

**Review Process for Guidance, Errata, Clarifications, and Variances  
Issued for Early Action offset projects**

1. If the Guidance, Errata, Clarification or Variance was issued before October 20, 2011:
  - a. It was part of the early action quantification methodology adopted by the Board in October 2011 and may be considered in evaluating the project, UNLESS otherwise specifically rejected during the rulemaking (i.e., in the Initial or Final Statement of Reasons) or other public statements.
2. If the Guidance, Errata, Clarification or Variance was issued on or after October 20, 2011, ARB will make a case-by-case determination on the whether it can be considered in evaluating the project.
  - a. It must be consistent with the intent of the early action quantification methodology as determined by ARB; and
  - b. It must be a reasonable interpretation, as determined by ARB, of the early action quantification methodology resulting in quantifications that are:
    1. Conservative
    2. Verifiable
    3. Accurate
  - c. If it conflicts with the letter of the early action protocol, ARB cannot consider that Guidance, Errata, Clarification or Variance to be consistent with the intent of the early action protocol because the early action protocol is incorporated into the Cap-and-Trade Regulation and has the force of law. For example, in some early action protocols, it explicitly states “no offset credits will be issued” if certain conditions are not met. In those cases, a variance in direct conflict with the letter of the protocol cannot be approved by ARB. In other cases, a variance may allow for a different metering schedule or point of metering, but evaluation of the data shows the variance provides equivalent accuracy and certainty in the data.
  - d. If it provides a quantification method that is not auditable, does not account for uncertainty, or cannot be demonstrated to have the same level of accuracy as the early action protocol, the Guidance, Errata, Clarification or Variance ARB does not consider it to be consistent with the intent of the early action protocol. For example, the variance applied a discount to the number of credits issued to account for uncertainty in data captured under the variance, but the discount value has no scientific justification or analysis to support it.
3. The assessment of whether the Guidance, Errata, Clarification or Variance was issued prior to, or after, October 2011 is determined by the first documentable public release (e.g. email correspondence) and not necessarily when it was officially published as Guidance, Errata, Clarification, or Variance.
4. For early action projects completed under the early action protocols for Mine Methane Capture projects included in the Cap-and-Trade Regulation, the Board adoption date of April 25, 2014, governs how the Guidance, Errata, Clarification or Variance will be considered by ARB.