



# Lummi Indian Business Council

2665 Kwina Road · Bellingham, Washington 98226 · (360) 312-2000

*'Working together as one to Preserve, Promote and Protect our Sche Lang en'*

Kayla Stevenson  
Department of Ecology  
Climate Pollution Reduction Program  
P.O. Box 47600  
Olympia, WA 98504-760

March 13, 2026

## **Re: Proposed Amendments to provision of Chapter 173-446 WAC – the Climate Commitment Act Program Rule**

Dear Ms. Stevenson,

The Lummi Nation is a federally recognized sovereign Indian Tribe with a government-to-government relationship with the United States and inherent rights to self-governance over its lands, territory, and people. Lummi Nation's sovereignty is a recognition of pre-existing rights secured through the Treaty of Point Elliott of 1855 and is the Supreme Law of the Land.

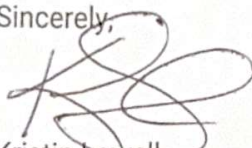
**Section 4.1** of the proposed [US Forest Offset Protocol \(WAC 173-446\)](#) requires Improved Forest Management projects to include all forested land within a specific hydrological unit (HUC), potentially forcing the Lummi Nation to incorporate culturally sensitive non-timber lands into long-term carbon contracts as the entire Reservation is in the same HUC 12. This requirement, along with the necessary state-level approvals and potential waivers of sovereign immunity for 100-year commitments, may conflict with Treaty-Reserved Rights to active management and land-use sovereignty.

To ensure the protocol is compatible with Tribal sovereignty, the Department of Ecology should provide an alternate project configuration pathway for Federally Recognized Tribes to define the project area by the Tribe's own jurisdictional boundaries and management plans. This allows Tribes to exclude areas designated for future community development, cultural use/preservation, or the exercise of Treaty-Reserved Rights. Utilizing established Tribal Jurisdictional Boundaries provides a more stable, legally defensible 'Project Area' that aligns with existing Tribal land-use codes and GIS data.

Additionally, we urge the Department of Ecology to consider alternative enforcement mechanisms—such as Tribal Court jurisdiction or intergovernmental agreements—that do not require a broad waiver of sovereign immunity. Tribal-led forest projects provide Direct Environmental Benefits as required by the [Climate Commitment Act](#), including the protection of riparian zones essential for salmon recovery and the fulfillment of the state’s obligation under the Boldt Decision.

The Lummi Nation requests a government-to-government consultation to ensure these sovereign compatibility concerns are addressed before the proposed protocol is finalized.

Sincerely,

A handwritten signature in black ink, appearing to read 'KL', with several loops and a long horizontal stroke.

Kristin Lowell

Lummi Water Resources Manager

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cc:

Merle Jefferson, Lummi Natural Resources Department Director

Frank Lawrence, Lummi Natural Resources Deputy Director

Victor Johnson, Lummi Natural Resources Deputy Director

Jamie Mattson, Lummi Water Resources Specialist III/Planner

Savannah Whaley, Lummi Climate Change Manager

Collin VanSlyke, Northwest Ecological Services, LLC