

STATE OF NEW YORK

9295

IN SENATE

May 12, 2022

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed 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:

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

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

10 Major threat to monarchs include habitat loss and fragmentation,
11 changes in climate and extreme weather, pesticides, herbicides, and
12 genetically modified crops, invasive species, disease and natural preda-
13 tors.

14 Actively restoring native milkweed and nectar plants, and other polli-
15 nator habitat, and ensuring that key habitats are protected from
16 destruction, are critical to ensuring the survival of monarch butterf-
17 lies and can also help facilitate conservation of other essential polli-
18 nators. Enhancing pollinator populations can result in improved poll-
19 ination services for neighboring land, including agriculture and
20 wildlife ecosystems.

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

23 § 11-0541. Monarch preservation plan.

24 1. Within one year of the effective date of this section, the depart-
25 ment shall take feasible actions to conserve monarch butterflies and the
26 unique habitats they depend upon for successful migration. These actions
27 may include, but are not limited to, habitat restoration on department
28 lands, education programs, and voluntary agreements with private land-

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

LBD15883-01-2

1 owners. The department may partner with federal agencies, state agen-
2 cies, nonprofit organizations, academic programs, private landowners,
3 and other entities that undertake actions to conserve monarch butterf-
4 lies and aid their successful migration, including the Monarch Joint
5 Venture. When undertaking actions to conserve monarch butterflies and
6 their habitats pursuant to this section, the department shall use the
7 best available science and consider, as appropriate and feasible, all of
8 the following:

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

12 b. controlling nonnative weed species that threaten native milkweed
13 species, and controlling pests and disease, using current best manage-
14 ment practices consistent with integrated pest management principles
15 that pose low risk to monarch butterflies and their habitat;

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

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

22 e. increasing the number of partnerships and making the most of part-
23 nerships to use residential and institutional landscaped areas, agricul-
24 tural non-cropped lands, transportation corridors, and conservation
25 easements to create, restore, or enhance monarch butterfly habitat.

26 2. a. The monarch butterfly and pollinator rescue program ("the
27 program") is hereby established and shall be administered by the depart-
28 ment. Funding for the program shall be made available to the program
29 from the conservation fund established by section eighty-three of the
30 state finance law and from the habitat conservation and access account
31 established by section 83-a of the state finance law.

32 b. The program shall provide grants, within appropriations and funds
33 designated therefore, for projects to recover and sustain populations of
34 monarch butterflies and other pollinators. Eligible recipients for
35 grants under the program include private landowners, nonprofit organiza-
36 tions, resource conservation districts, or public agencies. Before
37 disbursing a grant pursuant to this section, the department shall devel-
38 op and adopt project selection and evaluation guidelines. Such guide-
39 lines shall include monitoring and reporting requirements to help assess
40 grant outcomes, and requirement that the project demonstrates the clear
41 potential to contribute to the conservation and recovery of monarch
42 butterflies. These guidelines shall be made public within six months of
43 the enacted date. To achieve the purposes of the program, the depart-
44 ment may do all of the following:

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

48 (ii) provide technical assistance to grant recipients, including farm-
49 ers and ranchers, regarding restoration and enhancement of breeding,
50 migration, and other appropriate monarch butterfly habitat;

51 (iii) award grants pursuant to this section;

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

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

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

3 a. a statement of the purpose of the project;

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

5 c. a description of:

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

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

8 (iii) anticipated outcomes;

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

12 e. assurances that the conservation effort will not include the use of
13 glyphosate or neonicotinoid pesticides.

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

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

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

33 § 4. This act shall take effect immediately.