dept: Environmental Conservation Author of Bill Review: Ellis

Date of Bill Review: 5/10/2016 Related Bills and Key Players:

Status of Bill (*check one*): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both

Recommended Position: Support

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill will improve transparency, predictability and access to DEC's permitting process by:

- establishing standard procedures for public notice, public meetings and decisions issued by DEC;
- consolidating the number of permit routes from eighty-five to five;
- requiring developers of complex projects to conduct a public engagement process prior to submitting a permit application;
- establishing an electronic notice bulletin at DEC for applications and permit decisions; and
- limiting issues eligible for appeal to environmental court to those on which a person provided written or verbal comment during the permit process "while guarding against creating an overly technical approach to the preservation of issues" (section 5b).

2. Is there a need for this bill? *Please explain why or why not.*

Yes. DEC has never established a uniform permitting process and, as a result, DEC's permitting procedures vary across division and permit types. This bill will vastly improve the permitting process for both external and internal users.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

DEC will need to modernize its electronic notice bulletin and revise its notice and comment procedures in order to comply with the bill. DEC welcomes the opportunity to improve its business processes.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? Not applicable.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (*for example, public, municipalities, organizations, business, regulated entities, etc*)

This bill will increase transparency and simplify the DEC permit process. External stakeholders will benefit greatly from this bill.

6. Other Stakeholders:


6.1 Who else is likely to support the proposal and why? Developers, municipalities, environmental groups and members of the public will support this bill.

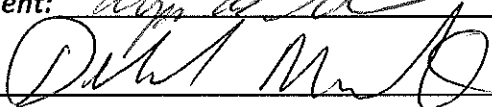
6.2 Who else is likely to oppose the proposal and why? No opposition to this bill.

7. Rationale for recommendation: *Justify recommendation stated above.* This bill will improve access to and transparency in the DEC permitting process. The bill will also encourage participation and identification of issues early in the permitting process so that DEC and the applicant have an opportunity to address those concerns before a permit becomes final and subject to appeal.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
N/A

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? N/A

Commissioner has reviewed this document:  Date: 5/11/16

Secretary has reviewed this document:  Date: 5-12-16