

MINUTES OF THE CLIMATE ACTION COUNCIL MEETING

HELD ON MARCH 3, 2020

Pursuant to Notice and Agenda, copies of which are annexed hereto, a meeting of the Climate Action Council (“Council”) was convened at 1:00 p.m. on Tuesday, March 3, 2020, at the office of the New York State Department of Environmental Conservation, 625 Broadway, Albany, New York. The following Members were present:

Council Co-Chairs

- Alicia Barton, President and CEO, New York State Energy Research and Development Authority
- Basil Seggos, Commissioner, New York State Department of Environmental Conservation

Council Members

- Richard Ball, Commissioner, New York State Department of Agriculture and Markets
- Donna L. DeCarolis, President, National Fuel Gas Distribution Corporation
- Marie Therese Dominguez, Commissioner, New York State Department of Transportation
- Gavin Donohue, President and CEO, Independent Power Producers of New York
- Dennis Elsenbeck, Head of Energy and Sustainability, Phillips Lytle LLP
- Thomas Falcone, CEO, Long Island Power Authority (Anna Chacko, Designee)
- Eric Gertler, Acting Commissioner and President and CEO-designate of Empire State Development
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association
- Bob Howarth, Professor, Ecology and Environmental Biology at Cornell University
- Peter Iwanowicz, Executive Director, Environmental Advocates of New York
- Jim Malatras, President, SUNY Empire State College
- Gil C. Quiniones, President and Chief Executive Officer, New York Power Authority
- Roberta Reardon, Commissioner, New York State Department of Labor
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- John B. Rhodes, Chair, New York State Public Service Commission
- Rossana Rosado, Commissioner, New York State Department of State, (Brendan Hughes, Designee)
- Raya Salter, Lead Policy Organizer, NY Renews
- Paul Shepson, Dean, School of Marine and Atmospheric Sciences at Stony Brook University
- RuthAnne Visnauskas, Commissioner and CEO, New York State Homes and Community Renewal
- Howard A. Zucker, Commissioner, New York State Department of Health

Also present were various State agency staff and members of the public.

Ms. Barton and Mr. Seggos, Co-Chairs of the Council, welcomed all in attendance. A quorum was present throughout the meeting.

Co-Chair Remarks

Co-Chair Barton and Co-Chair Seggos both delivered opening remarks regarding the importance of the Council's work. Co-Chair Barton stressed that the science is clear that climate change is an existential threat to our way of life, and that passage of the Climate Leadership and Community Protection Act (CLCPA) was a watershed moment for the State. Co-Chair Seggos emphasized that the legislation is the most ambitious of any developed nation or state, and that the Council should approach the law's implementation with the same level of ambition.

Presentation: Climate Science Considerations Radley Horton, Columbia University

Dr. Radley Horton, Lamont Associate Research Professor at the Columbia University Lamont-Doherty Earth Observatory, presented information on observed global temperature trends and carbon dioxide concentrations. He focused on shifting temperature extremes; sea level trends and coastal flooding projections; extreme precipitation; and global temperature projections. In sum, Dr. Horton estimates that even current policies will be insufficient to significantly reduce emissions and that a pathway consistent with reducing temperatures by about two degrees Celsius is a level of ambition that is needed and, thus, presents a huge challenge. Overall, the key points of Dr. Horton's presentation were:

- The statistics of many types of extreme events have already shifted in recent decades;
- As long as greenhouse gas concentrations rise, an acceleration of many changes in extreme event statistics are expected;
- Even small climate changes could be associated with large changes in impacts;
- The further the climate system is pushed, the greater the potential for disruption; and
- Innovations in greenhouse gas mitigation, and adaptation, could also lead to disruptive opportunities.

Presentation: Climate Act Requirements

Co-Chair Barton presented the major highlights of the Climate Act, and explained the responsibilities of the Council, the process to be used in adopting the Scoping Plan, as well its expected contents. She stated that the commitments to climate justice and just transition will be important components of the work ahead, as well as for New Yorkers.

Co-Chair Seggos presented information on the roles and responsibilities envisioned in the Climate Act, including regulatory responsibilities outside of the scope of the Council's work. He stated that the Scoping Plan is meant to be aggressive and actionable and the Council will rely greatly on the Advisory Panels, the Just Transition Working Group, and the Climate Justice Working Group.

Mr. Jared Snyder, Deputy Commissioner, NYS Department of Environmental Conservation, presented the 2020-2024 timeline applicable to the Council's responsibilities, with a draft Scoping Plan to be issued for public comment by January 1, 2022, and a final Scoping Plan adopted one year later. While the Council pursues the Scoping Plan, the Department of Environmental Conservation will convene the Climate Justice Working group as well as work toward an emissions limit rulemaking and developing value of carbon guidance. By January 1, 2024, the Department of Environmental Conservation will adopt regulations that ensure emission limits are met.

Climate Act Goals

In recognizing the unique background of the Council members, Co-Chair Seggos requested that each share ideas for the path forward, identify challenges, and provide additional wisdom at the outset of the Council's work effort. Each member of the Council, including both Agency Members and At-Large Members, provided a brief introduction and initial insights about the Council's forthcoming work.

Chair Rhodes began by stating he believes that the buildings and transportation sectors are where much work is needed, and electricity will be a big part of the solution.

Ms. Reynolds suggested that it might be valuable for the Council to endorse deliverables beyond and before a Scoping Plan.

Commissioner Reardon stressed that workforce development will be a critical piece of this effort.

Dr. Shepson stated that his areas of expertise are greenhouse gas emissions measurement and quantifications and emphasized assessing the quantitative goals of the Council.

On behalf of Dr. Zucker, Mr. Henry Spliethoff, Center for Environmental Health, stated that climate change is of critical importance and has many health implications.

Ms. Harvey emphasized working with communities affected by poor land use and saluted the emphasis on making it fair and equitable for all.

Commissioner Ball focused on ongoing work to address conservation practices, water quality issues, and nutrient management as a means of reducing greenhouse gas emissions.

Mr. Iwanowicz highlighted the efforts that went into the Climate Act's enactment, as well as the importance of social justice, equity, and public inclusion in the process.

President and CEO Quiniones described leadership by example in accelerating and scaling up clean energy technologies and putting decarbonization at the forefront.

Ms. DeCarolis described one challenge as determining how to assess the cost and customer impact of achieving the goals of the Council.

Dr. Howarth stressed that his focus has been on addressing methane emissions and suggested that the Council fully integrate the work of the Advisory Councils.

On behalf of Mr. Falcone, Ms. Anna Chacko, General Counsel, stressed meeting and exceeding the State's goals with a balanced plan that achieves carbon reduction in many areas.

Mr. Elsenback stated that economic and environmental sustainability need to be balanced.

Mr. Gertler sees the role as two-fold: helping to advise companies with green energy solutions; and developing a greener economy with an opportunity for new jobs to grow.

Mr. Donohue is in favor of a technical and economic feasibility study effort, as without reliable electricity, the State will not be healthy from any perspective.

On behalf of Secretary Rosado, Mr. Brendan Hughes, Executive Deputy Secretary of State, highlighted helping communities to become more resilient to climate change.

Commissioner Dominguez emphasized the incorporation of alternative transportation strategies into project plans and the fact that State uses the least energy per capita for transportation.

Ms. Salter stressed her appreciation for the advocates who work on these issues, and stressed the need for an inclusive, open, and accessible Scoping Plan.

Commissioner Visnauskas highlighted work ensuring that affordable housing has increasing green standards and the importance of a housing and community development lens for the Council.

Bylaws

Peter Costello, NYSERDA General Counsel, presented information regarding the Bylaws developed for the Council. Mr. Costello, along with Thomas Berkman, New York State Department of Environmental Conservation Deputy Commissioner and General Counsel, will be acting as co-counsel to the Council.

Mr. Costello explained that the Bylaws address such items as the general configuration of the Council, including co-chairs, co-counsel and the ability of the Council to designate a secretary or to appoint an executive director. The Bylaws also address the designation of members of staff; quorum and super majority requirements; the applicability of the New York State Public Officers Law (Open Meetings Law); and the process for amending the Bylaws. Identifying and addressing potential

conflicts of interest, preserving confidentiality of commercially sensitive information, and ethical considerations were also covered topics for appropriately conducting Council business.

In response to a request by Mr. Iwanowicz for a minimum of 10 days' notice for meetings, Mr. Costello confirmed that notice of Council meetings will conform to the New York State Open Meetings Law and which generally requires posting of meeting notices 72 hours in advance, although every effort will be made to provide additional notice as provided in the Bylaws. Co-Chair Seggos also suggested striving for an operating procedure whereby the subsequent meeting is set during the current one as a means of accommodating the request.

In response to a clarification offered by Dr. Shepson regarding conflicts of interest, Co-Chair Barton agreed that the Bylaws are intended to address direct conflicts of interest while not hampering the ability of the Council members to fully participate and represent the areas, industries, and sectors of the economy for which they have been appointed to represent and provide expertise.

Hearing no further comments, Co-Chair Seggos called for consideration of a Resolution to approve the Bylaws of the Council. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the Council approved the resolution and the Bylaws were adopted.

Resolution No. 1

RESOLVED, that Climate Action Council (CAC) Bylaws as presented to the Members for consideration at this March 3, 2020 meeting, with such non-substantive, editorial changes as the Co-Chairs, in their discretion, may deem necessary or appropriate, are adopted and approved.

Advisory Panels

Co-Chair Barton stated that the Advisory Panels will be structured according to the Climate Act, tapping into additional expertise for six subject matters: transportation; land use and local government; housing and energy efficiency; energy intensive and trade exposed industries; power generation; and agriculture and forestry. She stated that the Advisory Panels are intended to be the technical experts that will advise the Council ahead of its adoption of a Scoping Plan.

Co-Chair Barton also mentioned the Just Transition Working Group as called for in the Climate Act which she will co-chair with Commissioner Reardon and whose purpose is to address how this transition will impact populations and communities.

Council members discussed the role of the advisory panels, the role of technical analyses and possible engagement with the state's universities.

Next Steps

Co-Chair Seggos provided the Council website and email address and noted that the meeting materials and scheduling would be posted. With that, he thanked the Council Members for their participation, as well as the attendance of the public, and the meeting was adjourned.



Climate Action Council

ANDREW M. CUOMO
GOVERNOR

ALICIA BARTON
CO-CHAIR

BASIL SEGGOS
CO-CHAIR

Meeting Agenda

March 3, 2020

- Welcome and Introductions
- Co-Chair Remarks
- Presentation: Climate Science Considerations, Radley Horton, Columbia University
- Presentation: Climate Act Requirements
- Climate Act Goals
- Bylaws
- Advisory Panels
- Next Steps