

Agriculture & Forestry Advisory Panel and Public Engagement Meeting

Meeting Teleconference - WebEx

February 4, 2021

Start time 1:00 pm

At a Glance

- The Climate Justice Working Group is developing a definition of “disadvantaged communities” to be finalized in the summer of 2021 and is working in consultation with the CAC and advisory panels.
- The final recommendation template is available and will be filled out by panel members and staff at the direction of sub-panel leads. Final recommendations will be reviewed by the full panel before submission to the CAC.
- The panel hosted a public engagement discussion to receive live comments and feedback from interested stakeholders. Further comments and questions may be submitted to the email address below.
- The next advisory panel meeting will be on March 2nd at 1pm ET.

Information regarding meetings and materials can be found on – www.Climate.ny.gov

Feedback can be submitted at any time by emailing agriculture.forestry@agriculture.ny.gov.

Present:

WebEx: (117 total attendees including panelists, agency staff and the public)

Advisory Panel:

Commissioner Richard Ball, Chair AGM; Rafael Aponte, Rocky Acres Community Farm; Amanda Barber, Cortland SWCD; John Bartow, Empire State Forest Products Assoc.; Michelle Brown, TNC; Tom Gerow, Wagner Lumber Co.; Suzanne Hunt, HuntGreen LLC/Hunt Country Vineyards; Peter Innes, DEC; Peter Lehner, Earth Justice; Robert Malmsheimer, SUNY ESF; Julie Suarez, Cornell University; Ned Sullivan, Scenic Hudson; Donna Wadsworth, International Paper; Elizabeth Wolters, NYFB; Peter Woodbury, Cornell University

Absent: Samantha Levy, AFT; Stephanie Morningstar, Northeast Farmers of Color Land Trust; John Noble, Noblehurst Farms; Nelson Villarrubia, Trees NY

Agency Staff:

Greg Albrecht, David Behm, Bethan Bzduch, Tim Clark, Jennifer Clifford, Victor Digiacomio, Patrick Emerick, Jason Kokkinos, Ben Luskin, Lindsey McMahon, Jason Mulford, Brian Steinmuller, David Valesky **AGM**; Ian Crisman, Jason Drobnack, Suzanne Hagell, Jeffrey Mapes, Greg Mumby, Maureen Leddy, Thomas McGuire, Rosa Mendez, Robert Messenger, Rachael Pinkoski, Sally Rowland, Molly Trembley, Timothy Wenskus **DEC**; Brendan Hannon, **DEP**; Sarah Crowell, Stephanie Wojtowicz, **DOS**; Laurie Kokkinides, **DPS**; Giovanni Holmquist, **ESD**; Lew Payne, **NYPA**; Todd Baldyga, Tom Fiesinger, Stephen Hoyt, Kathleen O’Connor, Ziggy Majumdar, Chenxi Zhu **NYSERDA**.

Welcome

Commissioner Ball, NYS Department of Agriculture and Markets

Panel Member Rollcall

Absences noted above

Public Participation

To submit feedback to Panel Members and agency staff during the meeting, members of the public can use the WebEx Chat function. Questions and comments issued by the general public during the meeting will be collected but not directly responded to during the meeting. Feedback can also be submitted at any time by emailing agriculture.forestry@agriculture.ny.gov.

The final two meeting of the Agriculture & Forestry Advisory Panel will be March 2nd and March 16th both at 1:00pm ET. For more information visit <https://climate.ny.gov>.

Climate Justice Working Group Presentation & Discussion

Rosa Mendez, Director, Office of Environmental Justice, NYS Department of Environmental Conservation

Rosa Mendez, chair of the Climate Justice Working Group, provided a presentation on the aims, structure, and coordinative role of the Climate Justice Working group. The presentation focused on the group's inclusive consultation process, the development of a definition on disadvantaged communities, and the role of working group's findings in future Climate Action Council work. Further details can be found in the meeting materials.

Overview:

- Climate Justice Working group began meeting in August 2020 and includes representatives from communities with Environmental Justice issues from upstate, urban, and rural areas.
- The working group plays a consultation role with CAC and APs to inform the climate justice and equity elements of the scoping plan.
- The working group's effort to establish criteria for identify disadvantaged communities is rooted in 3 key pillars focusing on climate vulnerability, pollution density, and low-income and minority populations.
- The working group will host 6 public statement hearings on the draft disadvantaged community criteria in 2021.
- The working group is reaching out to California EJ representatives for lessons learned in their efforts and will be holding a call with representatives in the coming weeks.
- The final disadvantaged communities' criteria are expected to be delivered in the summer of 2021.

Discussion & Comments:

- How are you thinking about monitoring in communities to determine what is driving improvements, it could just be genetrification?
 - The working group is directed to continue meeting after criteria is identified so they can monitor communities identified and capture this
- Is the group looking forward to where certain policies or regulations resulting from this scoping plan could render a community disadvantaged (e.g. plant closure)?

- The group is still considering methodology for this, and want to include community engagement in this process.
- Are there specific areas that may be impacted for the Agriculture & Forestry Advisory Panel, or areas where agriculture and forestry will overlap with disadvantaged communities?
 - The working group has had discussion with panel members over biofuels.
- What issues have been the most difficult for the working group to grapple with?
 - There is a great deal of discussion on the complexities of place based designation and considerations on how much weight each pillar should get.
- Has the working group found significant overlap between these pillars in developing the criteria?
 - In the evaluation tool used by the working group, one of the things under consideration is uniqueness because some measures are inherently overlapping between pillars.
- How is the working group defining the geographic parameters of a disadvantaged community? What is the minimum scale the group will be working with?
 - The working group has noted that other models seem to work well at the Census Tract level and that there will be a focus group to discuss the scope of place based parameters.
- Is there a sense of where data is the most robust and where it's lacking?
 - The working group is grappling with numerous indicators, some of which appear to skew downstate. They are reviewing these indicators to ensure that benefits are spread across the state. Some of the indicators under consideration include food access and work is underway to determine how they relate to other indicators.
- The challenge of data collection in rural areas was noted. These areas are highly vulnerable to impacts with flooding and storm surge and no less important but trickier to get at and measure.
- It was highlighted that, through community listening sessions, the working group will be wise to understand the kinds of investments and benefits that different communities will accept and consider truly beneficial. Solar benefits were held up as an example that are perceived differently among rural and urban communities.

Recommendations Template Follow Up & Integration Analysis

Maureen Leddy, NYS Department of Environmental Conservation

Following up on a previous discussion around recommendation submissions, Maureen Leddy provided an overview of the slide template to be used in transmitting final panel recommendations to the CAC. The presentation highlighted the elements to be included in each recommendation, and the level of detail required for each component.

Overview:

- The powerpoint template will be distributed to subgroups for completion
- The slides go into detail on strategies including specific measures to be pursued and estimates of impact.
- It is not expected that the panel produce specific emissions and cost values, but rather a high/medium/low designation of impact.
- The final package will be delivered to the CAC for review and input into the integration analysis.

Discussion & Comments:

- The panel clarified that case studies supporting a given recommendation can be drawn from within New York state as well as other jurisdictions.
- How specific is the CAC looking for these recommendations to be? Should the final recommendations include principles involved in implementing, or legislative language?
 - The recommendation can articulate general regulatory ideas and considerations, but does not need to be articulated as specific legal language.
- Should recommendations be presented in order of preference, importance, or impact?
 - As the council reviews recommendations the focus will be on high impact low cost recommendations, specific preference regarding priority could be noted in the “other” field.
- The specific sub-group leaders will identify how best to complete the recommendations template and who should author specific recommendations.
- The DEC has been tasked with developing the emissions limits under the CLCPA and has been working on applying the ew methodology to the most recent year of emissions data. This will help inform the benchmarking and assessment of proposed recommendations.
- To what extent should recommendations take into consideration potential overlap with other panel recommendations or measures?
 - When the CAC and staff begin considering the recommendations, there will be an assessment of how recommendations align and overlap.
- Pursuing consistent monitoring and measurement of natural and working land carbon sequestration will be critical to the recommendations of the panel
- The panel noted that the CLCPA is ambiguous about voluntary carbon markets and their role. How might recommendations around carbon markets be made?
 - The CLCPA does not get in the way for voluntary carbon market, so recommendations on participation or features of the market can be made.
- How does the alternative compliance mechanism apply?
 - The mechanism is an optional tool DEC could employ. Recommendations should avoid relying on the alternative compliance mechanism.

Subgroup Status and Next Steps

Brian Steinmuller, NYS Department of Agriculture and Markets

Brian Steinmuller and DEC Staff provided a brief overview of the progress on several of the key subgroups.

Overview:

- Agroforestry, NIM/Soil Health, Livestock/Dairy
 - Subgroup has held 2 subgroup meetings hearing from experts in the field
 - Next meeting to have draft of recommendations circulated prior
- Improved Forest Management
 - Subgroup has held 2 subgroup meetings discussing 480A, additionality and accounting standards
 - The subgroup will be populating the recommendations template in the coming weeks

- The next meeting is on afforestation and then urban forestry
- Avoided conversions
 - Subgroup has held 3 subgroup meetings discussing forest conservation Fee and conservation acquisition, farmland conversion, non-acquisition options
 - Meeting next week on land conversion research and forecasting

Discussion & Comments:

- It was noted that easements have been discussed for agriculture and should be discussed for forestry as well and considered in renewable energy and transmission development.
 - The Land Use and Local Government Panel will take up some of these issues, particularly solar with the upcoming cross-panel meeting
- It was noted that the bioenergy end use session last month was attended by members of several other panels including Waste, Energy Intensive and Trade Exposed Industry, Power Generation, Transportation, and Energy Efficiency & Housing.
- The bioenergy session discussed the potential end use scenarios and what those might mean, looking for the best end use recommendations for bioenergy.
- A biorefining R&D discussion will be held at the next bioeconomy subgroup meeting.

Public Engagement Meeting

The meeting transitioned into a public engagement session to enable direct comments from the public. Short descriptions of the recommendations under consideration by the Panel subgroups were presented and interspersed with comment periods for the public. Commissioner Ball opened the discussion with an overview of the CLCPA and Advisory Panel process. The public comment period was subsequently facilitated by Catherine Morris of the Consensus Building Institute.

LIVESTOCK/DAIRY MANAGEMENT

Brian Steinmuller, NYS Department of Agriculture and Markets

Comments & Questions:

- *Jon Patterson: Dairy Farmer from Cayuga County, NY:* Noted he is glad to see anaerobic digestion (AD) as part of this process and encourages the panel to look at AD and Renewable Natural Gas (RNG) to help the transportation sector reduce emissions. He encourages utilizing RNG on upstate dairies and reduce fossil fuels in transportation and allowing for co-digestion of products. If the state goes to a low carbon fuel standards (LCFS) program then this would be a good option. The state doesn't currently value prodigested products like manure. Given the ban on organics going into landfills using organic waste material for fuels is an opportunity.
- *Nicholas Catania:* Are we talking about how we can better a balance in high intensity agricultural?
 - Precision feed management, improvements in nutrient mass balance and feeding of livestock have all been discussed. The experience thus far has been driven by water quality.
- *Rick Zimmerman: Works with dairy industry on renewable energy issues:* Notes he appreciates panel efforts and strongly support anaerobic digestion as one technology to achieve carbon reduction goals in the CLCPA. This is a high impact, low cost opportunity, especially if coupled with a LCFS. The panel should examine CA's LCFS as a model for the role of the LCFS in creating a market for lower

carbon in transport fuels: it's a win-win. AD on farms in NY have come a long way. There have been CAC comments expressing doubts about whether digesters can be operated successfully on farms, pulling carbon from environment. When coupled with market incentives to use RNG, these on-farm ADs can operate efficiently and tightly and should be recognized for their high-quality work. Cornell University information should be considered in this process.

- *Michael Wolcott: Natural Fuel Distribution Corporation:* He has been following the presentations of the group from month to month. In the last discussion on bioenergy, Maureen mentioned that there was limited potential for biofuels, can this be expanded upon?
 - Experts have been consulted to understand the quantity of available feedstocks in the state and rough estimates for their potential use in bioenergy. By these estimates, in the best case scenario, we are in single digit percentage of current natural gas usage that could be replaced by RNG from in-state feedstocks. This is less than 4% of all current natural gas usage in state that could be met with in-state RNG.
 - The experts consulted included individuals from this and other panels - wastewater sector experts that have experience making RNG, Cornell representatives on this panel, food waste representatives from the Waste Panel, and CAC members specializing in these areas..

SOIL HEALTH & NUTRIENT MANAGEMENT / AGROFORESTRY

Brian Steinmuller, NYS Department of Agriculture and Markets

Comments & Questions:

- *Lynne Bruning: Concerned citizen, 5th gen in Schenectady county:* Does the state have spreadsheet of how many acres are clear cut and how much prime agricultural land is being converted for solar? If we're accounting for the benefits, we should also account for sequestration and farmland loss. Can the state regulate clear cutting prior to submitting renewable energy applications? She is painfully aware that land owners and developers may clear cut before they submit applications for solar or other renewables and asked how the state can prevent that. Out of state PPA don't support reaching the government's energy goals, but take taxpayer land and resources. Finally, distributed energy resources (community solar) overburden small town planning boards, while sometimes selling energy to adjoining states - is this equitable to abutting land owners?
 - The state does not track forest management activities at the parcel level, and there is no statewide regulation for timber harvesting or method to track those conversions.

LAND CONVERSION

Peter Innes, NYS Department of Environmental Conservation

Comments & Questions:

- *Hugh Canham: Retired, professor of forest and resource economics at SUNY ESF:* Property taxes and forestry have been discussed for 50 years. 480C is good idea, but it has to be simple. One of the problems with 480A is it was very involved. If it were simpler, more people would sign up. He is glad to see that there is a no harvest track being considered to help keep it in forest land. He suggests giving forest land owners a property tax break and if they convert acreage to homes or something else, there should be a rollback penalty. The problem with 480A and a proposed 480c is that someone else has to pay the tab and assessors don't like complications. Local governments don't like to push taxes on to someone else. In the long run, there is a need to get local governments off

of their complete reliance on the property tax, so the state needs to think of other ways of tapping income and ability to pay. At the time of harvest is when we can make the biggest impact. He also likes the idea that anyone who wants to conduct a timber harvest can do it, but if you want a tax break, you have to have a certified forester conduct the sale.

- *John Dickinson: Dairy farmer, Chair of NE Dairy Producers Association:* Is there any comparison of different uses and their carbon sequestration capacity? He would think that a properly managed forest with new regrowth has greater capacity to sequester than agricultural land. Are there efforts being made to quantify this capacity?
 - The panel is looking at carbon storage aspects, the carbon storage – rate per year and reviewing a variety of studies on the topic.
 - Soil health characterization is also being evaluated to judge what is possible given production management and inherent soil properties.

BIOECONOMY

Maureen Leddy, NYS Department of Environmental Conservation

Comments & Questions:

- *Anne Erling:* Are you considering Biochar? Injecting this in ground for bio-sequestration is an option. Is the panel looking at fertilizer or pesticide rules? When these are applied to crops it can impact the soil biome, which affects sequestration.
 - Biochar has come up and there is some research being done on it, including some demonstration products. Through the panel's discussion regarding soil health, there are discussions about farm level planning that would take into consideration inputs such as fertilizer and pesticides in relation to soil health objectives.
- *Anne Erling:* The panel should consider pesticide bans in towns, golf courses and others. There is a lot of land beyond farmland.
 - Subgroups are focused on soil carbon and understanding the relationship between fertilizers and pesticide and the health of soil. The panel wishes to work with farmers and tailor outcomes into individual farm plans.
 - The Land Use and Local Government panel is looking at ways local governments can advance sequestration. It isn't clear if they are looking at this particular topic.

Next Steps

February 17th 2:00 – 5:00pm: Next Climate Action Council meeting.

March 2nd 1:00 – 3:00pm: Next Advisory Panel meeting

March 16th 1:00 – 3:00pm: Final Agriculture & Forestry Panel meeting

Meeting concluded at 3:50 pm

Please contact Peter Innes, NYSDEC; Deputy Commissioner David Valesky (AGM) or Brian Steinmuller, Assistant Director of the Division of Land and Water Resources (AGM), if you have questions.

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