

CJWG Meeting Notes

WebEx - 12.14.22

Meeting Commence 3:00pm

*Disclaimer: *Please note this is not a word for word translation.*

Agenda:

1. Discuss draft benefits and investments approach
2. DAC (Disadvantaged Community) criteria updates
3. Discuss review the revised timeline
 - a. Do we still feel comfortable with the timeline?
4. Discuss Next Steps for 2023

Panelists/CJWG Members:

- Alanah Keddell-Tuckey, EJ Director, Office of Environmental Justice, (DEC) Department of Environmental Conservation
- Adriana Espinoza, Deputy Commissioner for Equity and Justice, (DEC) Department of Environmental Conservation
- Jill Henck, Clean Energy Program Director, (ANCA) Adirondack North Country Association
- Chris Coll, Director of Energy Affordability and Equity Program, (NYSERDA) New York State Energy Research & Development Authority
- Shannon Kahl, Senior Consultant, Illume Advising
- Emily Morris, Consultant , Illume Advising
- Sameer Ranade, Climate Justice Advisor with (CAC) Climate Action Council
- Sonal Jessel, Policy and Advocacy Coordinator, WEACTION for Environmental Justice
- Joe Henriquez-McNearney, Director of Stakeholder Engagement, (DOL) Department of Labor
- Elizabeth Yeampierre, Executive Director, UPROSE
- Andrea Linton, Public Participation Specialist, Office of Communication Services, (DEC) Department of Environmental Conservation
- Eddie Bautista, Executive Director, NYC Environmental Justice Alliance
- Abigail McHugh-Grifa, Executive Director, Climate Solutions Accelerator of the Genesee-Finger Lakes Region
- Neil Muscatiello, Director of the Bureau of Environmental and Occupational Epidemiology, Center for Environmental Health, (DOH) Department of Health
- Tyler Picard, (NYSERDA) New York State Energy Research & Development Authority, Project Manager Energy and Climate Energy

Attendees Board Rooms :

Albany, NYC, Raybrook, Avon Region 8, Region 9

No physical Quorum required for today's meeting:

- No quorum reached, no official action can be taken
- Quorum requirements: must be minimum 7 CJWG members in a physical location accessible to the public
- No official action can be taken

DAC investments and benefits Update -Chris

Topics to cover today:

1. Review of disadvantaged community investments and benefits requirement
2. NY State's Clean energy portfolio
3. Implementing DAC investments and benefits requirement

Flowchart of comment process explained:

- Reviewed comments> identified indicators commenters recommended
- Method is one tract and indicators is in another tract.
- Indicators were put into rubric> next prioritize indicators list > next examine data for smaller list> integrate data into the criteria
- Finally when we have a quorum members will discuss the methods to pursue
- Quorum was reached so we will deliberate on the above date.

Eddie: CJWG members understanding is that 35-40% CLCPA (Climate Leadership and Community Protection Act) commitment is to DAC communities. Same percentage per Governor Hochul will apply to the Bond Act. Can you share the vision for how this will happen? More immediately how will this percentage apply to infrastructure money from 2021?

Chris: It's our expectation to apply the same kind of timeline and approach.

Alanah and Adriana: Will have to get back to you, Eddie on that. All the Federal bills coming down now have their own Justice 40 requirement tied to them. We are looking into how that will align with NY state's efforts to define DACs. Yes, the Bond Act requires 35-40% funding for DACs. This type of spending will differ from CJWG. The Bond Act has different buckets.

Elizabeth: My impression is that a lot of the initiatives from the Federal government were being influenced by New York. I'm concerned we may be following their lead instead of them following us in terms of deciding investments and infrastructure.

Adriana: The Federal Government is not dictating in terms of infrastructure dollars. There are requirements tied to each funding stream which are justice 40 requirements. I'll need to meet with our team to discuss how we meet the Justice 40 Federal government requirements and align that with our mission here in NY State.

Chris:

Investment and benefits requirement

- place based investments vs system/state-wide investments
- what are the benefits of spending?
- recap on clean energy portfolio
- we need to track and quantify these metrics and benefits
- what data is available?

Elizabeth: I see the advancement of community determination and capacity building. I do not see my concerns specifically named. Can we incorporate language about renewable energy and building the capacity for community ownership and wealth?

Chris: We want to be more collaborative on how we support the needs of communities.

DAC investments and benefits Update cont... -Chris

- Overview of how to achieve 40% benefits goal
- Implementing DAC investments and benefits requirement
 - include annual reporting by agency
 - level of funding is only metric we can confidently measure
 - reporting on percentage of co-benefits in DACs and non-DACs
 - flag for co-benefits: we're proposing to start with metrics we can calculate
 - eg) employment
 - look at qualitative and quantitative impacts
 - discussed implementation plan

Eddie: Big picture reaction. This looks really on point. Can see feedback CJWG gave has been incorporated, thank you.

Chris: Over the next few months guidance will be provided for state organizations to proceed. Even later agencies can incorporate DEC's criteria into processes and systems. We'll eventually seek to report out on a regular basis.

Eddie: Three quick things to suggest. While the approach seems clear how much are we generally talking about? Clean energy investment portion is it 2-3 billion? What is the current ballpark clean energy spending total? Is that information available? Has a conversation been had with the Comptroller's office?

Chris: Thanks Eddie. NY State teams have begun discussing the actual implementation and compliance to make this happen. Based on surveys of state agencies, the total considered for clean energy was 2–3 billion dollar level. No refined estimate as of today.

Eddie: Is it possible to walk CJWG members through the programs involved for the 2-3 billion dollar budget estimate?

Chris: We will definitely come back and have that conversation with members.

Rahwa: Thank you for the work you've put into this. Once you come up with the how agencies will collect information will you be sharing that with CJWG members?

Chris: Yes.

Rahwa: Is there a way to create uniformity and track information from agency to agency annually?

Chris: Yes, we'll be able to track information from agency to agency.

Abigail: What plans are in place for transparency to the public? eg) What platforms?

Chris: We are still working through that piece.

DAC criteria updates -Shannon

a) Overview of Indicators proposed to review for inclusion:

1. diabetes
2. houseless/unsheltered population
3. high tax aid
4. proximity to airports
5. zoning practices
6. access to portable water
7. illegal dumping
8. lead in water in schools
9. lead water service lines
10. abandoned buildings
11. low life expectancy

b) Overview of Long-term tracking indicators:

1. Concentration of heat vulnerable jobs
2. Cost of living
3. gentrification

c) Overview of added columns to the indicators list:

- latest status
- and preliminary likelihood of useable data by February 2023 deadline

Eddie: Question about the abandoned buildings indicator. Is there still inconsistent data across NY state?

Shannon: Although census data is not available at the census tract level; we, Illume want to check with office of HCR (Housing and Community Renewal) for available data. I'd also like to consult within our Illume team.

Emily: I want to check back with HCR and we, Illume will keep the CJWG updated on what they say.

Work Plan and Timeline – Alanah

Let's periodically check in with our timeline and assess if we remain on track to achieve our Feb 2023 goal. Basically a temperature check.

****Reminder of progress:***

- January 2023 determine potential changes
 - possibly three 2-hour meetings prior to February 2023's deadline.
- February 2023 final vote on criteria
 - throughout review and report
- March 2023 release finalized criteria

Alanah: I will send out another survey about date options to vote and/or meet. Does anyone have questions or concerns?

Jill: Can you send out another survey requesting CJWG members blackout dates for the new year?.

Alanah: Yes. Members can also freely email her their blackout dates. We want everyone to be present especially on days we vote.

Elizabeth: Wanted to revisit if attending these meetings virtually is a violation of the open meetings law. I brought this up in a previous meeting. Has DEC received an answer from their legal team? No one has gotten back to me about this.

Alanah: We are looking into that. Our attorney Tyler Hepner is on. Did you want to say anything Tyler.

Tyler: There's no clear answer. Federal circuit courts are split. Due to this being a DOS (Department of State) law their attorneys need to speak to this.

Elizabeth: I would urge you to move quicker on this. It really is making an exception for one member. I'm trying to avoid attending a meeting where I'm told my vote has no weight.

Alanah: Thank you Elizabeth. I will point out the resolution we passed does allow for virtual attendance if there is a physical quorum.

Elizabeth: What if I am the deciding vote and I am not physically there?

Alanah: We understand. We are seeking an opinion from DOS on this.

Current DAC Criteria Timeline & Workplan -Sameer

- He will be hosting virtual office hours regarding the scoping plan
- Hours are open to CJWG members and members of their organization they choose
- Sent email with his hours to working group earlier today

- He will be online during times provided in email. Email or text him.
- Current office hours are now through December 30,2022.
- He is open to extending them through January 2023 if needed

No further comments/concerns from working group

Next Steps -Alanah

- Sent a survey out for future meetings dates. Due date December 16,2022 can be extended if members need more time
- We are seeking an opinion from the Department of State to answer Elizabeth's disability attendance concern
- Reminder: moving to 2-hour meetings in January 2023
- CAC (Climate Action Council) voting on scoping plan December 19,2022

Meeting Adjourned: 4:13pm