

Colville Confederated Tribes (Lois Trevino)

Government-to-government consultation requirement: Ecology must formally initiate government-to-government consultation with federally recognized tribes before finalizing these amendments, as required under Washington's tribal consultation policy and SSHB 1409. The rulemaking timeline shows Ecology stated they "will extend an offer for G to G consultation with Tribal" entities - this must be a proactive, documented process, not passive. Tribal Sovereignty and Fee Exemptions: WAC 173-455-150 requires "credit and deficit generators" to pay annual fees. Tribes should request fee exemptions or reduced fees for tribal entities operating on reservation lands, citing tribal sovereignty and the federal-tribal relationship. Tribes producing biofuels from tribal lands, forest biomass, and agricultural feedstocks should not be treated the same as private commercial entities. Tribal Carbon Intensity Values in WA-GREET 4.0: The rulemaking updates the WA-GREET model to version 4.0. Tribes should request specific tribal carbon intensity values that reflect: Traditional/historic land management practices on tribal lands, Tribal renewable fuel production methods, and lower carbon intensity from tribal forest management and sustainable feedstock production. Environmental Justice and Tribal Benefits: SSHB 1409 directs increased reinvestment into clean transportation. Tribes should request mandatory allocation percentages of Clean Fuels Program funds for Tribal electric vehicle infrastructure, Tribal renewable fuel production facilities, and Tribal air quality improvement projects. Transportation is Washington's largest GHG source; tribes in rural areas face disproportionate impacts. Tribal feedstock and biofuel pathway recognition: Tribes producing biofuels from tribal natural resources need explicit pathway recognition in WAC 173-424. Request clarification that tribal byproduct feedstocks qualify for full credit without "backfilling" requirements that disadvantage tribal operations. Thank you, Lois Trevino, Acting Director of Environmental Trust, Colville Confederated Tribes.