August 27, 2024

The Honorable Liane Randolph, Chair

California Air Resources Board

1001 I Street

Sacramento, CA 95814

 **Re: Comments on Proposed Changes to the Low Carbon Fuel Standard**

Dear Chair Randolph:

I am writing on behalf of Yosemite Clean Energy, a renewable hydrogen company utilizing agricultural and forest wood waste biomass to produce carbon-negative fuels. Yosemite Clean Energy applauds CARB’s commitment to increasing carbon reduction targets and promoting the adoption of alternative fuels.

However, we strongly oppose the inclusion of particular language within these proposed amendments that would severely limit the viability of the hydrogen industry, specifically in **Section 95488.8(g)**, which describes **“Specified Source Feedstocks.”** The changes made to the requirements for forest biomass waste in **subsection A3**, while acknowledging the need for proper forestry management, are still too restrictive to generate the necessary support for biofuels investment that will incentivise the reduction of hazardous forest fuels, which has increasingly had the most detrimental impact on both CO2 emissions in California and the Western USA, and the release of particulate emissions through wildfires. Over the past decade, over 12 million acres have burned in California alone, with overgrown forests continuing to stretch across Federal USFS, industrial and non-industrial forest lands.

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**; ~~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](https://www.jec.senate.gov/public/_cache/files/9220abde-7b60-4d05-ba0a-8cc20df44c7d/jec-report-on-total-costs-of-wildfires.pdf) on wildfire estimated to cost between $394 and $893 billion per year[[1]](#footnote-1). States are likely to implement their own legislation to reduce the frequency of these wildfires, making CARB’s involvement now redundant.

**Section 95488.9(g)**, creates a further concern for our company and the wider industry. While initially only applying to crop-based biomass, these restrictions have been extended to cover all biomass. This is unworkable for companies like Yosemite 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, Yosemite is exploring the use of almond shells as a feedstock, but has 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, Yosemite proposes 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:

Yosemite Clean Energy appreciates CARB’s continued work, and hopes that these amendments will help achieve CARB’s stated goals.

Kind regards,



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

Chief Executive Officer

1. US Senate Joint Economic Committee – Chair, The Hon. John Heinrich (D-NM) [↑](#footnote-ref-1)