

STATE OF NEW YORK

5651

2025-2026 Regular Sessions

IN ASSEMBLY

February 19, 2025

Introduced by M. of A. BARCLAY, BRABENEC, WALSH, MILLER, MANKTELOW, DiPIETRO, GALLAHAN, JENSEN, LEMONDES, DeSTEFANO, HAWLEY, SIMPSON, TAGUE -- Multi-Sponsored by -- M. of A. K. BROWN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, the parks, recreation and historic preservation law, and the state finance law, in relation to environmental assessment of historic preservation plan

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

1 Section 1. Subdivision 6 of section 8-0111 of the environmental
2 conservation law, as added by chapter 612 of the laws of 1975, is
3 amended to read as follows:

4 6. Lead Agency. When an action is to be carried out or approved by two
5 or more agencies, the department shall be designated as lead agency and
6 determination of whether the action may have a significant effect on the
7 environment shall be made by the [~~lead agency~~] department having princi-
8 pal responsibility for carrying out or approving such action and [~~such~~
9 ~~agency~~] shall prepare[~~, or cause to be prepared by contract or other-~~
10 ~~wise,~~] the environmental impact statement for the action if such a
11 statement is required by this article. [~~In the event that there is a~~
12 ~~question as to which is the lead agency, any agency may submit the ques-~~
13 ~~tion to the commissioner and the commissioner shall designate the lead~~
14 ~~agency, giving due consideration to the capacity of such agency to~~
15 ~~fulfill adequately the requirements of this article.~~]

16 § 2. Paragraph (a) of subdivision 3 of section 70-0109 of the environ-
17 mental conservation law is amended by adding a new subparagraph (iii) to
18 read as follows:

19 (iii) In the case of an application for a state pollutant discharge
20 elimination system (SPDES) permit issued in lieu of a national pollutant
21 discharge elimination system permit, such decision shall be mailed on or
22 before thirty calendar days after the department mails written notice to

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

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1 the applicant that the application is complete or on or before thirty
2 calendar days after the application is deemed complete pursuant to the
3 provisions of this article.

4 § 3. Subdivision 5 of section 8-0109 of the environmental conservation
5 law, as amended by chapter 252 of the laws of 1977, and the opening
6 paragraph as amended by chapter 749 of the laws of 1991, is amended to
7 read as follows:

8 5. After the filing of a draft environmental impact statement the
9 agency shall determine whether or not to conduct a public hearing on the
10 environmental impact of the proposed action. If the agency determines to
11 hold such a hearing, it shall commence the hearing within [~~sixty~~] thirty
12 days of the filing and unless the proposed action is withdrawn from
13 consideration shall prepare the environmental impact statement within
14 [~~forty-five~~] thirty days after the close of the hearing, except as
15 otherwise provided. The need for such a hearing shall be determined in
16 accordance with procedures adopted by the agency pursuant to section
17 8-0113 of this article. If no hearing is held, the agency shall prepare
18 and make available the environmental impact statement within [~~sixty~~]
19 thirty days after the filing of the draft, except as otherwise provided.

20 Notwithstanding the specified time periods established by this arti-
21 cle, an agency shall vary the times so established herein for prepara-
22 tion, review and public hearings to coordinate the environmental review
23 process with other procedures relating to review and approval of an
24 action. An application for a permit or authorization for an action upon
25 which a draft environmental impact statement is determined to be
26 required shall not be complete until such draft statement has been filed
27 and accepted by the agency as satisfactory with respect to scope,
28 content and adequacy for purposes of [~~paragraph~~] subdivision four of
29 this section. Commencing upon such acceptance, the environmental impact
30 statement process shall run concurrently with other procedures relating
31 to the review and approval of the action so long as reasonable time is
32 provided for preparation, review and public hearings with respect to the
33 draft environmental impact statement.

34 § 4. Subdivisions 3 and 4 of section 14.07 of the parks, recreation
35 and historic preservation law, as added by chapter 354 of the laws of
36 1980, are amended to read as follows:

37 3. The commissioner shall determine which properties within the state
38 are eligible for inclusion on the state register. Eligibility shall be
39 determined by whether the edge of a property is located within a mile of
40 any property designated as a state historic place or national historic
41 place, or a property is located in an area where cultural or historical
42 activities are likely to have occurred based on archaeological precedent
43 or historical evidence. The commissioner shall update the list of eligi-
44 ble properties for the state register every three years. The initial
45 list shall be published in draft form and made available for public
46 comment with a public comment period of no less than sixty days, and be
47 the subject of no less than at least three public hearings throughout
48 the state. Subsequent additions to the register of any properties shall
49 be the subject of at least one public hearing and a public comment peri-
50 od of no less than thirty days. The commissioner shall publish a map of
51 all properties included on the list of eligible properties for the state
52 register on its website, and provide a copy of such map to all state
53 agencies, public authorities and municipal governments.

54 4. Statewide comprehensive historic preservation plan. The commission-
55 er, in consultation with the board, shall prepare a statewide comprehen-
56 sive historic preservation plan. This plan may include proposals for the

1 preservation and use of registered property. The annual state plan
2 submitted to the Heritage Conservation and Recreation Service in the
3 United States Department of Interior may substantially be used in
4 preparing this plan. The agency preservation officers shall cooperate
5 and municipal officials may cooperate with the commissioner in the
6 promulgation of plans and proposals in relation to historic places with-
7 in their respective jurisdictions. The commissioner shall update the
8 plan annually. The commissioner shall annually notify every agency pres-
9 ervation officer and municipal official of the availability of the state
10 plan or the annual update and a copy of the annual plan or update shall
11 be sent to every agency preservation officer and municipal official
12 requesting such a plan or update.

13 ~~[4-]~~ 5. From funds available from the federal government for historic
14 preservation purposes which may be used for reimbursement as hereinafter
15 provided, and funds appropriated by the state for the purpose of assist-
16 ing local and regional preservation programs, or for the purpose of
17 archaeological survey as may be required by the commissioner pursuant to
18 permit requirements under article eight or seventeen of the environ-
19 mental conservation law, including funds for other such survey and plan-
20 ning, the commissioner may provide reimbursement to municipalities and
21 private organizations which undertake surveys and studies of historic
22 places and cultural resources, prepare local historic preservation
23 reports or otherwise assist the commissioner in carrying out ~~his~~ the
24 commissioner's historic preservation responsibilities.

25 § 5. The state finance law is amended by adding a new section 99-ss to
26 read as follows:

27 § 99-ss. The New York state archaeological survey assistance fund. 1.
28 There is hereby established in the joint custody of the comptroller and
29 the commissioner of environmental conservation a fund for the reimburse-
30 ment of costs associated with an archaeological survey, when a municip-
31 ality or private organization is directly required by the commissioner
32 of the office of parks, recreation and historic preservation, the
33 commissioner of the department of environmental conservation, or any
34 related state agency head in the state to undertake the survey. The
35 administration of such fund shall be the sole responsibility of the
36 commissioner of the office of parks, recreation and historic preserva-
37 tion.

38 2. The fund will consist of appropriated federal funds for the purpose
39 of archaeological surveying or appropriated state funds for the purpose
40 of archaeological surveying.

41 3. In developing the administration of the fund, the commissioner of
42 the office of parks, recreation and historic preservation, in conjunc-
43 tion with the commissioner of the department of environmental conserva-
44 tion, shall develop guidelines for the reimbursement of costs associated
45 with an archaeological survey undertaken by a municipality or a private
46 organization. Such guidelines shall, at a minimum, provide that:

47 (a) if an archaeological survey does not yield any historical or
48 cultural artifacts, the costs of such survey shall be fully reimbursed
49 by the fund;

50 (b) if an archaeological survey does yield historical or cultural
51 artifacts and the cost of such survey is under one hundred thousand
52 dollars, at least half the cost of such survey shall be reimbursed by
53 the fund;

54 (c) if an archaeological survey does yield historical or cultural
55 artifacts and the cost of such survey is over one hundred thousand
56 dollars, the commissioner of the office of parks, recreation and histor-

1 ic preservation shall determine an appropriate reimbursement level,
2 provided that such reimbursement by the fund shall be no less than twen-
3 ty-five percent.

4 4. Within ninety days of the effective date of this section, the
5 commissioner of the office of parks, recreation and historic preserva-
6 tion shall establish rules and regulations for administering the fund,
7 including, but not limited to, an application process, a timeline for
8 reimbursing municipalities or private organizations that are directly
9 required to undertake an archaeological survey, and any other rules or
10 regulations that the commissioner deems necessary.

11 § 6. This act shall take effect immediately.