



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

May 17, 2021

Dear Honorable Tribal Chairs:

Later today, I will sign the Climate Commitment Act, a critical step forward for Washington State and the nation in the fight for a livable future for our children and grandchildren. I am grateful for your partnership on this bill during this legislative session and over many years. I know that Tribal support was critical to getting the bill across the finish line.

The bill represents major climate progress, with a declining cap on climate pollution and investments in clean transportation, clean energy, climate resilience, and a dedicated natural climate solutions account. It is a clean air bill, as well, increasing monitoring of criteria air pollutants that come from burning fossil fuels and requiring reductions of that pollution in overburdened communities.

Because of your advocacy, the bill creates a first-in-the-nation requirement that at least 10 percent of the funding generated by the program – projected at \$8.4 billion between now and 2040 – be dedicated to programs and projects supported by Indian Tribes, with a priority to those directly administered or proposed by an Indian Tribe.

The bill calls out the Legislature's intention of investing \$50 million per biennium in activities to mitigate and adapt to the impacts of climate change affecting Indian Tribes, including capital expenses for relocation due to sea-level rise and flooding.

This centering of Tribal investments is a powerful precedent and example for the nation. It is complemented by a nation-leading environmental justice council, with additional Tribal seats, that provides recommendations on program design, implementation, and investments. The bill provides for carbon offset projects on Tribal lands, and funds to develop such projects.

Section 6 of the bill respecting tribal sovereignty requires the development of an improved government-to-government consultation framework for state agencies to communicate and collaborate with tribes on climate investments made under the act. I strongly support the need for this work. It is time to improve our Tribal-State consultation and collaboration process, including how we work together to recognize and respect Tribal historical and sacred places. Where cultural resources are present, we must ensure that meaningful consultation is conducted before we take action.

However, this section requires Tribes to provide their consent for climate projects funded by the Climate Commitment Act that might impact Tribal interests, which differs from our current government-to-government approach, and does not properly recognize the mutual, sovereign relationship between Tribal governments and the State. In particular, there are legal concerns with the undefined and broad requirement for Tribal consent in the use of climate investment funds and for the lack of due process when consent is withheld.

Today, I will veto Section 6 and commit personally to working together with Tribal leaders to jointly develop an improved government-to-government consultation process, including how we work together to recognize and respect Tribal historical and sacred places. I will invite you to join me at a leadership summit this summer where we can listen and learn about the most important issues for effective government-to-government relationships, and we can roll up our sleeves to develop improved procedures and agreements to carry us forward.

I applaud Washington's Tribal nations' stewardship of lands and resources, salmon, and water, since time immemorial. I am honored to partner with you in our shared fight against climate change, and to demonstrate to the nation how sovereign state governments and sovereign Tribal governments can work together for the benefit of our people and our natural world.

There are many who would not like to see us succeed. I pledge to you that I will invest personally in working together with you to show the country and the world that we can rise to this challenge together, building a clean environmental and energy future that respects Tribal treaty rights, cultural resources, and sacred sites, and gives our children and grandchildren a healthy future.

With respect and commitment,

A handwritten signature in black ink, appearing to read "Jay Inslee". The signature is fluid and cursive, with a large initial "J" and "I".

Jay Inslee
Governor