



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

November 2, 2020

Gavin McCabe
Chair
Compliance Offset Task Force
California Air Resources Board
OffsetTaskForce@arb.ca.gov

RE: Yurok Tribe's Recommendations and Comments for the California Air Resources Board Offset Protocol Task Force Interim Report dated October 7, 2020

Dear Mr. McCabe,

On behalf of the Yurok Tribe we are pleased to provide the following comments regarding the California Air Resources Board Offset Protocol Task Force (Task Force) Interim draft recommendations, dated October 7, 2020, providing for improvements to California Air Resources Board's (CARB) Offset Program. We truly appreciate and support the work of the Task Force and the inclusion of Tim Hayden, Deputy Executive Director, Natural Resources as the Tribal representative to continue to support the Offset program in a collaborative way. With the passage of the California Global Warming Solutions Act of 2006 (AB 32), the state California and the Yurok Tribe have continued to demonstrate our roles as state, national and international leaders in natural resources management, environmental policy and innovation, ancestral lands re-acquisition and support of tribal sovereignty by employing a comprehensive long-term plan to address climate change by reducing GHG emission levels.

It is critical to note that Tribal communities – traditionally among the most economically and environmentally disadvantaged populations in the United States – receive many of the benefits of California's cap and trade program. Tribal governments are at the forefront of innovative projects that manage Native forests to maintain and increase carbon storage. To date over 23,500,000 metric tonnes of carbon offsets have been generated from Tribal communities in California and other states (inclusive of both offsets issued by the Air Resources Board and registry offsets currently under review by the Air Resources Board), accounting approximately 28% of total offset issuance to date.

The Yurok Tribe and other Native American Tribes are making 100-year commitments for carbon storage to the State of California, and existing law provides for 25 years of credit issuance to projects under current offset protocols. We expect that the State of California will uphold its commitments to Native American Tribes by continuing the use of the forest



Phone: (707) 482-1350 • Fax: (707) 482-1377



offset protocol after 2030. In this spirit of government to government relations we offer the following suggested comments.

Programmatic recommendations

The Yurok Tribe strongly supports the continued efforts recommended by the Task Force to increase accessibility and inclusion of Native American Tribes as well as Disadvantaged Communities. Targeted support, set aside funds and programs, grants, no-interest loans, and reduced listing fees. The importance of Native American objectives of reacquiring ancestral lands and continuing traditional as well as contemporary management of natural resources can be accomplished in this program.

The Yurok Tribe strongly supports the recognition of synergy that forests and the land sector will serve as critical roles in climate mitigation and resiliency. This includes providing the high standards that has been developed through the CARB initiatives and efforts to other programmatic and policy initiatives.

The Yurok Tribe also recommends that the Task Force should recommend CARB update the forest protocol in 2021. It has not been updated since 2015 and many of the Task Force's recommendations will need CARB's process in order for them to be implemented in practices.

Forest Protocol recommendations

The Yurok Tribe supports the Task Force's recommendation for reasonable and transparent invalidation guidance due to the very low rate of invalidation to date. This includes supporting limiting invalidation to infractions that occur onsite and have a direct environmental impact, and when appropriate, applying a remedy proportional to the direct effect of the violation on carbon stocks. This also includes the Task Force's recommendation to revisit the requirements around sequential sampling and project area changes.

The Yurok Tribe supports the reduction of offset verification costs to allow for broader participation in the program. This includes exploring the potential for aggregation of small, non-industrial forestlands, and reduced verification frequency and intensity for projects with small or no new offset issuances have the potential to greatly reduce costs and bring more lands, landowners, into the low-carbon economy.

The Yurok Tribe also supports the recommendation by the Task Force to "Provide an alternative, more predictable baseline for reforestation projects using FIA data." We have found that despite the great need across the state for reforestation after wildfire and other disturbances, the lack of certainty around a reforestation project baseline – which currently gets deferred up to a decade or more after the start date until trees are large enough to inventory – inhibits investment. Creating an alternative method to establish a baseline upfront, based on publicly available science, could help these projects get underway.

If you have any questions please feel free to contact Mr. Donald Barnes, Director, Office of Self Governance at dbarnes@yuroktribe.nsn.us and (707)482-1350.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph L. James". The signature is fluid and cursive, with the first name being the most prominent.

Joseph L. James
Chairman
Yurok Tribe