

AGREEMENT

THIS AGREEMENT, made this day of June, 2022, by and between the NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS (hereinafter referred to “AGM”), an agency of the State of New York with offices at 10B Airline Drive, Albany, New York 12235, and the COUNTY OF Sullivan, a municipal corporation with offices at 100 North Street, Monticello, NY 12701 (hereinafter referred to as the “COUNTY”).

WITNESSETH:

WHEREAS, AGM and the COUNTY are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter “SEQRA”) and its implementing regulations (Title 6 of the New York Code of Rules and Regulations, Part 617), and which requires agencies to review environmental impact in its related planning and decision-making processes, and

WHEREAS, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law (AML), establishes a process by which county legislative bodies may create, review, modify, consolidate, or terminate Agricultural Districts throughout the State, which the Commissioner of AGM then certifies, and

WHEREAS, the Department of Environmental Conservation (DEC) has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA, and

WHEREAS, AGM and the COUNTY wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural Districts Law, and

WHEREAS, the DEC has promulgated regulations pursuant to SEQRA which strongly encourage agencies to enter into cooperative agreements with other agencies regularly involved in carrying out or approving the same actions for the purposes of coordinating their procedure, and

WHEREAS, AGM and the COUNTY hereby propose to enter into such cooperative agreement to establish procedures to eliminate the overlap and duplication in comment and review, and it is in the best interest of AGM and the COUNTY to create uniformity in SEQRA processes within the context of Article 25-AA for certain actions related to Agricultural Districts within the County, and

WHEREAS, it is hereby mutually agreed by and between the parties hereto as follows:

1. TERM OF AGREEMENT: This Agreement shall be effective _____, 2022, for an initial period of eight (8) years, unless otherwise terminated as set forth herein. The term of this Agreement shall be extended automatically for a successive year, for an indefinite period. If either party decides to terminate this Agreement, either party shall send a written notice of termination to the other party at least thirty (30) days before the end of any term. This Agreement shall terminate upon thirty (30) days written notice by either party to the other.
2. PAYMENT: None.
3. SCOPE: The following actions shall be subject to the terms of this Agreement, which are considered Unlisted Actions for purposes of SEQRA. Any action which exceeds a specified Type I threshold shall not be subject to this Agreement. Further, any review of an agricultural district which does not propose to modify the district by adding or removing land, is considered a Type II action and is, therefore, not subject to this Agreement.
 - a. Review of an existing Agricultural District, which includes termination or modification of such district, pursuant to AML section 303-a;
 - b. Inclusion of viable agricultural land to an existing Agricultural District, pursuant to AML section 303-b; and
 - c. Consolidation of existing Agricultural Districts, pursuant to AML section 303-c; and
 - d. Any other actions which may be deemed as an Unlisted action related to the Agricultural Districts Law, and its subsequent amendments.
4. COORDINATED REVIEW: AGM and the COUNTY shall undertake a coordinated review for purposes of conducting SEQRA required environmental review processes.
5. LEAD AGENCY:

The COUNTY, as the agency with principal decision making authority, shall be designated Lead Agency for all actions within the scope of this Agreement. Because the role of

AGM is limited to certifying actions of the COUNTY, AGM shall be designated an involved agency for purposes of compliance with SEQRA.

The COUNTY, as the principal decision maker pursuant to the Agricultural Districts Law, shall have primary authority and responsibility for the preparation of the Short Environmental Assessment Form, as specified in Section 6 herein, and provide support and assistance consistent with the terms of this Agreement, including coordination of the review of the EAF and related environmental analyses by all appropriate State agencies, and applicable parties. As Lead Agency, any determination made by the COUNTY shall become binding on all involved agencies, however, this shall not limit the ability of any interested agency to submit comments and any other relevant information it may deem appropriate.

6. PREPARATION OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM: The COUNTY shall utilize the Short Environmental Form for Agricultural Districts, attached as “Schedule A” hereto. In addition, to assist in the required certification of County action, AGM shall receive from the COUNTY all relevant analyses, forms, documents, comments, findings and other records related to SEQRA related processes prior to the certification process. The COUNTY may elect to use the Agricultural District checklists, in addition to the referenced records, provided in “Schedule B” annexed hereto.
7. PUBLIC HEARING: The COUNTY may elect to hold the required public hearings for purposes of compliance with SEQRA and Agricultural Districts Law concurrently, provided that all statutory obligations and responsibilities are met.
8. NOTICES: Except as otherwise provided in this Agreement, notice required to be given pursuant to this Agreement shall be made in writing and addressed to the following or such other persons as the parties may designate:
 - a. County Legislative Body at 100 North Street, Monticello, NY 12701.
 - b. Department of Agriculture & Markets, Division of Land & Water Resources, 10B Airline Drive, Albany, New York 12235.

9. ENTIRE AGREEMENT: The terms of this Agreement, including any attachments, represent the final intent of the parties. Any modifications, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded in this Agreement.

FOR THE COUNTY OF SULLIVAN

ACCEPTED: By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

FOR THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS:

By: _____

Title: _____

SCHEDULE A



**STATE ENVIRONMENTAL QUALITY REVIEW
SHORT ENVIRONMENTAL ASSESSMENT FORM
FOR AGRICULTURAL DISTRICTS**

UNLISTED ACTIONS ONLY

Please indicate lead agency status by checking the appropriate box below:

☐ The proposed action is within the scope of a cooperative agreement between the undersigned County Legislative Body ("CLB") and the Department of Agriculture and Markets ("Department"), the only other agency required to undertake an action in this case. Therefore, the undersigned CLB will serve as lead agency for the proposed action to ensure compliance with the requirements of the State Environmental Quality Review Act, and is undertaking a coordinated review of the proposed action with the Department pursuant to 6 NYCRR §617.6(b)(3).

☐ The proposed action is not within the scope of a cooperative agreement between an applicable CLB and the Department. The agency that will serve as Lead Agency is the undersigned CLB, and is undertaking a coordinated review of the proposed action with the Department pursuant to 6 NYCRR §617.6(b)(3).

Part 1 – Project and Sponsor Information

1. The proposed action is located in the County of _____ and the Town(s) of _____.
2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the CLB of _____ County.
3. The name, address, and e-mail address for the Clerk of the above named CLB is:

_____.
4. Does the proposed action only involve the modification, consolidation or termination of a county-adopted, State-certified agricultural district by the CLB pursuant to Agriculture and Markets Law (AML) §§303-a, 303-b or 303-c? ☐ Yes ☐ No

If Yes, attach a narrative description (including a location map) of the intent of the proposed action and the environmental resources that may be affected in the County. If No, this form should not be used to evaluate the potential environmental impacts of the proposed action.

5. Is this an action proposed to modify an existing agricultural district? ☐ Yes ☐ No

If Yes, total number of acres comprising the agricultural district as it exists prior to modification: _____ acres.

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

6. If this proposed action involves a modification, will such modification result in a change in the size of the agricultural district? ☐ Yes ☐ No
- If yes, how many acres are involved in the change? _____ acres
 - Does this represent ☐ an increase or ☐ a decrease?

7. Check all present land uses that occur on, adjoining, and near the proposed action?

☐ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other

If Other, please describe: _____

8. Information on Coastal Resources. Is the action located within, or have a significant effect on:

- A Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☐ No
- A Coastal Erosion Hazard Area? ☐ Yes ☐ No
- A community with an approved Local Waterfront Revitalization Program? ☐ Yes ☐ No

If Yes, please identify the affected community or communities: _____

9. Information on Local Agricultural and Farmland Protection Plans

- Is the action compatible with the County's Agricultural & Farmland Protection Plan? ☐ Yes ☐ No

If Yes, date of Plan approval: _____

If Yes, please cite the applicable language: _____

10. Comments from Municipalities within the County

- Did the CLB receive any comments from municipalities about the addition or removal of land from the agricultural district? ☐ Yes ☐ No

If Yes, please briefly summarize the comments: _____

11. Attach any additional information as may be needed to clarify the proposed action.

I AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE
BEST OF MY KNOWLEDGE

Name of Person

Authorized to Sign: _____ **Date:** _____

Signature: _____ **Title:** _____

Short Environmental Assessment Form
New York State Department of Agriculture and Markets

Part 2: Impact Assessment

Part 2 is to be completed by the County Legislative Body ("CLB") as Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted to the CLB for the proposed modification, consolidation or termination of a county-adopted, State-certified agricultural district or otherwise available to the reviewer.

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification, consolidation or termination of an agricultural district(s). The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management actions that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

	None to small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form
New York State Department of Agriculture and Markets

Part 3: Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur,” or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

SCHEDULE B

COUNTY AG DISTRICT REVIEW CHECKLIST

AML 25AA §303-a/c: 8-Year Review/ Consolidation

District: _____

Modification: Y N

Towns: _____

Consolidation: Y N

Formation Date: _____

Anniversary Date: _____

Next Anniversary: _____

- ☐ 30-Day Review Notice _____
- ☐ Public Hearing Notice *New Anniversary Date _____
- ☐ Summarized Notes of Public Hearing _____
- ☐ AFPB Report _____
- ☐ Master Parcel List organized by Municipality _____
- ☐ SEQRA Env. Assessment Form _____
- ☐ Review Profile (RA-114) _____
- ☐ County Adopting Resolution _____
- ☐ Mapping data sent to Cornell IRIS _____

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- ☐ Coastal Zone Management Zone to DOS _____
- ☐ LWRP Parcels Sent to Town(s) _____
- ☐ Deliverables Deemed Complete _____
- ☐ Packet Sent to ACA _____
- ☐ ACA Determination Received _____
- ☐ Maps Received from I.R.I.S. _____
- ☐ District Review Sent to Division Director _____
- ☐ Certification Letter Sent to Commissioner _____
- ☐ Certification Letter Sent to County _____
- ☐ Field Review Conducted _____

Agricultural Districts Checklist

Agricultural District(s): _____ Commissioners Cert. Date _____

Towns: _____

COUNTY SUBMISSION PACKET AML §303-b Annual Inclusions

- | | |
|--|-------------------------|
| <input type="checkbox"/> 30-Day Review Notice | _____ |
| <input type="checkbox"/> Notice of Public Hearing | _____ |
| <input type="checkbox"/> AFPB Report | _____ |
| <input type="checkbox"/> Approved Map and Parcel Listing | _____ |
| <input type="checkbox"/> County Adopting Resolution | Date: _____ Res.# _____ |
| <input type="checkbox"/> Environmental Assessment Form | _____ |

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|---|-------------|
| <input type="checkbox"/> Review Sent to Division Director | Date: _____ |
| <input type="checkbox"/> Certification Letter Sent to Commissioner | Date: _____ |
| <input type="checkbox"/> Certification Letter Sent to County | Date: _____ |
| <input type="checkbox"/> Scan of Letter, Maps and Parcel List to IRIS | Date: _____ |