



Memo in Support

Empire Forests for the Future Initiative
S. 7508-a / A.9508-a – “Part Z”

The Adirondack Council supports the passage of the Empire Forests for the Future Initiative (EFFI) in the FY2018-19 final enacted budget as proposed in the Governor’s Executive Budget proposal. Forest tax law reforms have been called for by the Adirondack Council and partners for more than three decades, and if enacted, would incentivize and increase profitability for environmentally responsible forestry and private open space conservation. This be can and should be done without inadvertently incentivizing substandard forestry practices, questionable recreational development, or increases in air pollution that conflict with the preservation and enhancement of the world class, wild forest character of the Adirondack Park’s millions of acres of public and private forest.

The proposal’s intent is: “to provide a means by which present and future forest lands may be protected and enhanced as a whole segment of the state’s economy and as an economic and environmental resource of major importance.” That purpose is still relevant and perhaps even more important in 2018 than it was in 1974. The forest products industry has changed dramatically. Science and forest practices have advanced. Changes to New York State’s forest tax abatement program are also needed to incentivize actions that increase climate change resiliency, promote and protect wildlife habitat, and bolster a forest products industry that is critically important to economics and ecology. The two new grant programs and the timber harvest notification requirements contained in the proposal are important to the nationally significant Adirondacks and many rural areas of the state.

The EFFI proposal also establishes a new Section 480-b under Real Property Tax Law (RPTL) which defines eligible tracts and two paths to obtain property tax assessment reductions: 70% for tracts enrolled under a recognized forest certification program (including audited group certification), and 40% for tracts enrolled under a forest management practice plan (practice must be completed within 2 years of enrollment). This program will provide new opportunities for landowners who own 25 acres, even when some of their land (less than half of 25 acres) includes lands managed for wildlife habitat. Current enrollees will be able to stay in their respective programs, or roll into the new RPTL 480-b program. A mechanism is included for the reimbursement to communities for lost property taxes (if total is >1% of assessment, subject to appropriations). The Department of Environmental Conservation (DEC) will draft regulations for this program, following legislative approval.

The State DEC can and should address two concerns when developing regulations:

1. Approval of private recreational development on participating lands: If the DEC and/or the APA approve siting plans prior to the construction of any new roads or cabins associated with leased recreational rights, they could ensure that such construction has minimal impact on the environment, and the ecological integrity and wild character of the Adirondack Park.
2. Combat climate change and protect public health with appropriate and scientifically sound use of certified biomass: An increase in state biomass procurement would be positive if there is a net-reduction in greenhouse gas emissions and adequate pollution control requirements to protect public health.

Concurrently, the State’s Adirondack Park Agency should work with the DEC to provide safeguards to protect against overcutting or unsustainable harvesting. It should be recognized that on some limited percentage of private forest land what the Park Agency defines as a “clear-cut” might be a smart and scientifically desirable forest management practice. It should also be recognized that large or extensive clear-cutting would have negative impacts on the wild character of the Adirondack Park. The Adirondack Park Agency should work with all stakeholders to update its definition of clear-cutting and do a cumulative impact analysis of such cutting on the wild forest character of the public and private lands in the Adirondack Park and determine and set clear-cutting limits. The state should also use this opportunity to reconsider the policy that allows clear-cuts of fewer than 25 acres to be carried out without a permit.