



**Board of Directors**

July 19, 2024

Charles Clusen  
**Chair**

Nita Chicatelli  
NYS OPRHP  
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BondActOpenSpace@parks.ny.gov

James McMartin Long  
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**Re: Comments on Draft Eligibility Guidelines for Open Space Land Conservation**

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Roger Gray  
Evelyn Greene  
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Sheila Hutt  
Dale Jeffers  
Patricia Morrison  
John Nemjo  
Peter O'Shea  
Philip Terrie  
Chris Walsh

Dear Nita Chicatelli,

Protect the Adirondacks has reviewed the draft Eligibility Guidelines for Open Space Land Conservation and Recreational Infrastructure Projects ("draft Guidelines") prepared by the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") and is pleased to submit these comments for your consideration. We largely support the eligibility criteria identified by the OPRHP to allocate funding pursuant to the Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022 (Bond Act) Sect 58-0503(1)(a) for open space land conservation through land acquisitions and conservation easements.

**Staff**

Peter Bauer  
**Executive Director**

Claudia K. Braymer, Esq.  
**Deputy Director**

Christopher Amato, Esq.  
**Conservation Director  
and Counsel**

The Bond Act identifies numerous areas for potential use of funding for open space land protection in each of the Bond Act funding categories. The Bond Act's Open Space category includes \$650 million of funding, with at least \$450 million allocated for open space land conservation projects and farmland protection and easements. In the category aimed at addressing Climate Change, the Bond Act including funding of \$300 million for projects such as open space protection and projects that use forests and farmlands to sequester carbon. To address flood risks, up to \$250 million is allocated for acquisition of property identified as at-risk to flooding and \$650 million for other projects including forest conservation and the acquisition of endangered and threatened species habitat. To address water quality, not less than \$200 million to support programs including land protection to establish riparian buffers. Taken together, the Bond Act includes potential funding of \$1.975 Billion for open space land protection.

Using the open space land conservation Bond Act funding wisely and quickly is critical to meeting the 30 by 30 Act's goal of protecting 30% of the State's

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lands and waters by 2030. The Bond Act, widely approved by the voters in 2022, includes substantial funding (as noted above, potentially \$1.975 Billion) for Open Space land acquisition and, together with the 30 by 30 Act (signed by Governor Kathy Hochul in 2022), these statutes provide both a land acquisition mandate and the funding necessary to fulfill that mandate. DEC has a clear directive from the People of the State of New York and from the Legislature that funding for land acquisition needs to be a top priority for many reasons, not the least of which is responding to the increasing threats posed by global climate warming.

The Bond Act defines an “open space land conservation project” as a “purchase of fee title or conservation easements for the purpose of protecting lands or waters and/or providing recreational opportunities for the public”. ECL § 58-0101(10). Thus, the Bond Act makes clear that eligible open space land conservation projects include only new acquisitions of fee title to lands or new acquisitions of conservation easements on private lands.

### **Permanent Protection of Private Lands with Mature Forests for Carbon Sinks**

The draft Guidelines criterion for acquiring land or conservation easements to “address global climate change by sustainable stewardship of forests for climate mitigation and adaptation” is a much-needed element of land protection. We suggest that this criterion also include the acquisition of conservation easements on private lands where mature existing forests will be preserved in perpetuity for carbon storage and carbon sequestration purposes, without the need for a working forest management plan that requires harvesting the timber on the property. Studies show that standing forests store much more carbon than young, managed forests, and that the rate of carbon sequestration in standing forests is just as high as, if not more than, the rate of carbon sequestration in managed forests.

For example, the Climate & Applied Forest Research Institute found that “working [forests] and [Forest Preserve] lands across the [Adirondack] Park have very similar average rates of [carbon] sequestration”.<sup>1</sup> Indeed, research shows that the “actual annual amount of carbon increase is small in the early years” of a growing tree, while carbon gain in an older tree is significant; forests with trees that are between 80 to 140 years old sequester more carbon than forests with trees 0-20 years old.<sup>2</sup> It has also been documented that mature forests “typically continue to sequester additional carbon for many decades or even centuries, and sequester significantly more carbon than younger and managed stands”.<sup>3</sup>

Based on this research, OPHRP should “recognize that the way to maximize carbon storage and sequestration is to grow intact forest ecosystems where possible,”<sup>4</sup> and that:

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<sup>1</sup> *The New York Forest Carbon Assessment*, Beier, C., Presentation to the Adirondack Park Agency, June 20, 2024 available [online](#) (last accessed June 28, 2024).

<sup>2</sup> *Carbon Sequestered and Stored in Young Versus Old Forests in the Adirondacks*, Leverett, B., May 17, 2023 available [online](#) (last accessed June 28, 2024).

<sup>3</sup> *Intact Forests in the United States: Proforestation Mitigates Climate Change and Serves the Greatest Good*, Moomaw, W., et al., June 11, 2019 available [online](#) (last accessed June 28, 2024).

<sup>4</sup> *Id.*

the climate mitigation value of forest carbon lies not in the sequestration rate but in the total amount that is accumulated and kept out of the atmosphere ([Mackey et al., 2013](#)). The power of forests in this process is unparalleled and far greater in old forests than in young forests, both above and below ground; carbon continues to accumulate for centuries...The amount of carbon lost when cutting a mature or old-growth forest is not recovered by fast-growing young forests for many decades to well over a century.<sup>5</sup>

Thus, the draft Guidelines should emphasize permanently protecting mature forests that are allowed to grow without timber harvesting to maximize carbon storage and carbon sequestration.

### **Protect Lands for Monitoring, Restoration, Recovery or Reintroduction of Listed Species**

We fully support the draft Guideline criterion for acquiring land (fee or conservation easements) to “protect habitat for the diversity of plant and animal species to ensure the protection of healthy, viable, and sustainable ecosystems”. This criterion should also specifically include the broader language in the Bond Act that states that OPRHP is authorized “to acquire fee title or conservation easements in lands for monitoring, restoration, recovery, or reintroduction projects for species listed as endangered or threatened or listed as a species of special concern”. ECL § 58-0503(5).

### **Remove or Revise Criteria that Do Not Involve Open Space Land Acquisition**

A couple of the criteria in OPRHP’s draft Guidelines do not fall within the Bond Act’s definition of an eligible “open space land acquisition project” and should be removed or revised to state that they must lead to direct acquisition of open space (fee title or conservation easements) for conservation purposes. The criterion in the draft Guidelines stating that eligible projects include those that “align with the 2016 Open Space Conservation Plan (Plan)” should be revised to reflect that Bond Act funding will only be used for those projects in the Plan that result in land acquisition (fee title or conservation easements). This is because not all of the projects, or “Actions”, identified in the Plan, such as those relating to “promoting outdoor recreation . . . protecting, utilizing, and conserving the State’s natural resources and cultural heritage,” are actually land acquisition projects. Some of the projects in the Plan involve providing additional information on “state agency websites and social media”; providing outdoor recreation education “courses and fishing clinics”; and gathering “quantitative and qualitative information” about use of the Forest Preserve. Plan at 17. It is essential that only land acquisition projects are eligible for Bond Act funding for Open Space projects that result in the “purchase of fee title or conservation easements for the purpose of protecting lands or waters and/or providing recreational opportunities for the public”. ECL § 58-0101(10).

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<sup>5</sup> *Forest-clearing to create early-successional habitats: Questionable benefits, significant costs*, Kellett, M., et al., January 9, 2023, available [online](#) (last accessed June 28, 2024).

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to share our comments on these draft criteria.

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The signature is written in a cursive, flowing style.

Claudia K. Braymer  
Deputy Director