



WASHINGTON CONSERVATION ACTION

June 28, 2024

Harrison Ashby
Department of Ecology
Climate Pollution Reduction Program
PO BOX 47600
Olympia, WA 98504-7600

Re: Formal Comment for Chapter 173-446B WAC — Climate Commitment Act Funds Reporting Rulemaking

Dear Harrison Ashby:

Thank you for the opportunity to provide comments on Ecology's proposed rule language for Chapter 173-446B WAC. We appreciate Ecology's incorporation of many of the comments we shared during the informal comment period into the proposed rule.

As a statewide advocacy organization, Washington Conservation Action (formerly Washington Environmental Council) works to develop, advocate, and defend policies that ensure environmental progress and justice by centering and amplifying the voices of the most impacted communities. We have worked on carbon pricing for over a decade and are committed to supporting the successful implementation of the CCA. We participated actively in rulemakings for Chapter 173-446 WAC, Chapter 173-446A WAC, and Chapter 173-441 WAC, have been participating in Ecology's Improving Air Quality in Overburdened Communities process to implement 70A.65.020; and are engaged in ongoing advocacy regarding potential linkage agreements with the California-Québec market.

[Feedback on proposed rule language](#)

Tribal Consultation

We appreciate that the proposed rule specifically references the requirement that 10 percent of investments be supported by a Tribe. However, the rule does not specifically acknowledge the necessity of consultation with Tribes and honoring Tribal sovereignty. The



(206) 631-2600



1402 3rd Ave #1400, Seattle, WA 98101



waconservationaction.org



WASHINGTON CONSERVATION ACTION

processes to ensure the 10 percent target is met must be developed in consultation with Tribes. Respecting tribal sovereignty and treaty rights must be foundational to this rulemaking and across all processes to implement the CCA.

Net greenhouse gas emissions reductions

We recommend all instances of the phrase “verifiable reductions in greenhouse gas emissions or other long-term emissions impacts” be changed to “verifiable *net* reduction in greenhouse gas emissions or increase in emissions.” Similarly, we recommend revising the questions within Section 173-446B-050(1)(j) to encompass *net* reductions or increases in emissions. It is possible that projects could result in some verifiable reductions as well as emissions, and projects may also increase emissions outside of the project site. It is a *net* reduction emissions that is most meaningful for reporting and tracking.

Co-benefits versus direct and meaningful benefits

Section 6.3.1 of the Preliminary Regulatory Analyses for 173-446B states “We are requiring reporting on “direct and meaningful benefits to vulnerable populations in overburdened communities” and feel that these will overlap considerably with what we considered requiring as far as reporting on co-benefits.” However, the definition of “direct and meaningful benefits” lacks statutory clarity. We recommend that Ecology look to the [Recommendations on Defining Direct and Meaningful Benefits in Washington State Policy & Programs](#) developed by Front and Centered to define “direct and meaningful benefits.”

Natural Climate Solutions and forest carbon accounting

Natural Climate Solutions (NCS) projects necessitate specific reporting requirements due to the complexity of carbon dynamics in natural ecosystems. This is particularly true of forestry projects. The CCA states that the moneys in the NCS account are intended to “increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity,” among other purposes (RCW 70A.65.270). Credible carbon accounting is necessary to understanding whether NCS projects are achieving intended goals. This data will also enable tracking progress towards greenhouse gas emissions limits, given that our state energy strategy relies on biological or geological sequestration compensating for 5% of 1990 emissions. As written, WAC 173-446B-040 exempts carbon





WASHINGTON CONSERVATION ACTION

sequestration from reported emissions. We propose two adjustments to adequately capture carbon storage and sequestration benefits:

- 1) Amending WAC 173-446B-050(1)(j) to read: *"Is this expenditure funded by the natural climate solutions account or expected to produce any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, as described in WAC 173-446B-040?"*
- 2) The addition of the following provisions under WAC 173-446B-050(1)(j):
(iv): Does this project involve forests? If so, what were the carbon accounting methodologies used to determine the increases and decreases in carbon sequestration and storage, in both the forest ecosystem and harvested wood products?
(v): Do the carbon accounting methodologies consider both aboveground and belowground carbon, as well as the baseline scenario of what would have occurred in the absence of the project? Were the methodologies consistent with those outlined by the intergovernmental panel on climate change?

Thank you for your consideration of these comments. Washington Conservation Action looks forward to continued participation in this rulemaking and appreciates Ecology's ongoing work.

Sincerely,

Katie Fields

Forests and Communities Program Manager
206-631-2638
katie@waconservationaction.org

Bryan Pelach

State Forestlands Program Manager
206-631-2616
bryan@waconservationaction.org

