

YUROK TRIBE

OFFICE OF THE TRIBAL ATTORNEY

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Via Online Comment Submittal

April 23, 2013

Air Resources Board
1001 "I" Street
Sacramento, California 95814

RE: Cap-and-Trade Auction Proceeds Investment Plan Must Include Tribal Disadvantaged Communities and Provide Funding for Natural Resource Land Acquisition Projects

Aiy-ye-kwee':

The Yurok Tribe appreciates the efforts of the Air Resources Board (ARB) and the California Environmental Protection Agency (Cal/EPA) to develop the Cap-and-Trade Auction Proceeds Investment Plan (the Plan) and identify key investment sectors to support the purposes of AB 32. SB 535 requires 25 percent of auction proceeds benefit disadvantaged communities. The Yurok Tribe is providing these comments to highlight the disadvantages faced by tribal communities in California, particularly the Yurok Reservation community. In addition, the Yurok Tribe strongly supports use of auction proceeds for natural resource projects, including land acquisition, to directly advance the goals of AB 32 and maximize benefits to tribal disadvantaged communities.

Investment in Tribal Disadvantaged Communities

As has been noted by the Yurok and Washoe Tribes during the development of the Plan, many of the economic, public health, and environmental concerns tribal communities are not adequately reflected in the CalEnviroScreen, which is relied on by the Plan. The CalEnviroScreen fails to consider the aggravated health impacts to tribal populations dependent on traditional subsistence food sources and divides tribal communities between multiple zip code analysis units. Instead, Cal/EPA must engage in a focused risk assessment of tribal disadvantaged communities. The Yurok Tribe and Yurok Reservation residents provide an example of such a community.

The Yurok Reservation encompasses 57,000 acres 1 mile on either side of the Klamath River from the Pacific Ocean upstream for 44 miles. It is divided into at least two zip code units for the CalEnviroScreen, with certain portions of the reservation entirely excluded from these units due to extreme geographic isolation. According to 2000 census data, overall unemployment on the Yurok Reservation is approximately 50%, with certain portions exceeding 80% unemployment. Over 25% of families and nearly one third of individuals fall below the poverty line. Nearly 30% of the Yurok Reservation community faces gross rents exceeding 35% of household income. Educational attainment is also low—32% of residents do not have a high school diploma or equivalency. In addition, the upriver Yurok Reservation community is severely economically

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disadvantaged due to a lack of electricity, phones, and broadband communications for a majority of households.

In addition to these socioeconomic disadvantages, the Yurok Reservation community faces extensive environmental challenges from dam installation, past clearcut timber harvests, and illegal practices. These have resulted in severe sedimentation, siltation and erosion problems in the lower Klamath River watershed. Road building and slope destabilization from logging practices have caused significant erosion and limited the quality of stream buffers and riparian habitat. Sedimentation has a direct effect on fish passage, stream bed stability, and the spawning ability of salmon, the traditional food source of the Yurok people. As the availability of traditional foods has declined, the rates of obesity, diabetes and heart disease have increased.

Potential exposure to pesticides and herbicides as a part of timber operations and illegal marijuana cultivation materially threatens the health of Tribal members and Reservation residents who depend on the lower Klamath River for food and domestic water. Pesticide pollution is of critical concern because Tribal members' fish consumption far exceeds the national average and members reliance on plant materials for traditional practices.

The Plan encourages State agencies to maximize investments in and benefits to disadvantaged communities and coordinate with other State and federal funding programs. It calls for leveraging private and government investment to the maximum extent possible. Such coordinated, leveraged investment by State agencies in tribal disadvantaged communities can greatly advance environmental justice, particularly in the context of natural resource projects as discussed below.

Auction Proceeds for Natural Resource Projects

The Plan identifies Natural Resources and Waste Diversion as a key sector to reduce greenhouse gas emissions. Natural resource projects have a great potential to reduce greenhouse gas emissions. In addition to forest and ecosystem management, restoration, and conservation, auction proceeds should be directed to land acquisitions that will result in improved fish and wildlife habitat and carbon sequestration.

The Plan recognizes that natural resource projects offer many opportunities to be located in disadvantaged communities, but Appendix B indicates less than 25 percent of funds for such projects would be directed to disadvantaged communities. Appendix B of the Plan should be revised to specify that at least 25 percent of auction proceeds for Forests and Ecosystem Management be directed to disadvantaged communities in line with the intent of SB 535. Tribes should be identified as recipients for such funds and land acquisitions as a way that funding could be used.

Currently, the Cap-and-Trade Program is projected to have a shortfall of carbon offset credits. Forestry offset projects are recognized as being of key importance in helping to close this

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shortfall. Such projects directly advance the Cap-and-Trade Program by increasing the available offset credits through the verified sequestration of carbon. To the extent that land acquisition projects will result in the development of carbon offsets, the Plan should prioritize use of funds for such acquisitions.

Natural resource projects also can further the AB 32 purposes of maximizing the economic, environmental, and public health benefits to California, fostering local job creation, and improving air quality. For example, the Yurok Tribe has begun implementing various habitat restoration and road decommissioning projects on a recent 22,495 acre acquisition, all of which will reduce sedimentation and improve fisheries habitat. Environmental burdens on the local community will be reduced by the Yurok Tribe's decision not to use herbicides or pesticides in its land management. This acquisition project has fostered job creation and investment in the disadvantaged Reservation community through the Yurok Tribe's hiring of additional local forestry technicians to help manage the land. Revenues from this land will stay local, benefitting the Reservation community and Tribal members through improved government services such as health, wellness, and social service programs.

The Yurok Tribe appreciates the opportunity to provide these comments and looks forward to working with ARB and Cal/EPA to identify opportunities for California's investment of auction proceeds in California tribal communities. Should you have any questions, please contact Staff Attorney Nathan Voegeli at 707-482-1350 ext. 1408 or email nvoegeli@yuroktribe.nsn.us.

Sincerely,



John Corbett
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