

## Blue Carbon and US Climate Change Legislation

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Our oceans are the largest active carbon sink on earth. Healthy coastal and marine ecosystems store atmospheric carbon and help mitigate climate change. Their degradation decreases the ocean's existing carbon stock and its capacity to mitigate climate change.

The role that healthy coastal and marine ecosystems can play as part of the solution to climate change (i.e., the blue carbon concept) has been recently recognized in US climate change legislation, in the American Power Act and Clean Energy Partnerships Act of 2009. A total of eleven US Senators have endorsed blue carbon language through sponsorship of these Acts.

*American Power Act* - Issues relevant to marine conservation are rife throughout the American Power Act, including ocean acidification, sea level rise, tidal and wave power, offshore drilling, coral reefs, fisheries and in programs directed towards climate adaptation measures.

Highlights for blue carbon in the American Power Act include:

- authorization of “the Secretary of Commerce with respect to any coastal, ocean or marine offset project,” which engages and the National Oceanic and Atmospheric Administration;
- inclusion of “wetlands” and “vegetated marine coastal habitats” under eligible offset projects, wording that encompasses coastal and marine ecosystems such as saltwater marshlands, seagrass meadows and mangrove forests;
- exclusion of ocean fertilization as a means to sequester carbon, essentially banning environmentally dangerous and scientifically suspect ocean fertilization schemes; and
- support for “activities that promote healthy and productive marine and coastal ecosystems, including preservation of vegetated marine coastal habitats and coral reefs” in the international program.

*The Clean Energy Partnerships Act of 2009* - Highlights for blue carbon in the Clean Energy Partnerships Act include

- authorization of the Secretary of Commerce's with respect to any coastal, ocean or marine offset project; and
- inclusion of “wetlands” and “vegetated marine coastal habitats” under eligible offset projects.

The following excerpts are those most related to blue carbon.

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## American Power Act

Released by: Sen. John Kerry (MA) and Sen. Joseph Lieberman (CT).

Note: This Bill has not yet been assigned a number as it awaits formal introduced to the Senate.

Available at: <<http://kerry.senate.gov/americanpoweract/intro.cfm>>

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### *Relevant passages:*

| <i>Page and line</i> | <i>Section and text</i>  |
|----------------------|--|
| P 267, L22           | “ <b>SEC. 705.</b> REVIEW AND PROGRAM RECOMMENDATIONS.<br><br>“(a) IN GENERAL. - Not later than July 1, 2013, and every 4 years thereafter, the Administrator, in consultation with appropriate Federal agencies, shall submit to Congress a report that includes -  |
| P 269, L 5           | “LATEST SCIENTIFIC INFORMATION. - The analysis required under subsection (a)(1) shall -  |
| P 271, L 5           | “(3) assess the current and potential impacts of global climate change on -  |
| P 271, L 17          | “(C) the carbon cycle, including impacts related to the thawing of permafrost, the frequency and intensity of wildfire, and terrestrial and ocean carbon sinks;  |
| P 217, L 24          | “(E) oceans and ocean ecosystems, including effects on sea level, ocean acidity, ocean temperatures, coral reefs, ocean circulation, fisheries, and other indicators of ocean ecosystem health;  |
| P 378, L19           | “ <b>SEC. 733.</b> ESTABLISHMENT OF DOMESTIC OFFSETS PROGRAM.  |
| P 378, L 23          | “(A) IN GENERAL. - Not later than 18 months after the date of enactment of this Act, the Administrator and the Secretary shall, in accordance with this part, establish a program to govern the generation and issuance of offset credits from emission reductions from domestic sources and sinks that are not subject to regulation under section 722. |
| P 380, L 3           | “(2) EMISSION REDUCTION INTEGRITY; RULEMAKING. - In carrying out the program under this section, the Administrator and the Secretary shall protect the emission reduction integrity of the program under this part and -   |
| P 380, L 11          | “(B) prioritize rulemaking for activities that present the fewest technical challenges and greatest certainty of reducing net greenhouse gas emissions or atmospheric concentrations, considering the recommendations of -   |
| P 380, L 19          | “(iii) the Secretary of Commerce, with respect to any coastal, ocean or marine offset project;   |

- P 383, L 15      “**SEC. 734. ELIGIBLE PROJECTS.**
- P 384, L 4      “(2) EMISSION REDUCTION ACTIVITIES. - The appropriate official shall include on the list required under this subsection, at a minimum, activities that provide emission reductions, including -
- P 387, L 7      “(M) projects for changes in carbon stocks attributed to land management change, including -
- P 387, L 16           “(iv) management and restoration of peatland or wetland;
- P 388, L 1           “(viii) projects to restore or prevent the conversion, loss, or degradation of vegetated marine coastal habitats;
- P 469, L 3      “**SEC. 2002. DEFINITIONS.**
- P 483, L 1      “(38) OFFSET PROJECT. - The term ‘offset project’ means a project or activity -
- “(A) that reduces or avoids greenhouse gas emissions or sequesters greenhouse gases;
- P 489, L 9      “(48) SEQUESTERED; SEQUESTRATION -
- “(A) IN GENERAL. - The terms ‘sequestered’ and ‘sequestration’ mean the separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.
- “(B) INCLUSIONS. - The terms ‘sequestered’ and ‘sequestration’ include -
- “(i) biological sequestration;
- “(ii) geological sequestration; and
- “(iii) mineral sequestration.
- P 489, L20      “(C) EXCLUSIONS. - The terms ‘sequestered’ and ‘sequestration’ does not include ocean fertilization techniques.
- P 917, L 4      “**SEC. 5005. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND GLOBAL SECURITY PROGRAM.**
- P 922, L1      “(1) DISTRIBUTION TO MULTILATERAL FUNDS OR INTERNATIONAL INSTITUTIONS. - The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the Administrator, shall oversee the distribution of assistance under the Program to a multilateral fund or international institution under subsection (c).
- P 924, L 19      “(2) ELIGIBLE ACTIVITIES AND PROGRAMS.- In carrying out this section, the Administrator may support activities and programs -
- P 928, L 3      “(H) to support activities that promote healthy and productive marine and coastal ecosystems, including preservation of vegetated marine coastal habitats and coral reefs.

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**Clean Energy Partnerships Act of 2009** (S. 2729)

Sponsor: Sen. Debbie Ann Stabenow (MI)

Co-sponsors: Sen. Max Baucus (MT), Sen. Mark Begich (AK), Sen. Sherrod Brown (OH), Sen. Robert Casey (PA), Sen. Thomas Harkin (IA), Sen. Amy Klobuchar (MN), Sen. Bill Nelson (FL), and Sen. Jeanne Shaheen (NH).

Available at: <<http://www.govtrack.us/congress/bill.xpd?bill=s111-2729>>

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***Relevant passages:***

| <i>Page and line</i> | <i>Section and text</i>  |
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| P 12, L 19           | <b>SEC. 103.</b> ESTABLISHMENT OF PROGRAM TO CREDIT EMISSION REDUCTIONS FROM UNCAPPED DOMESTIC SOURCES AND SINKS.  |
| P 12, L 23           | (1) IN GENERAL. - Not later than 1 year after the date of enactment of this Act, the Administrator and the Secretary shall, in accordance with this title, establish a program to govern the creation of credits from emission reductions from uncapped domestic sources and sinks while ensuring that offset credits represent additional greenhouse gas emission reductions in accordance with section |
| P 13, L 6            | (2) EMISSION REDUCTION INTEGRITY; RULEMAKING. - In carrying out the program under this section, the Administrator and the Secretary shall, to the maximum extent practicable -   |
| P 13, L 13           | (B) prioritize rulemaking for activities that present the fewest technical challenges and greatest certainty of net atmospheric benefit, considering the recommendations of -  |
| P 13, L 20           | (iii) the Secretary of Commerce, with respect to any coastal, ocean or marine offset project;  |
| P 16, L 4            | <b>SEC. 104.</b> ELIGIBLE PROJECTS.  |
| P 16, L 5            | (a) LIST OF ELIGIBLE PROJECT TYPES. - Each appropriate official shall establish and maintain a list of types of offset projects eligible to generate offset credits under this title.  |
| P 19, L 19           | (M) projects for changes in carbon stocks attributed to land management change, including -  |
| P 20, L 4            | (iv) management and restoration of peatland or wetland;  |
| P 20, L 13           | (viii) projects to restore or prevent the conversion, loss, or degradation of vegetated marine coastal habitats;   |