

Comments of the Empire State Forest Products Association On NYS Forest Action Plan 2020 - DRAFT

April 3, 2020

Introduction

By any measure (acreage, ecological significance, market dependency, etc.) the fact that 14 million acres, 75% of all forest land is privately owned should be mentioned, highlighted and focused within the introduction. The role that private forest landowners have regarding the current and future forests of New York should be a paramount concern of this entire report/plan. The principle driver, markets, should also be acknowledged as the largest factor influencing private forest landowner decisions. The sooner that resource managers, policymakers, public opinion leaders and private landowners themselves realize this the better our forests will be for the host of economic, social and ecosystem benefits that they provide.

Goal #1: Keep New York's Forests as Forests

Page 3:

- The slight decline (1%) of net forest loss needs to be clarified. How much is driven by conversion versus change in accounting methods?
- *Italicized* points should include *Maintain and enhance the economic benefits and values of trees and forests* and the role of forest products markets have in achieving this.

Page 4:

- The Tug Hill region has always been referenced as the third most contiguous forests in NYS. This reference of heavily forested parts on the state is also inconsistent with the reference on page 49. This is because the report is using the USFS FIA definition of regions on pg. 4 map. If these are the regions desired, then we should be consistent throughout.

Page 5:

- The statement "This condition can be due to the prevailing timber management methods utilized in the state" could also be stated in the exact opposite regarding the lack of active timber management on significant acres within the state.
- As noted in paragraph 2, column 1, approximately 83% of all forest land in the state is considered timberland and the percentage that could be potentially be under active management. How much is or is not under active management? What is the definition of "active"?
- Paragraph 3, column 1, add a reference to the acres/% that 197,000 landowners own
- Under the section on state-owned forestlands there should be an addition regarding state-owned easements. Also acknowledging that for every investment in and easement is a private investment (usually 2:1). That's \$billions of private investments leveraged and leading state investment.

- Paragraph 1, column 2, “Forest preserve lands are constitutionally protected from harvesting and active management, and State Park lands in New York are protected by policy from commercial tree cutting.”
- Paragraph 2, column 2, “On most of these lands, timber management is used as a tool to enhance biodiversity and to create habitat features that might be lacking in the landscape.”

Page 6 - **Assessment of Private Forestlands**

- This page references a decrease of 880,000 acres from 2006 to 2007. It is not clear if the drastic change is due to reasons in the following paragraph or if there is some sort of classification change with Corporate going up 700,000 acres.
- This section should include a write up of the reasons why family forest landowners own their land. Perhaps a table from the most recent Brett Butler work on National Woodland Owners Survey. Idea that family forest landowners’ “rule”, size matter, etc. Also need to stress the significance of these landowners on supplying, often at their own cost, the suite of ecosystem benefits that all New Yorkers and the government have come to expect.

Page 7

- **State and Federal Taxes** - have we covered the range of state and federal tax policies that affect private forest landowners (e.g. REITs and TIMOs)? Should there be a paragraph on local tax policy and addressing the % that is of taxes paid?
- **Competing and incompatible land uses** – Are oil and natural gas production as well as mining really that prolific on private forest lands? Acknowledge that fracking in NY is now banned. Should acknowledge the potential threat that renewable energy siting could have on forest lands now with the ambitious goals of the CLCPA.
- **Lack of public awareness and support** – Should add a sentence – Public opinion leaders and state and local policy makers are not aware of the significance that private forest landowners contribute to our forests and the benefits derived from those lands.
- **Lack of public awareness and support** – “State and local laws or regulations that limit the ability of owners to practice sustainable forest management, or significantly increase the costs of doing so, can have the opposite result from what was intended.”

Page 8

- Map on page 8 just doesn’t graphically capture the state forest outside the Forest Preserves or private lands perhaps as well as it should. Seems like it could be enhanced somehow.

Pages 9-10

- **Assessment: Forested State Land** – A small table noting acreage/% of state lands to total forest and the categories of state lands as acreage/% of state forest lands would be useful. Showing small overall, Forest Preserve as the largest, state forests next and the rest very small. Probably include State Parks as well. Should note that for WMA and Parks they are not all forested. Shorter easily understood tables throughout would help.
- On page 10 when describing the management methods and role of State forests there is not an explicit mention of management for “production of timber and other forest products” and the “planting, growth and harvesting of such trees”, as enumerated in Article 9, Title 5 of the ECL. Despite all the good benefits these State Forest provide, the plan should not de-emphasize the importance they play in timber to harvests and the manufacturing sector to use this timber.

Page 11

- Column 2 – Add a paragraph about the young forest initiative on WMAs.

- **Assessment: Urban and community forests** – “All of the trees within a town, village, or city make up a community forest.” Use of the term community forest in this context may confuse people of the term “Community Forest” in other sections. In urban forestry is tis really a term of art?

Page 13

- **Assessment: Federal Lands ...** - note acres/%.

Page 14

- **Assessment: Land use trends and drivers of forestland conversion** – Do we really have a handle on the parcelization and fragmentation of forest land? Seems that this is not a new phenomenon and has its roots going back into the 19th century. In fact, the “Great Lots” and conveyances following early wars may have had more to do with that than recent land subdivisions. Should the more recent trends of forest lost reflect changes in FIA forest accounting? Should a lot of this be in the context of “urban – wild interface”? How much is a continuing flux between farm and forest? Should we note the potential conversion due to renewable energy? Page 17 has excessive maps.

Page 18

- **Carbon Storage** – Again, the reference to “Forest lands are increasingly under pressure from development.” We need to be cautious about using this too much and what that pressure is or was.
- **Column 1, Paragraph 2** – Is the projection of reduce uptake of carbon dioxide more a result of forest age. In other words, old trees store a lot of carbon but do not uptake a lot of carbon. We must get this right or we will be subject to a lot of criticism.
- **Column 2, paragraph 2** – This should be corrected to note that it is the private landowners that certify the eased lands not DEC, DEC has certified State forests and there are certified lands outside of SFI and FSC. Most certified lands are and will be on private lands.
- **Column 2, paragraph 3** – “Many New Yorkers place value on forestlands, whether for recreation, human health, watershed protection, diversity of plants, wildlife, and habitats, or for preserving local markets for forest products such as timber.” ESFPA would say the value is not high enough with respect to private forest lands.

Page 20

- “Since the last Forest Action Plan in 2010, New York State has purchased 244,100 acres of forested land.” Should display this in a way that shows % relative to all State land purchased/ownership. Arguably most state lands were not purchased historically they were obtained by default. Can we show how the purchases of forest land were doe regionally also fee versus easement.

Page 21

- There are repeated references to “limited resources”, which is a perennial issue among most any organization. Perhaps a statement of evaluation of efficiency in the DEC approach to such management challenges should be a goal.
- “The main funding for land acquisitions by the New York State is the Environmental Protection Fund.” Should state this as “forest land” and “easement”. How does the EPF compare to funds from the 1986 and 1996 Bond Acts?
- “Conservation easements are another tool to keep forests as forests. They keep land in private ownership and on local tax rolls, while cost-effectively achieving tremendous economic,

environmental and outdoor recreation benefits.” We should acknowledge that for every \$1 of state investment there are \$2+/- of private investment and all the cost of forest management and stewardship is private investment. That is billions of dollars of private sector investment that is sustainably managing forest lands, creating jobs, restoring forest and habitats. On the caption regarding Boreas Ponds can we note that 49,000 acres were privately purchased in fee and remain in productive and active forest management. That’s a 2:1 conservation benefit!

- This whole section on conservation easements has to get to the scale of public/private investment and the need for looking at tools for dealing with the vast amount of smaller, yet significant, lands that the state is not interested in easements on but land trusts are.

Page 26

- **Private Forest Stewardship Program** – we need to be honest and note that this program has been gutted and barely exists today. We should recognize that landowners will only do and adhere to a stewardship plan if there are markets and benefits to having one.

Page 27

- What is “Green Tag”?
- Should we provide some assessment of certifications/certified lands? E.g. – Tree Farm is not certified in NY only recognized.

Page 29

- Column 1, third bullet, Peter Woodbury at Cornell has identified 1 million acres of potential lands for reforestation. We should see if he can define or provide a map of those. Then again, these “marginal lands” maybe marginal for forest, but they have tremendous other values for habitat that should not be readily dismissed.

Page 32

- **Strategy: Promote more community-owned forests in urban and suburban areas** – Community forests are not limited to these areas. In fact, the largest is the Town of Web and there are hundreds of County Forests that already meet this not within suburban/urban areas.

Page 34

- **Strategy: Help private landowners keep and manage their forests sustainably** – Should be quite bold about the need for the state Private Forest Stewardship Program and both federal and state resources for it.
- In addition to “call before you cut” and technical assistance to forest landowners, it would be useful to have better geospatial data and assessments about NY’s forests, public and private, to better inform private landowners on a landscape scale.
- Is the “Increase technical assistance to DEC” or should it be by DEC?

Page 35

- **Strategy: Continue research and assessment efforts to document forest resources** – There are tremendous needs for research and there should be a huge plug here for CAFRI. There must be a lot of research that DEC and forest landowners would want. Here are a few just for climate:
 - **Research new green renewable forest products in bioenergy and biobased products.**
 - Enhanced carbon accounting in forests and wood products.
 - Research consortium to develop research priorities and strategies for forest carbon (i.e. to advise CAFRI).

Goal #2: Keep New York's Forests Healthy

Page 37

- We keep using this term but what exactly are these “unsustainable management practices”? Particularly since the overwhelming acreage of private forest lands are not managed. Hundreds of thousands of private forests are SFI, FSC or Tree Farm certified, are these unsustainably managed? That is not to say that we should not look to expand sustainably managed forests. Perhaps the better reference should be to “lack of active long-term management.”

Page 40

- **Threats from unsustainable recreational use** – Geographically speaking how extensive is this really. Conversely, we have a dearth of recreational uses on leased properties which could be developed. Arguably we have a lot of state and county forests that are underutilized and could be supported in developing their recreational use.

Page 41

- “Unsustainable harvesting practices, such as high-grading, inhibit regeneration by maintaining an overstory of lower quality trees as the seed source, encouraging shade tolerant species, and failing to regenerate seedlings in sufficient numbers to outpace the negative effects of deer browse and competing vegetation.” So, the assessment should say we should do more overstory removal and clearcutting to improve regeneration and deal with deer browse? Map on p. 41 is not accurate and conflicts with map on p. 42.

Page 44-48

- Need someone to really look at these biometric statements.

Page 47

- “Forest habitat is most often lost to development, but for species that depend on young forests, their habitat is also lost to natural forest succession.” Seriously with 1% of forest loss from 2012-2017? Probably need to emphasize more on the need for young forests and how to get that where it matters most – on private forest lands.

Page 49

- “five areas of large, relatively intact forests within New York—Adirondacks, Catskills, and Allegheny, Tug Hill, and Rensselaer Plateaus” This differs from a similar statement on page 4.

Page 51

- **Assessment: Forest health monitoring** – So is forest health monitoring limited to monitoring invasive species?

Page 54

- “Rely on the Young Forests Initiative of DEC’s Division of Fish and Wildlife to increase the acres in early successional habitat.” While the Department should be lauded for the Division of Fish & Wildlife effort to create more young forest, this is a pittance of forest on which this should be done. At a minimum the Department’s efforts on WMAs should be expanded to state forests. More importantly, if one wants to impact wildlife populations and diversity this really must be done on private forest acres in mass.
- “Use uneven-aged management on State forests...” This statement seems a bit silviculturally backwards to the mature plantations that exist. The state would have to take the plantations they have through 1 full even age cycle before they get a natural forest ingrowth that will be

better suited to uneven management. Trying to turn an even-aged plantation of non-native spruces immediately with uneven aged silviculture practices will not likely work.

Page 59

- **Strategy: Help private forest owners keep their forests healthy** – This is too exclusive to forest pests and there is a lot more to forest health. With respect to private forest lands should be a emphasis on the states Forrest Stewardship Program and on the role of markets, particularly low-grade markets.

Page 60

- **Strategy: Continue forest health-related research initiatives** – Great opportunity here to plug CAFRI. Should “robust research laboratory” be at ESF and/or CALS? Should probably assess some research needs (earlier under Assessment) but here are a few ideas:
 - Forest carbon dynamics
 - Restoration of forest ecosystems
 - Genetic based biological research
 - Social science research on public perception/understanding of forest needs.

Goal #3: Ensure Forests Benefit Humans and All Living Creatures:

Page 61

- Should put a plug in the intro for the existing and potential bioeconomy. Sending along a piece from ESF on this.
- **Drinking Water Quality and Supply** – should note that most of the land that protects drinking water supplies statewide are forest lands owned by private forest landowners, including lands in the NYC watershed. Secondarily, lands owned by local governments and the state provide necessary protection as well.

Page 66

- **Assessment: Productive capacity of timberlands** – 15.5 million acres of timberland seems awfully high. Is not what one wants is the amount of merchantable timberland?
- With statements as follow it appears you are implying it should cut more:
 - 65 percent of timberland area is classified as large tree size, or sawtimber, 25 percent is in pole timber class
 - 57 percent of the total timberland acres being classified as fully or overstocked
 - 63 percent of the sawtimber area is fully or overstocked.
 - nearly 90 percent of timberland acres are in a condition where trees of potential commercial value dominate.

Pages 70 – 73 **Overall Comment on Low-grade Markets**

- References to “no low-grade markets” should be more regionally refined, for example in the Capital Region, Catskills and Lower Hudson Valley stating there are no low-grade markets is wrong. Capital Region is 50 miles from Finch and 100 miles from IP. The woodshed for both facilities to buy wood in that region and beyond does exist. The Hudson Valley and Catskills has the same opportunity to participate in these markets; there is wood delivered to the 2 pulp mills from farther distances elsewhere all the time. The main issue is both perception and historic activities both by foresters and loggers. This is as much a supply chain efficiency issue as it is “no markets”. In those region’s efforts should focus on participating in the available markets

using cost efficient logging and trucking methods as opposed to constantly sending the message there is no market. There are, nevertheless, regions of the State that do not have low-grade markets or limited markets and we need assessments and strategies that address those circumstances.

Page 70

- Need something here on loss of markets and continuing lack of low-grade markets. Also impacts of the loss of infrastructure (e.g. aging loggers and purchasing their last piece of iron).
- **Assessment: Forest product manufacturing** – on the biomass we must be honest and state that public policy on the role of biomass across the energy economy will be a major driver on whether this low-grade market will ever materialize in NY.

Page 71

- “These areas are also susceptible to exploitative harvesting practices of high grading and diameter limit cutting, which often occur when a professional forester was not involved in conducting a harvest.” Honestly, is this from “exploitive harvesting” or lack of markets? Page 72 suggests it is the loss of markets! Then what is the answer?

Page 72

- “There is a growing interest and need to explore new economic opportunities for forest landowners, typically called “non-traditional markets.” Ginseng and mushrooms are nice, but the real money is in other parts of the bioeconomy!

Page 73

- **Assessment: Forest-based public outdoor recreation opportunities** – Should be two additional sections here. First, on easement lands – the state and in some instances the fee owners own a lot of recreational rights that are way underutilized. Second, there are more opportunities to work with private landowners on recreational use – particularly hunting and fishing.

Page 85

- **Strategy: Conserve and manage working forests for multiple values and uses** –
 - “Maintain the ability of public and private forest-owners to practice active, sustainable management on appropriate forestlands” Strategies will be to: maintain” when we know a ridiculously low-level of management exists today on most private forest land?
 - “Encourage landowner participations in forest carbon markets.” Must make this a tool available to all size classes of landowners.
 - What is needed is a good report on how forest owners can get involved in carbon markets. Should we try to put one together??

Page 86

- **Strategy: Manage forests for sustainable recreation opportunities** – is forest health and forest pests the only threat to forest recreation and the principle strategy for addressing opportunities for forest recreation?
 - What about facilities, capacity and hot spots?
 - Role of eased lands?
 - Role of private lands?

Page 88

- **Strategy: Support forest management as a mitigation and adaptation strategy** – Need a much more robust discussion about possible ecosystem benefits, much more than drinking water and erosion & flood control. The benefits provided by forest ecosystems include: goods such as

bioproducts, fiber, food, fuel, recreation and timber; ecological functions such as carbon storage, nutrient recycling, water and air purification; biological benefits such as wildlife habitat and recovery of species of greatest conservation concern; and resource adaptation/mitigation benefits of disaster reduction, soil conservation and climate change.

Page 90

- **Strategy: Maintain sustainable markets for sustainable forest products** – ESFPA would suggest the use of the IPCC quote:
 - “In the long term, a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of *timber, fibre, or energy* from the forest, will generate the largest sustained mitigation benefit.”
- In addition to “forest land leasing” there should be a discussion of the role of easements.
- Couple of statements on – retaining existing markets, investing in forest product production, new markets – bioeconomy, addressing basic infrastructure needs (e.g. loggers).

Goal #4: Appreciate, Support and Protect New York’s Forests

- **Assessment: Planning, zoning, and policies for resilience and forest protection** – This section in large measure focuses on local planning and zoning (i.e. regulation) when there should also be a section on state planning and regulation. There are several state planning efforts such as this plan, Open Space Plan, Wildlife plan, etc. that should be addressed and assessed. Conversely, are there are too many plans which are often not coordinated due to infighting among agencies and divisions within state agencies.

Page 93, column 2

- “In an attempt to regulate aesthetics, land clearing, water quality, and wildlife many communities facing development pressure have adopted local ordinances that end up restricting sustainable forestry practices.”
- They regulate the forest and sustainable forest management, including timber harvest, as the “enemy” as opposed to the “friend” that helps keep the private forest as forest.

Page 94

- **Zoning** – make sure we are clear that forest uses include forest related businesses and industries. Forest in and of itself is not really a use, it is a landscape or resource condition.

Page 95-96

- Page 95 – the term “economic clear-cutting” is not accurate. There are legitimate silviculture uses for clear-cutting and they are not necessarily selfishly economic driven. In fact, appropriate clear-cutting is not for short-term economics but for long-term silviculture benefit.
- Under **Assessment: Unsustainable or exploitative harvesting practices** the statement – “To date, New York State largely relies on education and technical and financial assistance for private woodlot owners to voluntarily promote sustainable forestry.” – is simply not true. While Article 9 of the Environmental Conservation Law relies largely on educational, technical and financial incentives for forest management (e.g. Cooperative Forest Management Program stemming from the Cooperative Forestry Assistance Act and the Forest Practices Act); there are 14 other Articles of the Environmental Conservation Law which individually and cumulatively should result in sustainable forest management (through regulation and incentives), these are:
 - Article 11 Fish & Wildlife – Endangered Species
 - Article 15 Water resources – Protection of Waters, Wild Scenic & Recreational Rivers
 - Article 17 – Water Pollution – SPDES, Bulk Storage and Non-Point Source
 - Article 19 – Air Pollution Control – factory and vehicle emissions

- Article 21 – Pollution Control Compacts – Delaware River Basin, Great Lakes-St. Lawrence, Great Lakes Basin Compact, Champlain Basin Compact, Susquehanna River Basin Compact
- Article 24 – Freshwater Wetlands
- Article 33 – Pesticides
- Article 43 – Lake George Park Commission
- Article 49 – Land Acquisition-Easements
- Article 52 – 1986 Bond Act
- Article 53 – Urban Forestry, LI Pine Barrens, Climate Smart Communities
- Article 54 – Environmental Protection Fund’
- Article 56 – 1996 Bond Act
- Article 75 – Climate Change

Page 99

- **Strategy: Increase incentives to use the latest science in forest management** – This strategy should have a bold statement in support of CAFRI

Page 99-100

- **Strategy: Increase technical expertise among forest owners and managers** – These strategies have more to do with forest health and invasive species as opposed to anything else. Should have a framework for what DEC would want a Forest Stewardship Program to include and call for federal and state funding.

Page 102

- **Strategy: Cultivate stewardship ethic among landowners** – It may be presumptuous to think that forest landowners do not have ethics. I believe they do just not necessarily in line with what we may want the forest to be. The solution is not to insinuate they are unethical but to inform their discretion.
- With respect to the Young Forest Initiative we fully agree and think this should be expanded. If we want the benefits of young forests, we need it at the landscape scale across forest ownerships and largely among private forest landowners.