

Recreation and Conservation Office

See attached letter for comments.



STATE OF WASHINGTON
RECREATION AND CONSERVATION OFFICE

June 27, 2024

To: Department of Ecology
Climate Pollution Reduction Program
Harrison Ashby
P.O. Box 47600
Olympia, WA 98504-7600

RE: Comments on CCA Funds Reporting Proposed Rule

Dear Ms. Ashby:

Thank you for the opportunity to review the proposed rules for the Climate Commitment Act (CCA) funds reporting. We appreciate the changes you have made to address some of our previous comments on the draft rule language. The Recreation and Conservation Office (RCO) remains committed to the climate and community benefits intended by the CCA and offers the following comments on the proposed rule.

Budget and Appropriation Clarification

The current draft of rules for Chapter 173-446B WAC does not include sufficient guidance for reporting on appropriations that include an additional fund source other than CCA funds. The definition of “appropriation” should be revised to include scenarios where a single appropriation in a budget is partly from CCA and partly from another non-CCA source. The definition of expenditure may also need to be revised. One example of an amended definition for appropriation is included below:

(1) "Appropriation" means a single line-item of funding provided by the Washington state legislature to a state agency or other entity, as set forth in an enacted omnibus operating, omnibus capital, or omnibus transportation appropriations act, where such funding is distributed from one of the Climate Commitment Act accounts. For the purposes of this chapter, “appropriation” means only the portion of a programmatic appropriation distributed from one or more of the Climate Commitment Act accounts where the appropriation provided by the Washington state legislature includes both funding distributed from one of the Climate Commitment Act accounts and funding distributed from another state funding source.

In scenarios where an appropriation contains multiple fund sources, the reporting requirements in 173-446B-050 are not clear as to whether the reporting should cover all portions of the appropriation or only those funded by the CCA accounts. RCO suggests the reporting should



only be required for the portion of the appropriation funded by the CCA accounts.

If the above change to definitions is made, then the rules may provide the necessary clarity in line with our recommendation. If the definition is not changed, the reporting requirements in 173-446B-050 need additional clarity.

This could be accomplished by amending subsections 1(c), 1(f), 1(g), 1(h), and 1(i) to include the language “from the CCA accounts” as a qualifier. Examples follow:

(c) What is the geographic location of the appropriation from the CCA accounts (if not reported under subsection (2) of this section)? If the appropriation from the CCA accounts is spent directly by the recipient in multiple locations, provide each location and the amount spent at each location.

(f) How much of the appropriation from the CCA accounts was expended

(g) How much and what percent of the expenditure from the CCA accounts provided direct and meaningful benefits...”

Similar changes may be necessary to subrecipient reporting in sub (2) and job reporting in (5).

GHG Emissions Reporting Requirements

Since the initial draft rule, “Climate resiliency projects” have been removed from the list of expenditures that are not required to report whether the funding produced any verifiable reduction in greenhouse gas emissions (173-446B-040, Section 2).

In our previous comments, we noted it was our interpretation that, given how RCW 70A.65.270 is currently drafted, the Natural Climate Solutions Account (NCSA) would appear to fall under the umbrella of “Climate resiliency projects” and as such, investments from the NCSA would be exempt from reporting of verifiable reductions in greenhouse gas emissions. The removal of this expenditure type from the proposed rule would indicate that Ecology has identified or developed a methodology for all the project types listed in RCW 70A.65.270 where money from the NCSA can be allocated (clean water investments, forest health, flood risk reduction, estuary restoration, etc.). If that is the case, then RCO would request proactive outreach from Ecology to understand which methodologies have been selected that would be relevant to the programs RCO administers so we can better prepare for future reporting.

If it is not the case that Ecology has identified relevant methodologies for the breadth of eligible investments from the NCSA, then RCO would recommend additional policy clarity either through exempting specific investment types within the NCSA or fully exempting NCSA from the greenhouse gas reporting requirement.

Once again, thank you for the work Ecology is doing to synthesize the reporting requirements articulated in the CCA, and for the opportunity to provide feedback. If you have any questions

about our comments, please contact Policy and Planning Specialist Nicholas Norton at nicholas.norton@rcow.wa.gov.

Respectfully,

A handwritten signature in blue ink that reads "Scott T. Robinson". The signature is written in a cursive style with a long horizontal stroke at the end.

Scott T. Robinson
Deputy Director