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July 26, 2019

John Wassam  
Massachusetts DOER

Sent to [DOER.RPS@mass.gov](mailto:DOER.RPS@mass.gov)

Via email only

Dear Mr. Wassam,

Thank you for the opportunity to comment on the DOER proposed regulatory changes to the RPS for biomass.

I am a native of Plymouth, Massachusetts and have a long history of leading efforts to preserve the landscapes and ecological heritage of the Commonwealth -- from Provincetown to Western Massachusetts. I have worked on land protection and partnered with the Commonwealth, private businesses, and local governments to preserve Massachusetts' iconic landscapes, from coastal beaches to Pine Barrens and woodland forests. These landscapes are a large part of what makes Massachusetts unique and a desirable place to live and work. They are central to our economy generally and in particular to eco-tourism.

### **1. The 2010 Stop Spewing Carbon Campaign.**

I led this grassroots campaign to raise awareness about the threats of biomass under the RPS and the need for updated regulations, which remain in place today. When adopted in 2012, these regulations struck a fair balance between public concerns about the climate, air pollution and forest degradation and industry interests in revenue and profits. The regulations were adopted following the voter-led Stop Spewing Carbon Campaign, which secured over 100,000 signatures and qualified for a state-wide ballot initiative in 2010 that would have *totally eliminated* ratepayer and taxpayer subsidies for biomass.

During our campaign, in community after community, when the public learned that taxpayer and ratepayer subsidies were being used to pollute our air, burn our forests and make climate change worse, all under the guise of being "renewable" and "clean energy", voters readily signed our petition. The question did not ultimately go to the ballot, and DOER, listening to the public's concerns as well as those of industry, adopted the current regulations. These regulations are a compromise between the goal of the voter campaign -- which was to *totally eliminate* biomass subsidies under the RPS -- and the industry interest in no conditions at all for biomass under the RPS. Rolling back the regulations as

presently proposed is to swing the balance back to totally favoring the industry and would entirely disregard the public's interest.

## **2. Protecting and restoring forests is just as important to the climate crisis as reducing fossil fuel use**

The RPS comments from Conservation Law Foundation and PFPI outline why and how the RPS reduces protections for forests. The U.N.'s International Panel on Climate Change has recently focused on the role of forests in addressing the climate crisis. The 2018 report from the IPCC states, "Our planet's future climate is inextricably tied to the future of its forests. Halting deforestation and protecting forests would achieve 18% of the emissions needed by 2030 to avoid runaway climate change. [www.theguardian.com/environment/2018/oct/04/climate-change-deforestation-global-warming-report](http://www.theguardian.com/environment/2018/oct/04/climate-change-deforestation-global-warming-report)

See also, <https://www.sierraclub.org/sierra/we-can-t-save-climate-without-also-saving-trees>

Massachusetts can continue to be a world leader on climate change – unless it decides to roll back protections for our region's forests.

## **3. Using the RPS to prop up the timber industry is not the purpose of our clean energy legislation**

The proposed RPS regulatory changes are driven by the timber and logging industry quest for subsidies to support a poor business model. Massachusetts' clean energy laws, regulations and policies are not intended as a subsidy program to prop up an industry whose business model is untenable – especially a model that does not qualify as clean or green. If the Commonwealth wishes to prop up the timber and logging industry, it should find another way to do so – and not use the RPS subsidies, pretending that incineration is clean and green. (Indeed, many of the current DOER policies and regulations on green energy are having an unintended impact on the environment of Massachusetts-such as the ongoing clear-cuts of forest land and the conversion of agricultural lands for ground-mounted solar projects. The Commonwealth should take a step back and seriously consider whether destroying our iconic landscapes for so called clean energy is the right thing to do.)

Many studies document the economic benefits and ecosystem services of intact forests and landscapes. This economic value should be taken into account in any calculation of why the timber industry needs subsidies. Without the landscape as we know it, those economic benefits and ecosystem services are undermined.

That burning wood for so-called clean energy is a poor business model is demonstrated by the recent developments in New Hampshire regarding subsidies for biomass. First, the timber industry pushed through legislation providing it with biomass subsidies. Gov. Chris Sununu vetoed the legislation. The Legislature

overrode the veto. Ye, even with this legislation, the industry is sputtering. At least one biomass facility has closed, “stymied by legal challenges and a failure to reach a power purchase agreement with Eversource.” Electric utilities and NH consumer advocates oppose the biomass subsidy legislation, considering the bill, “a law-maker imposed subsidy of an antiquated, minor contributor” to the State’s energy mix. The message for Massachusetts is clear: focus on renewables that are not an antiquated smokestack and minor contributor to the renewable mix.

Rolling back the RPS regulations and subsidizing an antiquated smokestack technology is not the way to a clean energy economy for Massachusetts. Instead, those public funds should be used for more aggressive conservation and efficiency measures as well as renewables like roof-mounted solar.

State forestry programs are not equipped or funded to enforce the already weak logging regulations governing the forest industry in New England which do not, in any event, protect the forests from the biomass industry. My recent personal observation of an 11- acre biomass logging site revealed what extracting 3,000 tons of biomass wood chips means for our forests. *See photos below.* I observed an oil spill in a stream running through the site from the staging area where chips were created; ruts through every wetland area from heavy equipment which was used to log every tree out of the wetland; and construction of a roadway through a wetland, using gravel and woody debris that was left on site after the job was done. All of this is considered to be “reasonable” by state forestry regulators. This is not “sustainable” forestry yet it falls within what is entirely legal for the production of biomass wood chips for incineration in a power station.

Owner of Land and Shumage (Joint Tenants)  
 Previous owner retaining deeded timber rights  
 Owner/Purchaser of stumpage & timber rights on public lands (Fed., State, Municipal, etc.) or Utility Easements

REPORT OF CUT FORM / CERTIFICATE TO BE SENT TO:

OWNER ☐ OR  
 FORESTER ☒ BY MAIL ☒ OR  
 E-MAIL ☐

I hereby accept responsibility for reporting all timber cut within 60 days after the completion of the operation or by May 15, whichever comes first. I/We also assume responsibility for any yield tax which may be assessed. (If a corporation, an officer must sign.)

TOWN: 069-02-1

TYPE OR PRINT (If filling in form on-line, use TAB key to tab through fields)  
 County of: Canaan  
 Block/Lot or USFS Sale Name & Unit No.: Lot 50 MID LOT 39B  
 Type: Original ☒ Supplemental ☐ (Original Intent Number)  
 Age of Lot: 24 - Acreage of Cut: 2.4  
 Anticipated Start Date: 6/15/19  
 Type of ownership (check only one):  
 Owner of Land and Shumage (Joint Tenants) ☐  
 Owner of Land and Shumage (Tenants in Common) ☐  
 Previous owner retaining deeded timber rights ☐  
 Purchaser of stumpage & timber rights on public lands (Fed., State, Municipal, etc.) or Utility Easements ☐

CUT / CERTIFICATE TO BE SENT TO:  
 FORESTER / FORESTER ☒  
 MAIL ☐

We hereby accept responsibility for reporting all timber cut within 60 days after the completion of the operation or by May 15, whichever comes first. I/We also assume responsibility for any yield tax which may be assessed. (If a corporation, an officer must sign.)

Species	Tons	MBF
Yellow Birch		
Oak		
Ash	10	
Beech & Soft Maple		
Pallet or Tie Logs	10	
Other (Specify)	20	
Pulpwood		
Spruce & Fir		
Hardwood & Aspen		
White Pine	2,000	
Hemlock	10,000	
Red Pine		
Spruce & Fir	2,000	
Hard Maple		
White Birch		
Yellow Birch		
Oak		
Ash		
Soft Maple		
Pallet or Tie Logs		
Other (Specify)		
Pulpwood		
Spruce & Fir	200	
Hardwood & Aspen		
Pine		
Hemlock	3,000	
Biomass Chips		

Logging permit includes 3,000 tons of biomass wood chips. 7/23/2019, Canaan NH





Oil spill at logging site, July 23, 2019, Canaan NH





Heavy equipment ruts through wetland, logging site, July 23, 2019 Canaan NH



Logging site, July 23, 2019, Canaan NH

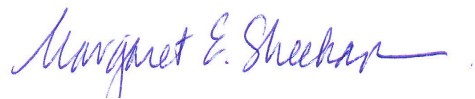
#### **4. The proposed RPS changes will harm forests region-wide**

The proposed RPS changes would remove the requirement that biomass electricity produced outside of Massachusetts comply with the current regulations. This opens the door for a wide range of forest harvesting activities without adequate conditions. As noted above, our forestry programs do not provide the level of protection needed.

For the foregoing reasons and those reasons in the comments spearheaded by Conservation Law Foundation and PFPI, I request that DOER leave the current regulations in place.

Thank you for your consideration of these comments.

Very truly yours,



Margaret E. Sheehan, Esq.

Lyme NH and Plymouth MA

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