



# COLUMBIA LAW SCHOOL

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New York State Department of Environmental Conservation  
Division of Environmental Permits  
625 Broadway  
Albany, New York 12233-1750

Attn.: James J. Eldred, Environmental Analyst

Dear Mr. Eldred:

I am writing to provide two brief comments on the proposed amendments to the Part 617 regulations under the State Environmental Quality Review Act.

First, I support the proposed amendment to Sec. 617.9(b)(5)(vi), which provides that the description of mitigation measures in EISs should include “measures to avoid or reduce both an action’s environmental impacts and vulnerability from the effects of climate change such as sea level rise and flooding.” This provision would work well with the Department’s recently-adopted sea level rise projections (Part 490) by in effect requiring the relevance of these projections to be discussed in EISs, together with consideration of the effects of the projected conditions on project siting and design. The proposed amendment would also require consideration of other climate-related impacts such as inland flooding, storm surge and extreme heat.

Numerous official studies, such as New York’s ClimAID report and reports of the United States Global Change Research Program, the Intergovernmental Panel on Climate Change, and the New York City Panel on Climate Change, show that climate change will have significant impacts on many aspects of the New York environment, and it is important that these impacts be reflected in the SEQRA process.

Second, I support the proposed addition of Secs. 617.5(c)(15), (16). These provide Type II status to certain solar installations. A major increase in solar energy generating capacity is an important part of New York’s effort to achieve an 80% reduction in greenhouse gas emissions by 2050, and these additions will help facilitate this effort.

Sincerely,

Michael Gerrard  
Andrew Sabin Professor of Professional Practice  
Director, Sabin Center for Climate Change Law