

**Clean Air Task Force • Defenders of Wildlife • Earthjustice • Environment America
Environmental Working Group • Friends of the Earth • National Audubon Society
National Wildlife Federation • Natural Resources Defense Council • Sierra Club
Southern Environmental Law Center • The Wilderness Society**

The Honorable John Kerry
United States Senate
218 Russell Senate Office Building
Washington, DC 20510

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Joseph Lieberman
United States Senate
706 Hart Senate Office Building
Washington, DC 20510

April 8, 2010

Dear Senators Kerry, Graham, and Lieberman:

We write to thank you for your leadership in crafting comprehensive climate and energy legislation and to urge you to address potential adverse wildlife habitat, biodiversity and carbon impacts that bioenergy could have under this type of legislation. Specifically, the Senate has an opportunity to strengthen and improve on the House-passed American Clean Energy and Security Act (ACES, H.R. 2454)'s bioenergy provisions. By strengthening the definition of renewable biomass and including bioenergy-related emissions within the cap, you can craft a solution that both avoids these impacts and jumpstarts our economy.

Biomass resources, such as sustainably sourced agricultural, forestry, and urban residues, as well as some dedicated energy crops grown on marginal lands, can be used to produce transportation fuels, electricity, and heat. These types of bioenergy can create jobs in rural communities, cut carbon pollution, and reduce our dependence on imported oil. Without adequate protections and accounting measures, however, bioenergy runs the risk of no longer acting as an important tool to reduce carbon emissions, but instead as a source of additional carbon pollution, as well as harm to sensitive lands and wildlife habitat.

Renewable Biomass Definition

Without a strong definition of qualifying biomass sources, the combined demand from the current Renewable Fuels Standard, a Renewable Electricity Standard and a limit on carbon

emissions risks adverse impacts to natural resources and wildlife. We are aware that there are currently multiple renewable biomass definitions under consideration, including the so-called “Farm Bill” definition and the “Peterson” language included in ACES. It is important to emphasize that the “Farm Bill” definition and the “Peterson” ACES language are identical in that neither includes any sustainability guidelines on private lands. Additionally, the “Farm Bill” definition was never intended to be used in a carbon-regulated economy and was originally written for a program that has additional sustainability criteria outside of the definition. We would strongly oppose the use of these definitions as they fail to include any sourcing safeguards for private lands or adequate protections on federal lands.

In contrast, the Energy Independence and Security Act of 2007 (EISA), American Clean Energy Leadership Act (ACELA, S. 1462), and the Clean Energy Jobs and American Power Act (CEJAPA, S. 1733) all include protections on private and public lands. An appropriate definition of “renewable biomass” will direct biomass sourcing away from high-carbon, biologically diverse resources while making a wide diversity of feedstocks available for compliance. Biomass sourcing guidelines should provide safeguards for native grasslands, sensitive wildlife habitat, old-growth, wilderness, roadless areas and other especially sensitive components of our federal lands. At the same time, they should include sustainability measures that protect wildlife habitat, soil productivity, old growth, and biodiversity in working forests and discourage the conversion of natural forests and grasslands to less diverse planted forests or energy crops. They should also provide appropriate limits (size or purpose) on tree removal from naturally regenerating forests.

Bioenergy Carbon Accounting

As alluded to above, both ACES and CEJAPA fail to count renewable biomass emissions within the cap. As demonstrated in the October 2009 issue of *Science*, if limits are placed on industrial and conventional energy carbon emissions but not on net emissions from bioenergy or deforestation and forest degradation, emissions from land-use change could significantly increase, particularly after 2030. By continuing to exclude renewable biomass emissions from the cap, this potential energy source will lack proper accounting methods to provide guidance to ensure that biomass feedstocks are both taken from the land and transported in a carbon beneficial way. Inclusion under the cap should be based on a full lifecycle accounting to ensure we are not incentivizing practices that put additional, avoidable emissions into the atmosphere.

We thank you for considering our concerns and look forward to working with you to craft final climate and energy legislation that includes bioenergy provisions that protect our important public lands and vulnerable habitats, avoid land conversion, and ensure bioenergy reduces carbon emissions.

Sincerely,

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