



Forest Carbon · Inventory · Data Systems

**To:** California Air Resources Board  
**Re:** Notice of Public Availability of Modified Text — Proposed Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation (Cap-and-Invest Program) — 15-Day Comment Period  
**Date:** May 4, 2026  
**Comment Period:** April 14 – May 4, 2026 (15-Day, extended)  
**Reference:** Attachment A-1 (nc\_a-1\_ci\_15d); Notice of Modified Text (nc\_15d\_ci\_noticeada)

---

## Introduction

Arbos is a forestry and carbon consulting practice based in Northern California with direct experience developing, monitoring, and verifying forest offset projects registered under the Cap-and-Invest Program, including projects utilizing CARB-approved LiDAR alternate methods.

Arbos submitted comments on March 9, 2026, addressing forest offset provisions of the Proposed Amendments. Those comments remain in the record. These supplemental comments are limited to the 15-Day Amendments released April 14, 2026, and to material newly added to the record that bears on issues raised in the March 9 submission.

Arbos acknowledges several responsive changes in the 15-Day Amendments and identifies a smaller set of provisions where further refinement would improve the Regulation.

## Modifications That Are Responsive to the March 9 Comments

Arbos supports several of the 15-Day Amendments, including the following:

- *§95976(h)(2) — 45-day cure period for missed reporting during the monitoring period.* The new provision notifying a project operator of a missed reporting deadline and providing 45 additional calendar days before termination directly addresses the risk, flagged in the March 9 comments, of projects being terminated for administrative lapses during a multi-generational monitoring obligation.
- *§95983(b)(1) — Official wildfire databases and "fire authority having jurisdiction."* Allowing an operator to establish a wildfire containment date from an official state wildfire database, rather than relying exclusively on a written statement from the state wildfire response agency, reduces delay and addresses practical access issues raised in the March 9 comments. The replacement of "legally authorized state or local government agency" with "fire authority having jurisdiction" appropriately accommodates federal and out-of-state fire response contexts. Removal of the Response to Wildfire documentation requirement is likewise a practical improvement.
- *§95983(b)(3) and (b)(4) — Extended post-disturbance deadlines.* The extension of the salvage-harvest accounting deadline to 24 months from the discovery date, the 24-month deadline for post-reversal Offset Project Data Report submittal, and the 30-month deadline for verification

statement submittal directly respond to concerns about safe site access and operational feasibility following significant disturbance events.

- §95983(b)(2) — *Stratification flexibility*. The option to move disturbed onsite carbon stocks to an existing stratum that can pass sequential sampling, as an alternative to creating a new stratum, is a sensible recognition of inventory design constraints.
- §95977.1(b)(1) — *Earlier site visits and pre-report verification initiation for reversal cases*. Removing the requirement for CARB pre-approval of earlier site visits when verification services are not being audited, and permitting verification services to begin before Offset Project Data Report submittal when CARB has been notified of an unintentional reversal, will reduce timing friction and better enable pre-salvage field observation. Both changes partially address the verifier-capacity concerns raised in the March 9 comments.

### **Remaining Concerns and Targeted Recommendations**

CARB has responded to several issues raised in the March 9 comments. A number of provisions, however, remain unaddressed. Arbos identifies the following items where further refinement — either through the 15-Day process or in implementation guidance — would meaningfully improve the Regulation.

#### **§95985(b)(2) — “Completely Different Verification Team Members”**

The 15-Day Amendments modify numerous provisions of §95985 but leave §95985(b)(2) unchanged. That provision continues to require, for reduced invalidation period eligibility, that the second verification team “both be affiliated with a different company and comprise completely different verification team members,” with the further requirement that “no verification team member may be part of both verification teams.” Within the small and specialized pool of CARB-accredited forest offset verification teams, this requirement materially narrows the available options for project operators and, as discussed in the March 9 comments, risks creating invalidation exposure driven by verifier scarcity rather than substantive project deficiencies. The 15-Day Amendments elsewhere acknowledge program-wide verifier capacity realities through the streamlined site-visit scheduling in §95977.1(b)(1); §95985(b)(2) moves in the opposite direction.

Arbos recommends that CARB revise §95985(b)(2) to require a different verification body and a different lead verifier, while permitting individual team-member overlap where no conflict of interest under §95979 exists. This revision would preserve the independence rationale for the second verification while avoiding invalidation exposure caused by pool size rather than project quality.

#### **Natural Forest Dynamics and the Discovery-Date Framework (§95983(b)(1))**

The 15-Day Amendments clarify evidentiary sources for wildfire discovery dates but do not add an explicit operator-presented evidence pathway for establishing a different discovery date where externally reported dates are incomplete, inconsistent, or do not reflect actual site conditions. The amendments also remain silent on whether background tree mortality and routine natural forest dynamics — processes already accounted for within the growth-and-yield models and baseline projections required by the U.S. Forest Projects Protocol — fall within the scope of reportable unintentional reversals. Explicit clarification that modeled background mortality is not a reversal would prevent misapplication and would avoid creating perverse incentives for projects to overstate baseline mortality assumptions. Arbos reiterates Recommendation \4 from the March 9 comments on this point.

#### **§95983(b)(5) — Verifiable-Evidence Standard for Operator-Presented Documentation**

The clarification that verifiable evidence of reporting-period carbon stock losses may include documentation “such as” severe weather events or a specific pest or disease from a state or local authority

is a welcome concrete illustration, and the "such as" framing indicates that the listed examples are not intended as an exhaustive enumeration. Arbos recommends that CARB confirm, in the Final Statement of Reasons or in implementation guidance, that project-generated evidence — including dated remotely sensed imagery, time-series vegetation indices, and dated field reconnaissance records — satisfies the verifiable-evidence standard where documented by the operator rather than by a state or local authority. This confirmation would give projects a workable path to documenting timing in cases, such as endemic insect activity or drought-related mortality, where state or local authorities do not issue formal determinations.

### **Cumulative Monitoring-Period Reporting Burden (§95976(h))**

The 45-day cure period in the new §95976(h)(2) addresses the immediate risk of termination following a single administrative lapse but does not reach the underlying concern raised in the March 9 comments: annual Offset Project Data Report submittals persist throughout the 100-year post-crediting monitoring phase, including in years when verification is deferred under §95977(d). Over a multi-generational horizon, this creates substantial cumulative reporting burden that is not commensurate with the environmental risk during years when no disturbance has occurred. Arbos reiterates the March 9 recommendation that OPDR submittals during the post-crediting monitoring phase be aligned with the graduated verification schedule — that is, submitted in years when verification is scheduled or when triggered by a reversal event.

### **New 15-Day Text Bearing on §95976(g) Remote Sensing**

Although §95976(g) itself was not modified in the 15-Day Amendments, new language added to §95977.1(b)(3)(D)2.i bears directly on the March 9 comments on remote sensing. That modified provision requires out-of-state sequestration projects to provide documentation to the verification body of activities upon which direct environmental benefits in the State designation were contingent, "such as photographs, GIS data, *and remote sensing data*" (emphasis added).

This is the second provision in the Proposed Amendments in which CARB treats remote sensing data as adequate evidence for compliance purposes. The first is the existing reliance on remote sensing to establish the date of discovery for unintentional reversals under §95983. Taken together, these two provisions treat remote sensing as sufficiently reliable to trigger or document compliance obligations, while §95976(g) proposes to remove the same class of technology from the alternate methods pathway for measuring forest carbon stocks.

The March 9 comments explain in detail, including with empirical evidence from the only CARB-approved LiDAR alternate method inventory to have completed site visit verification with unpaired sequential sampling under the Compliance Offset Protocol, why remote sensing — paired with appropriate field calibration and validated through CARB's existing verification framework — does not compromise inventory accuracy. The 15-Day Amendments' continued and expanded use of remote sensing data for compliance documentation purposes further underscores the internal inconsistency of the proposed removal. Arbos renews the March 9 recommendations on §95976(g) and encourages CARB, at minimum, to preserve a technology-neutral alternate methods pathway for future evaluation of remote sensing approaches.

### **Conclusion**

CARB has made several responsive modifications in this 15-Day package — on discovery-date evidence sources, post-disturbance timelines, the monitoring-period cure provision, and verification scheduling flexibility. The remaining issues identified above, most of which were raised in the March 9 comments, would benefit from further targeted refinement. Arbos welcomes further dialogue on any of

these points.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter Tittmann', with a stylized flourish at the end.

**Peter Tittmann, PhD**

Founder and Principal Consultant

Arbos

[peter@arbos.bio](mailto:peter@arbos.bio)

(707) 849-4135