June 30, 2022

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

Dear CLCPA Scoping Plan Authors,

Thank you for the opportunity to comment on the Scoping Plan for the CLCPA. Overall I applaud the State and its courageous efforts to wean itself from fossil fuels and their drastically deleterious impacts. Here is my comment:

1. **The 480a program of the Forest Tax Law** is badly outdated and needs amending. As the Scoping Document points out, most forests in the State occur on private land. Therefore we should give landowners maximum incentive to maintain forests to sequester carbon. The current 480a program focuses too much on forest management for sawtimber production. We need to change that so landowners can choose to NOT cut forests, and reward landowners for maintaining forest land as forest without the need to cut trees. The scoping document mentions a 480b program but for some puzzling reason calls for lower starting benefits than 480a. That reduced incentive makes no sense from a forest carbon sequestration perspective.

Many studies have shown that **old growth forests store and sequester more carbon** than young ones (Nunery and Keeton 2010, Sillet et al. 2020, Stephenson et al. 2014). In addition, understory flora are far more diverse in forests that were never damaged by logging. Yes, we need wood products, but we also need options where forests can be maintained for carbon storage and sequestration by maturing to these late successional stages where gap dynamics is the primary process of tree replacement.

1. Forest Management Plans for these programs should be allowed to be **certified by practicing forest Ecologists**, not just Foresters. NY forests could benefit a lot from caretaking by persons with forest ecology training from qualified institutions such as SUNY ESF. There should also be allowances for those choosing to undertake Indigenous forest management. Indigenous people lived in what we now call “New York” for 13,000 years practicing sustainable forest management. Most forests (about 75%) during this long Holocene timeframe were allowed to mature into old growth stages. Vast amounts of carbon were stored in these ancient forests, and could be again if we allowed them to mature and reach old growth status over hundreds of years (and not just in the Adirondacks and Catskills, but throughout the State). We should learn from, and mimic, this historical example of Indigenous carbon management.
2. **We should maintain and add to forests** at every possible opportunity. We should NOT cut forests to install solar arrays, for example. Along with emission reductions, maintaining and expanding forest land should be top priority for the state. There should be rewards in place for maintaining forests and possibly penalties for cutting them down for parking lots, etc. We need funds to support acquisition of forested properties by local land trusts and other non-profits and municipalities, etc., adding to existing carbon storage banks of forested lands.

**Solar arrays, in fact, should be sited on rooftops**, parking lots, brownfields, car roofs, and other “waste” spaces long before putting them on land currently covered by farm land, wetlands, forests, or other natural habitats that are themselves sucking Carbon from the atmosphere.

1. Let’s not forget **urban and suburban forests. Lawn (turfgrasses)** in NYS covers about 5,555 square miles, or a whopping 10% of NYS (Milesi et al. 2005). Nature does not stop at state forest or nature preserve boundaries. Let’s provide incentives for land owners to plant more trees around their homes, offices, churches, libraries and other suburban and urban spaces.

Such action may seem minimal, but adding trees to individual yards and parks is no different than electrifying vehicles one at a time. ***Cumulatively* the impact would be enormous** in terms of vastly increasing acreage of perennial plants doing what they do best—sucking up excess carbon. Trees also moderate temperature extremes, of course, saving on home energy bills. Addressing need for more trees and shrubs in urban and suburban spaces is as critical as trees in forests. Here are some actions to support this goal:

* Educate landscape architects and other professionals to design municipal, residential, and commercial landscapes that sequester carbon and mitigate urban heat islands; provide incentives for such designs.
* Support nurseries in growing native plants from seed to maintain genetic diversity.
* Reward municipal areas not only for reducing fossil fuel combustion, but for creating corridors, urban and suburban habitats to shore up populations of insects upon which all vertebrate food webs (and “vertebrate” includes humans) depends (Tallamy n.d.). These corridors also protect clean drinking water and soil health.
* Reduce urban and suburban lighting to save energy and reduce the heavy toll on insect populations. Where lighting is needed, replace with low-energy yellow lights.
* Provide tax breaks for purchase of electric bicycles, and invest in bicycle safe community transportation.

**5. Climate justice.** A laudable goal of CLCPA is to address environmental justice issues by ensuring that benefits of the Act go to disadvantaged communities. As the scoping document points out,

In New York, as in the rest of the nation, frontline communities such as Black, Indigenous, and People of Color (BIPOC), as well as low-income communities, bear the largest burden of climate change impacts and associated pollution. Additionally, these frontline communities have historically been excluded from the environmental decision-making process and had limited opportunities for participation.

At least 35% of the benefits of the CLCPA are supposed to go to DACs. As good as all of this sounds, it frontline communities in fact continue to bear the burden of the transitions to green energy. The most **egregious example of this failure is the STAMP project**, a 1200 acre development sited right along the border with the Tonawanda Seneca Nation in Genesee County. The Nation has strongly opposed the project and has been fighting it with lawsuits and any other tools they can bring to bear on this issue. Yet New York State is not listening and pushes on with developing the site with little attention to Indigenous voices. The industrial development threatens the health of prime forested wetlands and other habitats within the Nation’s boundaries. STAMP must be stopped and sited at a location more in line with the just transitions requirement of CLCPA.

This project also violates basic conservation principles by its location on occupied habitat (winter) of Threatened and Endangered species in New York State (northern harrier and short-eared owl). Several rare plants and plant communities also occur on the site, as well as in Nation and wildlife refuge lands to the north and east. **There could hardly be a worse place** to site major industry than the location chosen for STAMP. The project should be immediately stopped and relocated.

**Thank you** for considering my comment on the CLCPA Scoping Document. Feel free to reach out if you have questions or need further clarification.

Sincerely,

Catherine Landis

Catherine Landis, Ph.D.

Post Doctoral Associate

SUNY College of Environmental Science and Forestry

1 Forestry Drive

Syracuse, NY 13210

cllandis@syr.edu

**Literature cited**

Milesi, C., Running, S. W., Elvidge, C. D., Dietz, J. B., Tuttle, B. T., & Nemani, R. R. (2005). Mapping and Modeling the Biogeochemical Cycling of Turf Grasses in the United States. *Environmental Management*, *36*(3), 426–438. <https://doi.org/10.1007/s00267-004-0316-2>

Nunery, J. S., & Keeton, W. S. (2010). Forest carbon storage in the northeastern United States: Net effects of harvesting frequency, post-harvest retention, and wood products. *Forest Ecology and Management*, *259*(8), 1363–1375. <https://doi.org/10.1016/j.foreco.2009.12.029>

Sillett, S. C., Van Pelt, R., Koch, G. W., Ambrose, A. R., Carroll, A. L., Antoine, M. E., & Mifsud, B. M. (2010). Increasing wood production through old age in tall trees. *Forest Ecology and Management*, *259*(5), 976–994. <https://doi.org/10.1016/j.foreco.2009.12.003>

Stephenson, N. L., Das, A. J., Condit, R., Russo, S. E., Baker, P. J., Beckman, N. G., Coomes, D. A., Lines, E. R., Morris, W. K., Rüger, N., Álvarez, E., Blundo, C., Bunyavejchewin, S., Chuyong, G., Davies, S. J., Duque, Á., Ewango, C. N., Flores, O., Franklin, J. F., … Zavala, M. A. (2014). Rate of tree carbon accumulation increases continuously with tree size. *Nature*, *507*(7490), 90–93. <https://doi.org/10.1038/nature12914>

Tallamy, D. W. (n.d.). Bringing Nature home: how you can sustain wildlife with native plants. https://homegrownnationalpark.org/.