



500 Capitol Mall, Suite 2360
Sacramento, CA 95814

February 20, 2024

The Honorable Steven S. Cliff
Executive Officer
California Air Resources Board
Sacramento, CA 95814

Re: Proposed Amendments to the Low Carbon Fuel Standard Regulation

Dear Executive Officer Cliff:

The following comments from the California Forestry Association (Calforests) focus on the 45-day language to amend the Low Carbon Fuel Standard (LCFS) regulations released in early January. Calforests members manage over 3.5 million acres of timberland in California to the highest professional standards, with many of these acres under a combination of Habitat Conservation Plans and third party certifications.

Our concern is that the 45-day language restricts use of forest biomass resulting from sustainable forest management within California. We believe the Air Board, therefore, should revise the amendments to promote use of forest fiber from all forest management consistent with **California's Forest Practice Act**.

We are concerned with the language in the proposed LCFS amendments that makes biomass derived from legal and silviculturally justified clearcuts ineligible. Even aged management is an important tool, particularly where shade intolerant species are being restored. The language proposed would result in the elimination of an important potential source of feedstock from private landowners that would be a credible long-term feedstock supply.

The practice of clearcutting is tightly restricted by State regulations, which are set forth in the California Forest Practice Rules in Title 14 of the California Code of Regulations (CCR) at Chapters 4, 4.5 & 10. Specifically, 14 CCR Section 921.3(c) establishes circumstances under which clearcutting may be employed, as well as detailed rules regarding the extent and way it may be used. Once proposed, it is reviewed by state agencies and found in conformance with the Forest Practice Act by the Director. It is also reviewed in the context of the California Environmental Quality Act (CEQA) which further means that any adverse effect is less than significant.

Given the tightly regulated usage of clearcutting, allowing the forest residual materials that remain after a clearcut to be utilized as biomass feedstock does not encourage further clearcutting or forest degradation.

We suggest that the language in § 95488.8. Fuel Pathway Application Requirements Applying to All Classifications. section (g) Specified Source Feedstocks (1) (A) subsection 3 be amended to read as follows:

“Small-diameter, non-merchantable forestry residues removed for the purpose of forest fire fuel reduction or forest stand improvement and from a treatment where no-clear cutting occurred, *unless from forest lands where timber operations comply with California’s Forest Practice Act*; Municipal solid waste that is diverted from landfill disposal;”.

California’s Forest Practice Act regulations are the most stringent in the United States and set a standard for sustainability, long-term increases in forest carbon storage, and retention of forest lands.

As such, we respectfully submit that the focus should be on landscape-scale improvements to forestlands and that compliant clear-cutting practices on individual small stands of pre-existing plantations should be seen within that larger context. We recommend that the Board revise 45-day language to promote use of forest fiber from all forest management consistent with California’s Forest Practice Rules.

Thank you for your consideration of these comments.

Sincerely,

George D. Gentry



Senior Vice President
California Forestry Association