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PRESERVING WATER,
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August 18, 2022

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Aaron Ziemann
Adirondack Park Agency
P.O. Box 99
Ray Brook, New York 12977
(Via Electronic Submission)

RE: Lyme Timber Company Harvest, P2022-0163

Dear Aaron Ziemann,

On behalf of the Adirondack Council, I would like to thank you for the following comments on the Lyme Timber Company Harvest (Project ID 2022-0163). The Council thanks the Adirondack Park Agency (APA) for the opportunity to provide feedback on this permit to log 824 acres on the Perkins Clearing tract near Mud Lake, Town of Pleasant, Hamilton County, southern Adirondack Park. We thank Lyme Timber for having the integrity to apply for an APA permit. Less scrupulous land-owners might simply do the logging and if questioned insist that none of it exceeded the 25-acre clearcut threshold for needing an APA permit. Below are the Council's comments for consideration, focusing on the ecologically and climatologically harmful way industrial logging is often being done on private lands across the Adirondack Park these days.

In short, we believe that private and corporate land-owners should be cutting fewer trees and getting more out of them. While the Council supports the sustainable management of working forests, heavy clearcutting in the Adirondack Park has risen to a concerning level. As we approach tipping points in the extinction and climate crises, we must find truly ecologically sustainable ways to use land. Logging on the scale proposed in this project seems at odds with widely accepted goals for stemming biodiversity losses (such as the Half Earth goal of protecting at least 50% of Earth's lands and waters in reserves) and stabilizing climate, including New York State's goals of achieving carbon neutrality by 2050.

We also find that this action is at odds with the intent of the Climate Action Council's draft recommendations included in the Climate Scoping Plan (see our comments attached). The APA must assess, within the context of climate change, how this permit – and future clearcut permits – impact the state's climate goals.

The Adirondack Council maintains that lands ostensibly protected by conservation easement should be held to high standards of ecological excellence. The interconnectedness of Adirondack forests means the APA must consider these permits in the context of the broader impacts to the wild character of the park. The Council continues to urge the Agency to develop and conduct a cumulative impact analysis of clear cutting on the wild forest character of the public and private lands in

The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park for current and future generations.

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the Adirondack Park. Specifically, it should assess the cumulative impacts clear cuts have on the Park's ecosystems, viewsheds and watersheds. In turn, this analysis should encourage private incentives that will foster more robust sustainable forestry practices at all scales of forestry in the Park and inform the development of an Adirondack specific model for sustainable forestry that includes our region's unique soil conditions, growth rates and species composition, among other factors.

In addition, many Adirondack residents and visitors have noticed in recent years huge landscape-scarring logging operations – even on lands where DEC holds conservation easements. Future easements should not allow such heavy cutting; and the agencies and land-owners should abide by stronger ecological standards whether or not the easements require them.

Climatology and biology tell us that old growth forests store the most carbon while also best serving the sorts of shy, sensitive, and wide-ranging wildlife species most susceptible to harm from human activity. The proposed logging operation, however, will limit much of the forest to early and mid-succession stages. Furthermore, the scale of logging will require maintenance of a dense network of roads to transport harvested lumber. This will encourage vast attendant fragmentation effects, including likely spread of invasive species, reduced habitat security for sensitive species, altered micro-climates, erosion and sedimentation of streams, and increased fire danger (from desiccation of adjacent vegetation and presence of internal combustion engines).

Without knowing this particular land, we cannot effectively challenge specific measures proposed with the permit application. However, we do wish to emphasize to APA, DEC, and Lyme Timber that if Adirondack Park is to realize its potential to serve as a model for protecting and restoring our country's and planet's great but beleaguered natural heritage, we must transition toward gentler uses of the land. Carbon forestry may be part of the answer here. Land-owners should be paid more for growing big old trees than they are paid for cutting them down. Foresters should be paid for measuring stored carbon more than they are paid for counting board feet. Especially in light of New York's ambitious new Climate Act, the APA and DEC must recognize the wide-ranging climate and ecological benefits of maintaining old growth forests on forest preserve *and* conservation easement land.

In sum, the Adirondack Council is concerned about the scale and intensity of this proposed logging operation. We urge the APA and DEC to work with Lyme Timber and other land-owners to make gentler, more ecologically- and climatically-stable forms of forestry profitable and replicable.

Thank you for accepting and reviewing our comments.

Sincerely,



Jackie Bowen
Director of Conservation



ADIRONDACK COUNCIL

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July 1st, 2022

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NYSERDA
17 Columbia Circle
Albany, NY 12203-6399
(Via Electronic Submission)

RE: Draft Scoping Plan Comments

Dear Climate Action Council,

On behalf of the Adirondack Council, I would like to thank you for the opportunity to provide comments on the *Draft Climate Scoping Plan*. The Adirondack Council (Council) is the largest environmental organization whose sole focus is the Adirondacks. Established in 1975, the Adirondack Council is a privately funded not-for-profit organization whose mission is to ensure the ecological integrity and wild character of the Adirondack Park. The Council carries out its mission through research, education, advocacy and legal action. It envisions a Park with clean water and clean air, core wilderness areas, farms and working forests, and vibrant, diverse, welcoming, safe communities.

The Adirondack Park contains the largest intact temperate deciduous forest in the world. It is comprised of old growth forests and future old growth forests, over one million acres of Wilderness lands, thousands of miles of pure waters, and one million acres of wetlands. The Adirondack Park is a national treasure known for its protected natural resources...resources that will be essential to helping natural and human communities of New York address factors contributing to and remain resilient to the impacts of climate change.

The time for big, bold action has arrived. New York needs to begin its just and equitable transition to reducing greenhouse gas emissions to zero percent by 2050 and increasing climate resiliency strategies now.

The Council strongly applauds the New York State Legislature and Executive branches for passage of the Climate Leadership and Community Protection Act (CLCPA), and Governor Hochul, NYSERDA and other agencies for supporting and ensuring the Climate Action Council and the Climate Justice Working Group fulfill the climate leadership and action our state and nation needs.

GENERAL COMMENTS

There are many things to celebrate in this plan, but the Adirondack Council's comments focus largely on the elements that we believe need to be strengthened in order for this plan to offer a fitting climate legacy for New Yorkers and protect the

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interests of future generations. We offer the following overarching input on the Scoping Plan:

1. **Funding:** New York must budget its values. In order to achieve our state's necessarily ambitious climate objectives, the state budget as a whole must reflect the state's intention to reduce greenhouse gas emissions by 80% based on 1990 levels. Appendix A: Advisory Panel Recommendations consistently acknowledge the state budget is a barrier to actualizing these strategies. It leaves us concerned about how all of the recommendations of the scoping plan will be implemented. At the same time, we applaud and support the perspective that the costs on not acting are significantly larger.
2. **More Innovation Needed:** As the state that lead with a healing-edge climate law and deeply valued establishing pathways of equity and inclusivity, the recommendations of the plan fall flat in loftiness. Several programs, like the 480a Forest Tax Law – a complex, unpopular and fairly ineffective program, are merely bolstered; new ideas are scarce. The next iteration of this plan should include more innovative approaches to addressing our climate gaps. For example, New York has proven itself as an international leader in addressing the Climate Crisis, now is the time to elevate the role that innovation NEEDS to play in achieving lasting and meaningful change.
3. **Investments in Good Science:** Investing in good science is not only investing in knowing whether we are on the right course towards equitable climate action (or not), but it is how we invest in jobs. We need scientists looking at the nexus of air, water, land, wildlife, humans and climate change. This will necessitate major funding in science across the state and in sensitive regions like the Adirondacks. For example, additional investments in the Survey of Climate Change and Adirondack Lake Ecosystems (SCALE) are needed “to address pressing scientific and management-oriented research needs to understand and guide management of Adirondack lakes, and serve a national model for freshwater research and management.” SCALE presents a unique opportunity to track our state's progress in fighting climate change, much like the original Adirondack Lakes Survey of the 1980's has helped our state track its recovery from acid rain.
4. **Strong Support for Technical Assistance:** Providing experts who can assist with soil health management, transitions away from hydrofluorocarbons, or forest land management is essential, particularly in disadvantaged communities, rural areas, and for global majority populations. In rural areas where municipalities, organizations and agencies have limited staff capacity and/or expertise, adding more technical assistance that is geographically distributed for will be essential.
5. **Moratorium on Natural Gas Development:** A moratorium on natural gas development is needed **now** to ensure we are setting ourselves up for a successful and accelerated transition to renewably sourced energy generation. By continuing to rely on fossil fuels like natural gas, we only perpetuate our reliance on fossil fuels, keeping New York entrenched in a fossil fuel dependent cycle where the impacts are most strongly felt in disadvantaged communities.
6. **The Adirondacks and New York as an international Model:** The Adirondacks can be a model for how a large public/private conservation landscape addresses, contributes to addressing and mitigates and builds resilience to climate change. Replicated at hundreds or thousands of large landscapes around the world, this would have material international impact.

7. **Time is of the Essence:** New York cannot wait, the harsh reality is that the time for rapid action and meaningful outcomes is on a countdown to climate catastrophe. While we saw some advancements in the 2022 legislative session, there was not enough movement on several climate-related bills where, in some cases, lawmakers wanted more time to phase in changes for developments, which ultimately stalled or killed climate efforts. **We are losing time we simply do not have.**

The Sixth IPCC Assessment Report outlines that in North America, “Despite scientific certainty of the anthropogenic influence on climate change, misinformation and politicization of climate change science has created polarization in public and policy domains in North America, limiting climate action (high confidence).” New York’s scoping plan is dependent on timely legislative action, particularly for funding, but if consensus cannot be reached, NY’s leaders must be ready to provide the kind of generational leadership that will provide the necessary action to move us past gridlock and division.

RECOMMENDATION-SPECIFIC COMMENTS

Below are the Adirondack Council’s comments outlining the core elements the Council is most concerned with and will have the largest impact on the health and resiliency of the open space, agriculture, forests, people, clean water and biodiversity of the Adirondack region.

Integration Analysis – Scenario 3

The public was asked to provide feedback on five specific pathways identified in the integration analysis. The Adirondack Council supports Scenario 3 for the accelerated electrification and limited combustion of alternative fuels.

Chapter 15: Agriculture & Forestry Comments

According to Figure 2 in the scoping plan, the largest greenhouse gas (GHG) emitters in New York are buildings (32%), transportation (28%), electricity (13%), and waste (12%). Developing bold pathways to address significant GHG emissions is critical for New York’s climate future, and the Council strongly recognizes the need to identify new and innovative technologies to address these challenges.

Forestry

Forests, wetlands, waters, soils and mycelium are critical carbon-sequestering and carbon-storing natural resources. And as outlined in the plan, we still need to protect **more** of these resources to meet the state’s aggressive greenhouse gas emission reduction goals.

New York’s forests have declined by 10% over the last decade as a result of conversion to cropland and development, which means we have about 18.6 million acres of forest land left. The recommendations in the forestry chapter do not go far enough to promote protecting forests for their carbon and other climate benefits. While the scoping plan states New York’s forests sequester around 26.6 million metric tons (MMT) of CO₂ each year, other figures show it is around 24.5 MMT of CO₂. We raise this to acknowledge that there are inconsistencies in the carbon sequestration figures included in the scoping plan, which indicates that we actually need to cut back **more** emission-producing sectors to achieve the 85% GHG reductions by 2050.

In addition, we offer the following comments on the forestry section:

1. A “one size fits all” approach to forest management will not suffice: The forestry section of the climate scoping plan fails to acknowledge the vast differences between our state’s largest forest, the Adirondack forest, and other regions of the state. While the proposed updates to forest management and tax laws laudably aim to “keep forests as forests” and invite small landowners into a forest management program, these strategies do not speak to the very different needs in the Adirondack region. During the last round of discussions concerning forest tax law updates, the Department of Environmental Conservation noted that 78% of lands enrolled in RPTL §480/480a are located in regions 5 and 6. Furthermore, forest biomass gains in the Adirondacks are not currently in line with their potential to sequester carbon. Any discussions around forest tax law updates must acknowledge the unique role our Adirondack region plays in New York’s efforts to sequester carbon, and it is not unreasonable to expect that unique provisions will be provided for the Adirondack region.
2. Recognition of Mature and Old Growth Forests: In the next iteration of this plan, the Climate Action Council **must** recognize the scientifically demonstrated role mature and old growth forests play in capturing and storing carbon in New York, including on Forest Preserve and private lands. Management activities, tax programs and incentives should be focused on promoting and protecting these types of forests in a low to no management method to recognize the full carbon benefits of older forests.
3. Over-Emphasis on Management: The scoping plan’s forestry section proposes greatly increased “management” across New York’s 19 million acres of forest, without defining what is meant by ‘management’. If “management” includes significant full, no-cut conservation, then that is good; but the language of the scoping document suggests the aim is to get more small and medium size forest land owners to practice “sustainable” logging. DEC and AGM should consult with and utilize forest ecologists to inform best practice development that looks at forests not only for their carbon benefits, but as critical parts of whole ecosystems.
4. Forest Tax Law Reform – More Innovation is Needed: The scoping plan proposes two elements for tax law upgrades: 1) amend Real Property Tax Law 480a Forest Tax Law program “to create tracks for forest carbon management, induce greater landowner participation and integrate stronger sustainability provisions (such as forest regeneration) with the primary goal to remain unchanged and encourage sustainable timber management,” and, 2) enact legislation to create a new real property tax incentives through a 480b and 480c track. The 480b track would “allow private forest landowners to manage for multiple benefits (such as wildlife habitat, wood products, and carbon sequestration) and, if desired, conserve their forests in natural conditions to participate in tax programs.” The 480c track would “provide forest landowners a tax incentive to undertake practices that increase carbon storage, carbon sequestration, and climate resilience while addressing the need for additionality.”

With about 73% of the state’s forests under private land ownership, 18% of those forests have a forest management plan and only 9% are enrolled in the 480a Forest Tax Law program. We need to transform this program to promote carbon storage over timber harvesting on private lands across New York.

- a) **Given that 68% of land in NYS is privately owned in tracts of 10 acres or greater, the threshold for participation in 480 b and c should be decreased from 15 acres to 10 acres.**

- b) The incorporation of two new tracks in the 480 program is critical to protect small parcels. This is needed even more so because land trusts do not usually trouble with small parcels, so policy changes and new incentives are warranted. However, we are concerned that these programs will unintentionally mislead landowners into logging when they otherwise would not; letting forests grow maximizes carbon sequestration.
 - c) **Forever Wild conservation easements should be included in the plan to help large and small landowners that simply want to let their trees grow.** The Northeast Wilderness Trust describes these easements as, “the common attribute of forever-wild easements are that they limit human activity and allow nature to direct the ebb and flow of life. They afford land the opportunity to be self-willed and free. Management is kept to a bare minimum. Motorized and mechanized recreation is prohibited, as is all resource extraction including timber.”
 - d) **The Council has strong concerns about the viability of current 480b & c proposals .** The scoping plan recommends reinvigorating a complex and controversial tax program where little consensus or momentum has been achieved for several years. We are essentially putting our eggs in a holey basket. The Climate Action Council should support 480a reforms while also developing a new or alternative pathway that incentivizes landowners to keep their trees in the ground as the best way to sequester and store carbon.
 - e) The Council supports the Climate Justice Working Groups assessment that “there is an over-reliance on voluntary incentive-based programs”; mandatory carbon protections are needed.
5. Invasive Species: As the scoping plan points out, “climate change is expected to increase the competitiveness of invasive plants and increase the range and survival of invasive insects and diseases.” The early detection, rapid response and the expedited listing of invasive species, as noted in AF2, are all critical to preparing for the impacts invasives can and will have on New York’s forests. However, we know that the proliferation of invasive species and forest pests like Hemlock Woolly Adelgid, Emerald Ash Borer and others, will diminish New York forests’ ability to sequester carbon. The scoping plan must account and accommodate for this, and encourage additional emissions reductions in other sectors.

The Council supports the limited expansion of DEC’s authority of 9-1709 of the Environmental Conservation Law to amend Parts 575 & 576 to expedite the listing of terrestrial invasive species and pests.

6. Keep Forests as Forests: The scoping plan calls 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 principals of avoid, minimize, and mitigate.”

This recommendation does not go far enough. If we want to protect and add forest land, then we need to change development design standards. Smarter utilization of the spatial pattern of development should be encouraged. In addition, when subdivision developments are proposed, setting aside forest land needs to be coupled with conservation design standards that clusters/concentrates development while protecting large swaths of open space. Therefore, as a

part of the state's "keep forests as forests" goal, **Conservation Design legislation (such as A04073/S01145) should also be sought and included in the plan, particularly for rural regions like the Adirondack Park** where an accelerated level of development has been seen in the wake of COVID-19. Climate refugeeism is likely to exacerbate this pressure to increase the rate of development.

7. **Maintain and Increase State Land Acquisition: The Council supports the recommendation to acquire more state land, particularly Forest Preserve lands which carry the strongest constitutional legal protections for natural resources in New York.** There are many large and desirable parcels in the Adirondacks that are prime candidates for fee acquisition. However, this must also be coupled with increasing agency staff levels that are integral to managing and maintaining these resources.
8. **Wood Forest Products**: Sourcing locally grown and harvest wood products, that hold and store carbon in the form of tables, chairs, doors, etc., is an important element of the plan. Its carbon benefits are important, but it also bolsters locally economies and helps minimize the transmission of invasive species. The Council supports an Adirondack wood products market, as outlined in our VISION 2050 report.
9. **Carbon Market**: The creation of a carbon market is recommended, but **the Council is leery of this strategy given how markets have been shown to be ineffective and merely double count carbon being stored. Other efforts in this plan should be prioritized.**
10. **Biomass Misinformation**: **The plan should expressly state that it will not prohibit the sale and use of biomass**, even though it is not considered a renewable energy source under the Climate Leadership and Community Protection Act, **to dispel misinformation** being circulated amongst the public.

Agriculture

The Adirondack Council and its program, the Essex Farm Institute, offer the following comments on agriculture:

Overview:

1. The scoping plan should include payments for ecosystem services and soil health to ensure payments go toward capital and on-going expenses of more renewable agriculture and to promote water quality and food resilience. This sector needs technical and financial support to implement the best climate practices.
2. We support the expansion of the Soil & Water Conservation Districts to support on-farm emissions reductions and sequestration management efforts.
3. We support the development of planning protocols for Carbon Farm Planning.
4. We support the development of benchmarks and monitoring efforts for agricultural GHGs and mitigation strategies. However, benchmarking should factor in life cycle analysis and should be offered as a complimentary audit.

5. The Sustainable Biomass Feedstock Action Plan must include biodiesel made from fuel feedstocks grown and raised in New York State.
6. The draft plan does not go far enough to reduce emissions from controlled animal feeding operations and industrial agriculture.

ADDITIONAL SCOPING PLAN COMMENTS

1. Land Reparations: On June 29th, Governor Hochul announced giving back 1,000-acres of land to the Onondaga Nation. A major moment in New York's history. Therefore, in addition to conservation easements and state land acquisition, the Climate Action Council should include strategies that facilitate land reparation efforts that support our collective climate future.
2. Transmission Line Infrastructure: The Council strongly recognizes the need for updated and new transmission line infrastructure. However, we do not want to see its development erode our constitutionally protected land and water resources that support our climate resilient future. Infrastructure should be sited to avoid crossing Forest Preserve lands and waters.
3. Small-scale Hydropower Incentives Needed: The scoping plan fails to include incentives for existing legacy small-scale hydropower facilities whose renewably produced electricity is counted by the state towards its goals. Incentives with competitive purchase prices should be established for legacy hydropower facilities that provide locally sourced energy to their surrounding communities. The Adirondack Council does not support the creation of new dams in the Adirondack Park.
4. Heat Pumps: The Council supports the accelerated transition to heat pumps, with less impactful refrigerant elements, to offset fossil-fuel based heating and cooling sources. Incentives (particularly for residential installment) and growing the heat pump technician field are critical to supporting Adirondack communities' reduction in GHG.
5. Mycelium: The scoping plan fails to consider or incorporate the role of mycelium in supporting carbon sequestration, or how land use development impacts their networks. The final draft should address this.
6. Unintended Consequences: As the state accelerates towards zeroing greenhouse gas emissions, the unintended consequences of the actions needed to achieve emission goals need to be considered. For example, in the push to transition to LED lighting for municipal infrastructure, private businesses and homes (outdoor lighting), the state needs to be careful to drive investments towards nighttime and wildlife friendly lighting. Light purchasing should be guided by International Dark Sky recommendations, such as luminous efficacy, lumen output and adaptive controls to dim light or put it on timers. This is good for public health, wildlife and climate resiliency, and safety.
7. Weatherization: Weatherization programs, especially to make homes more energy efficient, and particularly for low-income families who cannot afford to make these energy conservation changes on their own will be of particular import to Adirondack communities, especially during the winter months.

8. Protecting New York's Life-blood – Water: Buffering streams, rivers, ponds, lakes, and wetlands as widely and wildly as possible, to keep aquatic habitat cool and to sequester carbon in riparian and wetland forests is critical.

The Supreme Court of the United States' (SCOTUS) decision to limit the President's authority to cut emissions (WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.) at the federal level is a blow to climate action. We see the changes happening around us in the Adirondacks where it's easy to see them – more ticks, shorter maple seasons; shorter, rainier winters; and changing wildlife migration patterns. It is these changes that transcend political boundaries. They're talked about by the hunter, ice fisherman, cyclist, scientist, parent and child. The Adirondacks are changing. And we need to help one of our greatest resources and hope for a climate resilient future in New York, that will continue to be a refuge to human and natural communities seeking home from anthropogenic climate chaos.

Yes, the SCOTUS rulings of late underscore how the states need to step up now, so much life and liberty depends on it for current and future generations. Make New York the climate leader the nation needs. Let us set the standard for accelerated renewable energy proliferation that creates an equitable and just transition, that shows how our natural resources can be protected to support thriving human and natural communities. There are many elements to still flesh out in this plan, but we thank the Governor, Climate Action Council and Climate Justice Working Group for their continued leadership on climate change. Thank you for reviewing and responding to the Adirondack Council's comments.

Sincerely,



Jackie Bowen
Director of Conservation