

**The County Perspective**  
*Draft Scoping Plan*

Comments submitted by the  
**New York State Association of Counties**



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

to the

**New York State Climate Action Council**

June 24, 2022

Hon. Martha C. Sauerbrey, President  
Stephen J. Acquario, Executive Director

## **Introduction**

On behalf of the 62 counties of the State of New York and NYSAC's Climate Action Committee, we appreciate the opportunity to comment on the Draft Scoping Plan for how New York State will meet the greenhouse gas emission reduction, renewable energy usage, and climate justice goals established by the Climate Leadership and Community Protection Act ("Climate Act"). Since the Climate Act was signed into law in 2019, NYSAC has worked to educate our members about the State's ambitious targets, and we advocated for more local government input in developing and implementing the Scoping Plan. While we were disappointed that the Climate Action Council and its working groups did not include more local government representation, we are encouraged by the Draft Scoping Plan's acknowledgment of the important role the local governments will play in meeting the Climate Act goals and hope this will be met with more consistent engagement going forward.

Counties are on the frontlines of addressing climate change in their communities. The comments below highlight areas where counties will need additional support for local climate action to help the State meet its goals. They also capture many of the concerns counties have about how the Climate Act will impact their communities. Because it is not possible for these comments to respond to every strategy included in the Draft Scoping Plan or represent all the diverse opinions our members have about its merits, we hope they will be a starting point for future discussions. Thank you for your consideration of the following recommendations and our topline request for continued engagement.

## **Overarching Recommendations**

### **Provide More Opportunities for Local Government Input in Finalizing the Scoping Plan**

We respectfully request that Climate Action Council provide counties with additional opportunities to offer formal and informal feedback on the Scoping Plan as it is revised and finalized. Because counties are the level of government closest to the people, they can help the Council to better understand how the strategies under consideration will benefit or disproportionately burden their residents. They can also offer insights into how the Scoping Plan's strategies will affect priority populations like Disadvantaged Communities, as counties interact with these communities every day during the delivery of essential services. Local government insights can help the Council to minimize the Climate Act's adverse impacts and maximize its benefits.

Local government input will also help to increase the chances that communities will accept the transformations needed to meet the State's goals. Counties can help the Council to understand how the strategies under consideration will mesh or be in conflict with other local priorities. They can also offer guidance as to whether the Council's recommendations are practical or will require additional time and resources to carry out. This is especially true for the strategies that will directly impact county government operations and facilities, and it is also true of the strategies that will impact the residents and businesses counties serve.

## **Develop a Plan to Communicate and Coordinate with Local Governments on Scoping Plan Implementation**

County governments should also be engaged as essential partners in implementing the Scoping Plan's strategies. Counties have a decades-long track record of implementing state and local programs and being good stewards of taxpayer dollars. Local governments are also skilled at motivating public and private sector organizations to achieve community goals.

We recommend that the State establish a cabinet-level lead or office to facilitate communication and coordination with local governments. Designating a single lead or office will help to improve information sharing and streamline the implementation of climate initiatives. This liaison should be available to answer questions, relay important announcements, correct misinformation, take feedback, and help localities take advantage of state and federal resources available to support local climate action.

Currently, most local governments are not aware of all the available state programs, grants, and technical assistance because no single webpage or contact exists to guide them through the maze of resources from various agencies and authorities. This new office or lead should be tasked with creating and maintaining a searchable database of resources so local governments can take advantage of all the available opportunities.

## **Provide Technical Planning and Zoning Assistance to Support Local Climate Action**

Just as New York State will need cooperation from local governments to meet the Climate Act's goals, counties will need support from the State to develop and implement projects, update policies, enforce code compliance, and assist municipalities with their own climate actions. Providing guidance, grants, and technical assistance to local governments will be paramount to the State's success in motivating and enabling localities to support the Climate Act's goals. It will also lead to more innovation and collaboration than if the State were instead to impose unwelcome mandates on local governments. We urge state agencies to devote resources to building partnerships and increasing local capacity rather than enacting mandates and narrowly focusing on enforcing compliance.

NYSAC supports the Draft Scoping Plan's recommendations to provide guidance and support to localities in various areas, including clean energy siting, forest protection and management, clean energy efficiency upgrades, and methane recovery from wastewater treatment facilities and landfills. We further support the Draft Scoping Plan's recommendation for NYSERDA and DEC to expand the regional coordinator network to enhance and strengthen assistance to local governments across a range of climate actions. Expanding the coordinator network is necessary to increase the capacity of counties that are experiencing challenges with workforce recruitment and retention as a result of the COVID-19 pandemic and a wave of retirements.

The Council should be mindful of these workforce challenges at both the state and local government levels and develop solutions to increase local government capacity in all areas where they are called upon to support the Scoping Plan's implementation. Another

idea to increase capacity is creating a Climate Corps, similar to the New York State Public Health Corps, that can place recent graduates in every county to help with local climate projects and community outreach.

### **Minimize and Mitigate Impacts to Agricultural Communities**

New York is a leading agricultural state with over seven million acres of farmland. Many of the attributes of farmland that make it ideal for growing crops also make it desirable for renewable energy development. This has led to significant large-scale solar development pressure in regions of the state with abundant high-quality farmland.

Converting productive farmland into solar developments may impact the food supply and local economies to a degree that has yet to be considered. For this reason, we urge the Council to prioritize farmland protection and farm viability in its plan for meeting the Climate Act goals. The State should also consider and mitigate negative impacts to farmers that may result from accelerated renewable energy development, such as increased competition for land, higher land lease rates for rented land, and the loss of access to farmland. Local governments and other stakeholders should be included in discussions about how to avoid, minimize, and mitigate the impacts of renewable energy development on farm communities.

### **Consider Regional Differences**

As the Council moves ahead of finalizing the Scoping Plan, more consideration should be given to regional differences that will affect whether and how quickly local governments, residents, and businesses can transition away from technologies with negative climate impacts. For example, the Draft Scoping Plan states that approximately one to two million homes will need to be electrified with heat pumps by 2030 to achieve the State's emission limits. However, this may not be possible in regions of the state that experience extreme winter weather, as the questionable reliability of this technology in freezing temperatures presents public health and safety concerns. Imposing strict mandates and timelines that do not allow for regional flexibility will further isolate communities that already feel unheard and overburdened.

NYSAC supports providing incentives over mandates and urges the Council to set goals and expectations with consideration for regional differences that will affect cost and feasibility. Not only will this result in more attainable goals, but it will also tamp down resistance and help to ensure the Scoping Plan's implementation does not place an undue burden on communities that need more time, resources, or education to transition away from old technologies. Counties should be included in these conversations going forward to share local insights and feedback with the Climate Action Council and its working groups.

### **Minimize Adverse Impact to Residents**

In addition to concerns about the Climate Act increasing costs for local governments, counties have concerns about the impact the Draft Scoping Plan's recommendations will have on residents. One area of particular concern is energy costs, which are already skyrocketing in many parts of the state. Electricity delivery charges now exceed usage charges for many customers, and the transition to renewable energy is likely to result in even higher delivery charges as new costs are passed on to customers. We urge the Council to consider subsidizing the production and delivery of renewable energy to lessen the burden on residents during this trying economic time.

Counties also have concerns about imposing additional fees or surcharges on residents, such as mileage-based user fees or "feebates" for electric vehicles, as this will place an undue burden on those who cannot afford to electrify their cars and homes. Counties are particularly concerned about new costs and mandates that will make it more difficult for New Yorkers in rural areas to travel to work, school, and other locations that may not be accessible by public transit. We recommend providing incentives that encourage and enable New Yorkers to make more environmentally friendly choices without penalizing those who cannot afford to. An incentive-based approach to meeting the Climate Act goals will serve to lessen the burden on the public and increase support for the transformations required to reduce statewide greenhouse gas emissions.

### **Provide More Direct Funding Assistance to Improve the Energy Efficiency of County-Owned or Controlled Assets and Transition to Electric Fleets**

Counties will need additional financial assistance to transition to zero-emissions fleets, build out charging infrastructure for public use, and make their buildings more energy efficient. Increasing funding for the Municipal Zero-Emission Vehicle (ZEV) Program, which provides rebates for electric vehicle purchases and grants for charging infrastructure, will help to accelerate the transition away from gas-powered vehicles.

The Council should also consider proposing new grant programs that target other priority equipment and infrastructure. Oftentimes, local governments are interested in electrifying equipment or infrastructure or upgrading to more energy efficient models, but they are cost prohibited from doing so. Additional state assistance can help to bridge this gap. The minimum and maximum grant awards for these programs should be increased annually to keep up with the rising cost of goods and services and ensure that they are sufficient to make zero-emissions technologies cost-competitive.

## **Strategy-Specific Recommendations**

### **Enable County Governments to Authorize and Form Community Choice Aggregation (CCA) Programs (E5)**

Counties support the Draft Scoping Plan's recommendation for DPS to enable county governments to authorize and form CCA programs with a local opt-out. Currently, county governments can encourage municipalities to form an inter-municipal CCA and provide administrative support, but they are not eligible to create a CCA independent of villages, towns, and cities within the county. Authorizing counties to form CCAs will allow for more purchasing power, affordable rates, and greater renewable energy adoption.

### **Expand Countywide Resiliency Planning Grants (LU9)**

NYSAC supports the Climate Action Council's recommendation for DOS to expand Countywide Resiliency Planning grants to incentivize county-wide smart growth comprehensive plans. In 2018, five counties (Albany, Genesee, Orange, Sullivan, and Tompkins) were awarded \$1 million in grants to develop resiliency plans that integrate the principles of Smart Growth and climate resiliency to protect against severe storms and extreme weather events. These plans include a countywide risk assessment, resilience strategies, and accompanying recovery projects and actions. DOS should expand this program to help the state prepare for and respond to climate change risks, with the goal of ultimately awarding planning grants to all 57 counties and the City of New York.

### **Enact Additional Product Stewardship Programs (W3)**

NYSAC supports the Council's recommendation to enact broad extended producer responsibility (EPR) or product stewardship requirements to cover the end-of-life management of post-consumer products and allow the State to ensure their sustainable management. As recommended by the Draft Scoping Plan, EPR programs should be enacted for products like packaging and printed paper, carpet, tires, textiles, solar panels, wind turbines, all batteries, appliances, and mattresses.

Solar panels are an area of particular concern, as the rise in the use of solar panels has led to an accumulation of waste at the end of their life. A product stewardship program would help to ensure that metals and other materials from solar panels are reused and diverted from the municipal waste stream.

NYSAC also supports EPR for packaging and printed paper to increase recycling rates and reduce the impact of packaging on the environment. Lithium-ion car batteries are yet another product for which a stewardship program is urgently needed in order to facilitate the safe and responsible management of hazardous waste.

### **Empower Counties to Implement Shared Regional Smart Growth Priorities (LU9)**

NYSAC endorses the Council's recommendation for DOS to evaluate opportunities to use and potentially expand General Municipal Law (GML) Section 239 County Review to further empower counties to implement shared regional smart growth priorities. While land use zoning falls largely within the authority of municipalities (cities, towns,

and villages), counties can play an important role in fostering regional plans, providing a regional lens, and helping municipalities to achieve their smart growth goals. Empowering counties to implement shared regional smart growth priorities will help to achieve broader land-use goals that transcend municipal boundaries, such those having to do with open space preservation, transportation systems, and housing planning.

#### **Foster Community Acceptance through Education and Enhanced Host Community Benefits (E4)**

Accelerating the deployment of renewable energy and transmission projects to achieve the Climate Act goals has the potential to generate resistance from the communities that are expected to host these projects. We appreciate the Climate Action Council's acknowledgment of the need to have a multi-pronged approach to communicating with and engaging the public in order to foster community acceptance. We specifically support the Draft Scoping Plan's recommendations to (1) make host community benefits more robust and targeted, (2) empower local governments to take a leadership role in educating the community about clean energy, and (3) develop a clean energy development mapping tool to help localities make informed land use decisions and communicate local priorities to developers.

#### **Conclusion**

Thank you for the opportunity to comment on the Draft Scoping Plan. As you finalize the Scoping Plan for achieving New York State's ambitious climate goals, we respectfully request that counties be more actively engaged and provided with additional opportunities to provide input and feedback. As key stakeholders and regional leaders, counties are acutely aware of the needs of their communities and the disproportionate burden that the policies under consideration may place on their residents. Counties are also innovators and problem-solvers and can help the State to create and implement efficient and effective strategies for reaching its climate goals.

We appreciate your consideration of this request and the opportunity for continued partnership. NYSAC and our members look forward to working with you to make progress towards a cleaner, greener power grid and a more carbon neutral economy.