



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products
www.esfpa.org

47 Van Alstyne Drive / Rensselaer, New York 12144 / p: 518-463-1297 / f: 518-426-9502

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Counsel
Dennis J. Phillips, Esq.
McPhillips, Fitzgerald & Cullum

Memorandum of Opposition

A 456

Honorable Linda Rosenthal
Member of Assembly
627 LOB
Albany, NY 12248

Date: 1/19/21

Dear Assemblywoman Rosenthal:

The Empire State Forest Products Association (ESFPA) represents over 300 member businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.9 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors. There are over 200,000 private forest landowners who also depend on sound forest and timber management and production to help them keep their forests as forests.

This legislation (A. 456) would amend the Agriculture and Markets Law and extend the coverage of the felony animal cruelty law to cover wildlife. Since the passage of the felony animal cruelty statute, there have been a number of egregious cases in which wild animals have been captured and tortured. This bill would allow these cases to be prosecuted under the felony animal cruelty statute.

The legislation does make it clear that in no way would this change affect the lawful hunting or trapping licensed by the Department of Environmental Conservation or the exercise of activities deemed to be sound agricultural practices. The proposed law does not, however, extend these exemptions to sound silviculture practices on non-farm land.

While this legislation may have good intentions for forest wildlife, it does not take into consideration the fact that New York has 19 million acres of forest land (64% of the State's total land area). 14 million acres of New York's forests (75% of all forest land) is privately owned. Largely in family owned forest woodlots. ESFPA and its members are good stewards of forest habitat and are largely responsible for the protection and survival of wildlife species on their lands. In fact, according to the latest National Woodlands Owner Survey in New York, "to protect and improve wildlife habitat" was the number two reason and "to protect nature or biological diversity" was the number four reason for private woodland owners to keep their forest as forests.

It is also true that New York's forests are one of the State's most significant natural landscapes and afford a wealth of ecosystem benefits. Our State's forests are the largest terrestrial sequester of carbon (about 83 tons of CO₂ per acre), protect air and water quality, provide storm resiliency and critically important wildlife habitat. But it is not enough to keep forests as forests. To maximize ecosystem benefits requires sustainable forest management, which includes timber harvesting.

New York's private forest lands are the primary source for timber in support of New York's forest economy. The State's forest economy has an economic impact of \$22.9 billion (up over \$2 billion since 2010), employs nearly 100,000 people, with an average labor income per worker of \$61,526. This forest economy and these timber markets are what make it possible for forest land owners to keep their forests as forests.

New York State has a Right to Practice Forestry (RTPF) Law (ECL § 9-0815) which recognizes, much like the Right to Farm Law recognizes, the economic as well as ecosystem benefits afforded by our forests. If the RTPF Law was recognized in this legislation and sound forest management practices were exempted from these provisions (as is the Right to Farm Law) ESFPA would be more favorable to this proposed legislation.

For the above aforementioned reasons, the Empire State Forest Products Association cannot support this legislation. We would, however, be happy to work with you on amending this legislation and establishing a policy that recognizes the value that all our forests provide to the wildlife of the State of New York. Attached is some suggested language that would eliminate our concerns regarding this legislation.

cc: Assembly Ag. Committee Members
Assembly En. Con. Committee Members

For More Information Contact:

John K. Bartow, Jr.
Executive Director
Empire State Forest Products Association
47 VanAlstyne Drive
Rensselaer, NY 12144
Tel (518)463-1297
Cell (518) 573-1441
jbartow@esfpa.org