

ASSEMBLY BILL

No. 2363

Introduced by Assembly Member Quirk

February 21, 2014

An act to add Section 38575 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2363, as introduced, Quirk. Greenhouse gases: offsets.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include the use of market-based compliance mechanisms.

This bill would require the state board to adopt regulations providing for the generation of offset credits that may be used, sold, or traded pursuant to a market-based compliance mechanism that the state board may adopt for forest management activities performed for the purpose of reducing the risk of severe wildfires and activities involving the application of biochar, as defined, to soil.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Forests are critical elements of the California economy and
4 ecosystems.

5 (2) Forest fires have devastated large tracts of California’s
6 forested land, a trend that has exacerbated in recent years. Fourteen
7 of the 20 largest recorded wildfires in California’s history have
8 occurred within the last 20 years.

9 (3) Climate change is likely to increase the risk of wildfire by
10 disrupting rain cycles, increasing average temperatures and dry
11 season duration, and forcing changes in species’ habitat range.

12 (b) It is the intent of the Legislature to promote the use of
13 biomass generated from activities that reduce the risk of wildfire
14 for the purposes of renewable energy production for activities that
15 do not harm the long-term ecological health and sustainability of
16 the forest.

17 SEC. 2. Section 38575 is added to the Health and Safety Code,
18 to read:

19 38575. (a) As used in this section, “biochar” means biomass
20 that is a solid carbonaceous byproduct of pyrolysis or gasification
21 that may be used as a feedstock for renewable energy generation.

22 (b) The state board shall adopt regulations providing for the
23 generation of offset credits that may be used, sold, or traded
24 pursuant to a market-based compliance mechanism that the state
25 board may adopt pursuant to this part for both of the following:

26 (1) (A) Forest management activities that are performed for
27 the purpose of reducing the risk of severe wildlife that include,
28 but are not limited to, underbrush removal, dead tree removal, and
29 selective thinning of tree stands.

30 (B) Activities receiving offset credits shall be performed in
31 compliance with all applicable laws and regulations, including the
32 Z’berg-Nejedly Forest Practice Act of 1973 (Chapter 8
33 commencing with Section 4511) of Part 2 of Division 4 of the
34 Public Resources Code).

35 (C) The amount of offset credits generated shall be in proportion
36 to the expected reduction in the emissions of greenhouse gases
37 due to the decreased likelihood of severe wildfires resulting from
38 the activities.

1 (D) The offset credits shall be issued to the entity performing
2 the activities.

3 (2) (A) Application of biochar to soil that is in compliance with
4 all applicable laws and regulations and the best management
5 practices for the management of the soil.

6 (B) The amount of offset credits generated shall equal the
7 expected long-term sequestration of carbon in soils to which the
8 biochar is applied.

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