



August 27, 2024

Clerk's Office
California Air Resources Board
1001 I Street
Sacramento, CA 95814

**RE: Public Comment on Proposed Amendments to the
Low Carbon Fuel Standards – 15 Day Public Notice**

Dear Dr. Cliff:

The California Biomass Energy Alliance (CBEA) is writing to provide comments in response to the 15-day public notice for the proposed amendments to the Low Carbon Fuel Standards (LCFS). We appreciate the opportunity to offer our perspective on these amendments, particularly as they pertain to the treatment of biomass and forest biomass as feedstocks for low carbon fuels as provided in Title 17, CCR **Sections 95488.8 and 95488.9**, respectively. We have significant concerns regarding the proposed definitions and exclusions to the existing regulatory language.

Changes to Definition of “forest biomass waste” Sections 95488.8(g)

The changes to the definition of “forest biomass waste” under “Specified source feedstocks” creates a much too narrow definition and is not in alignment with California and the federal government’s forest fuel reduction goals. Forest fuel reduction treatments are one of the primary tools that can be employed to reduce the risks of destructive wildfires in California’s forests. The need for fuels reduction in the state’s forests is not limited to who owns the land or for what the land is used. We understand that the intention of the proposed changes is to avoid deforestation and land conversion, but this is not the way to do it, and will cause the forests more harm than good. The lands excluded by these amendments are primarily “timberland” (Ref. PRC section 4527) and are governed by the California Forest Practice Act and Rules. This regulatory framework is the most environmentally stringent in the country and ensures that timberlands cannot be deforested, as they must be restocked or meet stringent stocking standards following commercial activities or treatments. Ignoring these existing environmental regulations and excluding these lands from the scope of the LCFS program overlooks their potential contribution to low carbon fuel production while maintaining environmental sustainability in the state’s forests.

This proposed definition also ignores the fact that material removed in any forest activity generates hundreds of tons of wood waste – tops, limbs, non-merchantable timber, and underbrush. This material needs to go somewhere, and a beneficial use project like producing transportation fuel is the most environmentally favorable outcome for the waste.

The proposed changes to the definition would prohibit many or even most wildfire mitigation and forest restoration projects in California. That is because wildfire mitigation treatments, forest restoration, and fuel removal treatments to address bark beetle or other forest health issues generally produce some amount of merchantable residues. Indeed, if some of the material can be routed to higher-valued uses than energy production that can improve the economics of the forest treatment operations and increase the acreage of treatments that can be performed on an annual basis.

CBEA urges CARB accept the following edits to the definition to ensure that LCFS eligible forest biomass waste is produced on an environmentally sustainable basis and protects forest health:

“Forest Biomass Waste” means **residues that are 1) removed for wildfire mitigation, forest restoration projects, or the protection of public safety, or 2)** small-diameter, non-merchantable residues, limited to forest understory vegetation, ladder fuels, limbs, branches, and logs that do not meet regional minimum marketable standards for processing into wood products.”

Changes to agricultural and forest biomass in Section 95488.9(g)

CBEA believes the changes made to the definitions in section 95488.9(g) are inappropriate for biomass waste. While we appreciate the need to ensure the sustainability of crop-based fuels, those same rules cannot be applied to biomass waste or residues that were generated from some other activity.

Agricultural waste material used for electricity generation, for example, is mostly generated by orchard removals – when an orchard has reached its end-of-life or drought forces growers to replace the trees – of tree and vine trimmings and food processing waste like pits and shells. This waste material was generated by decisions that are made having absolutely nothing to do with the biomass waste and residues and their beneficial reuse markets. We know this from decades of experience. California’s existing fleet of bioenergy facilities have been operating in California since the mid-1980s. When the waste dries up for some reason or is diverted to other, higher-valued beneficial uses or simply becomes too expensive, the bioenergy facility historically reduces operations or closes. In other words, there is no economic imperative to push an activity just to generate waste to fuel a bioenergy facility.

The requirements in this section are entirely appropriate for purpose grown crops. However, applying the same standards to agricultural or forest residues as to purpose grown crops does not make sense, and will effectively close the door to fuels that can be produced from agricultural and forest residues, without substantial environmental benefits to the state.

CBEA urges the following corrections to the proposed text for section (g):

(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 the consideration of these comments and look forward to working with the California Air Resources Board on developing an LCFS program that will assist in ameliorating the air quality, wildfire, and forest health issues within California.

Sincerely,
California Biomass Energy Alliance

A handwritten signature in black ink, reading "Julee Malinowski-Ball". The signature is fluid and cursive, with the first name "Julee" being more prominent.

Julee Malinowski-Ball, Executive Director