

CRITICAL ENVIRONMENTAL AREAS

Tools for Conservation in Your Community



Hudson River
Estuary Program

What are Critical Environmental Areas?

A Critical Environmental Area (CEA) is a geographic area with exceptional or unique character with respect to one or more of the following:

- a benefit or threat to **human health**;
- a **natural setting** such as fish and wildlife habitat, forest and vegetation, open space, and areas of important aesthetic or scenic quality;
- **agricultural, social, cultural, historic, archeological, recreational, or educational values**; or
- an inherent **ecological, geological, or hydrological sensitivity** that may be adversely affected by any change.

CEAs are defined under subdivision 6 NYCRR 617.14(g) of the State Environmental Quality Review (SEQR) regulations. Counties and municipalities may designate specific geographic areas within their boundaries as CEAs. State agencies may also designate specific geographic areas that they own, manage, or regulate as CEAs.



The Town of Pine Plains in Dutchess County designated Stissing Mountain CEA to raise and formalize awareness of this important ecosystem. Stissing Mountain is also a defining natural landmark and watershed for Pine Plains that contains sensitive steep slopes and protects drinking water supplies. Photo: Daniel Case.

What are the benefits of CEA designation?

CEA designation alerts landowners, developers, and regulatory agencies to features of importance or concern contained within the CEA. When evaluating potential project impacts under SEQR, the lead agency (typically the Planning Board) must specifically consider how proposed projects might affect the qualities of the designated area. CEA designation thus ensures that exceptional or unique features are not overlooked during SEQR, and that any potentially harmful impacts to them are evaluated. CEA designation can encourage more proactive planning and design to conserve critical resources, avoid hazards, and keep track of “big picture” issues like habitat connectivity and watershed protection.

What are the limitations of CEA designation?

CEA Designation does not substitute for, nor does it provide, governmental protection afforded by land use controls such as zoning or land acquisition. It does not grant any agency permitting authority or other jurisdictions that did not already exist before the designation of the CEA. There are no automatic restrictions on any activities in a CEA. In making a determination of significance, the lead agency must evaluate potential impacts on attributes or resources that led to the designation of the area as a CEA. Targeted land use controls may be desirable to achieve specific protections within a CEA; however, CEA designation can be a valuable first step to achieve recognition and consideration during SEQR.



The Town of Wawarsing in Ulster County designated the Catskill-Shawangunk Greenway Corridor CEA to bring attention to a critical ecological corridor providing regional habitat connectivity between the Catskill Mountains and the Shawangunk Ridge. The corridor had previously been recognized as a high priority for conservation in the 2018 Town Open Space Plan and the 2016 New York State Open Space Conservation Plan. Photo: Laura Heady

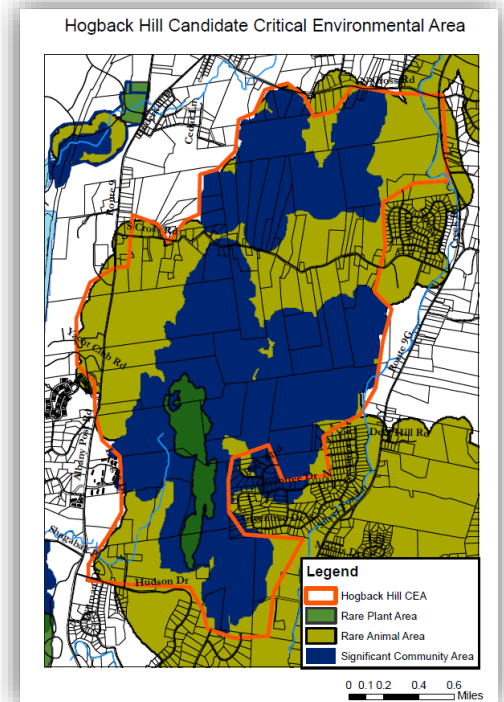
How do lead agencies evaluate potential impacts to CEAs during SEQR?

Consideration of CEAs only applies to Type I or Unlisted actions under SEQR. Type II actions such as construction of a single-family dwelling on an approved lot are not subject to such review. The short and full Environmental Assessment Forms (EAFs) identify whether proposed actions are within or adjacent to a designated CEA. If so, the lead agency must identify and evaluate the magnitude of potential adverse impacts to the qualities of the CEA. Evaluation should include the original purpose of the designated area, its characteristics, the proposed project goals, and the proximity and extent of the proposed action in relation to the CEA boundaries. Will the proposed action affect the quantity and quality of the resource or characteristics of the designated area? As for other questions during SEQR, the lead agency may request additional information to make an informed decision. If a moderate or large impact is identified, the lead agency must decide if the impact is significant, whether the impact will be avoided or substantially mitigated, and whether or not to require an environmental impact statement. DEC's SEQR Handbook and EAF Workbooks provide additional guidance.

It is also important to note that CEA designation does not affect the classification of actions under SEQR (i.e., it does not change actions from Unlisted to Type I or otherwise). Actions within a CEA likewise do not automatically trigger a declaration of a positive impact or automatically require preparation of an environmental impact statement.

What is the process for designating a CEA?

617.14(g) provides the specific procedures for designating a CEA. The regulations require preparation of a map at an appropriate scale to readily locate the CEA boundaries and a written justification supporting the designation. The municipal comprehensive plan, a natural resources inventory, or an open space plan may be valuable references in preparing materials for CEA designation. Though not required, an agency may consider first holding an informational meeting with affected landowners, other interested agencies, and the public to present and discuss the proposal. The designating agency must provide written public notice and hold a public hearing prior to the designation. The act of designating a CEA is a discretionary decision by the designating agency and is, therefore, subject to SEQR. After the agency approves the designation, the map, written justification, and proof of public hearing must be filed with the DEC Commissioner and others. The designation takes effect 30 days after these filings.



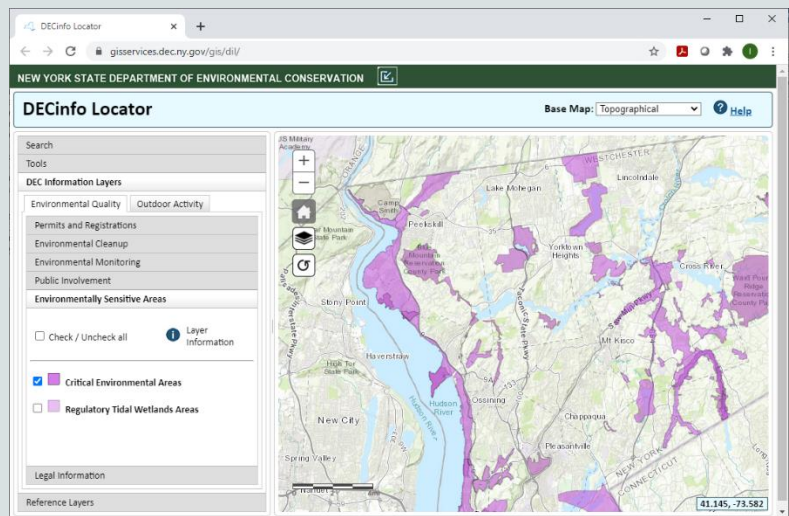
The Town of Hyde Park CAC used natural heritage data to delineate CEAs.

Where can I view designated CEAs?

- DEC Website
<https://www.dec.ny.gov/permits/6184.html>
- DECinfo Locator
(under Environmentally Sensitive Areas)
<https://www.dec.ny.gov/pubs/109457.html>

Additional Resources

- DEC SEQR Handbook
<https://www.dec.ny.gov/permits/6188.html>
- DEC EAF Workbooks
<https://www.dec.ny.gov/permits/90125.html>
- Town of Wawarsing CEA video
<https://www.youtube.com/watch?v=PrB-0CvRNJM&feature=youtu.be>



Current CEA boundaries are shown on the DECinfo Locator.