

# YUROK TRIBE

## OFFICE OF THE TRIBAL ATTORNEY

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August 11, 2011

Dear California Air Resources Board:

This letter is in response to your notice for formal written comments to your proposed cap and trade regulation changes. First, the Tribe commends the ARB on their thoughtful recognition of tribal governments as Native sovereign nations. The Yurok Tribe appreciates the ARB's efforts in including tribes in this rulemaking process.

Our suggested revisions to the regulations are included as track changes in the attached document and more fully explained in this letter. Specifically, we are adding language to Sections 95975 (1)(1) which states "~~irrespective of the form of relief sought, whether monetary or otherwise~~ with such forms of relief, whether monetary or otherwise, which are acceptable to the ARB," and Section 95975 (1)(3) which states "with proof of federal approval, ~~or proof that federal approval is not required,~~ of the Tribe's participation." (~~strike~~through ARB's language, underline Tribe's language)


Concerning our suggested revision to Section 95975(1)(3), the Solicitor of the Department of the Interior has not provided a formal opinion on the subject of federal approval of carbon sales on tribal lands.

Regarding our revision to Section 95975(1)(1), per California Government Code Section 825 (a) which states "Nothing in this section authorizes a public entity to pay that part of a claim or judgment that is for punitive or exemplary damages." There are similar provisions to protect the federal government and the state of California. It would be discriminatory to only have punitive damages for Indian Tribes. The Tribe's proposed substitute language under this section adequately allows the ARB to seek the remedies which are necessary to robustly enforce your regulations.

Each Tribal carbon project is complex and will require a tailored approach.

Thank you for considering our revisions.

Sincerely,

  
John Corbett,  
Senior Attorney