

April 30, 2026

Ms. Rajinder Sahota  
Deputy Executive Office  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Via electronic submission: [15-day Regulatory Docket](#)

**Re: Anew Climate Public Comments to California's Cap-and-Invest 15-day Rulemaking – Support if amended**

As an active participant in the California Cap-and-Invest Program (the “Program”), Anew Climate, LLC (“Anew”) appreciates the opportunity to provide the California Air Resources Board (ARB) with comments on the 15-day rulemaking package to update the Cap-and-Invest Program (“CARB Draft Language” or “Draft Language”). While we are strong supporters of CARB and the Cap-and-Invest Program overall, and very much appreciate CARB’s efforts to address concerns for a number of the offset program provisions in the latest rulemaking package, as well as their engagement with offset developers like Anew and the VERA coalition to understand and address our concerns, **we are taking the position of Support if Amended.** We are supportive of CARB Board adoption of the 15-day rulemaking package moving forward if, and only if, CARB either A) addresses significant concerns Anew and other stakeholders raised on the 45-day amendments to the forestry reversal section (95983), which have not been addressed in the 15-day Language, or B) delays making the amendments to Section 95983 until a later date when greater public engagement and input can inform the amendments. Recognizing that CARB will be embarking on a process to update the forestry protocol to meet the requirements of SB 840 imminently, we urge CARB to roll the currently proposed amendments into that process, so that they can receive the same consideration, workshops, and engagement as the rest of the protocol.

As a market participant, we understand and the importance that completing the current rulemaking will have to help create certainty in the market. However, we are disappointed and concerned about the lack of any meaningful changes to the problematic amendments to the forestry reversal section of the regulation, and we believe pushing ahead with these amendments will significantly hinder future investment in the offset program. Anew has been an active participant in California’s Cap-and-Trade Program and its offset program since its inception and have developed over 25 compliance projects, all but one of them forestry, generating over 28 million credits to date. However, the amendments are concerning enough that Anew will strongly reconsider plans for any future investment in compliance forestry projects. We believe other developers will do the same. We strongly believe that the amendments to the forestry reversal section (95983) are problematic and that the public process to develop those amendments was insufficient. It has been almost two years since CARB asked for developer (public) input on these issues. The last workshop was in April of 2024 where only high-level “initial concepts” were presented without sufficient details to see their actual impacts. Presenting for the first time a set of detailed, significant and wide-ranging changes in a 45-day package is problematic. This timing does not allow a venue to work through the minutiae of something as complex as a compliance offset protocol, forestry or otherwise. Public comments within a 45-day, or 15-day, package is constrained at



best, and, at worst, too late to be effective. In sum, CARB simply did not allow for enough public input via workshops or stakeholder engagement on these topics.

The amendments to Section 95983 are collectively our most significant concern, and we reiterate and expand upon our original 45-Day comments below (Section I), particularly the technical details of our concerns. However, we also provide a brief summary (Section II) of the other concerns previously raised in our 45-day comments<sup>1</sup>, which were also not addressed in the 15-Day Language.

## **I. Delaying Amendments to Sec. 95983 (Forest Offset Reversals) until Forest Protocol Updates to Enable Stakeholder Engagement**

As noted in our previous comments, CARB's Draft Language weighs in on several very technical and complicated carbon forest accounting topics that require broader stakeholder engagement to get right. While some minor changes were made to Section 95983 in the 15-Day package, our concerns largely remain. In a number of instances, the 15-Day Language significantly changes how accounting has been done by stakeholders to date, particularly on topics where the protocol and regulations were not previously explicit. In some cases, CARB's 15-Day Language appears to ignore industry standards and principles that promote project feasibility. While we appreciate CARB's intent is to tighten the regulatory language to address the range of interpretations, robust stakeholder engagement is critically important. Early stakeholder engagement allows CARB to test assumptions, identify unintended impacts, and evaluate feasible alternatives before requirements are finalized. This in turn improves regulatory clarity, supports effective implementation, and strengthens the durability and defensibility of the program, consistent with California's rulemaking principles and the intent of the Program.

However, that engagement with forest offset developers and practitioners has simply not happened. As noted above, these amendments were first proposed in concept at an April 2024 workshop, but little to no detail was shared or discussed with stakeholders until the CARB 45-Day Package was released in January, making that the first time stakeholders saw this language. And now, when stakeholders like Anew have reviewed and commented on these changes in the 45-Day Package, none of the concerns we raised on the amendments to the forest offset reversal section were addressed.

In our previous comments, we strongly encouraged CARB to launch workshops and/or a working group with project developers, verifiers, registries, and forest carbon experts on these topics to foster greater feedback, collaboration, and discussion and to ensure practical and implementable regulatory amendments moving forward. Today, we take that a step further: **we urge CARB to hold off on the regulatory amendments on forest offset reversals until such time when such workshops and/or working groups can take place**, possibly as part of the process to update the forestry protocol to meet SB 840 requirements, at which time CARB will be reopening the regulation again. As we said in our previous comments, we look forward to engaging

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<sup>1</sup> [Anew's comments in response to the 45-Day Rulemaking Package](#)



in the process to update these protocols in a future rulemaking, and we also stand ready to engage informally as well, to support the shared goal of a stronger Program.

While postponing the forest offset reversal amendments is our key message and recommendation, we largely reiterate the technical detail of our concerns for each of the specific amendments to Section 95983 below, updating the comments to clarify further and/or address the very minor changes made since the last draft, explaining why those changes fail to address any of our concerns.

**i. Section 95983(b)(5) (previously 95983(a)(5))**

Despite CARB moving this new text to 95983(b)(5) instead of (a)(5), there is otherwise no change in the language. These changes are concerning because they (i) do not accurately reflect the reality of the causes of slow-moving tree mortality and how it spreads through a forest over many years, and (ii) do not allow for projects to practically quantify the different types of unintentional reversals that occur over the course of several reporting periods. More specifically, the 15-Day Language makes it effectively impossible to classify and quantify the impacts from pests, diseases, or other slow-moving mortality events as unintentional reversals that can be compensated from the buffer pool because these mortality events take place over the course of many reporting periods. As currently written, only fast-moving mortality events such as fire or windthrow (hurricanes) will be able to be quantified and classified as unintentional reversals in one given reporting period, whereas all other slow moving mortality events would not be feasible to quantify since they take place over several reporting periods.

Anew proposes the following language in place of CARB's Draft Language in Section 95983(b)(5), as follows:

*For an unintentional reversal, there must be sufficient verifiable evidence to demonstrate carbon stock losses occurred in the reporting period and prior reporting periods to be eligible for compensation from the Forest Buffer Account in the reporting period.*

Given more time and stakeholder engagement, we see this section as an opportunity to improve how the protocol and regulation quantify unintentional reversals of different kinds (fire, windthrow, insects, pests, disease, drought) and to clarify specifically how to manage and quantify different kinds of unintentional reversals. However, at minimum, the above proposed change would address our most significant concerns in the immediate near-term.

**ii. Section 95983(b) and (b)(1)**

While the unchanged 45-Day Language in Section 95983(b) extends the time for an OPO or APD to notify CARB and the Offset Project Registry of a reversal from 30 days to 2 months of its discovery date, with the apparent intent to allow the OPO or APD more time to report a reversal, which is an improvement, the biggest concern here (unaddressed in the 15-Day Language) is the proposed definition of discovery date in Section 95983(b)(1), which creates inconsistency with that intent and will likely cause practical and cost burdens by **triggering reporting obligations before reversals can be properly confirmed, measured and quantified**. We suggest revising the discovery date definition as the date when OPO or APD completes data collection and analysis of the carbon inventory, and, through quantification, **determines that a reversal has occurred**, rather than to the initial observation of a disturbance.



When following industry management standards of practice, it is common and reasonable that forestry projects will not discover a reversal on a project until after the reporting period ends because project owners need to: (1) account for remaining growth and long-lived wood products during the reporting period, and (2) safely revisit areas affected to be able to survey impacted areas. Simply because a forest experiences a disturbance (whether it be fire, insect, disease, or wind event) that disturbance does not immediately indicate tree mortality, let alone a net carbon loss (or reversal).

For better clarity, we provide two examples:

***In the case of a fire:*** even if a wildfire is widely reported to have impacted a project area, until a team can get into the field to inventory the trees, determining the scale of tree mortality, it would be impossible to know with certainty the scale of carbon loss. Often an inventory is not possible immediately after a wildfire for safety reasons. Further, any fire-impacted trees that are salvageable can maintain carbon through long-lived wood products. Defining the date a fire is contained as the discovery date for a reversal does not reflect the process necessary to quantify that reversal, nor does it provide enough information to determine if a reversal has in fact occurred.

***In the case of an insect or disease,*** which may impact the project area slowly over multiple years, **applying the new regulatory language would be even harder.** A landowner might discover the presence of an insect pest (e.g. ash borer) but not yet have found any dead ash trees. At this stage, it would not make sense to report a reversal, as no reversal has occurred. Over the next 20 years, some ash trees might die (a carbon stock loss) each year, but without inventorying the entire property, it would be impossible to know exactly how many and when each individual ash died. However, the amended regulation would require the landowner to report the unintentional reversal every year and re-inventory the entire property every year to quantify how much ash mortality occurred every year. This is impractical and cost prohibitive; forest inventories typically cost upwards of \$100,000 (and in some localities much more). Further, if the landowner was salvaging any of the dying ash this would likely be deemed an intentional project-terminating reversal, despite this not being negligent behavior and, rather, *being good forest management that reduces other risks, such as wildfire*. While we recognize that the timing of carbon losses is important for quantification and vintage purposes, it is critical that the regulatory updates balance the need for accuracy with practicality and feasibility. **The current proposal is untenable and would be prohibitive for any projects with pests or disease.**

Considering these concerns, instead of the language proposed by CARB in Section 95983 (b)(1), we propose the following revised definition for discovery date:

*The discovery date will be assumed to be the date on which the carbon losses or associated mortality is confirmed following the completion of field data collection, analysis, and any required modeling. The data collected via field sampling, reconnaissance, or remote sensing can be used to quantify the unintentional reversals from mortality that occurred in prior reporting periods.*

### **iii. Section 95983(b)(2)**

We are also concerned with the addition of new language in 95983(b)(2) and recommend this new language be removed or, at minimum, that any stratification be made conditional, if deemed necessary. CARB's "Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information" states that



“This change is necessary to support Program implementation and provides added flexibility when stratify in carbon stocks,” yet an establishment of a new stratum or a change in existing stratification solely based on disturbance areas is not always statistically justified. Stratification should be applied where it demonstrably improves precision and reflects materially distinct conditions between the area of the disturbance and other areas, rather than being required solely due to the occurrence of disturbance. If the reversal can be accurately quantified within the existing framework, requiring a new stratum or moving areas of disturbance to a different stratum may impose cost without improving accuracy. If post-disturbance conditions still fall within the distribution of the original stratum, then for statistical accuracy, it must remain in the same population. Over-stratification can reduce efficiency and degrade data quality.

We recommend that CARB more clearly specify the measurement and quantification methods for unintentional reversals. The rules and accuracy standards for unintentional reversals should be consistent with the measurement, quantification, and accuracy standards for reporting harvests, as harvests are a similar type of forest disturbance. Ideally, all types of forest disturbance (both harvests and natural disturbances) should be quantified and reported in a consistent manner.

#### **iv. Salvage Harvest – Section 95983(b)(3)[new]**

While we appreciate CARB's effort to refine the description of accounting for salvage harvest in the 15-Day Language, it is still problematic, ambiguous and susceptible to multiple interpretations. It is unclear, for example, whether the deduction is meant to reduce the total reversal estimates through simple deduction or whether the long-term harvest wood product from salvage harvesting shall be excluded from the total harvest wood product pool. Without further clarification, project developers and verifiers may reach materially different conclusions from the same language, leading to inconsistent and inequitable outcomes across projects. We therefore reiterate the recommendation from our 45-Day comments that CARB provide more precise and unambiguous language that specifies exactly how this deduction is to be applied within the reversal accounting process, so that compliance obligations are clear and consistently enforceable.

Accordingly, we recommend that CARB develop and adopt clear, rigorous accounting guidelines that specify how to quantify **all** disturbances, including both harvests and salvage harvests, under the context of unintentional and intentional reversal.

#### **v. Reporting Periods in which both Unintentional and Intentional Reversals occurred - 95983(d)**

The 15-Day Language (largely unchanged from the 45-Day Language) proposed in Section 95983(d) does not provide enough direction on how to properly quantify unintentional versus intentional reversals that occur in the same reporting period. Neither does it accurately reflect feasible carbon forest management practices, even at conservative levels, as currently defined. While the Draft Language indicates that harvests, reversals, and salvage logging must be accounted for, it does not clearly define how these activities are to be quantified. Simply requiring that such events be accounted for, without specifying the methodological approach or statistical standards to be applied, creates ambiguity and uncertainty regarding compliance. Accordingly, we recommend that CARB, with input from all stakeholders, develop and adopt clear, rigorous accounting guidelines that specify how to quantify harvests and salvage harvests under the context of unintentional and intentional reversal.



We strongly encourage CARB to hold workshops and/or consider a working group on this topic, as the proposal fails to consider important and constraining factors. Further, the fact that this section would benefit from better clarity as to a methodological approach lends itself to being a good candidate for the forthcoming protocol update process.

## **II. Additional Outstanding Concerns from the 45-Day Package**

In the interest of brevity and keeping the focus on our most significant concern (Section 95983), Anew refers to our previous 45-Day Comments<sup>2</sup>, summarizing by bullet point, issues that were not addressed, neither the amendments in the 15-Day Language nor the “Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information.” While some minor changes were made in the 15-Day Language, concerns highlighted below remain, and we encourage CARB to revisit those previous comments for detail:

- Effective Date of Changes to Regulation
- Correctable errors (Definition and 95977.1(b)(3)(M))<sup>1</sup> (Note: we support CARB’s amendment which addressed the timing of when correctable errors must be fixed in future reporting periods, but our concern regarding the aggregation of errors across multiple reporting periods remains)
- Amended language previously included under “Verification of Direct Environmental Benefits to the State (DEBs)” - Section 95977.1(b)(3)(D)(2)(i), which has been moved to Section 95989(e)
- Definition for Conservative

## **III. Conclusion**

Anew reiterates its appreciation to the CARB staff for the effort made to address concerns raised in the 15-Day Language. We hope CARB staff and the CARB Board will seriously consider Anew’s concern that the amendments to Section 95983 have been rushed, without the proper stakeholder engagement, and consider additional revisions to the 15-Day Language or deferring the changes to that section until such time as these topics can receive greater stakeholder engagement. Anew strongly supports a rulemaking process that brings all stakeholders together in order to develop regulations that provide more clarity on how to properly manage projects and that take into account all factors that make projects feasible and robust.

We appreciate the opportunity to submit these comments and would welcome your feedback and questions. My team and I are available to discuss these comments and our experience with compliance offsets at your convenience. Please feel free to reach me at [jstrauss@anewclimate.com](mailto:jstrauss@anewclimate.com) or our Senior Director, Policy, Teresa Lang, at [tlang@anewclimate.com](mailto:tlang@anewclimate.com).

Sincerely,

Josh Strauss  
President

<sup>2</sup> [Anew’s comments in response to the 45-Day Rulemaking Package](#)

