



# Empire State Forest Products Association

*The people behind New York's healthy forests and quality wood products*

*www.esfpa.org*

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## Memorandum of Opposition

### S 4408

Honorable Rachel May  
Senator  
803 LOB  
Albany, NY 12247  
Via email [may@nysenate.gov](mailto:may@nysenate.gov)

May 12, 2025

Dear Senator May:

The Empire State Forest Products Association has concerns with **S. 4408** which would authorize agreements, such as leases or easement, related to renewable energy development on State Reforestation Areas. We believe that this legislation conflicts with the legislative purposes of the Environmental Conservation Law (ECL) Articles 9-0501 through 9-0507 and may conflict with recommendations adopted in the Scoping Plan by the Climate Action Council as established by the 2019 Climate Leadership & Community Protection Act (CLCPA).

The Empire State Forest Products Association (ESFPA) represents over 350 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.

ECL Article 9 Title 5 provides for the acquisition of lands outside of the Adirondack and Catskill Forest Preserves which are "adapted for reforestation and the establishment of forests for reforestation, and maintenance thereon of forests for watershed protection, the production of timber and other forest products, and for recreation and other kindred purposes." Further, section 9-0501 subsection 1 states that such lands "shall be forever devoted to the planting, growth and harvesting of such trees as shall be deemed by the commissioner best suited for the lands to be reforested".

The proposed amendment cannot align with the intended purpose of State Reforestation Areas since the development of solar or wind generation facilities or transmission rights of way would require the permanent conversion of forests for such uses. In addition, the installation of such generation or transmission facilities could impact the public's access to and use of such State Reforestation Areas for hiking, hunting, and wildlife observation. Specifically, the generation facilities are high voltage and require fencing that will prevent public access (for good safety reasons) and could impede wildlife mobility and destroy wildlife habitat. There is no practical way "that the exercise of such agreement rights shall not interfere with the operation of such reforestation areas for the purposes they were acquired..."

New York's forests, including State Reforestation Areas, and wood products derived therefrom offer the most significant and cost-effective opportunity to mitigate climate change within our natural and working landscapes across New York. Expanding the area and quality of our forests through expanded investments in real, additional, measurable, verifiable, and permanent climate smart forestry, is necessary if we are to achieve the CLCPA greenhouse gas reduction goals of 40% by 2030, 85% by 2050, and Net Carbon Zero by 2050. These forests are the "lungs" of New York and contribute significantly to the aesthetics, biodiversity, open space, recreation, and economy of the State.

This legislation, if adopted, would create a value proposition that places a higher value on conversion of forests to renewable energy generation and transmission that could result in a significant loss of forests in State Reforestation Areas. Such a policy would be in direct contradiction to the recommendations of the Agricultural & Forestry Advisory Panel to the Climate Action Council. These recommendations are aimed at improving the carbon sequestration and storage in our forests and achieving the long-term sequestration and substitution benefits of harvested wood products. In particular, the Climate Scoping Plan recommendation calling for the State to "immediately enact legislation to "keep forest as forests," requiring developers to purchase and set aside forested land when forest carbon is lost during development following the principles of avoid, minimize, and mitigate." Further the Scoping Plan calls on DEC and Agriculture and Markets to "include by quantification a "No Net Loss of Forests" policy.

Modeled after the national No Net Loss of Wetlands policy, the Keep Forests as Forest or No Net Loss of Forest (NNLF) law would require that when forests (public or private) are threatened with conversion to other land uses (e.g., residential, commercial, and industrial development, solar or wind generation, and transmission rights of way) to:

- To the extent possible, *avoid* impacting forests,
- for impacts on forests that cannot be avoided, *minimize* the loss of forests, and
- for impacts on forests that cannot be avoided or minimized, *mitigate* the loss of impacted forests.

While there may be a need to accommodate some conversion of State Reforestation Areas, or any public or private forest, to achieve climate goals, it should be a minimal impact and only after all alternatives have been exhausted. This legislation, however, would allow the State to completely extinguish forests on State Reforestation Areas in contradiction to the proposed NNLF recommendation.

ESFPA and our members have rolled up our sleeves and dived into the role that forests and harvested wood products can serve in achieving the goals of the CLCPA. We believe the pathway that forest management, avoided conversion and a bio-based economy has been set in our work with the Climate

Action Council. These recommendations will significantly contribute to meeting GHG reductions of 40% by 2030, 50% by 2050 and achieving the sequestration goal of Net Carbon Zero by 2050. We are committed to advancing climate policies that support the long-term economic, social, and environmental benefits of sustainably managed forests and sustainably produced harvested wood product from our public and private forests.

For these reasons we strongly encourage the Legislature to not advance **S. 4408** in its present form and to wait to make changes to policy regarding the role of State Reforestation Areas in achieving renewable energy targets and reduction of GHG until it can be conducted in reflecting a policy of no net loss of forests.

Cc: Senate Environmental Conservation Committee Members

**For More Information Contact:**

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