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I N   A S S E M B L Y

March 12, 2012
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Introduced by M. of A. SCHIMEL -- read once and referred to the Commit-
    tee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the
    designation of lead agency for environmental quality review purposes
    in certain cases

    THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1   Section 1. Subdivision 6 of section 8-0111 of the environmental
2   conservation law, as added by chapter 612 of the laws of 1975, is
3   amended to read as follows:
4   6. Lead Agency. (A) IN DETERMINING THE LEAD AGENCY PURSUANT TO SECTION
5   617.6 OF PART SIX HUNDRED SEVENTEEN OF TITLE SIX OF THE OFFICIAL COMPI-
6   LATION OF THE NEW YORK STATE CODES, RULES AND REGULATIONS, THE LEAD
7   AGENCY SHALL BE A LOCAL AGENCY WHEN THE ANTICIPATED IMPACTS OF AN ACTION
8   ARE PRIMARILY OF REGIONAL OR LOCAL SIGNIFICANCE.
9   (B) When an action is to be carried out or approved by two or more
10 agencies, the determination of whether the action may have a significant
11 effect on the environment shall be made by the lead agency having prin-
12 cipal responsibility for carrying out or approving such action and such
13 agency shall prepare, or cause to be prepared by contract or otherwise,
14 the environmental impact statement for the action if such a statement is
15 required by this article. In the event that there is a question as to
16 which is the lead agency, any agency may submit the question to the
17 commissioner and the commissioner shall designate the lead agency,
18 giving due consideration to the capacity of such agency to fulfill
19 adequately the requirements of this article.
20   S 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law. Effective immediately, the addition, amend-
22 ment and/or repeal of any rule or regulation necessary for the implemen-
23 tation of this act on its effective date is authorized to be made on or
24 before such date.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.
                                                      LBD14718-02-2