

STATE OF NEW YORK

7017

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. SIMON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the monarch preservation plan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "monarch
2 preservation plan".

3 § 2. Legislative findings. The legislature hereby finds that over the
4 past several decades, the number of monarch butterflies in North America
5 has steeply declined. The great migration of the eastern monarchs has
6 been named a "threatened phenomenon" by the International Union for
7 Conservation of Nature and Natural Resources (IUCN). As of 2014, the
8 monarch population has declined from approximately one billion butterf-
9 lies to 35 million, around 90% since 1990.

10 Major threat to monarchs include habitat loss and fragmentation,
11 changes in climate and extreme weather, pesticides, herbicides, and
12 genetically modified crops, invasive species, disease and natural preda-
13 tors.

14 Actively restoring native milkweed and nectar plants, and other polli-
15 nator habitat, and ensuring that key habitats are protected from
16 destruction, are critical to ensuring the survival of monarch butterf-
17 lies and can also help facilitate conservation of other essential polli-
18 nators. Enhancing pollinator populations can result in improved poll-
19 ination services for neighboring land, including agriculture and
20 wildlife ecosystems.

21 § 3. The environmental conservation law is amended by adding a new
22 section 11-0541 to read as follows:

23 § 11-0541. Monarch preservation plan.

24 1. Within one year of the effective date of this section, the depart-
25 ment shall take feasible actions to conserve monarch butterflies and the

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

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1 unique habitats they depend upon for successful migration. These actions
2 may include, but are not limited to, habitat restoration on department
3 lands, education programs, and voluntary agreements with private land-
4 owners. The department may partner with federal agencies, state agen-
5 cies, nonprofit organizations, academic programs, private landowners,
6 and other entities that undertake actions to conserve monarch butterf-
7 lies and aid their successful migration, including the Monarch Joint
8 Venture. When undertaking actions to conserve monarch butterflies and
9 their habitats pursuant to this section, the department shall use the
10 best available science and consider, as appropriate and feasible, all of
11 the following:

12 a. restoring or revegetating monarch caterpillar habitat using
13 regionally or locally appropriate native milkweed species and native
14 nectar plant species;

15 b. controlling nonnative weed species that threaten native milkweed
16 species, and controlling pests and disease, using current best manage-
17 ment practices consistent with integrated pest management principles
18 that pose low risk to monarch butterflies and their habitat;

19 c. controlling pest management practices that may be harmful to
20 monarch butterflies, their food or their habitat;

21 d. incorporating diverse tree species, structures, and arrangements
22 when restoring or establishing winter habitat sites to match monarch
23 butterfly preferences for temperature, light, moisture, wind, and other
24 microclimate characteristics; and

25 e. increasing the number of partnerships and making the most of part-
26 nerships to use residential and institutional landscaped areas, agricul-
27 tural non-cropped lands, transportation corridors, and conservation
28 easements to create, restore, or enhance monarch butterfly habitat.

29 2. a. The monarch butterfly and pollinator rescue program ("the
30 program") is hereby established and shall be administered by the depart-
31 ment. Funding for the program shall be made available to the program
32 from the conservation fund established by section eighty-three of the
33 state finance law and from the habitat conservation and access account
34 established by section eighty-three-a of the state finance law.

35 b. The program shall provide grants, within appropriations and funds
36 designated therefore, for projects to recover and sustain populations of
37 monarch butterflies and other pollinators. Eligible recipients for
38 grants under the program include private landowners, nonprofit organiza-
39 tions, resource conservation districts, or public agencies. Before
40 disbursing a grant pursuant to this section, the department shall devel-
41 op and adopt project selection and evaluation guidelines. Such guide-
42 lines shall include monitoring and reporting requirements to help assess
43 grant outcomes, and requirement that the project demonstrates the clear
44 potential to contribute to the conservation and recovery of monarch
45 butterflies. These guidelines shall be made public within six months of
46 the enacted date. To achieve the purposes of the program, the depart-
47 ment may do all of the following:

48 (i) provide grants for the restoration or enhancement of appropriate
49 breeding and migration habitat for monarch butterflies and pollinators
50 on private and public lands;

51 (ii) provide technical assistance to grant recipients, including farm-
52 ers and ranchers, regarding restoration and enhancement of breeding,
53 migration, and other appropriate monarch butterfly habitat;

54 (iii) award grants pursuant to this section;

55 (iv) provide grants for seasonal or temporary habitat improvements;
56 and

1 (v) provide block grants in which suballocations are made by the grant
2 recipient, with the approval of the department.

3 3. An application for a grant for a project under this section shall
4 include:

5 a. a statement of the purpose of the project;

6 b. the name of the entity with overall responsibility for the project;

7 c. a description of:

8 (i) the qualifications of the entity that will conduct the project;

9 (ii) methods for project implementation and outcome assessment; and

10 (iii) anticipated outcomes;

11 d. information that demonstrates the clear potential of the project to
12 contribute to the conservation and recovery of the monarch butterfly;
13 and

14 e. assurances that the conservation effort will not include the use of
15 glyphosate or neonicotinoid pesticides.

16 4. The commissioner shall annually solicit applications for project
17 for funding under this section and review each proposal on a timeline
18 that recognizes the urgency of the declining monarch population to
19 determine whether the proposal meets the criteria specified in subdivi-
20 sion three of this section.

21 5. The fact that a project applicant or landowner does not enter into
22 a voluntary agreement to protect monarch butterflies shall not be
23 grounds for denying a permit or agreement or requiring additional miti-
24 gation beyond what would be required to mitigate project impacts under
25 other applicable laws.

26 6. Not later than December thirty-first of each year, the commissioner
27 shall prepare a report detailing the progress of the monarch preserva-
28 tion plan and the monarch butterfly and pollinator rescue program, the
29 status of the eastern monarch butterfly, a summary of the projects for
30 which the commissioner has provided funding, and an evaluation of those
31 projects, as well as any planned or anticipated regulatory or policy
32 changes which may affect the monarch management. The report shall be
33 delivered to the chairpersons of the assembly and senate committees on
34 environmental conservation.

35 § 4. This act shall take effect immediately.