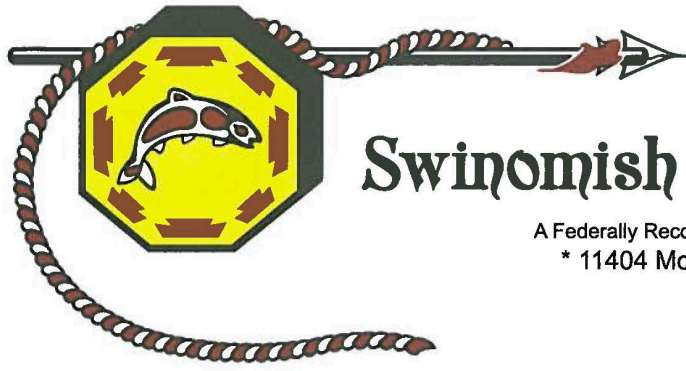




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Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476

* 11404 Moorage Way * La Conner, Washington 98257 *

July 22, 2026

Surabhi Subedi
Washington State Department of Ecology
Climate Pollution Reduction Program
PO Box 47600
Olympia, WA 98504-7600

Submitted electronically via <https://ecology.commentinput.com/?id=frD53sZtA>

RE: Chapters 173-441 and 173-446 WAC Rulemaking

Dear Ms. Subedi,

On behalf of the Swinomish Indian Tribal Community (“Swinomish” or “Tribe”), please accept these comments regarding rulemaking for Chapter 173-441 WAC, Reporting of Emissions of Greenhouse Gases, and Chapter 173-446 WAC, Climate Commitment Act Program. The Tribe understands this rulemaking process aims to update aspects of the Climate Commitment Act (CCA) Cap-and-Invest program and enable market linkage through program alignment with California and Québec’s shared carbon market, as well as adjusts aspects of greenhouse gas emissions reporting. Swinomish urges Ecology to continue to prioritize Tribal engagement, including capacity funding, on these issues throughout the rulemaking process and beyond.

Background and setting

The Swinomish Indian Tribal Community is a federally recognized Indian tribe and political successor in interest to certain tribes and bands that signed the 1855 Treaty of Point Elliott, which among other things reserved fishing, hunting and gathering rights and established the Swinomish Reservation on Fidalgo Island in Skagit County, Washington. The Swinomish Reservation sits at the mouth of the Skagit River, the largest river system draining to Puget Sound and the only river in the Lower 48 states that still has all species of wild Pacific Salmon and steelhead spawning in its waters. Since time immemorial, the Swinomish Tribe and its

predecessors have occupied and utilized vast areas of land and water in northern Puget Sound up to the Canadian border to support the Swinomish way of life.

Linkage impacts on CCA revenue and carbon markets

The Tribe understands the intent behind linking Washington’s carbon market with the shared carbon market of California and Québec is to increase market stability, improve predictability for covered entities, and demonstrate coordinated, collective climate action with other regional governments. Comprehensive actions to mitigate greenhouse gas emissions and increase communities’ resilience to the impacts of climate change are of the utmost importance, and signing the linkage agreement on June 25, 2026¹ demonstrated Washington’s commitment to these critical measures.

However, these actions must also acknowledge the unique circumstances of Tribes across Washington State, and support the “early, meaningful, and effective consultation” with Tribes regarding CCA revenue spending required by RCW 70A.65.305(8).² This must continue to include supporting Tribal capacity funding to review and comment on proposed clean energy projects that may impact Treaty-protected natural resources or the habitats upon which they depend, as well as evaluating statewide and local climate policies. This funding includes the required minimum of 35% of total investments that provide direct and meaningful benefits for vulnerable populations, as well as the additional 10% of CCA expenditures for projects directly implemented by Tribes.³ Current Tribal capacity grants administered by Ecology support engagement and review, yet are not codified beyond a stipulation for the grant program to exist and be funded “subject to the available of amounts appropriated for this specific purpose” in RCW 70A.65.305.⁴ We urge Ecology to codify this grant program to ensure Tribes have the requisite staff capacity to address the inundation of new green energy projects, plans and policies, both locally and statewide.

CCA revenue must continue to support Tribal engagement and capacity

The Tribe affirms its comments submitted during previous linkage rulemaking efforts⁵ and reiterate that this rulemaking process and the continuation of the Cap-and-Invest program must prioritize supporting Tribes and other overburdened communities throughout the state. Tribes must be considered to the fullest extent throughout this and other rulemaking processes related to CCA implementation. Ecology has acknowledged the disproportionate burden that Tribes and overburdened communities carry with respect to negative environmental and climate change

¹ <https://governor.wa.gov/news/2026/washington-california-and-quebec-sign-carbon-market-agreement-setting-stage-historic-climate>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65.305>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65.230>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65.305>

⁵ Swinomish letter to Ecology, September 27, 2024, submitted by S. Cook

impacts, but this acknowledgement must be coupled with tangible action that retains a sustainable level of funding despite fluctuating future CCA reviews.

As CCA revenue declines throughout the term of the Cap-and-Invest program, as per the sale of fewer allowances inherent to the program design, Tribes must be given priority when considering allocation of revenue for the program's duration through 2050. Tribes have long borne the burden of myriad environmental impacts, and the state must continue to act to support Treaty rights, Tribal sovereignty, and government-to-government consultation. The Tribe urges Ecology to prioritize maintaining consistent funding to Tribes through this program that supports the Tribe's capacity to provide policy-level and technical comments on CCA-funded projects that may impact the natural resources and habitats inherent to the Swinomish Tribe's way of life.

Thank you for the consideration of our comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Heather Spore". The signature is fluid and cursive, with the first name "Heather" being more prominent than the last name "Spore".

Heather Spore
Environmental Policy Manager
Swinomish Indian Tribal Community