STATE OF NEW YORK

7017--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. SIMON, THIELE, GUNTHER, ZINERMAN, SAYEGH, L. ROSENTHAL, McDONOUGH, K. BROWN -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

Major threat to monarchs include habitat loss and fragmentation, changes in climate and extreme weather, pesticides, herbicides, and genetically modified crops, invasive species, disease and natural predators.

Actively restoring native milkweed and nectar plants, and other pollinator habitat, and ensuring that key habitats are protected from destruction, are critical to ensuring the survival of monarch butterflies and can also help facilitate conservation of other essential pollinators. Enhancing pollinator populations can result in improved pollination services for neighboring land, including agriculture and wildlife ecosystems.

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

LBD05049-02-4

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

§ 11-0541. Monarch preservation plan.

Beginning within one year of the effective date of this section, the department shall take feasible actions to conserve monarch butterflies and the unique habitats they depend upon for successful migration. These actions may include, but are not limited to, habitat restoration on department and state owned lands, education programs, and voluntary agreements with private landowners. The department may partner with federal agencies, state agencies, nonprofit organizations, academic programs, private landowners, and other entities that undertake actions to conserve monarch butterflies and aid their successful migration. When undertaking actions to conserve monarch butterflies and their habitats pursuant to this section, the department shall use the best available science and consider, as appropriate and feasible, all of the following:

1. restoring or revegetating monarch caterpillar habitat using regionally or locally appropriate native milkweed species and native nectar plant species;

2. controlling nonnative weed species that threaten native milkweed species, and controlling pests and disease, using current best management practices consistent with integrated pest management principles that pose low risk to monarch butterflies and their habitat;

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

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

5. increasing the number of partnerships and making the most of partnerships to use residential and institutional landscaped areas, agricultural non-cropped lands, transportation corridors, and conservation easements to create, restore, or enhance monarch butterfly habitat.

§ 4. This act shall take effect immediately.