

MASSACHUSETTS FOREST ALLIANCE

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July 26, 2019

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Executive Director

Mr. Wassam:

The Massachusetts Forest Alliance represents forest landowners, foresters, timber harvesters, and forest products companies in advocating for a strong, sustainable forest economy. We are grateful for the opportunity to submit comments about the proposed changes to 225 CMR 14 and 15.

First, we applaud DOER's efforts to simplify the process of qualifying woody biomass in the RPS regulations. The previous regulations, while well-intentioned, were in practice a severe burden for foresters to comply with – so much so, that foresters simply refused to do so. Some foresters estimated that compliance with the regulations would in some cases require them to double their time spent on a job, resulting in economic loss to them or the landowner, with no offsetting economic gain. The revised regulations take a simpler approach based on common sense, and should result in more foresters agreeing to qualify wood for RPS usage.

We also applaud the decision to make forest salvage wood exempt from the efficiency limits for biomass power. Massachusetts forests face an onslaught of invasive insects and diseases that are having a major impact on forest health. The emerald ash borer is projected to kill many ash trees in Massachusetts within the next two decades. Gypsy moths have returned in abundance in recent years, especially in central Massachusetts, where they've killed large numbers of oak trees in the last few years. New threats are emerging, such as the spotted lanternfly, and many diseases are impacting trees of assorted species.

Dead trees absorb no carbon, so encouraging salvage work to speed up forest regeneration with young, fast-growing trees is a good idea. This regulatory change will help create additional markets for that wood, and as a result, may make this salvage work more economically feasible. Most landowners will still need to secure a grant to afford to undertake salvage work, but this change will help.

While non-forest-derived wood isn't a major focus of our organization, we have heard and seen firsthand the large problem that the accumulation of this material (from street trees, parks, utility and highway rights-of-way clearing, and tree service work) is causing for municipalities, utilities, and tree service companies. Once this material is chipped, it will decompose very quickly and release its carbon into the atmosphere. Often, it is simply dumped and left to rot.

Advocating for a Strong, Sustainable Forest Economy

Municipalities are piling it up and then paying substantial sums to dispose of it, putting a strain on their budgets. We believe that using this wood productively to displace fossil fuels is a good idea, since it will release its carbon rapidly anyway, and so we support the regulatory change to waive the efficiency minimum for this wood.

There is one proposed regulatory change that we would encourage DOER to revisit. The proposed disqualification of woody biomass sourced from land conversion operations is, in our view, unfounded and may even subvert the goals of the RPS program. To be clear, our goal is to keep forests as forests. Deforestation – the permanent conversion of forest land to another land use, such as a housing development or office park – is the biggest threat facing Massachusetts forests. However, we believe that if those trees *are* cut, it's better to make productive use of the wood and displace fossil fuels to produce heat or power rather than let the wood decompose and release its carbon anyway.

This proposed change may stem from the fact that qualifying forest-derived wood under the RPS was so burdensome that it simply didn't happen, as discussed earlier. As a result, the few operators who could meet the efficiency standard in the RPS for biomass power – smaller combined heat and power (CHP) plants – ended up using mostly land-clearing wood instead of forest-derived wood. This gave the perception that the RPS “encouraged” forest conversion.

This assumption is simply false. Changing land use from forest land to some other use (such as a solar farm, housing, or other development) is a costly endeavor involving not just the cutting of the trees, but also the removal and disposal of stumps, and re-grading and preparation of the land for the next use.

Depending on several factors, including the size of the conversion, it can cost a landowner \$5,000 per acre to convert forest land to another use. As such, it's plain to see that landowners don't receive substantial financial gain from the sale of wood as part of their land conversion, and won't choose to convert their land for that reason. Given that the land will be developed, the residues or “slash” cannot be left behind, and must be chipped and removed. Without markets for this wood, it is often trucked long distances to markets in other states using large quantities of fossil fuel or simply dumped to decompose. This wasteful end use is in direct conflict with the goals of the RPS program, and it inverts DOER's changes related to non-forest-derived wood. Any measurement of the greenhouse gas emissions of land-clearing wood should include both the carbon (and potentially methane) emissions of discarded land-clearing chips and emissions from fossil fuel electricity production that could have been avoided.

Land-clearing wood is currently permitted in the RPS program, for the reasons described above. We're wondering what new information has come to light to justify a change in the qualification of this wood, because we're not aware of any. For the exact same reasons as our support of the use of non-forest-derived wood, we believe we should encourage the productive use of land-clearing wood as well. We encourage DOER to revisit this proposed change.

Finally, we're disappointed that forest-derived wood (other than forest salvage) is still subject to the minimum 50% efficiency requirement, meaning that forest-derived wood is unlikely to be used for power generation except in small-scale CHP facilities. To qualify under the RPS

regulations, power generators need to be able to demonstrate a 50% lifecycle greenhouse gas savings compared to fossil fuels, so a climate benefit is already assured.

There is also a benefit to forests. According to the U.S. Forest Service, Massachusetts has 5% more total wood fiber in our forests than just five years ago. This is due to the fact that we're growing nearly five times as much wood as we're harvesting each year. While at first blush this might seem positive, tree mortality exceeds the harvest level by more than 2:1, meaning that more than twice as many trees are dying than are being harvested annually. Some of this mortality is from invasive insects and disease, and some from overcrowding and competition between trees. Worse yet, mortality rates are increasing,

Scientific studies have established that active forest management can improve forest resilience, helping forests better endure challenges caused by climate change, invasives, and more. This management work can also enhance wildlife habitat, protect water quality, and encourage the growth of healthier, more valuable trees that can later be used in building products, furniture, or flooring that sequester carbon long-term and displace carbon-intensive steel and concrete.

We urge DOER to consider waiving efficiency requirements for wood from forest-derived residues and forest-derived thinnings, as this will help increase forest resilience while continuing to help mitigate against climate change. Absent a full waiver, we would support a narrower waiver for wood qualifying under part 2 of the definition of forest-derived residues:

2. Trees and portions of trees harvested for the purposed of the restoration and management of habitat for rare & endangered species as listed by the Massachusetts Division of Fisheries and Wildlife. Qualifying harvest areas must be approved by the Massachusetts Division of Fisheries and Wildlife Natural Heritage Program.

We believe that such a narrow waiver should also include chips created as part of fire mitigation projects, which protect public safety. In some cases, such as the restoration of pine barrens, both of these important goals – creation of wildlife habitat and fire safety - are addressed.

By allowing use of this material, we will see an improvement to forest resilience, increased likelihood of forest landowners keeping the land in forest, support for critical jobs in the rural economy, and increased use of renewable energy.

Thanks again to DOER for proposing these regulatory changes, and we hope you'll look further at refining the proposal as it moves towards final status.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Egan', with a stylized, cursive script.

Christopher Egan
Executive Director

Massachusetts Forest Alliance

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