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:

Section 1. 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.

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

§ 11-0541. Monarch preservation plan.

1. Within one year of the effective date of this section, the department 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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unique habitats they depend upon for successful migration. These actions may include, but are not limited to, habitat restoration on department 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, including the Monarch Joint Venture. 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:

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

b. 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;

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

d. 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

e. 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.

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

b. The program shall provide grants, within appropriations and funds designated therefore, for projects to recover and sustain populations of monarch butterflies and other pollinators. Eligible recipients for grants under the program include private landowners, nonprofit organizations, resource conservation districts, or public agencies. Before disbursing a grant pursuant to this section, the department shall develop and adopt project selection and evaluation guidelines. Such guidelines shall include monitoring and reporting requirements to help assess grant outcomes, and requirement that the project demonstrates the clear potential to contribute to the conservation and recovery of monarch butterflies. These guidelines shall be made public within six months of the enacted date. To achieve the purposes of the program, the department may do all of the following:

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

(ii) provide technical assistance to grant recipients, including farmers and ranchers, regarding restoration and enhancement of breeding, migration, and other appropriate monarch butterfly habitat;

(iii) award grants pursuant to this section;

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

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

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

a. a statement of the purpose of the project;

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

c. a description of:

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

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

(iii) anticipated outcomes;

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

e. assurances that the conservation effort will not include the use of glyphosate or neonicintinoid pesticides.

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

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

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

§ 4. This act shall take effect immediately.