



National Wildlife Federation

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On behalf of the six million supporters and 52 affiliates of the National Wildlife Federation (NWF), we appreciate the opportunity to offer a wildlife and habitat perspective on Massachusetts' RPS Class 1 & II Rulemaking (225 CMR 14.00 and 225 CMR 15.00). As America's largest advocacy-based conservation organization, NWF is dedicated to protecting wildlife and habitat and to inspiring the next generation of conservationists.

The National Wildlife Federation has long supported sustainable uses of bioenergy that reduce our dependence on fossil energy and maintain or benefit wildlife habitat. We recognize that many of the Department of Energy Resources' proposed changes to the RPS simplify and streamline regulations around renewable energy. Changes to the RPS that benefit the producers and consumers of renewable energy are welcome. We would like to bring to your attention cases where efforts to reduce regulatory burden on such producers, have instead resulted in negative, unintended consequences, particularly with regard to wildlife.

When it comes to biomass, two types of safeguards are critical: protecting biodiversity and life cycle carbon accounting. These are distinct, yet operate hand-in-hand. One does not substitute for the other. Our comments focus on how the proposed RPS revisions impact habitat conditions and the ability to reduce carbon emissions in the near-future.

Lifecycle greenhouse gas emissions

Massachusetts was the first government body to establish meaningful life cycle accounting (LCA) guidelines for biomass. After the EU erroneously classified biomass as carbon neutral in their Renewable Energy Directive, Massachusetts' policy demonstrated a course correction. The state should maintain full cradle-to-grave life cycle accounting to make sure that biomass is delivering benefits in a time frame needed to mitigate climate change.

- Timeframe: The proposed regulations shift the time-window for evaluating lifecycle impacts from 20 to 30 years. Given that the urgency of climate change has increased since the regulations were established, the window for evaluating emissions should not be widened to incorporate distant benefits. Near-term mitigation is critical to stabilizing our climate systems. Relevant sections:
 - Definition of "Percent Under-compliance"

- 14.05 8.d.2 (original language refers to a 20 year timeframe)
 - 14.05 1.a.7.d (proposed language refers to a 30 year timeframe)
- Size of trees: There are several sections that propose allowing whole trees be used for biomass. Given that whole trees are likely to store carbon and provide habitat unless disturbed, the regulations should not establish a market force that could promote wide-spread harvest of trees. Unspecific permissions of using whole trees can lead to increased enforcement burden on the agency to ensure that the intent of the law is not abused, particularly given the biomass industry's history of harvesting trees and declaring it waste wood. Relevant sections include:
 - "Eligible Biomass Woody Fuel": Adds "trees collaterally damaged" to the definition.
 - 14.02 a
 - 14.02 d.4
- Overall efficiency requirements: Efficiency of the biomass plant is critical to its beneficial use of resources. The original law established that a plant must operate at 60% overall efficiency or better to be eligible for a full credit or better than 50% for a half credit. The proposed regulations downgrade to 50% overall efficiency is the wrong direction. Indeed, the UK recently changed their standard to a [70% efficiency minimum](#)—a direction which Massachusetts should consider as well. According to the Department of Energy, there are [over 200 combined heat and power installations](#) in Massachusetts, offering great potential to operate with high efficiency standards. Relevant sections:
 - 14.05 8.g.3

Sustainable forestry requirements

The robust standards for sustainable forestry are sure to benefit wildlife. However, we wish to illuminate areas where there may be unintended consequences.

- Indicators: The proposed revisions in section 14.02 for the definition of Sustainable Forest Management (SFM) establish strong principles, including biological diversity, soil and water conservation, and ecosystem health. However, these principles are not paired with indicators to measure success. Providing terms without defining them allows for variance in interpretation. The revised regulations should establish specific indicators for each principle.
- Certification: Section 14.05 8.a offers third party certification as a means to verify that SFM standards are met. However, not all certification schemes are created equal. A valid certification scheme should be certified with ISEAL Alliance and have measurable indicators that are third-party verified. For reference, see this peer-reviewed article from Ecology and Society that compares FSC, PEFC, and SFI: [Comparing Sustainable Forest Management Certifications Standards: A Meta-analysis](#).
- SFM verification: 14.05 8.a proposes that a forester should determine if the principles are met. The revised policy should also include a wildlife biologist to ensure that the principles on biological diversity and ecosystem health are met. A wildlife biologist is particularly important in the absence of a reliable certification scheme. Further, SFM verification should not be interpreted as carbon-beneficial. Many of projects that benefit wildlife can have a deleterious impact on the climate. It is critical that Massachusetts maintain its adherence to the LCA calculations it set forth in the original regulations.

To be a successful resource, biomass energy must balance wildlife and climate considerations. As DOER revises the RPS, the agency should give special consideration to sustainable forest management that indeed benefits wildlife by pairing SFM principles with clear indicators, utilizing the most reliable certification schemes, and incorporating wildlife biologists into decision making. To assure that bioenergy is climate-beneficial, the revisions should reflect a near-term time window for evaluating carbon impacts of biomass, remove the eligibility of whole trees, and maintain or increase efficiency requirements for power plants.

Sincerely,

Max Broad
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