

Comments from the Land Trust Alliance and Members of the Land Trust Community on the
Climate Leadership and Community Protection Act Draft Scoping Plan

June 10, 2022

To the Climate Action Council,

Thank you for the opportunity to comment on the Climate Leadership and Community Protection Act Draft Scoping Plan. On behalf of the undersigned, the Land Trust Alliance would first like to commend you for developing the Draft Scoping Plan, which addresses New York's ambitious climate goals. The climate crisis calls for bold action, and the CLCPA does exactly that by requiring that New York achieves carbon neutrality by 2050.

The New York land trust community supports Scenarios 3 and 4 laid out by the Draft Scoping Plan, as both pathways include additional afforestation and forest management strategies while accelerating reductions in Green House Gas (GHG) emissions. Protecting and growing New York's forests will provide the large-scale carbon sequestration needed to achieve the State's emission limits while providing the co-benefits of land conservation.

Several items should be prioritized in finalizing the CLCPA Scoping Plan:

- Reduce barriers to communities enacting Community Preservation Funds
- Expand funding opportunities for land trusts to increase the pace of land conservation and work collaboratively to address invasive species
- Land Trusts and conservation easements should be added to the LU1 (page 276) to reflect their ability to permanently conserve forest lands.

Additionally, we would like to thank the Climate Action Council for including the Conservation Partnership Program (CPP) and Forest Conservation Easements for Land Trusts (FCELT) program in the Draft Scoping Plan. These programs help develop locally led conservation projects that advance the state's goals, leverage private matching funds, generate economic benefits and can be expanded to meet the needs of the plan by increasing the Environmental Protection Fund and, if passed, with Bond Act funding. Increased funding for the successful CPP and FCELT grant programs will be critical if they are to have the capacity to meet the needs laid out in the plan.

The following are comments regarding the strategies laid out in Chapter 15 of the Draft Scoping Plan, which discusses **Agriculture and Forestry**.

AF1: Identify where Forest Management would Provide the Greatest Benefits

As the Department of Environmental Conservation (DEC) works with the SUNY College of Environmental Science and Forestry to identify and prioritize locations for forest management, we recommend that the resulting site-specific models and maps be shared with nonprofit organizations and municipalities, as this information can be incorporated in their strategic conservation plans and local planning efforts. It is essential that these prioritization models are

accessible in order to maximize carbon sequestration among the small forest parcels owned by private landowners. Making this information available will also help to build local support and strengthen relationships with landowners.

Materials developed by land trusts, academic institutions, and others can help landowners understand their conservation options. Developing analog materials that will help landowners understand the climate benefits their specific lands provide will promote stewardship and the protection of these critical lands.

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

Invasive species can rapidly alter forest ecosystems and negatively impact the ability of forests to store and sequester carbon. Climate change is expected to exacerbate the issue of invasive species in New York's forests, which is why facilitating additional capacity at DEC to combat invasive species is so essential. Increasing capacity for rapid response teams at DEC by adding to the department's staffing levels, investing in Partnerships for Regional Invasive Species Management (PRISM) and providing maps and forest carbon information to landowners and funding to conservation organizations to address invasive species, will help to prioritize interventions and maximize forest carbon sequestration.

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

As DEC expands and improves sustainable forest management, land trusts can play a significant role in restoring degraded forest assets. There is an estimated 1.1 million acres of understocked forests in New York that would greatly benefit from rehabilitation, and land trusts can help in the acquisition and protection of these parcels as well as strengthen and build relationships with landowners to help advance these efforts.

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

While we have huge, publicly owned forests in our Adirondack and Catskill Parks and state forest areas, 73% of New York's forests are owned by private landowners, and these lands account for a majority of carbon sequestration and storage in the state. Landowners could benefit from help managing these privately-owned forest resources, as only a fraction of them have written management plans or have received professional advice. We agree that implementing programs focused on landowners with smaller parcels will increase forest health throughout the state and diversify management strategies. New economic opportunities may be created if better management creates opportunities for additional landowners to engage in carbon markets and to sustainably harvest forest products. Although reaching an audience this large may present a challenge, forest prioritization models and maps will help to focus efforts and make this strategy more effective.

Funding for the Regenerate NY cost share program should be increased and eligibility for the program should also be expanded to include larger properties so that landowners with larger parcels can restore and afforest portions of their property. The current 1000-acre limit is too low. Additionally, Regenerate NY is currently out of reach for some landowners and nonprofit organizations as all costs must first be incurred by the landowner or fiscal sponsor prior to reimbursement. If these grants were not solely reimbursements, the program would be more accessible and have a greater impact. Regenerate NY applications should be managed outside of the Grants Gateway system, to help individual landowners, capacity constrained municipalities and nonprofits apply.

AF5. Support Local Communities in Forest Protection and Management

Many landowners and municipalities have experienced increasing pressure to subdivide and allow development on their forested lands, due to a lack of planning and zoning ordinance laws and the cost of maintaining a healthy forest. Increasing funding and scaling up the Urban and Community Forestry Grants will provide municipalities and landowners with the support needed to manage urban forests and will result in urban forest carbon benefits.

AF6. Create a New York Forest Carbon Bank

Creating a New York forest carbon bank would incentivize CO₂ emitters to either reduce their emissions or offset them by purchasing emission reduction credits. These emissions reduction credits would help to finance carbon sequestration and storage, improve forest management, and provide forest owners with the additional income needed for these projects. As it will take years to fully enact the New York forest carbon bank, it is essential that we start now. Ideally, this legislation would be included in next year's state budget in order to begin financing GHG emissions reduction and carbon sequestration activities as soon as possible.

AF8. Conduct Education and Outreach on Forest Management

As DEC expands education and outreach to promote forest management, a coordinated approach with nonprofit organizations to create and distribute template messaging and prepared materials would be most effective. If nonprofits are aware of education resources and are given advance notice of rollout, they can amplify and help deliver messaging to different audiences in a timely way. Engaging nonprofit communication teams will expand the reach of DEC's messaging and ensure a well-coordinated and effective campaign.

The following are comments regarding the strategies laid out in Chapter 19 of the Draft Scoping Plan, which discusses **Land Use**.

We applaud the Climate Action Council for recognizing the significant role that land conservation plays in addressing climate change and achieving carbon neutrality, along with providing an array of other benefits. Decisions regarding the prioritization and arrangement of conservation should involve land trusts, as they contain the local knowledge, relationships, and expertise in ecosystem services that are necessary to guide land conservation. Protecting open

spaces helps to minimize sprawl, encourages smart growth land use, and maintains the integrity of New York's natural lands and resources. Strategic conservation coupled with appropriate renewable energy siting is essential to meeting our GHG reduction and sequestration goals.

LU1. Mitigate Carbon Emissions by Protection of Forest Lands

As New York's 18.6 million acres of forests face the increasing pressures of conversion and development, it is essential that we step up efforts for their conservation. The text on page 276 cites only state and municipal land acquisition as the most reliable long-term protectors of forest areas. While land acquisition by the state and municipalities provides lasting protection so do the efforts of land trusts. Land trusts are bound to protect their lands held in fee and easement in perpetuity. Land trusts are equipped with the knowledge and expertise in land acquisition, land management, real estate law, and have established relationships with landowners which allows for an informed and long-lasting land protection.

New York's 85+ land trusts have demonstrated their commitment and ability to care for lands responsibly. Collectively, they have permanently conserved nearly 2 million acres of land. About half of the state's land trusts have achieved accreditation and participate in TerraFirma, which provides land trusts with resources to uphold conservation easements and fee lands held for conservation purposes when they have been violated or are under attack. Land trusts are established leaders in private land conservation, and with 14.4 million acres of New York's forests under private ownership, they will continue to play a key role in keeping our forests as forests.

Conservation easements, when a landowner voluntarily gives up some or all of their development rights, are an important tool for forest land conservation. Properties conserved by land trusts with easements remain in private ownership and on local tax rolls. These easements run with the property's deed, allowing the land to be sold or bequeathed to an heir without worry that the conservation values of the property will be jeopardized.

Land Trusts and conservation easements should be added to the text on page 276 to reflect their important and reliable contributions to the permanent protection of forest lands.

LU2. Afforestation and Reforestation

Efforts to expand afforestation and reforestation will help to regenerate New York's forests and improve carbon sequestration. However, simply funding the initial reforestation or afforestation of lands will not be enough to ensure that these carbon benefits are realized. These lands must be continuously managed, including protection from deer and invasive species that could threaten the success of these efforts. Grant funding for successful programs such as the Conservation Partnership Program could be expanded to allow land trusts to be actively involved in the protection and long-term stewardship of lands where tree planting

efforts take place. The state should incentivize good management of these lands for years to come, regardless of ownership.

LU3. Avoid Agricultural and Forested Land Conversion

As New York accelerates the rate of renewable energy siting, it is essential that forests do not face adverse impacts. Forestland owners are under increasing pressure to convert their properties, and there are not currently adequate protections for forests. Incentives for landowners to protect their land and avoid conversion coupled with incentives for developers to site renewable energy production appropriately will allow for a simultaneous increase in land conservation and clean energy. The rejection of state subsidies and credits should also be considered when proposed developments would jeopardize forests that have high carbon, climate or other related benefits.

Comments Regarding **Appendix H: Adaption and Resilience Strategy Components:**

If approved through the 2022 Environmental Bond Act, the **resilient infrastructure fund** (p. 6) should include climate resilient trail and recreational infrastructure. Exacerbated by climate change, natural disasters such as flooding events present an increasing hazard to trails and recreational infrastructure, such as parking areas, culverts, kiosks and other amenities, which are integral parts of community resilience and enable people of differing abilities to enjoy the outdoors. Nonprofits involved in the stewardship and protection of trails and recreational infrastructure require increased support and resources to reduce flood risks, as areas that were not previously considered flood-prone start to experience more frequent extreme events. Funding should also include improvements that will enable people of all abilities to access the outdoors for years to come.

Currently, the creation of **community preservation funds** (p.7) in individual municipalities or counties requires further approval from the Legislature, which presents an additional barrier to establishing such funds. In order to make this a less burdensome process, the State should enact legislation that would allow municipalities to create community preservation funds with voter approval, without first needing approval from the Legislature. Collectively, communities in New York that have been able to create community preservation funds have conserved tens of thousands of acres of land without burdening lower income homebuyers.

Promoting the use of **green infrastructure** (p.16) not only reduces climate impacts such as extreme heat and flooding, but also improves the health and well-being of communities. Parks, urban forests, and community gardens offer access to nature, reduce water and air pollution, and provide food security. Developing a strategy to incentivize the use of green infrastructure offers nature-based solutions to climate hazards and negative health impacts.

In closing, we would once again like to thank the Climate Action Council for your tremendous effort and commitment to developing the Climate Leadership and Community Protection Scoping Plan. This plan provides a groundbreaking framework to set New York on the path

toward carbon neutrality. As the council works to finalize the plan, we hope that the feedback in this document highlights the priorities of the Land Trust Alliance and members of New York's land trust community. Please do not hesitate to call on the Alliance and the land trust community as a resource, as we are prepared to help accomplish New York's climate goals for a greener future.

Sincerely,

Please see list of attached signatories

Mike Carr, Executive Director, Adirondack Land Trust

Stuart Bartow, Chair, Battenkill Conservancy, Battenkill Conservancy

Chris Maron, Executive Director, Champlain Area Trails

Troy Weldy, President, Columbia Land Conservancy

Rebecca Thornton, President, Dutchess Land Conservancy

Benjamin Gajewski, Executive Director, Genesee Valley Conservancy, Inc.

Gay Mills, Executive Director, Genessee Land Trust

Katrina R. Shindledecker, Executive Director, Hudson Highlands Land Trust, Inc

Michael Horn, Executive Director, Lake George Land Conservancy

Meme Hanley, New York Senior Program Manager, Land Trust Alliance

Kevin Case, President & CEO, Mohonk Preserve

Joshua Howard, Executive Director, New York-New Jersey Trail Conference

Lisa Ott, President and CEO, North Shore Land Alliance, Inc.

James LaPlante, Board Chair, Ontario Bays Initiative (OBI LAND TRUST)

Gregory Farmer, Executive Director, Otsego Land Trust

John v.H. Halsey, President, Peconic Land Trust

Bob Crowley, Board President, Rensselaer Land Trust

Jess Rogers, President of the Board of Directors, St. Lawrence Land Trust

Michael A Kagan, President, The Pound Ridge Land Conservancy Inc.

Jonathan J. Schell, Associate Director, Tug Hill Tomorrow Land Trust

Christie DeBoer, Executive Director, Wallkill Valley Land Trust

Terri Thal, Treasurer, West Branch Conservation Association

Lori Ensinger, President, Westchester Land Trust

Nancy R. Smith, Executive Director, Western New York Land Conservancy

Robert S. Davis, Executive Director, Winnakee Land Trust