



# YUROK TRIBE

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August 29, 2019

California Air Resources Board  
1001 I Street  
PO Box 2815  
Sacramento, CA 95814

Re: Yurok Tribe Comments on the proposed California Air Resources Board Tropical Forests Standard

Aiy-ye-kwee',

The Yurok Tribe respectfully submits these written comments to the California Air Resources Board (CARB) and recommends formal CARB endorsement of the proposed Tropical Forest Standard (TFS).

The Yurok Tribe is the largest federally recognized tribe in California, with over 6,200 enrolled members. The Yurok Reservation and off-reservation tribal lands are located along the lower Klamath River in Humboldt and Del Norte Counties in Northern California and encompasses approximately 50,000 acres and 60,000 acres of on and off-reservation tribal lands, respectively. The Yurok Tribe possesses federally recognized fishing rights and is a leader in fisheries and water management, utilizing traditional knowledge and best available scientific information. We strongly assert our inherent right to serve as stewards of natural resources within our ancestral territory for the benefit of Yurok people. We recognize and applaud the California's leadership to address and resist climate change impacts, and believe that the CARB's efforts to develop a strong, verifiable, and responsible TFS will serve as a model for other nations to develop their own forest carbon offset programs that respects and promotes the advancement of indigenous tribal communities, their rights, and their sovereignty.

The Yurok Tribe's traditional role as stewards of the river, land, and forest has expanded to include participation in the California Cap-and Trade Program. We developed the first "early-action" forest carbon sequestration project under the Program in 2009, and have since developed over 44,000 acres of registered forest carbon projects with CARB. We have been a leader and example for other tribes and indigenous communities throughout the world seeking to assert their self-determination rights and to restore their own lands, communities, culture, and resources through active forest management.

The Yurok Tribe believes that responsible and rigorous carbon off-sets protocols/programs can be an important and critical tool to help address the impending impacts of climate change. However, it is clear that carbon offset programs must have strong provisions to ensure both real and verifiable carbon reductions and recognize and protect the rights of indigenous peoples and communities. This is particularly important in economically disadvantaged indigenous communities, in both developed and developing countries, and sub-national jurisdictions.

Participation of indigenous peoples in strong, verifiable, and socially responsible forest carbon programs can be a path to assist them to achieve their self-determination goals. Such goals include cultural and natural resources restoration, protection and preservation of tribal land bases, and economic alternatives that preserve forests and natural resources. Tropical forests around the world are experiencing accelerated decline and devastation and have reached unprecedented levels: this is apparent in the massive landscape-scale fires currently occurring throughout the world's tropical forests. Tropical forests serve as critical carbon sinks for our planet and the rate of loss of these important ecological regions must be addressed on a global scale to help address and resist climate change.

Forests, and their resources, are vital to indigenous cultures and identities throughout the world and have historically supported the livelihood and subsistence of indigenous communities. We are no exception. The Yurok's participation in the California Cap-and trade program has assisted us to reacquire over 55,000 acres of tribal lands within our ancestral territory. It has allowed us to preserve and protect culturally important lands that were owned by commercial timber companies, and will be a vital source of economic revenue to employ tribal members to actively manage and restore formally commercial timber lands. Tribally managed carbon offset projects have allowed us to actively manage our forests and will support the establishment of a 15,000 acre "forest and salmon sanctuary" in the lower Blue Creek watershed. It will also assist us to address the resource legacy impact of decades of large-scale commercial timber production, advance sustainable forest management practices, restore habitat for sensitive fish and wildlife species, and support the preservation of Yurok culture, and way of life for future generations.

The Yurok Tribe believes the TFS sets a high standard for countries and jurisdictions to develop strong and effective forest carbon programs of their own and has incorporated firm requirements to recognize and support indigenous rights and self-determination. The proposed TFS includes several provisions and best standards and practices to recognize and protect indigenous tribal communities. Only jurisdictions that can demonstrate continued compliance with these stringent safeguards requirements would be eligible to issue emissions reductions under the TFS.

The Yurok Tribe supports TFS requirements for potential future partner jurisdictions, including provisions to:

- Establish, implement and enforce their own policies, laws and regulations that meet international best practice standards (REDD+ SESi) for the protection of human and indigenous rights and important elements of natural ecosystems (TFS pages 10, 11 and 19).
- Provide detailed information in safeguards reports that are independently verified following international best practice standards (REDD+ SES and ISEALii) to demonstrate that these safeguards have been effective (TFS pages 10, 11, 18, 19 and 20).
- Provide documentation to demonstrate that the sector plan has been designed and implemented using exemplary public participation processes (GCF Principlesiii, TFS pages 11 and 19).
- Partner jurisdictions must demonstrate that they have these safeguards in place and have the capacity to implement, enforce, monitor, report and verify them.

The Yurok Tribe believes that the TFS incorporation of the Governors Climate and Forests Taskforce (GCF) "Guiding Principles" that were formally adopted in 2018 is an important step forward to recognize and respect indigenous rights, sovereignty, and their role as forest resource managers. The GCF Guiding Principles for Collaboration and Partnership between Indigenous Peoples and Local Communities (GCF Task Force 2018), accomplished several provisions, including:

- Collaborative development through a 3+ year-process by the GCF Task Force Global

Committee for Indigenous Peoples and Local Communities, comprised of indigenous peoples and local community representatives, governmental representatives of GCF Task Force member jurisdictions and civil society members.

- Builds on the experience of Acre, Brazil, which developed the first set of such principles to guide how the state would partner with indigenous populations for climate change mitigation via extensive participatory processes with indigenous peoples and over 100 stakeholder groups.
- Seeks to operationalize the 2014 Rio Branco Declaration, through which GCF Task Force members committed to partner and channel benefits to indigenous peoples and traditional communities for their forest conservation and climate change mitigation efforts.
- Guides how subnational governments partner with indigenous peoples and local communities to strengthen their rights and territorial governance, support livelihoods, ensure their participation in decision-making and co-design benefit-sharing mechanisms.

In 2018, the GCF Task Force Principles were endorsed by 34 subnational governments, encompassing approximately one-third of the world's tropical forests, 18 representative indigenous peoples' and local community organizations, and 17 civil society groups. The GCF Task Force members and partners in Brazil, Colombia, Ecuador, Indonesia, Mexico and Peru are now conducting participatory processes for implementing the Guiding Principles. GCF Task Force Principles are included in the TFS as result of advocacy efforts by representative indigenous peoples and local community organizations in the public consultation process of the draft TFS.

In conclusion, the Yurok Tribe applauds the efforts of the State of California to continue its leadership role to advance and promote innovative and effective strategies to address the impacts of climate change while supporting indigenous communities that engage in the program. We encourage the California Air Resources Board to formally endorse the proposed TFS, and believe the TFS will establish a robust standard for partner jurisdictions to model their own forest carbon sequestration protocols/programs. The TFS provides effective provisions and protections to recognize and respect indigenous tribal rights and self-determination, and will provide a critical economic incentive to preserve and manage tropical forests for the benefit of the communities that rely upon them.

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