



California Air Resources Board,
Clerks' Office, 1001 I Street,
Sacramento, California 95814.

March 9, 2026

This comment to the proposed Cap and Invest regulations is made on behalf of the California Council of Land Trusts, which represents over 100 conservation nonprofits in California.

California Council of Land Trusts (CCLT) requests that the California Air Resources Board (CARB) revise the definition of Forest Owner in proposed section 94802(a) so that conservation easement holders do not bear an undue burden for Intentional Reversals where those easement holders have not contributed to the reversal.

As drafted, the proposed Cap and Invest regulations:

- (1) define Forest Owner to include all holders of real property interests in property involved in a forest offset project (except for government agency third party beneficiaries of conservation easements) in section 95802(a)(definition of Forest Owner),
- (2) state that fee owners *and* easement holder are *collectively* considered the Forest Owners in section 95802(a)(definition of Forest Owner), and
- (3) provide that current Forest Owners are liable for project termination and required to replace any credits that are Intentionally Reversed in section 95983(c)(3).

On its face and as clearly drafted, this means that a land trust that holds a conservation easement on project land could be liable for an Intentional Reversal, even if the land trust did not contribute to the reversal. Several land trusts in California hold conservation easements on forestlands that are subject to offset projects and this poses an undue burden on the land trust community.

We previously submitted a detailed comment letter regarding the forestry protocols on November 22, 2019, regarding third party liability for carbon reversals, as well as a subsequent comment letter on February 2, 2021, supporting the draft recommendations issued by the Compliance Offsets Protocol Task Force, which were finalized on March 21, 2021 and also recommend that this issue be addressed.

We respectfully request, again, that CARB update the regulations to exempt easement holders from liability for Intentional Reversals if the easement holder has not contributed

to the reversal with gross negligence or willful intent. To reflect this change, we propose the following revision in blue to the definition of “Forest Owner” in section 95802(a):

“Forest Owner” means the owner of any interest in the real (as opposed to personal) property involved in a forest offset project, excluding a government agency third party beneficiaries of conservation easements. Generally, a Forest Owner is the owner in fee of the real property involved in a forest offset project. In some cases, one entity may be the owner in fee while another entity may have an interest in the trees or the timber on the property, in which case all entities or individuals with interest in the real property are collectively considered the Forest Owners, however, a single Forest Owner must be identified as the Offset Project Operator. *For the purpose of determining liability for Intentional Reversals, the term “Forest Owner” will not include holders of easement interests in the real property, where such easement holder did not contribute to the Intentional Reversal by gross negligence or willful intent.*

In the alternative, the definition of “Intentional Reversal” in section 95802(a) could be revised to include the foregoing exemption in blue.

Thank you for your consideration.

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California Council of Land Trusts