



June 30, 2022

Draft Scoping Plan Comments
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

**RE: Comments on the Draft Scoping Plan for the New York State
Climate Leadership and Community Protection Act (Climate Act)**

Via email to: scopingplan@nyserda.ny.gov

Esteemed Climate Action Council:

The Catskill Center for Conservation and Development applauds the Council on developing an ambitious and visionary plan to significantly mitigate climate change in New York State. As urged in the United Nations' Intergovernmental Panel on Climate Change's (IPCC's) April press release announcing its report, *Climate Change 2022: Mitigation of Climate Change*, "Without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach." Jim Skea, Co-Chair of the IPCC Working Group that produced the report, put it bluntly: "It's now or never." The Catskill Center commends the New York State Legislature and Climate Action Council for responding to the most grave and urgent challenge of our time with a bold plan for action, and we urge the Council to hold firm on the ambitious goals of the Draft Scoping Plan as it reviews public comments.

For 53 years, the Catskill Center has worked to protect and foster the environmental, cultural, and economic well-being of the Catskill Region, serving portions of Delaware, Greene, Orange, Otsego, Ulster, Sullivan, Schoharie, and Albany Counties. We appreciate the opportunity to comment on the Draft Scoping Plan. While the entire Plan is important, we have focused our comments on those aspects of the Plan that most closely connect to the Catskill Center's mission and expertise.

Comments on Pillars of New York's Planned Climate Action to Realize Net Zero Emissions

1. Chapters 6 and 7 – Achieving Climate Justice and Just Transition

The Catskill Center is pleased to see a focus in the Draft Scoping Plan on ensuring beneficial outcomes for traditionally underserved communities and on correcting the disproportionate burdens borne by some communities in the past. The Center offers comments on climate justice and a just transition immediately below, and also

incorporates additional feedback into our comments on sector strategies and statewide and cross-sector strategies, farther below.

- a) Achieving Climate Justice – The Catskill Center supports the following recommendations from the Climate Justice Working Group (CJWG) (pp. 37-38):
 - “Support the emphasis on green job creation for members of DACs [Disadvantaged Communities], data collection and reporting requirements on industrial facilities’ impact on DACs, and State procurement of low-carbon materials (since the State’s procurement may encourage manufacturing that is less energy-intensive.)” (Note: “DAC” is not included in the list of acronyms on p. vii of the Plan.)
 - “Ensure that climate and environmental justice objectives are equal to the business development objectives.”
 - “Reuse shuttered power plants for clean energy and sustainable manufacturing.”
 - “Eliminate implicit bias in searching for and hiring workers.”

Comments on Evaluation of the Plan

1. Chapter 9 – Analysis of the Plan

- a) 9.2 Scenario Design. Of the three Scenarios proposed by the Climate Action Council, the Catskill Center believes that *Scenario 4: Beyond 85% Reduction* would be most likely to succeed. [The Catskill Center recommends that the Climate Action Council pursue the scenario with the most diverse blend of strategies and the lowest proportion of highly speculative strategies; Scenario 4: Beyond 85% Reduction appears to fit that bill.](#)

Comments on Sector Strategies

1. Chapter 11 – Transportation

- a) Strategies T1 – T12. [The Catskill Center generally supports all of the proposed strategies relating to the transportation sector.](#)
- b) Strategy T7 - Smart Growth Public Education and Awareness. [Given the inextricable interrelationship between transportation and land use, The Catskill Center strongly supports strategy T7 - Smart Growth Public Education and Awareness.](#) However:
 - The public education campaign should be incorporated into a larger, comprehensive marketing and education campaign around multiple components of the Climate Act and its Scoping Plan (see our additional comments on both land use and public education, below); and

- c) Strategy T1 - Light-Duty Zero Emission Vehicle Adoption. Since transitioning development patterns to smart growth is a long-term and uncertain process, the Catskill Center also strongly supports the incentives proposed under *T1. Light-Duty Zero Emission Vehicle Adoption* as a near-term strategy likely to yield tremendous benefit if successfully implemented. However, while the plan's emphasis on the transition to ZEVs is essential:
- Equal weight must be given to changing current land-use patterns in order to make alternative forms of transportation viable. Local government strategies must include more than providing grants, free technical assistance, education, or recognition for local leadership. We discuss this further in our comments on Chapter 13's E2 through E4 strategies and our comments on Chapters 19 and 20, Land Use and Local Governments.
 - To motivate sweeping behavioral change on the part of most New York consumers over less than a decade, the incentives structure will need to be very aggressive.
 - Additionally, vehicle manufacturers must be prepared to meet this massive increase in demand, and the state must anticipate market factors that will prevent achievement of this goal that is a cornerstone of the State's Scoping Plan.
- d) Strategy T8 - Expanding the Availability of Low-Carbon Transportation Alternatives. Strategy T8 focuses on transportation alternatives in urban priority development areas, but reducing vehicle miles traveled in rural areas, which are heavily dependent on cars, should not be overlooked. For the sake of both efficacy and equity, the Final Scoping Plan should include an additional component of Strategy T8 that promotes alternative forms of transportation in rural areas, including shuttles, regional bike paths, and other alternatives to individual trips in private vehicles. For example, the 2020 Greater Catskill Region Comprehensive Recreation Plan¹, developed in partnership with the NYS Department of Environmental Conservation (NYS DEC), inventories existing transit options in the Catskills and proposes specific recommendations to fill gaps in transit services. One such proposal is to create a shuttle service for Route 23A between Palenville and Tannersville servicing recreational visitors to the extremely popular Kaaterskill Falls, Bastion Falls and Kaaterskill Creek, and North/South Lake. That plan also calls for interconnection of popular destinations such as mountain villages and highly trafficked recreational sites through new linkages in regional hiking and biking trails, keeping people out of cars and out in nature. Rural transportation alternatives like these

¹ Greater Catskill Region Comprehensive Recreation Plan. <https://cwconline.org/wp-content/uploads/2020/09/Greater-Catskill-Region-Comprehensive-Recreation-Plan.pdf>

would support regional tourism while also reducing vehicle miles traveled, furthering the goals of the Climate Act.

- e) [Achieving Climate Justice - The Catskill Center supports the following transportation-related recommendations from the Climate Justice Working Group \(CJWG\):](#)
- (p. 37) “Ensure that VMT [vehicle miles traveled] reduction strategies are equitable,” “Prioritize communities facing barriers,” and “Expand public transportation including high-speed rail and long-range bus service.”
 - (p. 103) “...focusing on providing access to transit and lower-cost options for transportation, rather than just personal vehicles, is critical for LMI [Low- and moderate-income] New Yorkers.”
 - (p. 105) “The CJWG enthusiastically encourages a rapid transition to ZEVs [zero emission vehicles], especially for MHD [medium- and heavy-duty] vehicles. Consistent with CJWG input, this Plan prioritizes MHD ZEV incentives in air pollution-overburdened communities for vehicles such as port equipment, refuse trucks, local delivery vehicles, construction equipment, and both transit and school buses and an accelerated transition of the State’s fleet vehicles to ZEVs.”

2. Chapter 13 – Electricity

- a) [Strategies E1 – E10](#). The Catskill Center generally supports the strategies proposed for the electricity sector, including transitioning to renewable energy, grid enhancements, and community choice aggregation, but with important caveats noted below.
- b) [Strategies E2 – E4](#). [The Catskill Center agrees that vastly more renewable energy generation is needed in New York State to meet the Climate Act’s requirements of 70% renewable electricity by 2030, and that distributed energy generation and resources are a key component of the solution. However, that transformation must be both equitable and strategic:](#)
- [Equity](#). [As with current cell tower siting practices, all municipalities should be required \(with State funding\) to prepare for some degree of renewable energy production within their communities, and to predetermine where small-scale and community solar projects could be appropriately sited.](#) The Catskill Center agrees with the proposal for “State support and funding for Regional Planning Associations to assist municipalities in planning for renewable energy development” (p. 163). This is especially important for smaller energy generation projects that fall primarily under local review. The Catskill Center also agrees with the CJWG’s suggestion on p. 159 that we “need to balance this approach to large-scale renewables with significant investment and technical support for Disadvantaged Communities to develop

behind-the-meter microgrids to reduce grid strain, increase resiliency and affordability, and diversify the State’s energy portfolio.” The Center additionally agrees with the CJWG’s suggestion on p. 160 that, “when designing incentives, use of grants over tax credits is preferred as tax credits may not be beneficial for LMI [Low- and moderate-income] consumers.”

- [Strategic Siting](#). The strategic siting of both large-scale and distributed energy generation and resources is essential. The Final Scoping Plan should include a tiered incentive structure that rewards the siting of new infrastructure within developed areas more than it rewards new projects on carbon-sequestering farmland or forestland. As noted on p. 272 of the Draft Scoping Plan, “Not only are natural and working lands critical for carbon sequestration, avoiding conversion of such lands eliminates the prospect of additional GHG release.” Indeed, one of the very strategies put forth in the Plan is to avoid the conversion of agricultural and forested land (LU#, p. 281).

Rooftop and parking lot solar installations within industrial and commercial zones with large swaths of available surface area should be a top priority that receives the greatest incentives, along with utilization of abandoned sites, as through NYSERDA’s Build Ready Program. Thoughtfully designed agrivoltaic systems are certainly an important part of the solution, but the relative ease of their installation must be counterbalanced with strong incentives for compatible use of the already built environment. A tiered incentive structure will spur creativity and ingenuity for reuse of existing infrastructure. Incentivizing energy production in built areas will also reinforce other strategies within the Scoping Plan, since keeping development more concentrated will further the Plan’s transportation, land use, agriculture and forestry, and adaptation and resilience strategies. To do otherwise would be counterproductive to the goals of the Climate Act.

- c) [Strategies E1 and E7](#). The Catskill Center supports improved efficiency and energy storage of existing hydropower (E7) but would not support large-scale installations of [new](#) hydropower facilities that would block fish passage and alter natural river flows. This position is consistent with Strategy AR10 (pp. 318-319) and its sub-component, “Improve local wildlife and aquatic connectivity.”

3. Chapter 15 - Agriculture and Forestry

- a) [Strategies AF1 – AF24](#). The Catskill Center generally supports all of the strategies proposed for the Agriculture and Forestry sectors, and we [strongly support AF2. Prevent Forest Pests, Diseases, And Invasive Species and Restore Degraded Forests](#). However, we offer the following additional comments:
- b) [Strategy AF3 - Maintain and Improve Sustainable Forest Management Practices and Mitigation Strategies](#). The Catskill Center strongly supports this

strategy, including, in particular, the call for NYS DEC to work with landowners to restore high-graded and under-stocked forest lands. However:

- Improved forest management for carbon sequestration is essential, but forest management for other values including climate resilience, water quality, source populations, and other societal needs remains imperative. As noted on p. 199, “Management of forested areas has many implications for long-term carbon storage and sequestration depending on factors like forest age, health, and tree species as well as how the forest is managed and how the wood is utilized following harvest. Additional forest management considerations include promoting a forest’s potential adaptation and resilience to climate change. Some potential ways to help increase a forest’s adaptation and resilience include maintaining high tree species diversity, genetic diversity of trees within the forest, multiple age classes (uneven-age management), and removing existing barriers for regeneration (ex: competing plants, invasive species, deer).”
- Additionally, we suggest either combining or more clearly differentiating the two strategy sub-components on p. 202 entitled, “Invest in forest carbon research.”

c) Strategy AF4. Assist Landowners in Implementation of Sustainable Forest Management and Mitigation Strategies. The Catskill Center strongly supports the expansion of the Forest Tax Law to include incentives for a greater variety of forest management objectives and less burdensome requirements for program enrollment. According to U.S. Forest Service data², the mean property size of privately owned forest in NY is 21 acres, far below the 50-acre requirement for 480a.

- As noted on p. 203, 73% of NY’s forests are privately owned, and “the majority of all the carbon sequestration and storage occurs on these lands.” U.S Forest Service data reveal that the average age of those private forest landowners in NY is 62³, suggesting that most of New York’s forest lands may convert to new ownership in the next two decades. Given the threat of conversion of New York’s forests to other land uses, we must better compensate private forest landowners for the community services they provide.
- We note that this strategy is also included in Chapter 21 under AR10, as follows: “Amend Real Property Tax Law to incentivize private forest stewardship: The State should enact legislation to amend Real Property Tax Law to incentivize private forest stewardship for a broader range of goals, including biodiversity, wildlife habitat protection, water resource

² U.S Forest Service, Northern Forest Futures Project, https://www.nrs.fs.fed.us/futures/current_conditions/states/?state=NY

³ Ibid.

protection, outdoor recreation, and carbon sequestration.” (p. 319) The Catskill Center supports both descriptions of this strategy.

- Additionally, we suggest either combining or more clearly differentiating the two strategy sub-components on p. 204 entitled, “Enact new Legislation.”

d) Achieving Climate Justice. The Catskill Center supports the following recommendations from the CJWG:

- (p. 37) “Ensure that strategies address equity in the agricultural sector.”
- (p. 217) “The CJWG supports soil health and climate resiliency and emphasizes removing barriers for underserved farmers which align with components of this strategy.”
- (p. 219) “The CJWG supports aiding BIPOC [Black, Indigenous, and People of Color] farmers in opportunities for securing farmland aligning with strategies for long-term farm leases and land transfers necessary for perennial systems.”

Comments on Statewide and Cross-Sector Policies

1. Chapter 21 - Adaptation and Resilience

- a) Strategies AR1-AR12. While climate change mitigation is the most urgent priority, the Catskill Center is pleased to see a chapter included in the Draft Scoping Plan on climate change adaptation and resilience. The Catskill Center strongly supports all of the listed strategies.
- b) Just Transition. The Catskill Center supports the Just Transition Principles of, “Integrat[ing] climate adaptation into transition planning, including through promotion of community resilience and investment in sustainable infrastructure,” and, “Promot[ing] the restoration, conservation, and resiliency of the State’s agricultural and natural systems, improving local food security and supply and fostering healthy ecosystems, particularly in Disadvantaged Communities through sustainable land and natural resource use.” (p. 42)

2. Chapters 19 and 20 – Land Use and Local Government

- a) Strategies LG1 – LG5 and LU1 – LU12. The Catskill Center strongly supports all of the Land Use strategies (LU1 – LU12). The Center also generally supports all of the Local Government strategies, and particularly LG3 and LG5. However, to be effective, we suggest seeking efficiencies when implementing the many strategies aimed at providing resources and support to local communities, as described further below.
- b) Strategy LU1. Mitigate Carbon Emissions by Protection of Forest Lands. The Catskill Center strongly supports this strategy. As noted above under

comments on Strategy AF4, nearly three-quarters of NY forests are privately owned by people over the age of 60, suggesting that the vast majority of NY's forest land will change ownership within the next 30 years, which may greatly increase that forest's vulnerability. We must do all we can to incentivize private landowners to keep forests as forests by greatly increasing state funding for forest conservation easements and other means of legal protection.

- c) [Strategies LU5, LU7, LU9, and LU10](#). The Catskill Center strongly supports all of these strategies. However, the Final Scoping Plan should provide for a strengthening of existing smart-growth legislation and ensuring its incorporation into community planning practices:
- We would encourage the State to require all municipalities to develop comprehensive plans (with state funding). Plans must be rooted in smart-growth principles, and all municipal codes (not only zoning) must align with that plan. This change could be achieved through modification of New York Consolidated Laws (Chapter 62, Article 16, Section 272-A for towns; Chapter 64, Article 7, Section 7-722 for villages; and Chapter 21, Article 3, Section 28-a for cities). State law should further require a degree of regional planning, with recognition of regional resources, development patterns, and transportation routes (including long-distance trails), and alignment between local comprehensive plans and regional plans.
- d) [Achieving Climate Justice](#) - The Catskill Center supports the following recommendations from the CJWG (p. 37):
- "Incorporate stakeholders from Disadvantaged Communities in adaptation and resilience planning and fund nature-based infrastructure"
 - "Engage communities in smart growth and consider a grant program to fund capacity building in Disadvantaged Communities"
 - "Avoid gentrification through transit-oriented development (TOD) and adopt explicit land use strategies in Disadvantaged Communities"
 - "Remove barriers to community choice aggregation (CCA) in Disadvantaged Communities"
 - "Prioritize benefits and investments in conservation in Disadvantaged Communities"

Consolidate Cross-Cutting Strategies

1. Seek Efficiencies for State Support for Community-level Planning and Permitting

The following strategies (and possibly others) all call for the State to provide technical, financial, or other support to municipalities engaged in efforts that affect the outcomes of the Climate Act. [We urge the Council to consider consolidation of](#)

similar types of outreach and technical assistance to municipalities, where such consolidation would lead to efficiency, synergy, and leverage.

- T6. Mobility-Oriented Development
- T10. Transportation Sector Market-Based Policies
- E3. Facilitate Distributed Generation / Distributed Energy Resources
- E4. Support Clean Energy Siting and Community Acceptance
- E5. Promote Community Choice Aggregation
- LU5. Mapping, Research, Planning, and Assistance
- LU6. Provide Guidance and Support for Afforestation and Reforestation to Local Communities
- LU7. Increase Forest and Farmland Protection in Municipal Comprehensive Plans
- LU8. Provide Guidance and Support on Clean Energy Siting to Localities
- LU9. Regional and County Planning and Technical Assistance
- LU10. Direct Planning, Zoning, and Pre-Development Assistance to Municipalities
- AR4. Identify and Evaluate Options for Supporting Equitable Adaptation and Resilience Practices and Projects, and to Enhance Insurance Protection
- AR5. Provide State Agency Planning and Technical Support for Equitable Regional and Local Adaptation and Resilience Plans and Projects
- AR6. Evaluate Opportunities to Ensure Equitable Consideration of Future Climate Conditions in Land-Use Planning and Environmental Reviews
- AR7. Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding
- LG2. Local Energy Policies
- LG3. Clean Energy Siting Support for Local Governments
- LG5. State Support and Guidance

2. Consolidate Marketing, Outreach and Education

The Catskill Center strongly recommends unifying all public outreach and education in furtherance of the Climate Act under a single marketing effort. The following strategies (and likely others we've missed) all call for - or necessitate - some degree of public outreach and education in support of the strategy, but each would be a separate effort, and each is framed almost as a supporting - rather than core - component of the strategy. However, as noted on p. 274, "Consumer and community decision-making is key, and especially important for the purchase of new passenger vehicles and heating systems for homes and businesses through the next decade. In all modeled scenarios, zero-emission vehicles and heat pumps will need to become the majority of new purchases by the late 2020s, and fossil fuel-emitting cars and appliances will no longer be sold after 2035." This need for a majority of New Yorkers to rapidly and dramatically change their purchasing habits for things as fundamental to daily life as one's home and car is likely to be met with some cultural and ideological resistance. Given the scale and pace of change envisioned by the Plan, and the fact that most New Yorkers have never even heard of the Climate Act, we believe that a massive, sustained, statewide, and multi-faceted marketing campaign will be essential if the final Scoping Plan is to be even partially successful. New Yorkers will

need to understand how this Plan benefits them, personally. Marketing and education must be a core, unified, and central strategy of the Final Scoping Plan for the Plan to succeed.

- T1. Light-Duty Zero Emission Vehicle Adoption
- T7. Smart Growth Public Education and Awareness
- B8. Scale Up Public Awareness and Consumer Education
- E4. Support Clean Energy Siting and Community Acceptance
- AF21. Increase Market Access for New York Low-Carbon Products
- AR3. Strengthen Meaningful Community Engagement and Public Education and Build Adaptive Capacity across All Sectors

In summary, the Catskill Center commends the Climate Action Council on its ambitious Scoping Plan, and [we urge the Council to ensure that the Final Scoping Plan remains no less ambitious](#). The Center supports the use of a diverse mix of strategies with the highest likelihoods of success, and inclusion of some redundancy to protect against unforeseen obstacles; *Scenario 4: Beyond 85% Reduction* appears to most closely achieve those objectives. The Catskill Center supports many of the strategies proposed in the Plan, and we have noted above where our support is especially strong, and where we suggest amendments to the strategies. Additionally, we encourage the Council's consideration of two ideas that are not expressly included in the Plan: 1) greater efficiencies in delivering technical assistance to municipalities; and 2) a massive marketing campaign targeted to home-buyers, car-buyers, and the general public.

Most importantly, ongoing assessment of the strategies' effectiveness, coupled with clear accountability, will be essential for successful emissions reductions in alignment with the ambitious targets of the Climate Act. Thank you for your leadership in addressing this urgent crisis for the benefit of all New Yorkers, and thank you for your consideration of our comments.

Respectfully submitted,



Jeff Senterman
Executive Director