

# Sydney Cook

Dear Washington State Department of Ecology,

I am writing on behalf of the Swinomish Indian Tribal Community (Swinomish Tribe) to provide feedback on the draft amendments to the Reporting of Emissions of Greenhouse Gases Rule (WAC 173-441) and Climate Commitment Act (CCA) Linkage Rulemaking (WAC 173-446). We would like to commend Ecology for its ongoing efforts to address climate change through these regulatory frameworks. However, the Swinomish Tribe has significant concerns regarding the lack of provisions for tribal engagement, capacity-building, and funding mechanisms that would enable tribes to fully and equitably evaluate the state's carbon markets and greenhouse gas reduction initiatives.

The Swinomish Tribe requests that both drafts explicitly include clear processes for engaging and consulting with tribal governments. Tribes are sovereign nations with unique relationships to the state and federal governments, and any regulatory amendments that affect land use, emissions, or energy production have the potential to impact tribal lands and treaty protected resources. The Swinomish Tribe and other tribal nations expect to be meaningfully consulted on decisions that could affect their rights, lands, and resources. Furthermore, consultation processes should reflect a government-to-government relationship, respecting the sovereignty and legal status of tribal nations. Mechanisms for ongoing consultation and collaboration should be formalized in the final versions of these rules.

For tribes to meaningfully engage in review of new carbon markets and comply with new greenhouse gas reporting requirements, capacity-building grants must be available. Many tribes, including the Swinomish, face resource and capacity challenges when navigating complex regulatory frameworks like carbon trading systems and offset programs. Without dedicated funding for capacity-building, tribes may be unable to fully participate in evaluating how these initiatives may impact tribal treaty resources, which risks excluding them from the potential benefits of Washington's climate policies.

We request that the final drafts include provisions for capacity-building grants specifically designed to help tribal nations build the necessary expertise and capacity to evaluate how tribes might be affected by or participate in new carbon markets, GHG reporting, and related restoration projects. These grants should cover technical assistance, training, and long-term support to ensure that tribal governments and businesses can meet reporting requirements.

Additionally, the Tribe is concerned with how these regulatory changes could impact ongoing restoration efforts on tribal and non-tribal lands. Tribes like the Swinomish are actively involved in environmental restoration projects, including habitat restoration and renewable energy development. These initiatives play a crucial role in the broader fight against climate change, and it is vital that state regulations support and enhance tribal restoration efforts.

However, without clear language in the drafts on how these rules will interact with restoration projects, there is a risk that tribal efforts could be overlooked or underfunded. We request that the final rules include mechanisms that allow tribal restoration projects to qualify for carbon offset

credits and other forms of financial support. Furthermore, funds accumulated through carbon markets and the structure of the Climate Commitment Act fund habitat restoration efforts critical to recover ESA-listed species, including Chinook salmon, which are of utmost importance to tribes.

Linked carbon markets and emissions trading systems have the potential to generate significant revenue and environmental benefits. However, there is potential that linkage could reduce the funding available to programs that fund habitat restoration initiatives that tribes support. We urge Ecology to include language in the final rules that provides pathways for tribes to engage in reviewing linkage to new carbon markets. Moreover, revenue generated from these new markets should be structured in a way that supports tribal sovereignty and promotes sustainable economic development and climate resilience efforts in tribal communities.

In conclusion, while the proposed amendments to WAC 173-441 and WAC 173-446 represent important steps forward in addressing climate change, they fall short in addressing the unique needs and rights of Washington's tribal nations. The Swinomish Tribe requests that Ecology revise these drafts to include explicit provisions for:

- Tribal consultation and engagement in all aspects of rulemaking and implementation.
- Capacity-building grants for tribal governments and entities to engage in carbon markets, GHG reporting, and restoration projects.
- Clear funding mechanisms that support tribal and state-wide restoration efforts and provide equitable access to economic opportunities arising from carbon markets.

Thank you for considering our feedback. We look forward to continued collaboration with Ecology to ensure that these important climate policies reflect the needs and contributions of Washington's tribal nations.

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