



October 16th, 2024

The Honorable Liane Randolph, Chair
California Air Resources Board (CARB)
1001 I Street
Sacramento, CA 95814

Re: Comments on Proposed Changes to the Low Carbon Fuel Standard (LCFS)

Dear Chair Randolph,

We the undersigned are writing to voice our concern regarding recent changes made to the LCFS's language that would severely hinder the achievement of the LCFS's goals, and significantly disrupt forest management practices. As acknowledged by CARB, proper forestry management is crucial to reducing emissions, as the buildup of dead wood waste increases the likelihood of wildfires, which release disastrous levels of CO2 and other particulate emissions into the atmosphere ([CARB](#), 2022). Over the last decade, over 12 million acres have burnt in California, and an estimated 9 million metric tons of carbon dioxide was released into the atmosphere in 2022 alone. To prevent this, appropriate forest management must be encouraged.

However, **Section 95488.8(g)**, which describes "**Specified Source Feedstocks**," changes the requirements for forest biomass waste in **subsection A3** to a definition too restrictive to generate the necessary support for biofuels investment that will incentivise the reduction of hazardous forest fuels.

As such, we strongly advocate for all wood biomass feedstocks, whether from forest thinning and biomass residuals, ecosystem restoration work or salvage harvest, no matter the ownership category, to not be restricted beyond current federal and California state laws, and should therefore be acceptable for use under the LCFS. To achieve this, we propose specific amended language that would instead state that:

"Forest biomass waste from non-~~merchantable trees~~ ~~industrial forestland~~ removed for the purpose of wildfire fuel reduction, to reduce the risk to public safety or infrastructure, to create defensible space, or for forest restoration **or salvage operations, or slash and non-merchantable timber from forest harvest operations**; ~~and from a treatment in which no-clear-cutting occurred~~ and that was performed in compliance with all local, State, and federal rules and permits."

While we understand that other states may not have as stringent forest practice protection laws and regulations as CEQA, NEPA legislation already prevents the abuse of federal forestlands, so a blanket restriction aimed at other states should be outside CARB's purview. Further, forest practices across the US are increasingly concerned with wildfire hazard reduction and biomass removal, as it is the quintessential factor to mitigate the risk of catastrophic wildfires, which a recent [US Senate Report](#) on wildfire estimated to cost between \$394 and \$893 billion per year¹. States are likely to implement their own legislation to reduce the frequency of these wildfires, making CARB compliance a further restriction on managing forests across states. With overgrown

¹ US Senate Joint Economic Committee – Chair, The Hon. John Heinrich (D-NM)
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forests continuing to stretch across Federal USFS, industrial and non-industrial forest lands, limiting where forest management can take place is clearly counterproductive.

Section 95488.9(g), is a further concern. While initially only applying to crop-based biomass, these restrictions have been proposed to extended to cover all biomass. This is unworkable for companies that utilize waste products from both agricultural and forest sources, because the waste is a byproduct and the fuels producer has no control over the crop growing practices. For example, if using almond shells as a feedstock, fuel producers have no control over how almond farmers use pesticides or erosion control methods while growing the crop. Applying the same standards to agricultural or forest residues as to purpose grown crops will prevent the use of waste biomass that will otherwise decompose or burn, releasing carbon into the atmosphere. As such, we propose that this section focus solely on purpose grown crops, reading:

(g) Sustainability Requirements for **Biomass-Purpose Grown Crops**.

(A) **Biomass Purpose Grown Crops** used in fuel pathways must only be sourced on land that was cleared or cultivated prior to January 1, 2008 and actively managed or fallow, and non-forested since January 1, 2008. **Biomass-Purpose Grown Crops** may not be sourced from land that is covered under international or national law or by the relevant competent authority for nature protection purposes.

(B) **Biomass-Purpose Grown Crops** must be produced according to best environmental management practices that reduce GHG emissions or increase GHG sequestration, including but not limited to:

We appreciate CARB's continued work, and hope that these amendments will help achieve CARB's stated goals.

Kind regards,

Thomas Hobby - MBA, MA, MSc. P. Ag

Chief Executive Officer

Assemblyman James Gallagher

Assembly Republican Leader (AD-03)