

June 18, 2012

Mark Sylvia, Commissioner  
Massachusetts Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Dear Commissioner Sylvia,

The undersigned organizations appreciate the opportunity to comment on the draft Woody Biomass Eligibility regulations within the Massachusetts Renewable Energy Portfolio Standard (RPS). We do not agree on everything, and many of our organizations are submitting additional comment letters on the RPS regulations. However, **we all agree on the importance of keeping forest as forest**, and focus our comments here solely on the portion of the regulations regarding woody biomass from land clearing for development (i.e. conversion to non-forest).

The draft regulations prior to changes released May 3, 2011 included language mandating that those seeking to use biomass resulting from permanent destruction of forests would only be eligible for RECs if they retained as much growing stock as feasible. In other words, that they had made some attempt to minimize the loss of carbon sequestration capacity that results from conversion of forest to non-forest. While we understand this particular language was removed from the interim and current draft regulations, we believe the concept of minimizing forest carbon loss from forest conversion has merit and are willing to work with DOER staff on acceptable language. **We respectfully request that DOER consider including in the final regulations restrictions on the awarding of RECs to biomass from permanent land clearing. This change would provide consistency with the rest of EEA climate change and land protection policies, and also avoids an inconsistent policy that puts restrictions on a long-term management harvest while requiring no restrictions on a permanent loss of forest land.**

There are several reasonable accommodations that those seeking RECs for woody biomass from land conversion could make to reduce their carbon impact, including:

- retaining a portion of the cleared parcel in forest,
- developing alternate development plans that retain more trees than is standard practice,
- retaining small numbers of trees to act as windbreaks and to provide shading that will reduce the energy needed to heat or cool new buildings, or planting trees in new developments to sequester carbon and reduce emissions from heating and cooling when retaining existing trees is not feasible,
- increasing the ability of undevelopable parts of a parcel to sequester carbon (for example by restoring wetlands).

Retaining some of the growing stock on cleared land can reduce the energy needs of buildings, in some cases substantially. A study in progress in areas of Worcester where trees were removed due to the Asian longhorned beetle is proving this concept in the Commonwealth, adding to studies of urban trees in other cities<sup>1</sup>. In addition, retention of a single acre of forest on a large development prevents the release of carbon equivalent to approximately 170 tons of CO<sub>2</sub>, and that acre will continue to sequester ~2.5 tons of CO<sub>2</sub> each year, directly reducing the greenhouse gases released into the atmosphere.<sup>2</sup> One challenge in reducing the greenhouse gas emissions from development is the disconnect between those who clear land, design buildings

and landscapes, construct buildings, and manage them. Given DOER's work with all of these groups, DOER is uniquely positioned to incentivize those who clear land to do so in a way that reduces the energy required by building managers to heat and cool buildings.

We hope that DOER will approve final regulations that avoid incentivizing deforestation. We offer our assistance in developing regulatory language that requires reasonable accommodations from those receiving RECs for woody biomass from cleared land.

Thank you for your time and consideration.

Sincerely,

Mary S. Booth  
Director  
Partnership for Policy Integrity

Mike Gildesgame  
Southern New England Policy Manager  
Appalachian Mountain Club

Fred Heyes  
Heyes Forest Products, Inc.  
Landowner, Orange MA

Steve Long  
Director of Government Relations  
The Nature Conservancy in Massachusetts

Robert Perschel  
Executive Director  
New England Forestry Foundation

Meg Sheehan  
Biomass Accountability Project

<sup>1</sup> Massachusetts Executive Office of Environmental Affairs. 2010 *Massachusetts Clean Energy and Climate Plan for 2020*. pg 32-33, <http://www.mass.gov/eea/docs/eea/energy/2020-clean-energy-plan.pdf>, accessed December 16, 2011.

<sup>2</sup> United States Forest Service Forest Inventory Assessment (FIA) data from 2006 in: Massachusetts Department of Environmental Protection. 2009. *Final 1990 Baseline and 2020 Business as Usual (BAU) Projection*. [http://www.mass.gov/dep/air/climate/1990\\_2020\\_final.pdf](http://www.mass.gov/dep/air/climate/1990_2020_final.pdf), accessed December 16, 2011.

cc:

Stephanie Cooper  
Courtney Feeley-Karp  
Phil Griffiths  
Bob O'Connor  
Rob Rizzo  
Rick Sullivan