STATE OF NEW YORK

8717

IN ASSEMBLY

January 11, 2022

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

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:

Section 1. Section 49-0501 of the environmental conservation law, as added by 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, is amended to read as follows:

§ 49-0501. Designation of geoparks and other sites.

1. For the purposes of this title, a "geopark" is an area or territory of the state encompassing one or more sites of scientific importance, for not only geological reasons but also by virtue of their archaeological, ecological and cultural value.

2. The commissioner shall study and *may* designate areas, territories and sites within the state which constitute geoparks and other sites which have geological significance. Such geoparks and sites may include, but not be limited to:

a. Cayuga heights, along state route thirty-four in the county of Tompkins;

b. Cascadilla creek, along University avenue in the city of Ithaca, county of Tompkins;

c. Ithaca Falls park Fall creek, along Lincoln street in the city of Ithaca, county of Tompkins;

d. Taughannock Falls state park, in the county of Tompkins;

e. Niagara river gorge and Power Plant Haul road, in the county of Niagara;

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

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f. Whirlpool state park, in the county of Niagara;
g. the mouth of Eighteen Mile creek at Lake Erie, in the county of Erie;
h. Buffalo creek at Bullisi road, in the county of Erie;
i. Fall brook along state route sixty-three, in the town of Geneseo, county of Livingston;
j. LeRoy quarry, in the town of LeRoy, county of Genesee;
k. the Potsdam sandstone at Ausable chasm, in the county of Clinton;
l. Ausable falls, in the county of Clinton;
m. Whiteface mountain, in the county of Essex;
n. the Chattermarks on Bear mountain, in the county of Rockland;
o. the erratic and groves in Central park, in the county of New York;
p. the glacial channel in Central park, in the county of New York;
q. the burrows in sandstone in Watkins Glen, in the county of Schuyler;
r. the upper devonian shale, siltstone and sandstone in Watkins Glen gorge, in the county of Schuyler;
s. Watkins Glen state park, in the county of Schuyler;
t. Letchworth state park, in the county of Wyoming;
u. Penn Dixie [~~paleontological and outdoor education center~~] **fossil park and nature preserve**, in the county of Erie;
v. Lafarge quarry, in the county of Ulster;
w. Seneca stone quarry, in the county of Seneca;
x. Taughannock park road in Taughannock Falls state park, in the county of Tompkins;
y. State route four and twenty-two, in the town of Whitehall, county of Washington;
z. Rondaxe road on Bald mountain, in the town of Webb, county of Herkimer;
aa. Cannan road, in the towns of East Martinsburg and Knox, county of Lewis;
bb. Barnet garnet mine, in the county of Warren;
cc. John Boyd Thacher state park, in the county of Albany;
dd. the Petrified Sea Gardens, in the county of Saratoga;
ee. Lester park, in the county of Saratoga;
ff. Saratoga Springs state park, in the county of Saratoga;
gg. Skytop Lane quarry, in the county of Delaware;
hh. Sidney Mountain quarry, in the county of Delaware;
ii. Sidney Mountain Bluestone quarry, in the county of Delaware;
jj. Sidney Center outcrops, in the county of Delaware;
kk. Sheetz quarry, in the county of Delaware;
ll. Pine Hill road, in the county of Delaware;
mm. Chimney Bluffs state park, in the county of Wayne;
nn. Wiscory Falls, in the county of Allegany;
oo. White creek, in the county of Allegany;
pp. Sixtown creek, in the county of Allegany;
qq. Rushford Dam park, in the county of Allegany;
rr. Caneadea Gorge overlook, in the county of Allegany;
ss. Buttermilk Falls state park, in the county of Cayuga;
tt. Chittenango Falls state park, in the county of Madison;
uu. Cohoes Falls, in the county of Saratoga;
vv. Clarksville cave, in the county of Albany;
ww. Joralemon town park, in the county of Albany;
xx. Normanskill gorge, in the county of Albany;
yy. Barton garnet mine, in the county of Warren;
zz. Kimberlite dike, in the county of Onondaga;

aaa. Howes Cave quarry, in the county of Schoharie;
bbb. Howe Caverns, in the county of Schoharie;
ccc. Kaaterskill Falls, in the county of Greene;
ddd. Knox cave, in the county of Albany;
eee. Manorkill Falls, in the county of Schoharie;
fff. McFail's Cave nature preserve, in the county of Schoharie;
ggg. Montauk Point, in the county of Suffolk;
hhh. Montour Falls, in the county of Schuyler;
iii. Niagara Falls state park, in the county of Niagara;
jjj. Onesquethaw Cave, in the county of Albany;
kkk. Stark's Knob, in the county of Saratoga;
lll. Cairo Fossil Forest, in the county of Greene;
mmm. Gilboa Fossil Forest, in the county of Schoharie; and
nnn. Herkimer Diamond Mines, in the county of Herkimer.

3. For each area, territory and site designated pursuant to subdivision two of this section, the commissioner, in cooperation with the commissioners of transportation and economic development, [~~shall~~] **may**:

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

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

c. establish best practices for conservation.

§ 2. Section 49-0503 of the environmental conservation law, as added by 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, is amended to read as follows:

§ 49-0503. Establishment of state geological trail.

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

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

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

§ 3. Section 49-0505 of the environmental conservation law, as added by 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, is amended to read as follows:

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

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

2. There shall be established within the department the state geological planning and [~~management board~~] advisory council. The [~~board~~] advisory council shall be composed of ten members as follows:

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

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

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

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

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

(1) one shall have been or is engaged in trail planning and/or management, and

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

f. two members appointed by the temporary president of the senate, having expertise in the field of ecology, conservation or trail planning; and

g. two members appointed by the speaker of the assembly, having expertise in the field of ecology, conservation or trail planning.

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

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

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

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

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

institutions that have programs relating to the geological and conservation aspects of the portions of the state geological trail.

§ 4. Section 4 of 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, is amended to read as follows:

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

§ 5. This act shall take effect immediately; provided, however, that sections one, two and three of this act shall take effect on the same date and in the same manner as 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, takes effect.