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VIA ELECTRONIC DELIVERY

New York State Climate Action Council
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

RE: Comments on New York State Climate Action Council Draft Scoping Plan

Dear Members of the New York State Climate Action Council,

On behalf of Audubon New York, the state program of the National Audubon Society with a membership of 99,000 New Yorkers, I thank you for the opportunity to comment on the draft scoping plan, as authorized by the Climate Leadership and Community Protection Act and for the Council's leadership and commitment to providing New York State with a greener future. Unabated, the impacts of climate change will put New York State's birds, people, and environment at risk within our lifetimes. We need to develop a comprehensive mitigation strategy for reducing our carbon emissions and a robust adaptation strategy that combats the effects of climate change that we are already seeing in the natural world.

Developing a successful mitigation strategy will require us to examine every sector of our economy to identify where we can reduce, neutralize, or eliminate carbon emissions. Of equal importance will be identifying those emissions which we cannot eliminate in the near future and developing a strategy to offset those emissions through carbon sequestration. We must also analyze and catalog the risks posed by climate change and prioritize where we will need to pursue adaptation in response to either current risks or risks that will occur despite successful mitigation strategies.

The CLCPA Scoping Plan provides an ambitious path to the future, and we offer the following comments on the strategies relating directly to Audubon's mission to protect birds and their habitats.

Agriculture and Forestry

An important part of our strategy to reduce atmospheric carbon must be the development of natural climate solutions, including better management of our forests, grasslands, marshes, and soils. Better management of our natural resources has the potential to offset as much as twenty-one percent of our annual carbon emissions, providing thirty-seven percent of the mitigation needed between now and 2030 to keep global temperature rise below 2° Celsius. Replanting trees, promoting forest resiliency, and encouraging sustainable management will be essential to achieving these offsets and must be included in New York State's strategy to combat climate change. These actions can also have the added benefit of creating or improving quality habitat for birds and other wildlife.

Promoting forest resiliency and sustainable management is already a core part of Audubon's mission. Sixty-three percent of New York State is covered by forests, which provide important habitat for more than a hundred species of birds throughout the year. One of their most critical ecological functions is to provide breeding habitat for several dozen bird species, many of which are experiencing population declines due to habitat fragmentation and the loss of quality habitat. Quality forest habitat for birds and other wildlife means intact, healthy, resilient, regenerating, and diverse forested landscapes. The diversity of forest habitat can significantly impact the breeding success of birds, as each species has different habitat requirements. Some bird species prefer to nest in mature forests with a relatively closed canopy, while others prefer to nest in young forest habitats with shrubs and sapling-size trees.

Audubon has identified more than 45 priority forest bird species that would benefit from improved forest health. In response, Audubon developed the Healthy Forests Initiative. This initiative provides outreach, technical assistance, and habitat management recommendations to foresters, public and private landowners, and other partners to improve forest habitat quality for birds while also achieving timber management objectives or otherwise maintaining the economic incentives for private forest stewardship, which is critical to success. Through this work, Audubon encourages the use of forest management practices that preserve intact forests, diversify age classes, and increase the types of trees and other plants that provide essential habitat for forest birds. These silvicultural recommendations create favorable conditions for birds and ensure that forests are resilient to undesirable stressors such as climate change and invasive species. Healthy forests also provide critical ecosystem services, including carbon sequestration, watershed protection, flood control, forest products, and recreational opportunities.

To support and supplement Audubon's efforts, we urge New York State to include strategies that support the conservation and restoration of quality wildlife habitat, increase forest regeneration and resiliency, discourage land conversion, and encourage sustainable forestry practices in the draft CLCPA scoping plan.

For these reasons, we strongly support the following strategies:

- **AF1.** Identify where Forest Management would Provide the Greatest Benefits
- **AF2.** Prevent Forest Pests, Diseases, and Invasive Species and Restore Degraded Forests
- **AF3.** Maintain and Improve Sustainable Forest Management Practices and Mitigation Strategies
- **AF4.** Assist Landowners in Implementation of Sustainable Forest Management and Mitigation Strategies
- **AF4** Assist Landowners in Implementation of Sustainable Forest Management and Mitigation Strategies
- **AF5** Support Local Communities in Forest Protection and Management
- **AF6** Create a New York Forest Carbon Bank
- **AF7** Monitor Progress and Advance Forestry Science and Technology
- **AF8** Conduct Education and Outreach on Forest Management
- **AF18** Develop Forestry Training Programs to Support Expanding Workforce and Climate Knowledge
- **AF19** Expand Markets for Sustainably Harvested Durable Wood Products

Specific Comments

AF1. Identify where Forest Management Would Provide the Greatest Benefits

- **Prioritization Models.** Prioritizing management in areas lacking species diversity, age class distribution, and sequestration potential will improve habitat resiliency in forests facing the effects of climate change, as well as contribute to the overall climate resiliency of New York State's forests as a whole. We fully support developing prioritization models for urban and lower-acreage family-owned forests as these areas are traditionally excluded from forest management opportunities and incentives, but can contribute to statewide carbon goals. In an effort to identify forests (and other habitat types) that should be protected and managed to enhance carbon storage and sequestration, increase resiliency, and improve critical bird habitat, Audubon's Natural Climate Solutions report (https://nas-national-prod.s3.amazonaws.com/natural_climate_solutions_060221_6pm_final_0.pdf) is the first study of high carbon value areas to factor in projected climate impacts on birds and prioritize natural climate solutions that benefit both birds and people. This work includes a new mapping tool (soon available) that indicates habitat types, including forests, in need of restoration to improve carbon sequestration and storage, and boost resiliency and habitat quality. This mapping tool and/or the data used to build it may be utilized in the development of prioritization models in NYS.

AF2. Prevent Forest Pests, Diseases, and Invasive Species and Restore Degraded Forests

- **Increase Prevention of Invasive Species.** While outreach and education regarding invasives is important for private landowners, more proactive measures to prevent the introduction of these plants and pests are needed. Strengthening regulations, inspection, and enforcement of wood packaging material and live plant imports is an essential step to stemming invasive species outbreaks.

- **Expand Statutory Authority.** Expanding statutory authority to allow more rapid listing of invasive species for regulation would enable faster responses to new invasive species, helping to minimize their impacts. The current law and regulations do not allow for nimble responses to emerging invasive species and do not allow for regular updates to the existing invasive species lists. As of this time, no species has been added to the list since 2015 – although the intent was to update the list every five years. Additionally, the existing petitioning process, which was designed to allow for exceptions to the usual process for updating the list, is extremely inefficient. The Department typically waits until they have several petitions before hiring a contractor to evaluate each species and its degree of invasiveness. The Department must then standardize those results with previously reported data and determine the species' level of invasiveness. If the species is determined to be sufficiently invasive, it would become eligible to be listed when the list is next updated. This lag can allow emerging invasives to proliferate before control measures are authorized. At this point, a species has not been added through the petitioning process in over seven years.

- **Combat Invasive Species.** Expanding rapid response teams would greatly benefit habitat improvement efforts in areas where invasive species are preventing forest regeneration and native species diversity.

AF3. Maintain and Improve Sustainable Forest Management Practices and Mitigation Strategies

- **Invest in Forest Carbon Research.** The DEC should expand funding for, and conduct, peer-reviewed climate, forest carbon, and applied forest management research. Results from peer-reviewed research would help partner organizations disseminate reliable data and information and help establish a unified message around forest management issues throughout the state.

- **Develop Best Practices.** The DEC should develop best management practices and guidance documents for private landowners. Addressing the implications of carbon management on other landowner objectives, like wildlife habitat, would increase engagement on private property and increase climate resiliency.

- **Implement Forest Carbon Certification Program.** We support the implementation of a comprehensive forest carbon certification program that uses state-specific carbon data and accounting to guide carbon best management practices for eligibility. This program could be vital in achieving well-planned and sustainable forest management that meets carbon goals and keeps forests as forests in New York. We encourage DEC to consider and include forest management options that increase carbon sequestration, like creating young, regenerating forests where appropriate, in addition to boosting forest carbon storage through uneven-aged management. A program of this magnitude will require increased capacity of forestry professionals in New York, and we support investing resources to boost forestry staff at DEC and among private consulting foresters.

- **Restore Degraded Forest Assets.** The DEC should implement restoration methods on degraded forests. Plantations, high-graded stands, and understocked forests need to be improved to meet carbon and resiliency goals while also meeting other objectives, like creating diverse and resilient wildlife habitat.

- **Invest in Financing Options for Upgrades and Best Practices.** The DEC should work with the Wood Products Development Council, and nonprofits to provide funding for low-interest loans or grants for upgrading to new logging equipment. This would improve efficiency and allow more land to be sustainably managed for carbon and other co-benefits like wildlife habitat and forest resiliency.

AF4. Assist Landowners in Implementation of Sustainable Forest Management and Mitigation Strategies

- **Expand Education and Outreach**. The DEC and partners should continue to expand outreach and offer technical assistance to private landowners, as these efforts will increase awareness of carbon best management practices and provide information on funding opportunities for landowners with eligible woodlots. Audubon's Healthy Forests Initiative works with private landowners, forestry professionals, and conservation partners to promote biologically and structurally diverse forest to improve forest health, support declining wildlife species, and ensure critical ecosystem services forests provide persist in the future. Forest management that increases carbon sequestration and storage, and resiliency is largely compatible with improving habitat for a full suite of forest birds, many of which are in decline. When surveyed, the majority of forest owners indicate wildlife and their habitat as a top priority for land ownership – and Audubon's programming and technical assistance can help meet landowner objectives by providing guidance on habitat creation and improvement through active forest management. A synthesis of forest bird habitat conservation and management scientific literature can be found in Audubon NY's guides *Managing Forests for Birds: A Forester's Guide* and *A Landowner's Guide* (https://ny.audubon.org/sites/default/files/free_guide_forest_management_new_york_birds.pdf and https://ny.audubon.org/sites/default/files/free_guide_landowners_manage_forest_for_birds_new_york.pdf).

- **Amend Real Property Tax Law 480a.** The State should amend the Real Property Tax Law to provide updates and improvements to the current 480-A forest tax incentive program, including lowering the acreage threshold and allowing currently enrolled landowners to manage their forests for benefits such as wildlife habitat, carbon sequestration, water quality, and other environmental benefits. Additionally, the State should make sure that adequate funds are available to communities that experience a significant tax shift due to enrollment in the program.

- **Enact new legislation (480B and 480C).** The State should close the current 480-A program to new enrollments and enact legislation to create new real property tax incentive programs (480-b and 480-c) that eliminate unnecessary barriers to participation and allow for a greater range of forest management activities eligible for tax abatement. This will allow private landowners to manage their land for multiple environmental benefits, including wildlife habitat, increased carbon sequestration and/or climate resiliency, improvements to water quality, elimination of invasive species, and other ecosystem services. Additionally, these programs should have a lower acreage threshold than the traditional 480A tax incentive in order to allow more landowners to participate. Lastly, the State should make sure that a mechanism is included in the legislation that would provide financial relief to municipalities that experience a significant tax shift due to the program.

- **Expand funding for Regenerate NY.** The State should expand the funding for the Regenerate NY program. The Regenerate NY program encourages private landowners to improve forest health by providing a cost-share for beneficial management activities, including afforestation, reforestation, forest stand restoration, control of competing vegetation, creation of forest openings, construction of deer exclosure fencing, and other forest regeneration-focused practices approved by the Department. These management strategies promote the successful regeneration of trees and shrubs – creating favorable habitat conditions for birds and making forests less susceptible to climate change and invasive species. Successful forest regeneration is also critical to maintaining and increasing the amount of carbon sequestered by our forests.

- **Establish equipment caches.** Establishing equipment caches across the state would increase access to forestry and logging equipment, increasing transportation and management efficiency and reducing logging contract durations. These efforts can help reduce management costs to loggers and landowners, encouraging greater participation in sustainable forest management throughout the state.

AF6. Create a New York Forest Carbon Bank

- **Enact Forest Carbon Bank Legislation**. The purchase of emission reduction credits would allow private forest landowners to receive additional income for managing their forests sustainably, which can then be used to finance management activities that lead to increased climate resiliency and carbon sequestration potential. That additional income would also aid private landowners in keeping their "forest as forest" by providing additional incentives against development. However, if we are to use carbon sequestration to offset carbon emissions, we must ensure that such offsets are credible, verifiable, and only used for activities that cannot be eliminated due to extreme financial impacts, issues related to health and safety, or the constraints of available technology. Additionally, offsets should only be provided for the restoration and conservation of naturally functioning ecosystems that support native wildlife and a diversity of tree and plant species. We also concur with the Scoping Plan's recommendation that limitations should be placed on the types of projects and/or industries

that can participate in carbon banking in order to ensure that any carbon offsets are aligned with the goals of the CLCPA and do not further burden environmental justice communities.

AF7. Monitor Progress and Advance Forestry Science and Technology

- **Monitor Forest Carbon.** The DEC should monitor carbon to determine the efficacy of mitigation tactics. This can then inform best management practices that are disseminated to private and public landowners.
- **Create Science-Based Decision Tools.** Science-based decision tools will inform cost-effective decision-making. This is essential since harvesting to improve sequestration is often non-commercial.
- **Research Seedling Technologies.** Any effort to improve forest regeneration in the face of deer browse and invasive species pressure should be encouraged. Increasing healthy regeneration will benefit forest bird habitat.
- **Conduct Research.** The DEC should work with Cornell CALS, SUNY ESF, and the Wood Product Development Council to conduct research on emerging forest products. Timber stand improvements don't always result in an abundance of sawtimber being harvested, and other avenues for the low-grade material should be explored. Maple syrup, a growing industry in NY, is an example of a forest product that may be highly compatible with managing forests for increased carbon sequestration, storage, and resiliency but requires additional research. Audubon's Bird-friendly Maple Program (https://ny.audubon.org/news/delicious-conservation-project-birds) promotes quality sugarbush habitat and the maple products that come from them through marketing incentives. With additional carbon and quantifiable resiliency research on sugarbush management, Bird-friendly Maple and the larger maple industry can market maple products as coming from climate/carbon managed forests.

AF8. Conduct Education and Outreach on Forest Management

- **Promote Forest Management.** Building public acceptance of forest management will increase landowner participation in management and mitigation strategies. Pairing these strategies with other landowner objectives like wildlife habitat would increase participation in outreach efforts. Additionally, public acceptance of forest management (both among landowners and others) is critical for ensuring that climate-focused management practices can be adopted at a wide enough scale across the state to achieve climate mitigation goals.
- **Expand Outreach.** The DEC should continue to provide outreach, training, and technical assistance to resource professionals. Sharing research findings and materials with professionals can help them connect with private landowners to encourage successful mitigation and adaptation techniques and help enroll them in state-funded assistance programs. Audubon's new forester training and endorsement program can serve as a vehicle to deliver training and technical assistance to forestry professionals in NY (https://ny.audubon.org/conservation/audubon-forester-training-and-endorsement-program).
- **Support Urban Forestry.** The DEC should continue to support urban forestry and tree care to ensure climate resilient native species are being prioritized in urban environments – particularly in New York City. Situated within the Atlantic Flyway and near a coastal migration route, NYC plays an important role for over 200 bird species during their spring and fall migrations. Many of these birds stop in green spaces to rest and eat before continuing their arduous journey. Migration is a physically taxing and dangerous period during birds' life cycle, and they need

quality migration stopover habitat that provides food resources from a diverse selection of native trees, shrubs, and herbaceous plants in order to endure the physical stress of migration. To support migrating birds, we need to increase native tree diversity and urban tree cover in areas where they are lacking and within existing green spaces. Additionally, Audubon's Natural Climate Solutions Report, the first study of high-value carbon storage areas and active climate sinks that also examines projected climate impacts on birds and the potential role of natural climate solutions, has identified urban and suburban green spaces as playing an important role in helping birds in the face of climate change. In urban areas, the report recommends implementing climate-smart restoration activities like planting more trees and protecting and expanding green spaces to increase carbon sequestration and improve resiliency. This is consistent with the goals of Forest for All NYC, a diverse coalition of nearly 50 organizations committed to creating a healthy, biodiverse, accessible, and resilient urban forest that justly and equitably delivers benefits to all residents of NYC. Audubon New York is a proud member of the Coalition and believes that the strategies supported by the Coalition and our Natural Climate Solutions report will help the achieve the goals of the Scoping Plan.

- **Support Education and Outreach**. The DEC should bolster urban forestry and natural resource education and outreach. Education and outreach is especially needed in underserved communities that should have the opportunity to be involved in the management of the land in their own communities. Working with local partners is crucial in ensuring that this work can be maintained long-term and is rooted in local knowledge.

- **Promote New York Wood Products**. The DEC and Wood Product Development Council should promote wood products to bolster demand for products coming off local privately owned forestland. Increased demand for products increases landowner interest in active management.

- **Provide Education and Outreach.** Cornell CALS and SUNY ESF should provide education and outreach to the construction industry and public on mass timber construction and harvested wood product applications, and carbon mitigation benefits of wood products. Increased education is essential in order to drive demand for these products within the industry.

AF18. Develop Forestry Training Programs to Support Expanding Workforce and Climate Knowledge

- **Support Workforce Development and Training.** The Wood Product Development Council should develop workforce-training programs at the high school and college level to incorporate forest carbon management into curricula. Students should learn how new carbon management tactics can be integrated with traditional landowner objectives in order to cater to private landowner needs.

- **Integrate Forest Carbon into Education and Outreach.** Integration should be targeted for New York State logger training, continuing education for cooperating foresters, and urban forestry and utility forestry training. Audubon's new forester training and endorsement program (https://ny.audubon.org/conservation/audubon-forester-training-and-endorsement-program) can help provide education, training, and technical assistance to forestry professionals in New York State.

- **Lower Fee.** The State should enact legislation to lower the fee or provide a cost-share for resource professionals to receive their New York State Pesticide Applicators License. In doing so, more professionals may seek a license, increasing the number of applicators available to treat invasives on private and public land. This is an important step towards mitigating the spread of invasives threatening statewide forest regeneration.

- **Provide Outreach and Education.** Outreach and education to the construction industry and the public on mass timber construction and the use of harvested wood products will help increase demand for these products and incentivize forest management.

AF19. Expand Markets for Sustainably Harvested Durable Wood Products

- **Promote Carbon Sequestrating Materials.** SUNY ESF and the Wood Product Development Council should promote materials that sequester carbon over fossil fuel-based materials in order to bolster support for wood products. In turn, this provides more incentive to private landowners to actively manage their woodlot and improve forest health and habitat.

- **Support Research.** This will increase market demand and incentive active forest management.

Land Use

How we use our land has a direct impact on the places that birds and people need to thrive. We must ensure that our natural landscapes - such as forests, grasslands, coasts, and wetlands – can continue to provide us with critical ecosystem services by using sustainable land use planning, implementing smart growth land use patterns, and protecting our most vulnerable ecosystems from human development. As our climate changes, land use planning will take on a new importance since many of these landscapes also provide us with the ability to sequester carbon emissions and to mitigate the impacts of severe weather. We must ensure that our actions both maintain and increase the ability of these ecosystems to store carbon and help reduce excessive heat and attenuate increased flood waters.

For these reasons, we strongly support the following strategies in the draft CLCPA scoping plan:

- **LU1.** Mitigate Carbon Emissions by Protection of Forest Lands
- **LU2.** Afforestation and Reforestation
- **LU3.** Avoid Agricultural and Forested Land Conversion
- **LU4.** Protect and Restore Wetlands
- **LU5.** Mapping, Research, Planning, and Assistance
- **LU6.** Provide Guidance and Support for Afforestation and Reforestation to Local Communities
- **LU7.** Increase Forest and Farmland Protection in Municipal Comprehensive Plans
- **LU8.** Provide Guidance and Support on Clean Energy Siting to Localities
- **LU9.** Regional and County Planning and Technical Assistance
- **LU10.** Direct Planning, Zoning, and Pre-Development Assistance to Municipalities
- **LU11.** Align State Funding Priorities

Specific Comments

LU1. Mitigate Carbon Emissions by Protection of Forest Lands

- **Enact "Keep Forests as Forests" Law.** We strongly support legislation that would require developers to purchase and set aside forested land when forest carbon is lost due to human development. Additionally, carbon is not the only thing lost during development - other ecosystem services like wildlife habitat, improved water quality, and opportunities for recreation would be conserved with the passing of this law.

- **Establish Programs to Support Local Land Acquisition.** From a wildlife habitat perspective, easements and other programs that keep forests as forest would prevent further habitat fragmentation caused by development.

- **Maintain and Increase State Land Acquisition.** The DEC should support increased land acquisition either in fee or by conservation easements held by the State, municipalities, or land trusts. Additionally, the State should make sure that adequate funds are available for communities that experience a significant tax shift due to purchases with large acreages.

- **Require participation in carbon markets.** Credits would fund and incentivize active management on privately owned forestland.

LU2. Afforestation and Reforestation

- **Prioritize Locations.** The DEC should identify areas where afforestation and reforestation are the most likely to succeed using data provided by experts and authorities. Using this data will also identify areas needing management due to the presence of invasive and deer overabundance. Audubon's Natural Climate Solutions Report is the first study of high carbon value areas to factor in projected climate impacts on birds and prioritize natural climate solutions that benefit both birds and people. A new mapping tool indicates habitat types, including forests, that are in need of restoration to improve carbon sequestration and storage and boost overall resiliency. This work also helps prioritize locations for afforestation and reforestation.

- **Reforest Right-of-Ways.** Right-of-ways contribute to early successional habitat, and managing these areas for native resilient tree and shrub species is beneficial to birds and other wildlife.

- **Invest in Planting Technologies.** Using new technology to distribute seeds and reforest areas that are lacking in tree cover may be necessary when terrain is difficult to reach or imposes safety risks to field staff. Utilizing new technology will improve efficiency.

- **Invest In and Update the Colonel William F. Fox Memorial Saratoga Tree Nursery.** The DEC should invest in and update the nursery in order to provide a suite of climate-resilient species required for afforestation and reforestation efforts throughout the state. Increasing access to beneficial native tree and shrub species is essential in parts of NY that do not have native plant nurseries. This native stock is critical in maintaining habitat strongholds as the climate continues to change.

- **Increase Urban and Community Forest Grants.** New York State should increase funding to these grant programs to assist municipalities in the management of urban tree cover and forests, which provide migratory stopover habitat to birds Urban and Community forests provide numerous benefits to people, wildlife, and climate, and additional funding can reach traditionally underserved communities **Prioritize Locations.** The DEC should develop an opportunity assessment that focuses on tree establishment and maintenance within urban areas – this is a climate-smart activity, increasing carbon sequestration and storage and benefiting communities and birds.

- **Fund Cost Share Programs.** The DEC should continue to fund and develop cost-share programs like Regenerate NY. The cost of sustainable forest management is unaffordable to many forest owners when commercial material is not being removed from the property. These programs can also help move afforestation and reforestation efforts forward.

- **Develop an Equipment Loan Program.** The SWCC should develop an equipment loan program so that landowners have access to tree planting equipment and can take on projects to support reforestation on their own accord. This would increase the rate at which projects are accomplished.

- **Provide Free Tree Seedlings.** The DEC should expand or create new, free tree seedling programs to assist landowners with planting projects. These programs can be paired with "Right Tree Right Place" information, and provide landowners with native, climate-resilient tree seedlings, helping increase carbon sequestration and storage and habitat.

- **Establish NY Tree or Climate Corps.** The DEC should establish a NY Tree or Climate Corps to establish and maintain seedlings for landowners at no cost. As part of the maintenance service under this program, it may be necessary to provide deer exclusion materials or assistance with controlling interfering vegetation prior to and after planting seedlings. **LU3. Avoid Agricultural and Forested Land Conversion**

- **Enhance Local Capacity to Conserve Lands.** This effort will also help prioritize the conservation of significant habitats and reduce fragmentation, in addition to achieving other land conservation objectives.

- **Research Avoided Conversion Impacts.** More data to support maintaining forests as forests should be encouraged in order to convey the negative impacts of forestland conversion to resource professionals and private landowners.

- **Foster new datasets to support decision-making.** More data to support and quantify avoided conversion is needed to inform land use and conversion decision-making. Along the same lines, efforts should be made to avoid converting large, contiguous grassland habitat located within NY Grassland Focus Areas, to forest or other cover types. Grassland bird populations are declining faster than any other habitat guild and protecting and managing NY grasslands is essential to mitigate further population declines.

- **Strengthen Right to Practice Forestry law.** We support legislation that would strengthen the Right to Practice Forestry law (NYS ECL §9-0815) by reducing restrictions and regulations to private lands forest management created by municipalities. The DEC and partners should make efforts to educate and engage municipalities in science-based forestry to improve local forest and tree cover health and resiliency. Fewer restrictions around active management will result in increased forest health and resiliency, more productive forest bird habitat, and increased sequestration rates and carbon storage.

- **Mitigate impact from renewable energy projects on forests.** Audubon strongly supports the development of renewable energy and transmission infrastructure that is sited and operated to avoid, minimize, and effectively mitigate impacts on birds and other wildlife. Wind and solar power are clean, renewable sources of energy with few negative environmental impacts and are essential components in our fight against climate change. However, renewable energy projects and the development of new transmission infrastructure can negatively affect birds and other wildlife through direct mortality, displacement, and habitat degradation and loss if developers do not take proper precautions. The DEC and NYSERDA should assist renewable energy developers in choosing project sites that do not contribute to further fragmentation of our forests or conversion to another cover type. It is also critical to maintain core forest and bird habitat by prohibiting solar and wind development in such areas.

LU4. Protect and Restore Wetlands

- **Increase investment in freshwater wetlands.** New York State should increase funding for conserving and restoring freshwater wetlands that provide for maintained or enhanced carbon sequestration and/or contribute to increased climate resiliency. Currently, New York State provides funding for freshwater wetlands through a number of state programs, however, there

is not a dedicated source of funding for wetlands conservation. New York State should create an additional line in the NYS Environmental Protection Fund that provides at least $1 million in funding for wetlands conservation and make it available through a competitive grant program administered by the Department. Eligible applicants would include municipalities and not-for-profit organizations, and preference should be given to groups who are looking to use funding as a match for the North American Wetlands Conservation Act.

- **Address sea-level rise in State coastal regulations.** The Department should be allowed to enforce the provisions of Article 34 by adding them to the existing enforcement provisions for Article 25, as proposed by sections 15-19 of Part QQ of Art. VII TED in the SFY 2022-23 Enacted Budget Proposal.

- **Increase planning and investment in existing tidal wetlands and other coastal habitats.** New York State should increase its financial investment in the protection, restoration, and monitoring of existing tidal wetlands, especially salt marshes, and work with nonprofits to identify shovel-ready projects that provide multiple environmental benefits, such as carbon sequestration, increased coastal resilience, and habitat for vulnerable wildlife.

- **Plan for sea-level rise and allow marshes to migrate in the future.** The DEC should identify future potential marsh migration routes and prioritize these parcels for purchase and restoration. As part of that process, the DEC should also identify nonprofit partners that have the expertise to implement these projects and partner with them to amplify state conservation efforts.

LU5. Mapping, Research, Planning, and Assistance

- **Update wetland and natural resource mapping.** The DEC should apply the best available technology to update maps of priority forests and other significant wildlife habitats, such as wetlands. Updated maps will help prioritize protection and inform management improve forest health and resiliency and maximize carbon sequestration and storage benefits.

- **Consider Technologies.** The DEC should consider emerging and tested mapping technologies, including those applied in light detection and ranging technology, given the benefit they've had in forest mapping projects in conjunction with SUNY ESF. These new technologies have the potential to reduce data collection time and expenses for field staff.

- **Develop a Statewide Conservation Framework.** This effort would help distribute funds and target areas of high conservation need more accurately.

- **Assist Local Governments to Create Land Use Policies.** Protecting these areas is important for forest bird habitat.

- **Provide Conservation Incentives to Landowners**. Incentive programs can increase private landowner participation in the conservation of critical habitats that also provide carbon and climate resiliency benefits. Few incentive programs are available to NYS landowners interested in taking conservation action on their land. NRCS and DEC incentive programs often involve onerous enrollment processes and are oversubscribed, meaning that many landowners either do not continue with enrollment or are rejected due to incentive funds reaching annual thresholds. Providing additional conservation incentive programs may be imperative to achieve ambitious carbon goals, as the cost of land ownership and the application of conservation practices is expensive to NYS landowners. Providing more programs that have different eligibility

criteria and conservation objectives can also help reach landowners and communities typically excluded from these incentives, such as underserved, small acreage, or urban landowners.

- **Research and monitor carbon storage and sequestration potential.** This research and monitoring is essential in shaping how we manage our forests for multiple benefits now and into the future. Monitoring efforts will be necessary to inform adaptive management when carbon decision-making at all levels.

- **Develop Guidance for BMP's.** This is important because having comprehensive BMP's is an essential step toward offering constructive technical assistance to resource professionals and private landowners.

- **Require Forest Inclusion in Planning.** This will ensure that forests are retained as forests and sustainably managed to achieve multiple objectives, including carbon, resilience, habitat, health, water quality, etc., while planning for smart growth within municipalities.

LU9. Regional and County Planning and Technical Assistance

- **Prioritize Areas for Development and Conservation.** The state should develop criteria and incentives to identify priority development areas and priority conservation areas. Priority conservation areas that preserve and restore vital habitats, landscape connectivity, biodiversity, and natural water movement are important for maintaining and restoring quality habitat for birds and other wildlife.

LU8. Provide Guidance and Support on Clean Energy Siting to Localities

- **Develop new planning tools and resources.** The State should accelerate the development of "least conflict" resources for developers and other stakeholders that will encourage the responsible siting of renewable energy projects. Additionally, the state should lead or facilitate the identification of as many least conflict sites as possible, either through the Build-Ready program or another vehicle, in order to minimize land-use conflicts and negative environmental impacts to vulnerable wildlife and the ecosystems they depend on.

Adaptation and Resilience

We must analyze and catalogue the risks posed by climate change and prioritize where we will need to pursue adaptation in response to either current risks or risks that will occur despite successful mitigation strategies. Protecting and restoring coastlines, especially salt marshes and other wetlands around Long Island, will increase climate resiliency and support vulnerable populations of coastal birds. The marshes that buffer the coasts of Long Island provide essential habitat for millions of waterfowl, shorebirds, seabirds, and marsh birds. Thirty-six Important Bird Areas (IBAs) have been designated within the greater Long Island area, and support species like the federally threatened Piping Plover, federally endangered Roseate Tern, American Oystercatcher, Least Tern, and the rare and declining Saltmarsh Sparrow. Marshes also support rich fisheries and other wildlife, improve water quality, and are important for carbon sequestration.

Resilient, healthy coastal ecosystems not only benefit birds, they also serve as the first line of defense for coastal communities facing stronger, more frequent storms and sea level rise. The natural processes that replenish sand and sediment—and once sustained coastal shorelines and enabled them to adapt to changes—are hampered by seawalls, roadways, and hard structures that accelerate erosion and habitat loss. In addition to impacts to human development, our marshes are suffering from chronic flooding,

excessive nutrients, and loss of high marsh that is required by birds such as the Saltmarsh Sparrow, Willet, Clapper Rail, and others.

That is why Audubon is advancing nature-based strategies to help our shorelines weather the impacts of climate change. Marshes, oyster beds, seagrass, beaches, and islands — also known as "green infrastructure"—harness nature's own defenses and are often more effective in containing storm surge and protecting coastal communities than "gray infrastructure" like jetties, groins, and seawalls. These climate-smart solutions not only buffer storm impacts, reduce flooding, and minimize wetland loss, they also preserve biodiversity and support healthy populations of birds and fish.

The Climate and Community Protection Act currently directs the DEC to promote adaptation and resilience to mitigate sea-level rise, extreme weather, flooding, and impacts on "species and other natural resources". As noted above, we believe that New York State's strategy for resiliency and adaptation should prioritize the use of green infrastructure and incentivize its use by municipalities engaged in local resiliency efforts. Additionally, we hope that such planning would include prioritized adaptation efforts to protect the habitat of species like the Saltmarsh Sparrow that are facing extinction in the face of sea-level rise.

For these reasons, we strongly support the following strategies in the draft CLCPA scoping plan:

- **AR1.** Commit to Creating, Implementing, and Updating a Comprehensive and Equitable State Climate Change Adaptation and Resilience Plan
- **AR2.** Incorporate Equitable Adaptation and Risk-Reduction Considerations into Relevant State Funding and Regulatory Programs, Projects, and Policies
- **AR3.** Strengthen Meaningful Community Engagement and Public Education and Build Adaptive Capacity across All Sectors
- **AR4.** Identify and Evaluate Options for Supporting Equitable Adaptation and Resilience Practices and Projects, and to Enhance Insurance Protection
- **AR5.** Provide State Agency Planning and Technical Support for Equitable Regional and Local Adaptation and Resilience Plans and Projects
- **AR6.** Evaluate Opportunities to Ensure Equitable Consideration of Future Climate Conditions in Land-Use Planning and Environmental Reviews
- **AR7.** Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding
- **AR7.** Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding
- **AR8.** Develop Policies and Programs to Reduce Human Risks Associated with New Patterns of Thermal Extremes
- **AR10.** Develop Policies and Programs to Reduce Risks Threatening Ecosystems and Biodiversity
- **AR12.** Preserve and Protect the Ability of Forest Ecosystems to Sequester Carbon

Specific Comments

AR1. Commit to Creating, Implementing, and Updating a Comprehensive and Equitable State Climate Change Adaptation and Resilience Plan

- **Develop an adaptation and resilience plan**. We strongly support the development of a statewide climate change adaptation and resilience plan and urge the State to include the protection of our natural resources and wildlife habitat, including future climate strongholds for birds, as part of that planning. We also strongly encourage the State to include the use of green

infrastructure and natural climate solutions to achieve greater resiliency wherever possible, and to only use "hard" infrastructure only where absolutely necessary to protect critical human-made infrastructure.

AR3. Strengthen Meaningful Community Engagement and Public Education and Build Adaptive Capacity across All Sectors

- **Raise student and public awareness.** As part of this effort, the State Education Department should partner with educational institutions, nonprofit organizations, and others with experience in providing climate change mitigation and adaptation education, especially in its application.

AR4. Identify and Evaluate Options for Supporting Equitable Adaptation and Resilience Practices and Projects, and to Enhance Insurance Protection

- **Create a resilient infrastructure fund.** We strongly support the creation of a resilient infrastructure fund and encourage the state to prioritize projects or solutions that utilize green infrastructure or natural climate solutions.

- **Authorize community preservation funds for all municipalities.** We strongly support giving all municipalities the authority to form community preservation funds. Currently, each community that wishes to establish such a fund must have their state representatives sponsor and pass legislation that gives them the authority to create a fund. This piecemeal approach to establishing community preservation funds is undermining communities' ability to invest in and preserve their natural resources.

AR5. Provide State Agency Planning and Technical Support for Equitable Regional and Local Adaptation and Resilience Plans and Projects

- **Consider relocation and buyouts.** The State should establish a voluntary relocation and buyout program for homeowners or businesses that are located in areas that are prone to inland or coastal flooding. This will help make communities more resilient to climate change by allowing for the restoration of these areas to tidal and freshwater wetlands.

AR10. Develop Policies and Programs to Reduce Risks Threatening Ecosystems and Biodiversity

- **Improve Local Wildlife and Aquatic Connectivity.** Improving connectivity will reduce the threat of parcelization to forest interior birds and other wildlife, in addition to achieving other connectivity goals.

- **Expand Conservation Easements to Include other Areas.** These expansions will increase habitat connectivity for forest birds and other wildlife.

- **Incorporate BMPs from Species Management Plans.** It is important to incorporate the most recent scientific literature and BMPs related to species that are of greatest conservation need in NY, while also recognizing the many associated species that benefit from the same BMPs.

- **Amend Real Property Tax Law to Incentivize Private Forest Stewardship.** Please see comments on strategy AF4.

- **Prioritize Biodiversity and Carbon Sequestration.** Management practices that promote carbon sequestration and climate adaptation strategies that diversify forest age class and structure and increase forest resiliency are largely compatible with improving habitat for a full suite of forest

birds, many of which are in decline. We support prioritizing these considerations in unit management plans.

- **Expand Implementation of ISCMP.** This is an important step in taking a more proactive approach to invasive species prevention. Attempts to mitigate the threat of invasives on forest habitat is often more costly and less successful than implementing early detection and response.
- **Ensure Protection of Stream Buffers**. We support the creation of a stream buffer regulatory program to protect high-quality stream buffers and support management that will create or improve buffers where needed. Stream buffers provide perennial cover for species like Northern Waterthrush and aid in habitat connectivity through highly fragmented landscapes.

AR12. Preserve and Protect the Ability of Forest Ecosystems to Sequester Carbon

- **Consider resilience in land acquisition.** The State should consider resilience criteria as part of its land acquisition programs, including the ability of lands to serve as climate strongholds for wildlife.

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Thank you again for considering these comments and for your commitment to mitigating and adapting to the impacts of climate change. If you have any questions regarding this letter, please contact our Senior Policy Manager, Erin McGrath, at [redacted] or [redacted]

Sincerely,

Michael Burger
Vice President and Executive Director
Audubon Connecticut and New York