



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

July 1, 2022

Climate Action Council Members,

Buffalo Niagara Waterkeeper (BNW) is a community-based organization whose mission is to restore and protect our water and surrounding ecosystems for the benefit of current and future generations. We protect clean water, we restore the health of ecosystems, we connect people to water, and we inspire economic growth and community engagement. Waterkeeper has a 30-year track record of success, ranging from natural resource planning and restoration project implementation to environmental advocacy and engagement of tens of thousands of people through volunteerism and environmental education. Our most visible success has been our leadership efforts around the restoration of the Buffalo River, specifically serving as a cost-share partner and helping to secure \$100 million in local, state, federal and private corporation resources for contaminated sediment dredging and habitat restoration. In 2016, Waterkeeper won the Thies International Riverprize, a global International River Foundation award for river basin management.

As part of the Climate Leadership and Community Protection Act (CLCPA) Scoping document development process, BNW participated as a member of the NYS Adaptation and Practitioners' Network. This group met regularly to draft priority recommendations and to provide input into the scoping plan process. We also participated as a member of the Land Use and Governance Advisory committee. Locally, we participate in regional climate planning efforts within the City of Buffalo and within Erie, Niagara, Wyoming and Genesee counties, are currently managing a Coastal Resiliency Study for the City of Buffalo, and have served as a WNY representative to the NYS CLEAR Initiative, the Resilient NY effort, and an Ecosystem Sector Advisor to NYSERDA's ongoing Climate Impact Assessment. BNW's work spans a vast geography within the WNY region, and we work with populations from disadvantage communities, rural communities, and suburban communities alike. BNW's goal is to provide meaningful feedback to the state based on over 30 years of learned experience in working with municipalities, implementing projects, and engaging with the residents of the Western New York (WNY) region.

Our approach to reviewing the draft scoping document was to 1) Identify priority strategies for the WNY region within each of the chapters; 2) Identify areas where clarity is needed to increase effectiveness of the scoping plan; 3) Identify opportunities where regional entities, including BNW, can participate in achieving the goals of the CLCPA; 4) Provide honest feedback and appraisal of the likely effectiveness of the priority WNY strategies based on our extensive experience as a community-based, practitioner organization.



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Thank you for the opportunity to participate in the scoping plan development process and to provide the following set of comments and recommendations.

## Comments and Recommendations

### Chapter 2: Scientific Evidence of Our Changing Climate

#### General Comments

- The listed examples of recent storm events and resulting damages should include mention of Western New York and/or examples from Great Lakes communities. In particular, fluctuating lake levels along Lake Erie have been exacerbated by increasingly frequent, seiche driven flooding events that impact residents and public infrastructure. The context for this section currently lacks relatable examples for the WNY region, or other freshwater communities.
- Similarly, language in this section should be expanded to include lake level fluctuations and other Great Lakes coastal stressors, and not be exclusive to sea level rise.
- **2.4 Technology Advancement and Trends:** We recommend that that 3<sup>rd</sup> bullet be amended to include nature-based solutions to address flooding and carbon capture (standing forests). Nature based solutions and the prioritization of these techniques should be its own bullet and not lumped in with technology.

### Chapter 5 – Pillars of NYS Planned Climate Action to Realize Net Zero

#### General Comments

- **Integrated Analysis:** It is unclear how water resources were considered in the integration analysis?
- The final plan should identify which state agencies are accountable for meeting the goals for each of the 7 sectors outlined in the plan, as well as indicate how the goals for each sector are on a codified timeline with annual monitoring.
- A slate of policies to ensure adequate funding is allocated for each sector and respective leading state agencies could be further identified, as well as a mechanism to ensure that the equity provisions of this bill are being met in each sector.
- A more detailed sub-plan is needed to ensure ongoing community and municipal leadership engagement in the regulation's development process and the implementation of the CLCPA.

### Chapter 6 – Achieving Climate Justice

#### General Comments:

- **Equity screening** – Identify how new developments in each sector are subject to an equity screen which evaluates and weighs the benefits and losses impacting local communities and sovereign Indigenous First Nations.
- **Indigenous Nations** – It does not appear that the State and CAC has utilized State – to – Nation communications which would ensure authentic consultation with the state and federally recognized tribes in NYS. First Nations of the Haudenosaunee Confederacy, the Shinnecock Nation, and the Setalcott Nation who's land is within the boundaries of NYS are sovereign

nations and should be treated as such. The scoping draft repeatedly categorizes Indigenous peoples within a broader definition of People of Color, rather than as independent Nations with full agency over their lands. Each sector of this plan should acknowledge how the goals, objectives, and outcomes will impact Indigenous Nations. Will there be funding, resources, and meaningful consultation incorporated into this plan?

- **Disadvantaged Communities** – As a region with the 3<sup>rd</sup> poorest city in the nation, it is imperative that WNY’s residents understand how these communities are defined, and what that means for how energy projects are identified throughout the state. New York State’s Environmental Quality Review Act should incorporate the Climate Law’s Equity Screening process that determines how disadvantaged communities are impacted.
- **Prioritizing Measures to Reduce GHG & Co-pollutants in Disadvantaged Communities** – Authentic Consultation with Indigenous Nations for existing practices on reduction in these categories would be beneficial. Waste reduction should be the main target of landfill reduction strategies and limited energy towards increasing recycling and other false solutions. **Distributed Energy Resources (DER)** – Funding for DER should be prioritized in disadvantaged communities to provide more decision-making power around the energy residents are using. Energy created by the community, used by the community.
- **Barriers and Opportunities** – Water resources are not addressed in this section and should be more clearly articulated and integrated.

## Chapter 7 – Just Transition

### General Comments:

- **Community Engagement/Stakeholder- Engaged Transition Planning** – Indigenous consultation needs to be highlighted and uniquely incorporated into the planning process.

## Chapter 8 – Public Health

### General Comments:

- **Water protection** – Increase in water demand during storms, extreme heat, and droughts. How will the CLCPA ensure that our water resources are protected and how is water usage measured in response to climate change? **Power Generation:** In the development of new technologies and green energy, water consumption is critical in measuring success. What are the impacts of power generation on water, soil, habitat loss?
- **WNY Health Disparities** – High asthma, cancer, cardiovascular disease rates exist in the WNY region. Regional assessments of health data are critical in monitoring impacts of climate change and mitigation through this plan. What is the DOH’s role in this process? Will the assessment and monitoring be led by the State DOH or delegated to County and other municipal health officials?
- **Climate policy is health policy** – Additional legislation is needed to support the protection of people in EJ, or disadvantaged communities as defined by the Climate Law -Monitoring systems are needed to identify which communities are suffering from the historic effects of industry and

waste disposal in the present. Prioritization of where to direct resources first should occur as a part of the CLCPA implementation process.

- **Outdoor Built Environment** – In the WNY region, freshwater is the connector of our built and natural environments. As a Great Lakes State, the benefits of protecting, restoring and stewarding blue spaces could be better identified as a need to increase health benefits.
- **Freshwater**– As in earlier chapters, Chapter 8 lacks reference to freshwater resources and freshwater coasts. We recommend inclusion of language about NY’s Great Lake’s coastal communities rather than solely mentioning sea-level rise, which is relatable only to downstate communities which lie along the ocean or tidally influenced waters.
- **Water Quality**-This chapter could further address the impacts of climate change on water quality (identifying NYS within the Great Lakes region), access to clean water, pipe/infrastructure upgrades and impacts on communities.
- **8.1-** This section should consider the disparities across the geography of NYS in terms of historic burdens placed on the communities of Niagara Falls and Buffalo relative to industry, landfills, and ongoing toxic pollution to our waterways. Our WNY communities have often been the receiving grounds for disposal of waste created outside of WNY, as well as for production of energy that is mostly utilized outside of our community. The impacts from these historic practices create a disproportionate burden on residents and this should be considered within the CLCPA.

## Chapter 9: Analysis of the Plan

### General Comments:

- **9.3: Large-scale carbon sequestration opportunities include lands and forests and negative emissions technologies.** This strategy is particularly positive and relevant for Western New York communities. We support the State prioritizing the protection and restoration of standing forests and wetlands, as well as other components of living infrastructure, as a key strategy for meeting the goals of the CLCPA. Quickly pinning down “how” this prioritization will occur, who will be in charge, which programs are supportive of this concept, which funding streams can be increased or prioritized to support this, and how these funding streams can be administered to be less burdensome and more open to all practitioners will be a critical factor in how quickly this strategy becomes a practical reality for implementation.

## Chapter 15: Forestry and Agriculture

### General Comments:

- The following components of this section require clarification:
  - The existing sectoral mitigation strategies explanations use the words, *forest and agricultural lands in production*; do the existing or proposed strategies contemplate non-productive lands?
  - What does productive versus non-productive land mean? Is there lay language that could be better utilized to facilitate public understanding of these strategies?
  - Should this language be expanded to be more broadly applicable to land cover types?



- Do strategies for acquisition of privately held forest lands exist?

Comments on Priority Strategy Components:

- **AF4. Assist Landowners in Implementation of Sustainable Forest Management and Mitigation Strategies**
  - This strategy should incorporate funding programs that are more open and flexible than current statewide programs for land acquisition. If protecting forests currently owned by private landowners is a key strategy, there needs to be a better option than competitive grants and a more efficient and expedient means to get state money to the ground and into the hands of practitioners who can make these transactions happen.
    - **Recommendation:** Consider regional funding hubs in non-profit sector as an intermediary for administering state funds to acquire lands/easements; based on firsthand experiences, land acquisition via State agencies has presented numerous hurdles within WNY that has, at times, prevented the use of available funds for land acquisition.
- **AF5. Support Local Communities in Forest Protection and Management: Increase funding**
  - While increasing funding a critical priority, the state should consult with grant program applicants, previous and past awardees, municipalities, and local practitioners to determine if existing grant programs are working as effectively as they could be. Questions to be asked include:
    - Are the funding mechanisms accessible to a wide enough audience?
    - Are funding programs written broadly and fairly enough to achieve the desired outcomes?
    - Are funding mechanisms open to applicants who have the technical and/or administrative capacity to plan and administer the grants for the intended outcomes?
    - Are there restrictions in the grant programs that make it infeasible for otherwise qualified applicants to apply?
  - Based on firsthand experience, additional grant making tools are needed to supplement the current toolbox. The confines of many State grant programs can limit otherwise capable entities from serving as implementation partners. Examples include strict limits on personnel, caps on fringe, high match requirements, costly technical report/data requirements needed to apply for grants, etc.
- **AF16. Establish a Payment for Ecosystem Services Program**
  - BNW strongly supports this recommendation. The State should encourage partnerships where NGOs or other local implementors can partner with farmers to manage a plan, develop an idea, apply for and manage a grant, etc. Many farmers might not have the time to add on the layer of grant administration, but there are groups that can help. Currently, most agricultural funding (within WNY) is administered through the Soil and Water Conservation Districts or the County. While these entities are typically effective intermediaries, we recommend expanding opportunities for other funding partners so that both expertise and capacity is less limited or limiting.

## Chapter 19: Land Use

- **LU1. Mitigate Carbon Emissions by Protection of Forest Lands**
  - General Comments: It is difficult to find funding that fully supports land acquisition and easements, and even more difficult to find entities who have the capacity to hold title to land. Municipalities are not going to be the sole solution to this problem, as they have many practical constraints with politics, budgets, core human health service priorities, etc. Expanding the network and supporting other organizations as implementors or administrators and being more flexible in how organizations can acquire land will be essential strategies for effective implementation.
  - Priority Strategy Components: **Establish Programs to support local land acquisition** There is a great need for more accessible funding and greater State-level support through existing programs for land acquisition by others and/or for conservation partnerships. Some examples of current limitations in existing funding have been previously stated within.
  - Concerns: **Maintain and increase State land acquisition:** There are real difficulties in executing land acquisition through State entities and with State funding currently, primarily due to administrative layers that appear to hamstring regional offices in their ability to act quickly or exercise flexibility. We recommend that the State conduct an audit of the State's policies for acquisition across regions to see if increased flexibility can be achieved. Otherwise, shift priority to funding other organizations who may be better equipped to more easily navigate the land acquisition process.
  
- **LU2. Afforestation and Reforestation**
  - General Comments: Within WNY, there are several small-scale community organizations experimenting with native seed collection and grow out programs because native stock can be difficult and costly to come by. Considering supporting community-based grow out programs to decrease reliance on State agencies to accomplish this task.
  - Priority Strategy Components: **Increase grant program funding; prioritize locations-**This is a very important strategy. Where municipalities or practitioners have the benefit of proactively identified priority areas that are strategically derived, it increases the likelihood of success and ease of implementation. If these identified areas can further be coordinated between State and local leaders, it would help to create a more seamless implementation vision.
  
- **LU3. Avoid Agricultural and Forested Land Conversion:**
  - Priority Strategy Components:
    - **Enhance local capacity to conserve lands:** BNW strongly supports this strategy, however, further clarification is needed to understand what this means and how it would be implemented.

- **Increase funding and capacity of existing programs:** BNW strongly supports this strategy; however, the previous comments and concerns expressed in other sections of this comment letter are applicable here as well regarding the limitations of existing funding mechanisms and the need for more tools in the toolbox.
  - **Mitigate impact from renewable energy projects on forests:** In other sections, we bring up the need for proactive regional siting plans for renewable energy so that municipalities are equipped with the tools they need in advance of individual development proposals. This would also help to ensure that the scoping document is not including competing strategic interests. This comment is applicable to both forested lands and agricultural lands.
- **LU4. Protect and Restore Wetlands**
    - **General Comment:** The recent changes to the wetlands laws that occurred as part of the Governor's budget bill should help to address the goals of this section. However, the assessment about the potential barriers to implementation are spot-on. Staffing levels for DEC regional offices will need to be addressed, strategic efforts to avoid competing interests for conservation and development in the realm of renewable energy siting will need to be carefully considered and funded, and new funding streams, as well as tools, will need to be identified to support greater or increased protections for wetlands. While this language is docked in the wetland section of the scoping plan, it is a cross-cutting them throughout the scoping document and could be repeated.
    - **Priority Strategy Components:**
      - **Incentivize the use of natural and nature-based features through Army Corps of Engineers regional permits:** BNW is supportive of better collaboration and coordination between the State agencies and the Federal permitting entities for nature-based features and design. The Buffalo District of the USACE has been supportive of these features throughout BNW's work with our living shoreline program, but we frequently encounter difficulties in meeting the combined objectives of the State and Federal agencies through the permitting process. Within WNY, this difficulty seems to stem from a lack of capacity within some agencies, as well as differing opinions within experts of an agency. This can put the project implementors in a difficult space that does not always result in the best outcome for coastal and climate resiliency. It may be beneficial to meet with local practitioners to hear about their experiences with Federal and State permitting relative to nature-based solutions to help inform the future CLCPA regulation making process.
      - **Increase investment in freshwater wetlands:** WNY would benefit greatly from increased wetland protections and investments into their protection and restorations. These investments should include the larger connective corridors and riparian areas that encompass many of our tributaries and waterways.

These same concepts are reiterated in the living systems section under resiliency and adaptation and should be thought of climate resiliency enablers.

- **LU5. Mapping, Research, Planning, and Assistance**
  - **General Comment:** This enabling strategy focuses on...research, conservation planning guidance, stewardship, *and assistance for local governments and landowners.*
    - Include assistance for NGOs and other regional implementation partners into this language.
  - **Priority Strategy Components:**
    - **Develop a statewide conservation framework:** WNY already has several regional conservation frameworks that are useful for practitioners and municipalities alike. Weaving regional plans into a large Statewide plan would help to guide funding across the State and to ensure that there is a logical nesting of statewide and local priorities.
    - **Develop new benefit-cost analysis tools:** From a practitioner's perspective, determining the value of conservation and restoration projects in a way that enables equitable prioritization, particularly when placed against development pressures or projects that prioritize economic metrics as a determination of success, is an ongoing challenge. This strategy should incorporate increasing regional capacity in universities or other public institutions with expertise in the field of environmental economics, cost avoidance calculations, benefit to cost determinations, etc. Currently, it seems that most of this knowledge is held in private financial firms, making it nearly inaccessible to the public.
    - **Develop demonstration projects:** BNW supports this idea and proposes that regional efforts such as our living shoreline projects, are already serving as local demonstrations of coastal and climate resilience. The State could consider highlighting some of these projects or partnering with local practitioners to add on specific features to maximize carbon capture or to provide long-term monitoring and adaptive management elements to document benefits to the CLCPA goals.
  
- **LU6. Provide Guidance and Support for Afforestation and Reforestation**
  - **Priority Strategy Components:** **Establish NY Tree or Climate Corps:** BNW developed and deploys the Restorecorps program which entails similar goals to help maintain, adapt, and expand community involvement in long-term stewardship of restoration efforts. We would welcome support from the State to further fund this program or to help leverage the program by adding additional programs and staffing specifically targeted towards climate resiliency. The program is an effective means to expand community capacity in achieving implementation of this strategy.
  
- **LU7 Increase Forest and Farmland Protection in Municipal Comprehensive Plans**



- **Priority Strategy Components: Support the development of local natural resource inventories:** Increasing municipal or practitioner access to planning and decision-making tools would provide a substantial lift to getting greater protections in place.
  
- **LU8. Provide Guidance and Support on Clean Energy Siting to Localities**
  - **General Comments:** This is a critically important strategy in WNY. The lack of a comprehensive siting strategy has left each municipality with a piecemeal approach to decision making on lifetime altering decisions. Large commercial scale solar farms that have the potential to reduce forest or open space land covers, or to change the character of an area, are a concern for most municipalities. Additionally, there are abundant brownfields and vacant developed lands that could be prioritized for siting. Offshore wind is a significant bifurcating issue in WNY. Great Lakes wind development presents a completely different set of considerations and questions than offshore ocean wind, and while NYSERDA is in the midst of a feasibility study for GL offshore wind, the region is hotly divided on this issue. Better studies about the true cost/benefit scenarios of offshore wind need to be provided to municipalities and practitioners alike to inform decision making. These analyses must include full life cycle accounting.
  - **Priority Strategy Component: Enhance Technical and financial support:** Within WNY, there is a lack of planning and decision-making tools available to help municipalities and others determine what is best for them in the realm of renewable energy siting. In particular, the lack of experts who can provide an unbiased assessment of the cost-benefit analysis is striking. Municipalities, NGOs, and citizens are left to decipher information provided by developers, with few tools for grounding information.
  
- **LU9. Regional and County Planning and Technical Assistance**
  - **Priority Strategy Components:**
    - **Achieve alignment with REDC plans and projects:** REDC plans need to be better aligned with regional and state plans that support nature-based solutions and prioritize conservation, adaptation and resilience measures. While the REDCs are focused on economic metrics, the burden of translating nature-based solutions into economic terms should not fall on project implementors without guidance or assistance from the State or region. At times, the linkage between the REDC and the State's competitive grant programs (CFAs) are problematic in their ability to be supportive of projects that propose nature-based solutions. As in other areas, it may be beneficial for the state to meet with practitioners and municipalities to determine opportunities to build out this strategy for effective CLCPA implementation.
    - **Prioritize Areas for development and conservation:** As a community based, ecosystem and community revitalization practitioner, BNW is often asked to help assess priority opportunities for conservation and community revitalization. Having more strategic and coordinated regional prioritization of development and conservation areas would help all entities row in the same

direction and would enable quicker implementation of the CLCPA in the long run.

- **Expand State funding eligibility for regional and community-based organizations:** The State, particularly DOS, should extend...to *regional planning councils* and, where appropriate, qualified community-based organizations.
  - Note that there is no regional planning council in WNY outside of the transportation realm. Depending on the framing of individual State agency efforts, WNY is lumped into the Central NY region. Entities like BNW function as regional coordinators, vision makers, and practitioners. A greater DOS presence within WNY would be welcomed and regional planning needs in WNY should be carefully contemplated and planned for in a way that involves the current practitioners. The State could consider funding a circuit rider program for the CLCPA and/or partnering with local implementation partners to perform this function.
- **LU10. Direct Planning, Zoning, and Pre-Development Assistance to Municipalities; Consolidate all State funding opportunities:**
  - General Comment/Concern: Respectfully, the CFA process should be considered as one tool in the toolbox and not the only tool for disseminating funding and funding opportunities. BNW strongly recommends that the State consider and remain open to alternative funding mechanisms that could promote more equitable distributions of funds using a more efficient process. There are many complicating factors within the current structure of the CFA process that prevent municipalities and experienced practitioners from applying for and obtaining funding. In addition, under the current structure of the CFAs, non-for-profit organizations are excluded from applying to many of the key programs that exist within the State.
  - Priority Strategy Components: Provide municipalities with baseline data for planning: Similar to previous comments, there is a lack of up-to-date data that is widely accessible for the WNY region. The more we can increase the access and consistency of data to all parties, the more streamlined our local planning processes and implementation strategies will be.
  - **Increase the role of community-based organizations in local planning:** BNW supports this strategy but recommends that it not be limited to disadvantaged communities. This strategy should be expanded across all programs and geographies.

#### Chapter 20- Local Government and the Climate Act

- General Comment: The scoping plan repeatedly refers to either MPO or regional planning entities to implement many of its strategies. As noted previously, WNY does not have a MPO or an official regional planning entity and combining WNY into Central NY is not an effective solution. BNW recommends that the State consider supporting the development and maintenance of a true regional MPO or formalize partnership with local practitioners that can perform some of these functions on behalf of the region.

- **LG3. Clean Energy Siting Support for Local Governments:**
  - General Comment: Consider adding a component of the strategy to develop regional siting plans that provide municipalities with a coordinated approach and set of tools for siting renewable energy. One approach could be to support municipalities in developing renewable energy overlay zones within their comprehensive plans, similar to other overlay districts or zones already in use. Ideally, these municipal plans or overlays would feed into a larger regional or statewide plan.

#### Chapter 21-Adaptation and Resilience

- **AR1. Commit to Creating, Implementing, and Updating a Comprehensive and Equitable State Climate Change Adaptation and Resilience Plan**
  - Priority Strategy Components: **Complete vulnerability assessments and adaptation plans:** Many municipalities lack the baseline data needed to conduct a risk assessment relative to climate resiliency. Additionally, many municipalities lack the capacity to take these planning efforts on. BNW is currently working with the City of Buffalo to conduct a coastal resiliency study that builds out the Statewide Resilient NY and CLEAR efforts. This type of endeavor could be enhanced through State funding or via dedicated staff whose role is to integrate individual efforts into statewide planning efforts.
- **AR2. Incorporate Equitable Adaptation and Risk-Reduction Considerations into Relevant State Funding and Regulatory Programs, Projects, and Policies**
  - Priority Strategy Components: **Assess climate vulnerabilities during land and water planning:** Similar to previous comments, this strategy should include contemplation of how efforts at the State level run by different agencies can be better integrated with one another. Examples include Resilient NY and CLEAR-how do these speak to one another?
- **AR3. Strengthen Meaningful Community Engagement and Public Education and Build Adaptive Capacity across all Sectors**
  - Priority Strategy Components: **Raise student and public awareness:** Public engagement and buy-in should not be underestimated in terms of its importance in gaining support for the goals of the CLCPA. Efforts needs to be identified to ground the State level implementation strategies locally. Consider engaging and funding local NGOs to conduct student and community education and outreach.
- **AR5. Provide State Agency Planning and Technical Support for Equitable Regional and Local Adaptation and Resilience Plans and Projects**
  - Priority Strategy Components: **Develop local adaptation capacity:** This strategy is absolutely critical to ensure that ideas, projects, and money can get from the State to the ground. The State cannot do the implementation work alone and WNY has no official MPO (outside of transportation) or regional planning body. Consider funding community-based organizations and practitioners to help with implementation.



- **AR6. Evaluate Opportunities to Ensure Equitable Consideration of Future Climate Conditions in Land-Use Planning and Environmental Reviews**
  - Priority Strategy Components: **Facilitate adaptation projects:** Many of the projects currently planned for or underway by BNW and others within WNY contain elements of climate adaptation, climate resiliency that could either be enhanced, or more effectively planned for if the State prioritized approval of climate adaptation projects. Just as DEC is able to execute MOUs with academic institutions (re: Cornell, SUNY ESF), the State should enable its agencies with the tools to partner with other local practitioners and implementors to accelerate implementation of the CLCPA.
  
- **AR7. Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding**
  - Priority Strategy Components: **Right-size infrastructure:** DEC should hire a statewide technical assistance coordinator to support municipalities in right-sizing culverts and bridges to reduce flood risk and improve habitat connectivity.
    - There are cross cutting themes in this recommendation, with examples provided to emphasize the need. As previously mentioned, BNW is currently undertaking a coastal resiliency study, privately funded, for the City of Buffalo. If the State increased its capacity to provide technical assistance for this type of assessment, efforts could be leveraged, and the extent of study could be expanded to include factors not currently contemplated due to funding. Second, BNW recently completed a culvert replacement project focused first on fish passage; however, the project also contained the objective of increasing community and climate resiliency. These efforts were extremely costly to all the partners (Federal and State included) due to a lack of regional or local hydrological data and technical assistance in the realm of climate resiliency. Many culverts in the WNY region are undersized, misaligned, and creating hydrological havoc on our watersheds and infrastructure. Technical assistance and prioritization of the need to address these issues is needed.
  
- **Living Systems: AR10. Develop Policies and Programs to Reduce Risks Threatening Ecosystems and Biodiversity**
  - Priority Strategy Components:
    - **Improve local wildlife and aquatic connectivity:** DEC and DOT should improve local wildlife and aquatic connectivity... as identified by statewide critical terrestrial and aquatic habitat and conservation planning efforts.
      - BNW recommends that the scoping document language be revisited and revised to include a more intentional coupling of land and water through the document. Most often, the living systems that provide the best climate resiliency are where standing forests and wetlands intersect with tributaries and rivers.

- A greater emphasis and priority should be placed on funding projects that incorporate connectivity across landscapes and enable practitioners to work beyond the limits defined by municipal boundaries.
- **Ensure protection of stream buffers:** There are many opportunities to enhance protections for streams, water quality and habitats by creating stronger regulations and enforcement of riparian buffers. There are good examples of strong legislation from other states that could be looked to for guidance. Maryland's Critical Area laws and regulations provide strict regulations for maintaining riparian buffers in a planted or forested state to ensure healthy waterways and climate resilience.

#### **Appendix F - Environmental Health and Data for Quantifying Health Benefits of Climate Policy**

- **General Comment: Quantitative Health Impact Assessment:** The focus of this section is on Volatile Organic Chemicals (VOC) in the air. Should water be considered in this section as a critical component of human health that is affected by sectors and factors producing GHG emissions?

Buffalo Niagara Waterkeeper is available to discuss the above comments and recommendations at any point. Thank you again for the opportunity to participate in the scoping plan development process.

Regards,



Kerrie Gallo  
Deputy Executive Director