

**New York State Climate Action Council
Land Use and Local Government Advisory Panel
Adaptation and Resilience Group
Public Stakeholder Consultation Meeting
April 8, 2021. 1 – 3 pm.**

Recording:

<https://meetny.webex.com/recordingservice/sites/meetny/recording/39bd200964a145f8bc120a296ab272a5/playback>

Attendees:

From WebEx panelist list and chat, plus perhaps unidentified others.

Amanda Sachs	Andrea Linton	Chuck Nieder	D A
Emily Sheridan	Emma Antolos	Howard Edelman	John Wimbush
Klaus Jacob	Lynne Bruning	Marie French	Mark Silberstein
Mark Lowery	Nathan Mitchell	Neil	Paul Beyer
Robert Schloss	Simon Gruber	Susan Lawrence	

Transcript:

Lowery (all remarks until 00:32:34)

00:00:00

Good afternoon,

and thank you for joining us my name is Mark Lowery and I am the assistant director of the Department of environmental conservations office of climate change, and an appointed member of the climate action Council of land use and local government advisory panel. For the past few months, it has been my privilege to coordinate the work of members of this advisory panel members of other advisory panels, and a large number of state agencies, staff in their efforts to develop adaptation and resilience recommendations to propose to the climate action Council. For inclusion in the scoping plan under development by the council. Materials providing both detailed information on the proposed recommendations, and the summary were posted with the announcement of this meeting at climate.ny.gov.

Today's meeting is intended as an opportunity for interested members of the public to comment on those proposed recommendations.

The land use and local government advisory panel as well as its supporting staff working group will consider all relevant input it receives as it prepares its final proposed recommendations to the climate for proposal to the climate action Council.

Before we begin taking comments, I will take some time to describe the process by which the current proposed recommendations were developed as well as the next steps and provide a high level overview of the proposed recommendations. But I think it would also be useful to 1st, quickly review the provisions of the climate leadership and community Protection act itself.

So that everyone involved today better understand the context in which the adaptation and resilience recommendations are being proposed.

Since the enactment in July 2019, most public attention has been focused on its very aggressive greenhouse gas emission reduction requirements essentially that New York state reducing greenhouse gas emissions by 40% of their 1990 levels by 2030 and by 85% of their 1990 levels by 2050. To help achieve these required admission reductions. The law requires the public service commission to achieve a number renewable energy and energy efficiency targets. However, under the law, it is essentially responsibility to adopt regulations to ensure emissions do not exceed the limits set by the law.

DEC's regulations are to be guided by the recommendations of a scoping plan to be developed by a climate action Council which comprises the heads of 12 state agencies and 10 additional appointees.

Pursuant, the panel has appointed 7 advisory panels to assist in developing recommendation, including the land use and local government advisory panel and the council was further advised by the climate justice and the just transition working groups.

Now, when a policy, or make 1 important point neither in the climate action Council, nor the panels that it has convened, have any regulatory authority. They are all advisory only and I just want to make sure that folks understand that neither the Council, nor the panel have the authority to put in place regulations or to take any other sort of regulatory action.

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As I mentioned the news media and the public have focused properly so attention on the greenhouse gas reduction aspects of the CPA.

But the law also does address resilience to climate hazards and adaptation to changing climatic conditions.

The act amended the 2014 community risk and resiliency act by adding language that generally authorizes to the Department of Environmental Conservation. The support adaptation measures and the amendments to the community risk and resiliency act, require applicants to demonstrate consideration of climate change in general, for major projects in most permit programs.

However, the law does not explicitly require the council to include adaptation and resilience recommendations in its scoping plan in.

Nevertheless, that you see Commissioner Seggos as co-chair of the climate action council has directed the land use and local government advisory panel to develop such recommendations for inclusion in the scoping plan.

In turn, Sarah Crowell of the Department of state, who is currently the, who is the chair of the land use, and local government advisory panel asked me to convene a work group and to coordinate development of the adaptation and resilience recommendations.

00:05:05

We pursuant to that request I have convened and **adaptation and resilience group**.

Comprising members of the land use and local government advisory panel itself members of the land use, you some local government staff working group state agency staff that had been convened to support the liberations of the advisory panel.

We have also asked each of the other advisory panels and the climate justice working group to designate at least 1 representative to the adaptation and resilience group.

We initially defined our scope to include recommendations to address risk associated with a small set of specific climate hazards for example, sea level rise, flooding and thermal extremes, with the intent that we would recommend, no regret solutions to these relatively well understood hazards while additional analysis and planning for addressing climate change in a more comprehensive way was underway.

We also included in our scope recommendations related to community adaptation and resilience state and statewide adaptation planning.

And we worked with representatives of the other panels to identify climate risk specific to the greenhouse gas mitigation strategies. Those panels were recommended so that we could incorporate actions to address those risks in the adaptation and resilience recommendations.

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May use a local government advisory panel, go forward it's proposed adaptation and resilience **recommendations to the climate action Council**, and we will present them to the council at its June meeting which will also be open to the public, the selected adaptation and resilience recommendations will be included as a chapter in the climate action council scoping plan. And the council will have the authority to select the proposed recommendations to be included.

So, not everything you see today will be included perhaps and there's also a strong possibility that the recommendations that you're shown today in draft form will be amended or enhanced in some way.

State agency staff will be responsible for drafting the narrative portions of the scoping plan for the recommendations that are selected for inclusion by the council.

However, unlike the greenhouse gas mitigation recommendations, the is required by the law to consider in developing its regulations to achieve the required greenhouse gas emission limits. No entity, whether it be the governor, the legislature state agencies, municipalities businesses, et cetera, no entity is statutorily required to implement any of the selected adaptation and resilience recommendations.

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Now, before I begin an overview of the proposed recommendations, it's worth pausing for just a moment to reflect on **why consideration a climate change is important** and the effects of climate change is important.

New York state's experience over the past few decades has been consistent with New York state, specific projections of climate change, and we have experienced the effects of a changing climate as projected by numerous reports including the National climate assessment and new York's own climbing study.

In particular, we have seen both higher average temperatures and more frequent heat days and heat waves. More precipitation and more extreme precipitation events while scientists tell us to expect more frequent short term droughts. And we have seen about 1 inch of sea level rise per decade since the mid 19th century.

Things threaten New Yorkers, health and while being in many ways, including through decreased air quality and disease is transmitted by insects food and water. Our infrastructure to represent significant community and public and other public investment will be increasingly compromised by climate related hazards, including sea level rise, coastal, flooding and intense precipitation events leading to damaging and dangerous floods. And critical agriculture sure. Histories and systems fissure. I'm sorry in critical agriculture, fisheries and ecosystems will be increasingly affected over the next century by climate change impacts.

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But remembering that the **adaptation of resilience group is currently proposing 11 initiatives**, which are summarized. So this slide and the next don't worry about memorizing then we will return to each in a little more detail through this presentation.

You will note that these are quite high level initiatives. If you've done your homework by reviewing the post of materials, you know, that each of these initiatives comprises several components and that much more detail about each 1 is included on the slides in the full recommendation slides.

You will also note that the number bring of these initiatives has no real pattern, except that the numbers are consecutive your order should not be interpreted as indicating prioritization. Rather than the numbers have simply been assigned as the group went through a dynamic process of reorganizing renaming the leading and adding initiatives.

For the sake of time I intend this afternoon to just quickly highlight a few of the components associated with each initiative but we can come back to discuss any of the initiatives and its components during the discussion period and we can also pull up and display the full recommendation slides during the comment period if anyone would like to discuss any of that more detailed material.

We will once we have finished developing the final recommendations, reorganize and renumber them before we actually present them to the climate acts and council but for now,

00:11:07

we have organized them according to **3 basic themes**, understanding that all of these themes and initiatives of which they are comprised overlap.

00:11:19

The **building capacity**, theme comprises 4 initiatives related to statewide plan.

General consideration of future conditions where ever relevant in state decision making. Attachment of general understanding and an adaptive capacity, and identifying options for financing adaptation.

And shifting risk, looking at each of these 4 initiatives in a little more detail.

Although I said that the order of these initiatives does not represent priority.

In fact, I lied a little bit because in fact the 1st, 2 components of this initiative, and several of the other components I will mention in the building capacity thing are a high priority.

Uh, in the panels opinion, because they will determine to a large extent, the effectiveness of many of the other initiatives.

The panel will recommend that the state recognize the importance of coordination of agency adaptation and resilience activities under high level leadership in the form of a state resilience officer located in the executive chamber.

Panel also acknowledges that the recommendations we are proposing, constitute only a part of the work necessary to address the multitude of risk climate change, poses and recommends that the state invest the resources to develop a comprehensive state climate change adaptation and resilience plan.

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Mainstreaming of climate change considerations into existing programs is 1 of the most cost effective actions available to us to prepare for a changing climate. This initiative would promote use of consistent science based projections in state decision making.

Provide design guidelines for state funded projects and incentivize the use of natural resilience measures. A theme that you will hear throughout this presentation is promotion of the use of natural resources and nature best features to enhance resilience.

This initiative, but also set standards for consideration of climate vulnerabilities and state funded planning and would expand the list of climate hazards that the state infrastructure agencies would be required to consider pursuant to the smart growth, public infrastructure policy act, which currently only requires consideration of hazards. Due to risk due to sea level, arise storm, surge and flooding.

00:13:46

[AR8] A 3rd initiative in the building capacity category, your team is focused on ensuring that individuals have information related to climate risk that AIDS in their personal decision making and access to resources to enhance the resilience of their homes and businesses.

It would establish the public education. And awareness programs necessary to ensure public understanding of the need to reduce greenhouse gas emissions. At the same time.

We prepare for the effects of a changing climate and it would include youth training programs with an emphasis on disadvantage, youth and support of local climate action.

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[AR9] Of course, implementation of none of the our recommendations will be free of charge. Further the benefits of investments in adaptation and resilience are sometimes hard to calculate because they are often realizes avoided future cost.

Rather than immediate reduction in expenditures, as is often the case with things like energy efficiency investments, for example.

However, failure to invest now, in our and resilience will inevitably cost new York's more in the long run.

Leaving less money available to invest and greenhouse gas mitigation and other social benefit programs, such as education.

The panel believes that many, but not all of its recommendations could be funded through a bond act similar to the 1 that was recently approved to appear on the ballot. This fall.

In addition mechanisms that both generate funding while incentivizing risk reduction activity or discouraging risk reduction behaviors should be explored.

And changes to insurance programs may be necessary to ensure that risk incurred by a few, not unduly paid for, by general taxpayers while ensuring the policy owners are fully protected from climate hazards.

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[Communities and Infrastructure] We know that the effects of climate change are most directly felt at the local level.

Assisting municipalities to prepare for and react to increasingly severe climate hazards is among the most important things the state could do.

And many of the recommendations in this theme build on programs that are already in place.

00:16:08

[AR3] This initiative include an expansion of state, financial and technical support for the for community and regional adaptation planning and implementation.

And for mainstreaming of climate change considerations into local planning and regulatory programs. It recognizes the value of planning for economic resilience and as well as environmental resilience and it costs for an emphasis on ecosystem based.

I'm planning for adaptation, we have heard numerous times from local officials that they need funding decision, support tools, direct assistance from trusted experts to properly assess climatic risk and to develop and implement meaningful adaptation plans.

The need to reduce unacceptable levels of risk by retreating from, from some high risk areas and apply an orderly fashion is being increasingly recognized. The state should develop policies, guidance and facilitation services that help communities, identify such areas and to put in place Pre event, long term recovery plans for vulnerable areas and recognizing that these plans may well include strategic retreat.

And we must recognize the need to be prepared to assist municipalities as quickly as, and as effectively as possible after the inevitable next disaster and to prepare for climate migration, both within the state and into the state.

00:17:47

[AR4] Work to mainstream consideration to climate change and environmental reviews, whether they be secret reviews or permit reviews is ongoing within D. C. pursuant to the community risk and resilience yet.

But much remains to be done as every permit program must be examined to determine the climate hazards that are relevant to each permit and project type. The types of information that are necessary to assess those risks and appropriate revisions to permit issuing standards.

Some programs, including legislative amendments to enhance regional planning while respecting home role will be important to implementing recommendations enhance.

Adaptability of our living ecosystems and to reduce greenhouse gas emissions associated with inefficient use of land for housing and other developments, expedited review of some types of projects should be explored and care not to subvert the environmental review process or reduce public opportunities to participate in.

And we should develop our capacity to better set the effects of agency actions, and public investments, particularly infrastructure, investments on local economies, and local ability to adapt to future conditions.

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[AR5] Flood risk has always been high in any parts of New York state. But increasing risk due to both ceiling arise and more infrequent. Severe precipitation is 1 of the more readily observable and damaging effects of climate change.

Work at DEC and other agencies to reduce risk of flooding, including through local watershed assessments, more effective mapping and more effective mapping is ongoing, but should be maintained or enhanced. Additional support for local actions to reduce the risk in the form of incentives. Ref, funding and technical support is also needed to fully address this increasing risk.

00:19:47

[AR6] Although the term thermal extremes, and certainly include extreme cold as well as extreme heat. And both extremes can affect the range of vulnerable sectors. The panel decided to focus immediate recommendations for short term actions on the effects of extreme heat on humans, particularly disadvantaged individuals, and communities that are, which are particularly at risk due to a stream. Here again, many of these programs are already in place the efforts, primarily of the New York State Department of health continue to work to enhance and expand these programs and improve their reach disadvantage. Communities is needed.

I will note the recommendation to provide access to high efficiency, air conditioning units, or even heat pumps would require considerable funding and efforts to improve as a health measure. Do align with efforts. Also intended to promote energy efficiency.

00:20:51

[AR11] As New York state shifts to a decarbonized energy system, improving the reliability and resilience of the energy system as well as the reliance of those who depend on that energy system will become more and more critical.

And I'll note that this initiative includes these 2 components. Energy efficiency, upgrades and support for micro grid that have substantial overlap with greenhouse mitigation recommendations that are coming from other panels.

I'll also note that the panel acknowledges that the recommendation to maintain existing natural gas infrastructure as a resilience measure is potentially controversial and invites comments specific to that recommendation.

00:21:39

The **living system theme** currently comprises 2 initiatives 1 focused on natural ecosystems. The other on our important agricultural economy.

00:21:51

[AR7] The great conservationist Aldo Leopold said to keep every cog and wheel is the 1st, precaution of intelligent tinkering. And this initiative, and be dubbed, keeping all the parts.

For many natural resources, the most effective way to allow them to adapt to a changing climate is to relieve non climatic stressors. And to provide ample space with appropriate habitats. This initiative provides for a variety of mechanisms to insure conservation or protection of the most important pieces of our life sustaining ecosystems.

Components of this initiative would expand current support for regional, local and private program to support diversity and protection.

And other components of this initiative would improve regulatory oversight for important ecosystems, such as when funds, and make spatial information more readily available to municipalities developers and other stakeholders.

We also recommend the expansion of funding to improve aquatic activity while reducing fund risk and promotion of natural resilience measures through amendments to the core of engineers, regional or nationwide permits.

Concerns regarding sighting of major energy infrastructure were a dominant theme throughout discussions. This panel has had both within the panel and with stakeholders.

To a large extent, siding considerations will be addressed by other groups.

But the adaptation and resilience group does wish to note the importance of avoiding citing in areas of high value to wildlife and of mitigating the effects of the unavoidable effects when that sighting in high value areas cannot be avoided.

This initiative includes recommendations to better incorporate best management practices to protect threatened an endangered species into a variety of project types. And it includes recommendations to incentivize and support private for stewardship that parallel those made by the, that will be made by the agriculture and forestry advisor.

00:24:03

[AR10] And finally, in consultation with the members of the agriculture and forestry advisory panel. We are, including some recommendations to improve farm water and energy efficiency and to incorporate other climate resulting and practices into farm operations and to continue research and outreach to help our farmers prepare for the effects and opportunities presented by a warming climate.

00:24:31

So that is a very high level overview of our recommendations. I'll take a moment to review the **schedule.**

So folks have again a little bit more appreciation of the context and then we will open up the for discussion questions and comments. Um, I'll note that the Climate Action Council, all this information, scheduling information is available at the climate action Council's website at climate dot and Y dot Gov account. So we'll meet next commencing at 9 o'clock on April 12th and we'll be hearing recommendation mitigation recommendations from, I believe 4 of the advisory panels. And then we advise the land use and local government advisory panel will meet on the 14th in the afternoon, that will be a final review of the land use some local government advisory panels, mitigation, greenhouse gas mitigation recommendation.

So, not a detailed discussion of the adaptation and resilience recommendations, but of the mitigation recommendations that this advisory panel will be forwarding. The 2nd desert day on

May 4th, the land use a local government advisory panel will meet again that will be the opportunity for the adaptation for the advisory panel itself to make its final review of these adaptation and resilience recommendations for to be considered by the climate action Council, we will continue to take comment public comment and I'll describe how to continue commenting in a few moments but we will continue to take comments on a rolling basis through the close of business of May 7.

but, obviously, if you can see there that we are required to forward our final adaptation resilience recommendations to the Council on May 14.

So, the earlier, you can provide any written comments that you intend to provide better chance. You have the day will be included in the recommendations to the council.

And in particular, the earlier we have them the earlier, the higher your chance that they could be incorporated into the recommendations that are reviewed by the advisory panel itself on the 4th, the on May 10th at the council meeting again, running from 9 to 4.

these are along the April and may council meetings will be quite long the other advisory panels, including the land use and local government advisory panel will take.

Will req mitigation recommendations to the council and then on June 8th, we will the only, I will be presenting the adaptation and resilience recommendations to the council as well.

Just in the long term. Then. Under the law council has, until the end of the year, the end of this year under 21 to complete drafting its scoping plan, the final plan is due on by the end of 2022. so, 2022 will be the year for intense public comment and hearing on the entire scoping plan and then has until the end of 2023 to promulgate the regulations that would achieve the intended to achieve in the emission reduction requirements of the, in some ways that may look like a long drawn out schedule but I can tell you, from personal experience, that the time to develop to have a year to develop, what are essentially economy changing regulations is an extremely accelerated schedule, and it will be a very busy time for those of us who are writing those regulations.

00:28:55

[Comment Procedures] So, we've been shopping this slide. We will. You can you have your choice of either typing questions or comments into the chat feature? What I would ask you to do is Please address any comments that you intend to make to all participants.

That will ensure that. They're actually recorded comments. That are sent privately to me will not be recorded. And there's a good chance that I'm going to miss anything.

Because, as you can probably see from my eyes starting back and forth I'm looking at several different screens and Windows. So I'm not looking at every word that comes into the chat.

And the only way to ensure that gets recorded for review later is to send it to all participants.

You can send questions to the host via the chat. The host will at times relay questions to me and I'm happy to provide short responses to clarifying questions, but we do not intend to engage and extend in dialogue regarding these recommendations today.

If there is a topic for which that kind of extended dialogue is warranted, we will arrange for that later. If you would like to make a verbal comment, please raise your hand.

Those of you who are calling in via telephone may raise or lower your hand as the case might be, maybe by pressing star 3 the, the host will when she spots your hand, she will recognize you and recognize you and you so that you can verbalize your comment and again, this meeting is

being recorded so we will have that information and we will consider that we may or may I may or may not respond to the comment and probably not.

And again, we also encourage written comments, particularly any that are long or detailed and you can again, the materials are available at the climate action Council's website.

If you would like to comment on the adaptation of resilience recommendations, you may send an email to L. U. L. g use and local government. Tell you N. Y. dot Gov. And those will be forwarded to me or you can if you prefer to use postal mail.

You may send them directly to me at the headquarters. Again, the comment deadline is may 7th. Several, in fact, I will ask.

Emma, do we have any questions or anyone asking to make a comment.

Antolos/Linton/Lowery

00:31:47

Yes, we do have a couple hands raised, but I just want to say 1 note for folks who are chatting in the box. The option would be all panelists if you wanted to get to all of us here. So if you can choose.

All panelists, when you're chatting in the box, it will get sent to mark and all of our rest of our Pamela. So, without further ado, I have Klaus Jacob. I'm going to mute you soon, but 1st, I'm going to mark. Would you like to do the timer?

Do you have a lot of hands let's do that if you have a lot of hands what we ask you to do is the limit your comments to 3 minutes and we have a apparently a fancy timer to put up to help you stick to your time.

So, we'll try that I've not used this before so I'm eager to see how it works.

Well, we can all if we do cut you off and you have more to say, and there isn't a queue to make comments, we can certainly come back to you.

Okay, so Andrea has our timer up and I'm going to mute you so.

All right Clark. Can you hear us? Yes, you're good to.

Jacob

00:33:11

Okay, uh, Mark, you mentioned that the bond at will be.

This November coupon before I thought it was 22.

Lowery

00:33:26

My is I. I couldn't be wrong. I thought it was included to be included in the, that the legislation authorizes to be included in the upcoming ballot. Well, to be honest, I didn't, I did not. Check closely enough to be sure that so if there is someone who is sure of that, I may stand corrected.

Jacob (interspersed with Lowery)

00:33:55

Yeah, at least that decides that it needs clarification.

My question is the following, I'm part of the PM on waterfront was throwing some Commission, which is part of it's an advisory according to the government in New York. And we have

struggled with the following 2 items. And I would like to see foundations possibly included by this committee. Uh. The New York State building in is somewhat behind. The recommendations of C. R. A. Meaning it's not looking forward to taking base flooded elevation plus some.

Uh, 3 board, but they are a recommended to include lifetime and civil rights projects for the future. It will be denied if conditions could be included in these documents.

That makes the breathing Co having that option to look forward. The 2nd, related issue is. The building, how does not include any options for buildings that sit on the ground not being raised by the tides and so.

Could you repeat that? I didn't quite catch what you said. Did you say it doesn't account for.

No, no, no, I misunderstood. That's not having options for amphibian structures. that sit on the ground, but anyways by storm searches and types. And so we are handing it personally I'm trying to develop a Plan and yet we cannot do that without having a building code in the state that allows us to do all the options.

Hello.

Thank you.

Antolos

00:36:43

Okay, so.I think up next week we have Sebastian.

Sebastian ... Riverkeeper

00:36:48

Sebastian, I am going to.

Hey, everyone go into it. Yeah, go for it. Okay. My name is Sebastian military. I'm the community science coordinator at river keeper. I just want to thank everyone for putting this together. And especially to dedicating this attention to adaptation and resilience, which is something that wasn't kind of as prominently featured in the.

We submitted written comments as well that are a bit more detail, but I just wanted to preface a little bit and give you guys.

A bit of an explanation of where we're coming from.

So, I appreciate the adaptation resilience group and working to address not just.

Climate change, but finding ways to help communities, ecosystems rivers.

Adapt and be converted into a changing climate.

Water is the primary way through which most of these climate impacts are experienced, whether that be from droughts, letting single arise or severe storms.

That's adapting to and becoming climber. Resenting requires inclusion and stewardship of water.

In all of its forms and uses river capabilities and incorporating water into planning resilience means that we would reduce underlying pollution burdens to protect our waters from impacts such as harmful blooms invest in infrastructure to reduce leaks and protect our drinking and wastewater treatment plants from sea level arise,

Manoj wanted watershed scale to restore natural filtration and storage provided by healthy watersheds and built around drinking water, protection and watershed management.

In order to prepare for future challenges. We would also prioritize the reduction of water related source of greenhouse gas emissions.

That include or not limited to sewage overflows.

And impromptu behind dams, both of which have been shown to.

And so, if we submitted slightly more detailed comments about the specific proposals that you outline or recommendations that you all outlined.

But I wanted to provide a brief overview of where we're coming from.

Thank you again to the committee for accepting these comments and for the public feedback, period.

Lowery

00:39:09

Thank you Sebastian, I did just have a few moments to read through your very detailed and very helpful comments before the call started. So I appreciate those.

Thanks mark. Okay.

Antolos

00:39:30

So I don't have other raised hands just cause and Sebastian I just want to ask if you could unread your hands.

But we do have some comments in the chat box.

I'm not sure if you wanted to work through those.

Lowery

00:39:44

Um, I would say if there are questions, I don't necessarily need to I think everyone can read comments or if there are questions in there that we might be able to answer. We can try that. Well, and I guess I can read the questions as well as you can. I see. 1 question I'll go in order here.

Am I to understand that this work is an effort to collect data and suggestions, create a leadership document that will be presented to the powers that be but there is no mandate to follow these recommendations. Yes, that's correct.

That is the way the law is written.

We would those of us who are putting time and effort into this, I think would certainly agree that we hope that those powers that be seriously consider these recommendations.

But again, there's no statutory requirement that anyone do. So.

Next question, do you specify that science based climate product projects?

Be produced shared with all state county I guess. I think that might be projections.

You specify that science based projections we produce shared with all state county missile agencies,

and all property owners and developers on the fixed schedule,

such as a new set of models and projects be released in the 4th quarter of every year, which ends in 37 reserve.

We didn't get into that specificity. I will note that the community risk and resiliency act. I should say that we haven't flushed out that recommendations insufficient sufficient detail that I can answer that specific question. I will note that the community risk and resiliency act requires that DEC update it's NYCRR part 490 projected sea level arise.

That is the regulation that adopts official state sea level arise projections every 4 years that or I'm sorry every 5 years. So that was that regulation was promulgated in 2017.

so in 2022, we need, we will have to update the sea level rise regulation. That that cycle is embedded in the law.

We will have to have a discussion about what is a reasonable cycle for updating projections. And, of course, it's sometimes difficult to project how often relevant science is actually produced for any particular climate projection.

But we will certainly be from, from the perspective. I can say we will certainly continue to work with, which is a great partner and funding much of the work that leads to these projections. And we do have. And talk about what is a reasonable schedule.

Thank you for that question, if climate change is accelerating, could the climate action panel take less than 18 months produce its final scope and plan. So that DC regulations could be issued before year, end 2023. I would say anything's possible, but it will be extremely difficult. If you, if you're familiar with the rulemaking process in New York state, it is a.

And this can be a drawn out process, even for non controversial regulations. And I think we would be naive to think that these regulations would not involve controversy. So the reality is office of climate change and other involved units, such as the division where resources are already thinking about the regulations that would likely be necessary even before we see what all the draft regulations are but we are attempting to get staff prepared because it will take, we could not start on December 1st of 2023, January 1st, 2023 and hope that we could have regulations promulgated within 12 months. The process will actually have to start earlier if behind the scenes. So that public facing portion of that. Um, process would be running in 2023. There's a question can we drill down a little further on watershed protection improvement districts and I think that might refer. To a recommendation. Um, that there be an amendment to New York town law.

Um, and essentially this, and I will be honest, I'm not the expert in this area, these don't not all represent things coming from just me are a lot of lot of people contributed to this.

But I believe the person who suggested this, I was thinking of this recommendation as a way to allow. These districts, which are already authorized under New York town law to serve, as entities that could collect certain impact fees.

To provide funding to address the effects of climate change, provide local funding to address, find the change impacts at a local basis on a local basis. And frankly, I am not prepared.

I simply am not aware of all the ins and outs of what it would take.

To create those districts, or to authorize them to do to assess these fees. I understand that it has occurred in some areas of the state. There are some states where I'm sorry, some municipalities that do have such districts in 1 form or another. I also understand that.

They're they are authorized under for village and city law as well, but that it's not quite the law is not quite as effective. That that at the city or village level. And Nathan, if you would like to pursue that any further, you know, certainly, you can email me and I can try to get further information on that.

Antolos

00:46:45

Mark, we do have another question from. Actually from Simon Gruber so, Simon, I know you're joining on the phone is willing to unmute you. Hello. Simon, can you hear us?

Gruber

00:47:04

Yes. Can you hear me? Yeah.

Yes, thank you. Uh, Simon Gruber.

Um, it's fellow at the Institute for sustainable cities at Hunter college community.

And chair of the creek watershed to municipal count to here in Orange County, where I live.

And my comment is, as I've spoken with Mark about in the past.

And others involved in this process, there are a large array, very broad and diverse array of benefits that we get from trees and green space in our communities.

Near buildings and develop the areas is main focus of this comment that are relevant for health energy efficiency,

particularly on the cooling side. For cooling buildings and paved areas in hot weather.

Very reducing stormwater runoff, which is heavily a big focus in the green infrastructure and storm water management realm and the energy efficiency benefits of trees based on a lot of research I've been doing since around 2012.

Are not being used in factored in many ways where they should be in my view and 1 of the major problems is that. From the perspective of neisseria, and to the extent I've been able to check with the public service commission and many other people were involved in these things. There is a, a feeling that there's not enough of concrete, clear. Numerical metrics on energy efficiency, benefits, trees.

For buildings and energy use in developed areas to warrant spending on them more investment. And in a very telling comment recently, I learned from the Arbor Day Foundation, which has a national perspective that there's not a single state in the country where the public utility regulatory agency. Has accepted the available evidence that trees reduce energy, use to warrant more investment in them by utilities and from funding sources like the systems benefit charge and all.

So, my recommendation is that, I think the adaptation resilience track, and the land use local government panel. Are the best place in the current process to recognize the very broad array of benefits for a whole bunch of different things, including economic benefits for community development and main street revitalization, crime reduction aggression reduction the literature is abundant and growing all the time and published scientific work on these things, and there needs to be sort of a, a bit of a heavy lift to look at the cross sector benefits to realize that there's so many different benefits from so many different realms. I hope that the state can see its way clear to get past the sense that, while we really still don't know enough and we shouldn't spend any money on this in a meaningful way to put more funding into urban community forestry in the DEC programs and find other ways to get this into many different tracks in many state agency agencies, including housing, health, community development and others. That's that's my comment for today. And I will be putting in written comments with more detail. Thank you.

Lowery

00:51:07

Thank you, Simon. Do we have anyone else waiting or Andrea?

Antalos

00:51:16

No raised hands, but there are comments in the chat.

Lowery

00:51:21

Yep, I will keep reading through those then. AR11 stands for adaptation resilience. In case you haven't figured that out, um, I've brought that up. The question is.

Code the last bullet recommendation calling for a comprehensive strategy for transitioning existing natural gas infrastructure to renewable natural gas or hydrogen translate to a further expansion of these pipelines in the name of power sector reliability and resilience.

Um, we're not prepared to answer that question, which is why we have frame this as develop a comprehensive strategy that.

This panel, I don't believe is ready to say there should not be a further expansion in the name of resilience and some some cases on the other hand, I don't know that there that the pal is willing to say there should be.

So, we are admitting at this point that it is a, a topic that it is, that is controversial, some people see it perhaps as a separate slippery slope but others have suggest, have indicated they think we should consider it. So, if you again specific comments on that 1, in particular, we would certainly welcome.

Lowery

00:53:02

Yeah, and I stand corrected by a number of people in here, thank you. The would not go 1 the ballot until November 2022, which at least gives us time to figure out how we would use those funds in a way. That's consistent.

There is a question where does the legislation defined? Renewable energy? What fuel components are included in this definition. That's not really part of this group to work, but if I, I believe that the definition. Well, I think there's actually a definition of renewable energy in the my. Itself, but it also may be in the renewable energy standard definition that the public service commission has, but generally renewable includes wind water solar. Um, you know, wind hydro and solar, and then the definition to clean energy typically adds nuclear to that that definition.

The the question here is that state agencies will be I think Mark said this state agencies will be providing more detail on each of the initiatives shortly. When will we be able to see this detail in your future and before public comment periods begin I think what I, what I meant, whether it came through or not was that there is more detail on the other slides. So there were 2 slide sets 2 sets of slides.

Posted with the meeting materials 1 of which is a summary, which looked very much like many of the slides I walked through today and then the other 1 gives a lot of detailed information in a format that we've been asked to use by the council.

And understand that each of these 7 advisory panels will be providing on the order of a 100 or so slides to the council to review. So there's a lot of information that the council is going to be receiving on both mitigation and adaptation resilience.

Recommendations and so, in hopes of trying to organize that information and better or make it easier to review, we were asked to provide.

The information and using those slide template. So, what I was referring to is actually the detailed slide template. So they're currently available. We will I anticipate that I mean.

If you look carefully, you'll see that some of the words on the slides that I presented today are a little bit different than what we posted last week because this is an ongoing rolling process.

But before the May 4th meeting, I believe the date, the Friday by the Friday before that April, 30. I anticipate hosting another set of updated detailed slides as well as a summary slides looking very much like this to reflect those comments on that input that we received between between the last set that was posted last week, and before before the next week or 2 that we're able to incorporate.

There is some lag in the time it takes for us to finalize a set of slides and submitted.

So, we actually are providing there's about a 9 day lag in the time from us to prepare a set of slides and then have it posted but we will certainly do our best to incorporate any comment that we. That we receive on a rolling basis so that what you actually will see again on May 4th or I'm sorry April thirtieth would represent the, the most recent version that we can provide.

Lowery

00:57:26

There is a question. Well, the government assume any responsibility for private properties adjacent to the ocean may sound etc affected by rising sea water levels. And frankly, I don't know what what that.

I don't know how to answer that question. That I'm not really sure what that means there.

There is no plan at this point for government to take responsibility in terms of being obligated to buy it or somehow. Make some payments, if that's the question, want some of our recommendations do go to the point of supporting communities as they decide whether, or not, you know, how to deal with C water rising. Sea levels, and to determine if property should be. Evacuated if you will retreated from, I believe, that the the bond act, some of the projects that have been named as potential eligible project types for the bond act that will be about, in 2022 would include potential for strategic buyouts. But we're, we're pretty we're a long way from that point at this right now.

Lowery

00:58:56

Could you please explain how this proposal would strengthen protection of what, wetland adjacent areas they and maybe buried in the wording there particularly 1 of the things that we are and what I mean,

by what does the questionnaire mean by what Linda Jason area or both freshwater ones and wetlands that are protected by either from 2004 for freshwater or U.C. L. article 25 for title wetlands the areas within a certain distance of the photos of the actual wetlands.

Um, also have some level of protection in that some activities are permitted in those adjacent areas while others are.

Or or not permissible, or required permits, so to take place and the understanding that the values of a wetland accrue to both the wetland itself.

But also at the, in the adjacent areas. So, 1 of the concerns is that as C levels rise areas that are now adjacent areas to title wetlands in particular.

Will eventually become the wetlands themselves and the areas landlord currently landlord landlord would become will be the future adjacent areas.

And so 1 thought in, it has not been flushed out. We don't know what the legislature would be able. The legislature would be willing to do because this is as much of this is subject to statutory authority. That we could more that we could regulate activities in current adjacent areas.

In a way that anticipates, and the fact that these will be the wetlands in the future and to protect them in that way.

In some ways, so, again, details have got to be work out, worked out and someone would have to put that forward as a, presumably as a statutory amendment to.

Give the department additional authority to. Perhaps to have additional regulation in the adjacent areas, but if we don't do that 1 of the concerns is that if, for instance, we build these adjacent areas, and particularly if we build things like rooms, then as the sea level rise and the title March move title wetland moves landlord to a certain extent and I, head of that sea level rise when it comes up against a barrier, like a railroad bed or a road or a bulkhead it can no longer migrate and then it will drown in place. And at that point, we lose all those weapon values. The natural values and potential reach access and and even the carbon value. So, there there is good reason to for us to look at perhaps better protecting these adjacent areas. I hope that answers the question okay.

And Klaus says, reiterated his points thanks Klaus. Yes, you're right I was wrong as I've already pointed out the balance will be on the 2022 November 22. I'm sorry the bond act will be under 2022.

We actually have a recommendation in the. To that there's your state building code could be updated to include flood resilience measures to be forward looking. And in fact, there is an executive order for us to do that. So that's actually something that we are that the work that the Department of state has to be working, which manages the building code is to be working on. Now.

And, and part of the challenge is to garner the resources it actually takes to put together the case for how we should do that in a way that would meet the requirements of the New York state codes Council, but that's in there. And to include workable regulations for amphibians structures that's interesting. And certainly take that to heart. Under advisement, as we say, we haven't considered that, but but certainly, that's a useful recommendation.

Lowery

01:04:21

All right, I don't see any more questions. I see some comments. People folks reiterating what they've said, which is useful to capture that in the chat.

Emma or Andrea, any other questions any other raised hands.

Antolos/Linton

01:04:36

No more raised hands and I don't see anything else in the chat box.

Lowery

01:04:45

Here all right so we have talked everyone into submission. Good. We certainly appreciate everybody's attention.

I would put up the comment direction. Slide 1 more time the folks need to come.

Grab any of that information.

And I would say going once going twice.

My contact information I should in the offices contact information, and you have questions or comments to be directed. To me, you can certainly send them through the climate change email box and it will get to me.

And I certainly appreciate everybody's attention and very useful comments that we have received and. I look forward to reviewing additional comments over the next week or so.

That 1, thanks, Andrea Linton and Emma Antolos who have served is our host today both with our officer, their communication services and it's certainly.

Very adds to the experience makes a lot easier for those of us who are presenting to have competent technical help and we certainly appreciate that.

01:06:21

So, with that, I will wish everyone good afternoon and we'll probably talk to many of you later. Thank you.

Adaptation and Resilience Group: Public Stakeholder Consultation Meeting
April 8, 2021 @ 1 PM
Chat

04/08/2021 13:03:09 PM from Emma Antolos to Everyone:

Hi all, if you have any technical difficulties, feel free to call (518) 402-8044 or put your question in the chat box.

04/08/2021 13:14:19 PM from Mark Silberstein to All Panelists:

Am I to understand that this work is an effort to collect data and suggestions to create a leadership document that will be presented to the powers that be, but there is no mandate to follow these recommendations?

04/08/2021 13:17:17 PM from Robert Schloss to All Panelists:

Question: Do you specify that science-based climate projects be produced, shared with all state, county and municipal agencies and with all property owners and developers, on a fixed schedule, such as a new set of models and projects be released in Q4 of every year which ends in '3' '7' or '0' ?

04/08/2021 13:28:27 PM from Robert Schloss to All Panelists:

If Climate Change is accelerating, could the Climate Action Pane take less than 18 months to produce its Final scoping plan, so that DEC regulations could be issued before year-end 2023?

04/08/2021 13:30:51 PM from Nathan Mitchell to All Panelists:

can we drill down a little further on watershed protection improvement districts?

04/08/2021 13:33:51 PM from Andrea Linton to Everyone:

Please send any chat comments to "All Panelists"

04/08/2021 13:35:46 PM from Marie French to All Panelists:

It's 2022 <https://www.nysenate.gov/newsroom/press-releases/senate-majority-announces-highlights-2021-22-budget>

04/08/2021 13:41:07 PM from Amanda Sachs to All Panelists:

On AR11, could the last bullet recommendation calling for a comprehensive strategy for transitioning existing natural gas infrastructure to RNG or hydrogen translate to a further expansion of these pipelines in the name of power sector reliability and resilience?

04/08/2021 13:41:43 PM from Simon Gruber to Emma Antolos (privately):

I raised my hand over the phone by pressing *3 and would like to be called on to speak verbally.
Simon Gruber

04/08/2021 13:41:52 PM from Andrea Linton to Emma Antolos (privately):
You can clear the hand raises if you want by clicking on the feedback button that looks like a bullhorn.

04/08/2021 13:42:25 PM from Simon Gruber to All Panelists:
I used *3 on the phone to raise my hand to speak verbally but this apparently did not work. I would like to speak if I'm called on.

04/08/2021 13:42:45 PM from Emma Antolos to Simon Gruber (privately):
Ok, thanks Simon - I will let Mark know

04/08/2021 13:42:48 PM from Emily Sheridan to All Panelists:
Restore Mother Nature Bond Act: The FY 2022 Enacted Budget authorizes the Governor's \$3 billion From governors press release: Restore Mother Nature Bond Act. If approved by voters in the November 2022 general election. this historic environmental initiative will make significant investments across the state to combat climate change, reduce flood risk, invest in resilient infrastructure and revitalize critical fish and wildlife habitats.

04/08/2021 13:43:37 PM from Simon Gruber to Emma Antolos (privately):
thanks

04/08/2021 13:45:12 PM from lynne bruning to All Panelists:
Thank you for all of your hard work. Where does the legislation define "renewable energy"? What fuel components are included in this definition?

04/08/2021 13:45:35 PM from Susan Albany to All Panelists:
I think Mark said that State agencies will be providing more detail on each of the Initiatives shortly. When will we be able to see this detail in near future and before public comment periods begin? Susan Lawrence

04/08/2021 13:45:49 PM from Howard Edelman to All Panelists:
Will the government assume any responsibility for private properties adjacent to the Ocean, Bay, Sound, etc. affected by rising sea water levels?

04/08/2021 13:46:11 PM from D A to All Panelists:
Could you please explain how this proposal would strengthen protection of wetland adjacent areas?

04/08/2021 13:47:55 PM from Nathan Mitchell to All Panelists:
thank you mark

04/08/2021 13:54:14 PM from Amanda Sachs to All Panelists:
Thank you. I am not in favor of expansion for the record.

04/08/2021 13:55:02 PM from Klaus Jacob to All Panelists:

I summarize my 3 points I made already verbally (1) Is the bond act coming before the ballots in November 2021 or 2022; (2) Can you include a recommendation that NYS Building Code be updated to include flood resiliency measures, e.g. first floor elevations, that are FORWARD looking, as e.g. CRRRA guidance do, such as using BFE plus DEC listed sea level rise for the expected useful lifetime of the structure; (3) to include workable regulations for AMPHIBIAN structures (that sit on the ground but can be lifted by storm tides amplified by sea level rise). It needs specs on foundations, horizontal stability, anchorage, and flexible connections for sewer, water electric gas and communication. I am simply asking to include a recommendation from the panel; how DOS follows up on the technical details is there, not your panel problem and task.

04/08/2021 14:01:10 PM from Simon Gruber to All Panelists:

Another comment to augment what I shared verbally today: the Living Systems theme can be used more broadly to include the benefits of trees and green space in developed areas that I spoke about, and it is useful to do this to highlight the fact that living systems provide essential ecosystem services for our health and community vitality. Living systems, including trees, are in other words a central component of the infrastructure systems we rely on but this perspective is not currently embedded in our public policies, programs, budgets, etc. the way it should be.

04/08/2021 14:01:55 PM from Klaus Jacob to All Panelists:

The reason I posed my point (3) is the following: it is hard to enforce Piermont's currently still pending LWRP or to develop a Comprehensive Plan for the Village of Piermont (and I assume of other Villages and Towns) without knowing whether amphibian structures can be part of adaptive resiliency measures.

04/08/2021 14:07:11 PM from lynne bruning to All Panelists:

Thank you for your time and hard work!

04/08/2021 14:07:36 PM from lynne bruning to All Panelists:

The time is great! please use again.

04/08/2021 14:07:44 PM from lynne bruning to All Panelists:

timer