(carbon)plan

MAR 13, 2026

Mr. Jordan Wildish
Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: Proposed rule to update the US Forest Offsets Protocol

Dear Mr. Wildish:

I have engaged with Ecology for nearly two years as it developed the revisions to its forest offset protocol proposed in this rulemaking (hereinafter, "Proposed Protocol").[1] That work began with my participation with Ecology's U.S. Forest Offset Protocol Technical Working Group and continued through the two most recent rounds of informal comment on draft versions of the Proposed Protocol.[2] Throughout this process, I have relied on my training as a forest ecologist and my expertise in carbon markets to inform my feedback.[3]

Given this context, I feel confident in saying that Ecology's Proposed Protocol fails to satisfy the statutory requirement that offsets issued under its authority are real and permanent.[4]

While Ecology has taken some steps to lower the likelihood of issuing non-additional credits under its Proposed Protocol, those improvements are overshadowed by flaws in how the Proposed Protocol specifies buffer pool contributions to insure against wildfire- and insect-driven carbon losses. To my knowledge, Ecology has provided almost no details about how it arrived at its estimates of wildfire and insect risk. Ecology has not made the methods used in calculating wildfire and insect risk publicly available. Critical assumptions, such as the maximum risk of wildfire loss being 12 percent and insect risk being capped at 8 percent over the next 100 years, lack any basis in the scientific literature.[5] Nor were these assumptions discussed in the various technical working group meetings. On multiple occasions, I've asked Ecology for an explanation of where these numbers come from, but Ecology has failed to provide one.

I am similarly perplexed by the significant risk reductions the Proposed Protocol awards to

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1 Washington Department of Ecology, Proposed U.S. Forest Protocol, CR-102 (Jan. 1, 2026).

2 For my previous comments, *see* Grayson Badgley, Additional comments pertaining to US Forest Protocol Draft language, CarbonPlan (Sep. 30, 2025); Grayson Badgley, Comments pertaining to US Forest Protocol Draft rule language, CarbonPlan (Aug. 18, 2025).

3 *See, e.g.,* Grayson Badgley et al., Systematic over-crediting in California's forest carbon offsets program, *Global Change Biology* (2022).

4 RCW § 70A.65.170(2)(b).

5 *See*, *e.g.*, Department of Ecology, Proposed revisions to Ecology's US Forest Offset Protocol (Jan. 21, 2026), *at* Revision 6 (mentioning the 12 percent cap to wildfire risk and 8 percent cap to insect risk without justification or citation). I raised similar concerns, in more detail, in my previous comments to Ecology, *supra* n. 2.

projects that implement vegetation management plans. Projects can reduce their contributions to the buffer pool for wildfire and insect risks by as much as 50 percent under the Proposed Protocol.[6] Draft versions of the Proposed Protocol allowed for 80 percent reductions. How did Ecology settle on 50 percent? What was the basis for the original 80 percent value? The only thing that I can be sure of is that these numbers do not come from the scientific literature.[7]

Accurately estimating the risks to forest carbon over the next 100 years is vital to the success of the Proposed Protocol. Together, the choices outlined above expose the program to a significant risk of undercapitalizing its buffer pool and being unable to ensure permanence over the next century. This is similar to the problems currently playing out in California, where the wildfire risk factors used to determine buffer pool contributions have proved grossly inadequate. In a little over a decade, wildfire has burned through around 13.6 million buffer pool credits, which is nearly twice the number of credits California's offset protocol set aside to compensate for wildfire losses over the next 100 years.[8]

Ecology might respond that the risk factors in the Proposed Protocol are higher than other forest offset protocols, like California's. But because its approach has no basis in science, Ecology has no way of establishing that its proposed risk factors are indeed conservative or sufficient for ensuring the permanence of offsets issued under the Proposed Protocol. Ecology has also defended its approach by explaining that it has the ability to update these risk factors outside of the rulemaking process.[9] But such assurances ring hollow — if Ecology is already unwilling to base the Proposed Protocol on sound scientific evidence, it seems unlikely that it will be eager to more faithfully incorporate scientific evidence in the future.

I'm disappointed to see Ecology consistently fail to incorporate input from scientific experts over the two year revision period. In its current form, the Proposed Protocol does not respect forest carbon cycle science. As such, Ecology cannot rely on the Proposed Protocol to produce real or permanent climate benefits.

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[6] Proposed Protocol *at* 111,Table A.9.

[7] Academic experts in the dynamics of forest disturbance raised this same concern during the informal comment process. *See, e.g.,* William Anderegg, Comment on Chapter 173-446 WAC: Cap-and-Invest US forest offsets protocol informal comment period #2 (Sep. 30, 2025) (stating that Ecology's blanket 50 percent risk reduction factor "is not based on robust scientific evidence," before going on to describe a forthcoming meta-analysis "that reveals that the carbon benefits from risk reduction from forest management for insects is essentially zero and from fire is detectable but relatively small[.]")

[8] Grayson Badgley, Increasingly active wildfire seasons threaten the sustainability of forest-backed carbon offset programs, *Global Change Biology* (2024).

[9] *See, e.g.,* Department of Ecology, Preliminary regulatory analyses, Publication 26-14-002 (Jan. 2026), *at* 51 (explaining that "[t]he protocol is structure [*sic*] such that these contributions can be updated in the future, outside of rulemaking, if supported by future research.").

Sincerely,

Grayson Badgley
Research Scientist
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