

# STATE OF NEW YORK

7813

## IN SENATE

January 12, 2022

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the establishment of the state geological trail and the state geological planning and advisory council; and to amend a chapter of the laws of 2021 amending the environmental conservation law and the economic development law relating to establishing a state geological trail, as proposed in legislative bills numbers S. 7071 and A. 4328-A, in relation to the effectiveness thereof

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

1 Section 1. Section 49-0501 of the environmental conservation law, as  
2 added by a chapter of the laws of 2021 amending the environmental  
3 conservation law and the economic development law relating to establish-  
4 ing a state geological trail, as proposed in legislative bills numbers  
5 S. 7071 and A. 4328-A, is amended to read as follows:  
6 § 49-0501. Designation of geoparks and other sites.  
7 1. For the purposes of this title, a "geopark" is an area or territory  
8 of the state encompassing one or more sites of scientific importance,  
9 for not only geological reasons but also by virtue of their archaeologi-  
10 cal, ecological and cultural value.  
11 2. The commissioner shall study and may designate areas, territories  
12 and sites within the state which constitute geoparks and other sites  
13 which have geological significance. Such geoparks and sites may include,  
14 but not be limited to:  
15 a. Cayuga heights, along state route thirty-four in the county of  
16 Tompkins;  
17 b. Cascadilla creek, along University avenue in the city of Ithaca,  
18 county of Tompkins;  
19 c. Ithaca Falls park Fall creek, along Lincoln street in the city of  
20 Ithaca, county of Tompkins;  
21 d. Taughannock Falls state park, in the county of Tompkins;  
22 e. Niagara river gorge and Power Plant Haul road, in the county of  
23 Niagara;

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

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- 1 f. Whirlpool state park, in the county of Niagara;
- 2 g. the mouth of Eighteen Mile creek at Lake Erie, in the county of
- 3 Erie;
- 4 h. Buffalo creek at Bullisi road, in the county of Erie;
- 5 i. Fall brook along state route sixty-three, in the town of Geneseo,
- 6 county of Livingston;
- 7 j. LeRoy quarry, in the town of LeRoy, county of Genesee;
- 8 k. the Potsdam sandstone at Ausable chasm, in the county of Clinton;
- 9 l. Ausable falls, in the county of Clinton;
- 10 m. Whiteface mountain, in the county of Essex;
- 11 n. the Chattermarks on Bear mountain, in the county of Rockland;
- 12 o. the erratic and groves in Central park, in the county of New York;
- 13 p. the glacial channel in Central park, in the county of New York;
- 14 q. the burrows in sandstone in Watkins Glen, in the county of Schuyl-
- 15 er;
- 16 r. the upper devonian shale, siltstone and sandstone in Watkins Glen
- 17 gorge, in the county of Schuyler;
- 18 s. Watkins Glen state park, in the county of Schuyler;
- 19 t. Letchworth state park, in the county of Wyoming;
- 20 u. Penn Dixie [~~paleontological and outdoor education center~~] fossil
- 21 park and nature preserve, in the county of Erie;
- 22 v. Lafarge quarry, in the county of Ulster;
- 23 w. Seneca stone quarry, in the county of Seneca;
- 24 x. Taughannock park road in Taughannock Falls state park, in the coun-
- 25 ty of Tompkins;
- 26 y. State route four and twenty-two, in the town of Whitehall, county
- 27 of Washington;
- 28 z. Rondaxe road on Bald mountain, in the town of Webb, county of
- 29 Herkimer;
- 30 aa. Cannan road, in the towns of East Martinsburg and Knox, county of
- 31 Lewis;
- 32 bb. Barnet garnet mine, in the county of Warren;
- 33 cc. John Boyd Thacher state park, in the county of Albany;
- 34 dd. the Petrified Sea Gardens, in the county of Saratoga;
- 35 ee. Lester park, in the county of Saratoga;
- 36 ff. Saratoga Springs state park, in the county of Saratoga;
- 37 gg. Skytop Lane quarry, in the county of Delaware;
- 38 hh. Sidney Mountain quarry, in the county of Delaware;
- 39 ii. Sidney Mountain Bluestone quarry, in the county of Delaware;
- 40 jj. Sidney Center outcrops, in the county of Delaware;
- 41 kk. Sheetz quarry, in the county of Delaware;
- 42 ll. Pine Hill road, in the county of Delaware;
- 43 mm. Chimney Bluffs state park, in the county of Wayne;
- 44 nn. Wiscory Falls, in the county of Allegany;
- 45 oo. White creek, in the county of Allegany;
- 46 pp. Sixtown creek, in the county of Allegany;
- 47 qq. Rushford Dam park, in the county of Allegany;
- 48 rr. Caneadea Gorge overlook, in the county of Allegany;
- 49 ss. Buttermilk Falls state park, in the county of Cayuga;
- 50 tt. Chittenango Falls state park, in the county of Madison;
- 51 uu. Cohoes Falls, in the county of Saratoga;
- 52 vv. Clarksville cave, in the county of Albany;
- 53 ww. Joralemon town park, in the county of Albany;
- 54 xx. Normanskill gorge, in the county of Albany;
- 55 yy. Barton garnet mine, in the county of Warren;
- 56 zz. Kimberlite dike, in the county of Onondaga;

- 1 aaa. Howes Cave quarry, in the county of Schoharie;
- 2 bbb. Howe Caverns, in the county of Schoharie;
- 3 ccc. Kaaterskill Falls, in the county of Greene;
- 4 ddd. Knox cave, in the county of Albany;
- 5 eee. Manorkill Falls, in the county of Schoharie;
- 6 fff. McFail's Cave nature preserve, in the county of Schoharie;
- 7 ggg. Montauk Point, in the county of Suffolk;
- 8 hhh. Montour Falls, in the county of Schuyler;
- 9 iii. Niagara Falls state park, in the county of Niagara;
- 10 jjj. Onesquethaw Cave, in the county of Albany;
- 11 kkk. Stark's Knob, in the county of Saratoga;
- 12 lll. Cairo Fossil Forest, in the county of Greene;
- 13 mmm. Gilboa Fossil Forest, in the county of Schoharie; and
- 14 nnn. Herkimer Diamond Mines, in the county of Herkimer.

15 3. For each area, territory and site designated pursuant to subdivi-  
16 sion two of this section, the commissioner, in cooperation with the  
17 commissioners of transportation and economic development, [~~shall~~] may:

18 a. establish a management plan designed to foster socio-economic  
19 development that is sustainable;

20 b. establish methods for conserving and enhancing its geological  
21 heritage; and

22 c. establish best practices for conservation.

23 § 2. Section 49-0503 of the environmental conservation law, as added  
24 by a chapter of the laws of 2021 amending the environmental conservation  
25 law and the economic development law relating to establishing a state  
26 geological trail, as proposed in legislative bills numbers S. 7071 and  
27 A. 4328-A, is amended to read as follows:

28 § 49-0503. Establishment of state geological trail.

29 1. The commissioner, in cooperation with the commissioners of trans-  
30 portation and economic development, shall establish a state geological  
31 trail to include the areas, territories and sites designated by the  
32 commissioner pursuant to subdivision two of section 49-0501 of this  
33 title. The purpose of such trail shall be to identify and promote such  
34 areas, territories and sites to the public, and promote the economic,  
35 scientific, cultural and conservation aspects thereof.

36 2. To the greatest extent practicable, the state geological trail  
37 shall include areas and sites across the state going east and west, and  
38 north and south throughout the entire state. [~~The~~] Consideration shall  
39 be given to having the designated portions of the state geological trail  
40 [~~shall~~] intersect at the city of Albany, [~~which shall be deemed to be~~  
41 ~~the center of~~] in recognition of its importance in the geology of the  
42 state. [~~The~~] In designating the state geological trail [~~shall possess~~]  
43 consideration shall also be given to scientific and/or scenic importance  
44 relating to geological, and related cultural, ecological and archeologi-  
45 cal features.

46 3. In developing and approving such trail, the commissioner shall  
47 ensure that proposed trail routes do not conflict with existing scenic  
48 byways designated pursuant to section three hundred forty-nine-dd of the  
49 highway law or wine trails designated pursuant to section three hundred  
50 forty-three-k of the highway law, and ensure that the trail route is  
51 designed and laid out so that it is relatively simple and easy to follow  
52 for users and contains few branches or laterals that dead end.

53 § 3. Section 49-0505 of the environmental conservation law, as added  
54 by a chapter of the laws of 2021 amending the environmental conservation  
55 law and the economic development law relating to establishing a state

1 geological trail, as proposed in legislative bills numbers S. 7071 and  
2 A. 4328-A, is amended to read as follows:

3 § 49-0505. State geological planning and [~~management board~~] advisory  
4 council.

5 1. For the purposes of this title, [~~board~~] "advisory council" means  
6 the state geological planning and [~~management board~~] advisory council  
7 established pursuant to this section.

8 2. There shall be established within the department the state geologi-  
9 cal planning and [~~management board~~] advisory council. The [~~board~~] advi-  
10 sory council shall be composed of ten members as follows:

11 a. the commissioner, or his or her designee who is an officer or  
12 employee of the department;

13 b. the commissioner of economic development, or his or her designee  
14 who is an officer or employee of the department of economic development;

15 c. the commissioner of parks, recreation and historic preservation, or  
16 his or her designee who is an officer or employee of the office of  
17 parks, recreation and historic preservation;

18 d. the commissioner of transportation, or his or her designee who is  
19 an officer or employee of the department of transportation;

20 e. two members appointed by the governor, of whom:

21 (1) one shall have been or is engaged in trail planning and/or manage-  
22 ment, and

23 (2) one shall teach geology or be a geology professional;

24 f. two members appointed by the temporary president of the senate,  
25 having expertise in the field of ecology, conservation or trail plan-  
26 ning; and

27 g. two members appointed by the speaker of the assembly, having exper-  
28 tise in the field of ecology, conservation or trail planning.

29 3. The members of the [~~board~~] advisory council appointed pursuant to  
30 paragraphs e, f and g of subdivision two of this section shall serve  
31 terms of four years. Vacancies in the membership of the [~~board~~] advi-  
32 sory council shall be filled in the manner provided for original  
33 appointments.

34 4. The commissioner, or his or her designee, shall be the chair of the  
35 [~~board~~] advisory council. The [~~board~~] advisory council shall meet not  
36 less than three times each calendar year, and more frequently at the  
37 call of the chair [~~of the board~~].

38 5. The [~~board shall~~] advisory council may establish:

39 a. criteria for signage on the state geological trail, including means  
40 of providing information about geological features associated with each  
41 particular portion of such trail. Provided, however, that all such  
42 signage shall comply with the New York state manual and specifications  
43 for a uniform system of traffic control devices as such manual and spec-  
44 ifications may be amended from time to time, certified by a licensed  
45 professional engineer who specializes in traffic operations. For the  
46 purposes of this section, the term "New York state manual and specifica-  
47 tions for a uniform system of traffic control devices" shall mean the  
48 national manual of uniform traffic control devices promulgated by the  
49 federal highway administration pursuant to subpart (f) of part 655 of  
50 title 23 of the code of federal regulations and the New York state  
51 supplement adopted by the commissioner of transportation pursuant to  
52 section sixteen hundred eighty of the vehicle and traffic law; and

53 b. state geological trail publications, guidelines for interpretive  
54 programs and themes relating to portions of the state geological trail,  
55 and an internet website providing directional information on educational

1 institutions that have programs relating to the geological and conserva-  
2 tion aspects of the portions of the state geological trail.

3 § 4. Section 4 of a chapter of the laws of 2021 amending the environ-  
4 mental conservation law and the economic development law relating to  
5 establishing a state geological trail, as proposed in legislative bills  
6 numbers S. 7071 and A. 4328-A, is amended to read as follows:

7 § 4. This act shall take effect [~~immediately~~] one year after it shall  
8 have become a law.

9 § 5. This act shall take effect immediately; provided, however, that  
10 sections one, two and three of this act shall take effect on the same  
11 date and in the same manner as a chapter of the laws of 2021 amending  
12 the environmental conservation law and the economic development law  
13 relating to establishing a state geological trail, as proposed in legis-  
14 lative bills numbers S. 7071 and A. 4328-A, takes effect.