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By Legislators McCabe and DiFlorio

Intro. No. ____

RESOLUTION NO. ____ OF 2022

**FIXING PUBLIC HEARING FOR AUTHORIZING USE OF NEW YORK STATE DEPARTMENT
OF AGRICULTURE AND MARKETS SHORT ENVIRONMENTAL ASSESSMENT FORM FOR
UNLISTED ACTIONS RELATED TO AGRICULTURAL DISTRICTS**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Legislature hereby fixes a public hearing to be held before the Monroe County Legislature on Tuesday, August 9, 2022, at 6:17 P.M., at the County Legislative Chambers, County Office Building, Rochester, New York, on the use of the Short Environmental Assessment Form for Unlisted Actions related to Agricultural Districts as provided by the New York State Department of Agriculture and Markets.

Section 2. The Clerk of the Legislature is hereby directed to publish the legal notice of such public hearing at least once in one (1) daily newspaper of general circulation in the County, at least ten (10) days before the date set for the hearing.

Section 3. This resolution shall take effect immediately.

Environment & Public Works Committee; June 27, 2022 - CV: 7-0
Planning & Economic Development Committee; June 27, 2022 - CV: 5-0
File No. 22-0201

ADOPTION: Date: _____ Vote: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

June 10, 2022

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Authorize the Use of a New York State Department of Agriculture and Markets Short Environmental Assessment Form for Unlisted Actions related to Agricultural Districts and Enter into a Cooperative Agreement with the New York State Department of Agriculture and Markets Regarding State Environmental Quality Reviews for Monroe County Agricultural District Processes

Honorable Legislators:

I recommend that Your Honorable Body authorize the use of a New York State Department of Agriculture and Markets Short Environmental Assessment Form for Unlisted Actions related to agricultural districts and enter into a Cooperative Agreement with the New York State Department of Agriculture and Markets ("Ag and Markets") for the purpose of establishing Monroe County as the Lead Agency to conduct a coordinated review with Ag and Markets.

The scope of the Cooperative Agreement will cover the following processes that Agriculture & Markets Law, Article 25-AA requires Monroe County to undertake: review of an existing Agricultural District, which includes termination or modification of such district, pursuant to AML § 303-a; inclusion of viable agricultural land to an existing Agricultural District, pursuant to AML § 303-b; consolidation of existing Agricultural Districts, pursuant to AML § 303-c; and any other actions which may be deemed as an Unlisted action related to NYS Agriculture & Markets Law Article 25-AA and its subsequent amendments.

6 NYCRR § 617.14(f) requires agencies to hold a public hearing to amend SEQRA procedures. 6 NYCRR § 617.14(d) authorizes 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 procedures." Ag and Markets has provided a draft Cooperative Agreement for counties to use.

The specific legislative actions required are:

1. Schedule and hold a public hearing regarding the adoption and authorization of using the Short Environmental Assessment Form for Unlisted Actions related to Agricultural Districts as provided by the New York State Department of Agriculture and Markets.
2. Adopt and authorize the use of the Short Environmental Assessment Form for Unlisted Actions related to Agricultural Districts as provided by the New York State Department of Agriculture and Markets.

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3. Authorize the County Executive, or his designee, to enter into a Cooperative Agreement with the New York State Department of Agriculture and Markets whereby Monroe County is designated as Lead Agency and prepares the Short Environmental Assessment Form for Agricultural Districts for agricultural district processes.

This is a Type II Action pursuant to 6 NYCRR 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

This agreement will have no impact on the revenues or expenditures of the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,


Adam J. Bello
Monroe County Executive