



# THE RAINFOREST STANDARD

Integrating social, environmental and economic well-being

## **INITIAL CONDITIONS**

**June, 2012**

**Version 2.0**

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# **THE RAINFOREST STANDARD**

## **Integrating Social, Environmental, and Economic Well-being**

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# THE RAINFOREST STANDARD

## Integrating Social, Environmental, and Economic Well-being

### STRUCTURE: REQUIREMENTS AND PROTOCOLS

[Methodologies]

**The Rainforest Standard** consists of *Requirements* and protocols organized into five subject Sections: *Initial Conditions* (IC1-3) requiring a description of the natural, social, and legal status of the project area at the outset; Socio-cultural and Socio-economic requirements (S1-3), biodiversity considerations (B1-7), emission reduction considerations (ER1-5), and administrative operations (A1-8). A Glossary follows the five subject sections. Exhibits, Schedules, Templates, and an Appendix (*RFS Interactive Permanence Tool* link) follow the Glossary.

Initial Conditions	Socio-Cultural Socio-Economic	Biodiversity	Emission Reductions	Administration	Glossary
IC1: <i>Project Area Initial Conditions</i>	S1: Identifying and respecting de facto rightsholders	B1-1 to B1-3: Benchmarks	ER1: <i>Project Additionality</i>	A1: <i>RFS Website and Project Webpage</i>	Exhibits
				A2: <i>Experts, Representative Organizations, Commentators and Referees</i>	Schedules
IC2: <i>Project Participants</i>	S2: Transparency	B1-4 to B1-6 Monitoring, Reporting, Verification	ER2: <i>Emission Reduction Additionality and Baselines</i>	A3: <i>Project Validation</i>	Templates
				A4: <i>Monitoring, Reporting, Verifying</i>	Appendix
IC3: <i>Legal Foundation</i>	S3: Sustainable Quality of Life Benefits	B1-7: Data	ER3: CO <sub>2</sub> e Emission Reduction Calculations	A5: <i>Crediting Period, Project Life, Permanence Period</i>	
				A6: <i>Credit Registration, Transfer, Retirement</i>	
			ER4: <i>Leakage</i>	A7: <i>Defaults and Remedies</i>	
			ER5: <i>Permanence</i>	A8: <i>Fees</i> A9: <i>Miscellaneous</i>	

# THE RAINFOREST STANDARD

## Integrating Social, Environmental, and Economic Well-being

### INITIAL CONDITIONS

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**IC1: INITIAL CONDITIONS IN PROJECT AREA****OBJECTIVES:**

Provide accurate and complete information about the *Initial Conditions*<sup>1</sup> of area, boundaries, land use, tenure, zoning, and the extent and nature of forest type and condition in the *Project Area*.

**RATIONALE:**

This section describes the *Project Area's* boundaries and the conditions in the *Project Area* prior to the *Project* with respect to land tenure, existing activities, and *Eligible Forested Lands*. These descriptions will serve as the basis for identifying the lands from which *RFS Credits* will be generated as well as those who will participate directly and indirectly in the generation of *RFS Credits*.

**REQUIREMENTS:**

The following maps and tables shall be provided with the *Initial Project Submission Documents*:

**IC1-1 Project Boundary Map:**

A. The *Project Area* is defined as that area within the geographical boundary lines displayed on the *Project Boundary Map*. The *Project Boundary Map* shall show the course and distance of all the boundary lines of the *Project Area* with their geographic coordinates. GIS-informed mapping is preferred for establishing geographic coordinates.

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<sup>1</sup> **PLEASE NOTE:** All *Italicized* terms are defined terms found in the GLOSSARY.



B. The *Project Boundary Map* shall be prepared in accordance with the survey standards acceptable to national, sub-national, or local *Governmental Authorities* or, in the absence of any such standard, by an Approved Association identified in Schedule IC1-1\_A.

C. The *Project Boundary Map* shall display:

1. All governmental designations (e.g., tax map data; state, city, regional, municipal, customary designations); and
2. The total number of hectares in the *Project Area*.

**IC1-2 Project Land Tenure Map and Table:**

A. The *Project Land Tenure Map* shall show areas within the *Project Area* owned, leased, occupied, used, or regulated by any and all *Project Participants* as defined in IC2-1, including but not limited to:

1. Areas that are owned, directly or indirectly, by the State, and
  - a. have been designated by the state as *Protected Areas*, national parks, national forests, or such other designations that may relate to their public and private use;
  - b. whose use is assigned by law to *Indigenous Peoples* or other communities; or
  - c. are subject to a concession, whether for a specific or a general use, to a private person or a for-profit (e.g., a corporation or partnership) or non-profit (e.g., a foundation, nongovernmental organization) entity (*Concessionaires*);
2. Areas owned, leased, occupied, or used by private persons or entities (including *Indigenous Peoples*, local communities, *Forest Dwellers And Forest Users* with legal title);
3. Areas owned, leased, occupied, or used by private persons or entities (including *Indigenous Peoples*, local communities, *Forest Dwellers And*

*Forest Users* with legal title) where there is a legal obligation to preserve or protect the existing forest areas (e.g., because it is a *Protected Area* by legal decree, public or private conservation easement, or a local legally valid equivalent, or otherwise);

4. Areas in which families or communities customarily reside (*Forest Dwellers*) or which they use although residing elsewhere (*Forest Users*).

B. The **Tenure Table** shall be affixed to the *Project Land Tenure Map* and shall provide the following information:

1. Name and/or identity of all *Project Participants*;
2. Number of hectares in the areas in which each *Project Participant* has its interest;
3. Nature of the property rights held by each *Project Participant* (e.g. legal title, lease, concession, easement, traditional or customary, other); and
4. Subject of the property rights held by each *Project Participant* (e.g. use, control, and/or transfer rights with respect to land use, development, natural resources, carbon emission reduction activities, etc.).

### **IC1-3 Project Activities Map.**

The *Project Activities Map* shall show the following within the *Project Area*:

- A. Current official governmental zoning map designations; and
- B. *Local Zonation* listing all *Forest Resources* and showing all current *Resource Uses* and *Resource Use Territories* in the *Project Area*.

**IC1-4 Benchmark Eligible Forested Lands Map.**

The *Benchmark Eligible Forested Lands Map* shall have a minimum resolution of  $\leq 1\text{m}$  as currently available from remote-sensing satellites or aerial photos, and shall display the following within the *Project Area*:

- A. Spatially referenced demarcation of all areas of *Eligible Forested Lands* and *Ineligible Forested Lands* with a *Minimum Mapping Unit* of .09 ha, with cells in a square configuration (e.g. 30x30 with a resolution of 1m);
- B. A calculation of the total hectares of *Eligible Forested Lands*;
- C. A calculation of the total hectares of *Ineligible Forested Lands*;
- D. *Forest Types* in the *Eligible Forested Lands* (i.e., riparian, moist, dry, and other categories as specified in Schedule IC1-4\_A);
- E. *Forest Conditions* in the *Eligible Forested Lands* (i.e., logged, mature, regrowing, and other categories as specified in Schedule IC1-4\_B); and
- F. A *Forest Type\*Condition Stratification Matrix*<sup>2</sup> showing the percentage of *Eligible Forested Land* in each cell. The following sample is an illustration for clarification:

SAMPLE <i>Forest Type*Condition Matrix</i> – Percent of <i>Forest Type</i> in a given Condition.			
TYPE	Moist	Dry	Riparian
CONDITION			
Logged	2%	15%	5%
Mature	23%	5%	10%
Regrowing	10%	15%	15%

<sup>2</sup> The RFS recognizes that the *Forest Type\*Condition Stratification Matrix* may not describe every *Forest Types* or *Forest Conditions*.

**IC1-5 General Conditions:****A. All Maps shall:**

1. be in digital form;
2. be GIS-compatible;
3. use the *Project Boundary Map* as a template;
4. provide the name of the *Project Proponent*, the name of the *Project*, and the Descriptive Title of the Map;
5. be accompanied by a *Personal Representation* (see Template: *Representations*) by the *Project Proponent's* and the *Project Developer's* top executive officer (e.g., CEO, Principal Partner, Executive Director) in his or her personal capacity as well as by the *Project Proponent* and *Project Developer* that the information on the accompanying map is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation;
6. be accompanied by the *Representation* of the *Project Proponent's Proponent Forestry Mapping Expert* that the information on the accompanying map is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation; and
7. be consistent with accurate official government maps.

**B. All accompanying schedules or matrices shall:**

1. provide the name of the *Project Proponent*, the name of the *Project*, and the descriptive title of the map;
2. be accompanied by a *Personal Representation* (see Template: *Representations*) by the *Project Proponent's* and the *Project Developer's* top executive officer (e.g., CEO, Principal Partner, Executive Director) in his or her personal capacity as well as by the *Project Proponent* and *Project Developer* that the information on the accompanying schedule

or matrix is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation;

3. be accompanied by the *Representation* of the *Project Proponent's Forestry Mapping Expert* that the information on the accompanying schedule or matrix is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation;

4. be consistent with official government information; and

5. be internally consistent (e.g. hectares of *Eligible Forested Lands* plus *Ineligible Forested Lands* must equal the total hectares in the *Project Area*).

## IC2: PROJECT PARTICIPANTS

### OBJECTIVE:

Provide an accurate and complete list of all *Project Participants* including all *Rightsholders* and *Governmental Authorities* over activities in the *Project Area*.

### RATIONALE:

***Principle of Inclusion:*** Everyone that is in a position on the ground to remove *Tree Biomass* from the *Project Area Eligible Forested Lands* (or to authorize such removals, or to fail to deter such removals) should be encouraged to avoid such removals. Without such inclusive participation, *Project Permanence* will always be threatened and significant *Reversals* difficult to prevent.

***Participatory Consultation:*** Consistent with the *Principle Of Inclusion*, *The RFS* treats any party in a position to cause removals within a *Project Area* as a *Project Participant*, and a necessary party to *Project* planning and implementation throughout the life of the *Project*. The *Requirements* for Participatory Consultation are detailed in Section S1. The *Principle of Inclusion* leads to a broad definition of *Rightsholders*, especially *De Facto Rightsholders*.

### REQUIREMENTS:

The *Project Proponent* shall furnish a *Project Participant Identification Document* with its *Initial Project Submission Documents*. Section IC2-1 defines the categories of individuals, groups, entities, and organizations that are considered *Project Participants*. Section IC2-2 sets out the information that must be provided for each *Project*

*Participant*. Section IC2-3 provides the type of evidence required to demonstrate compliance with Sections 1C2-1 and IC2-2.

**IC2-1** The *Project Participant Identification Document* shall identify all *Project Participants*, including:

A. *Project Proponent*: Party with right to trade emission reductions stemming from reducing removal of *Tree Biomass* from *Eligible Forested Lands* that is proposing the *Project*.

B. *Project Developer*: Individual(s) or legal entity designated by legally binding authority from the *Project Proponent* to prepare and submit documents required by *The RFS*, to act as *Project Proponent's* agent throughout the validation process, to modify submissions, to make *Representations* as required in *The RFS*, and to otherwise act on behalf of the *Project Proponent*.

C. *Rightsholders* (a term that includes both *De Jure* and *De Facto Rightsholders* collectively):

1. *De Jure Rightsholders*: Holders of legal title to any land or any rights (e.g. concessions, easements, occupancy) within the *Project Area*.

2. *De Facto Rightsholders*: *Forest Users* or *Forest Dwellers*, including but not limited to *Indigenous Peoples*, local communities with traditional or customary rights to use, control, or transfer rights in or appurtenant to lands in the *Project Area*. *The RFS* recognizes as *De Facto Rightsholders*, *Forest Dwellers* and *Forest Users*, who while having no clear title or legal use rights may have locally recognized use or control rights that do not violate private or public property rights, laws, or traditions (“extra-legal users”). However, it is recognized that some *Forest Users* may act

illegally (e.g., illegal commercial loggers; violators of valid legal orders), and *The RFS* does not attribute legal rights to those acting illegally: all such illegal actors are deemed not to be *De Facto Rightsholders*. The term “*De Facto Rightsholder*” does not refer to the individual members of a larger group (such as *Indigenous Peoples*, local communities, *Forest Dwellers* and *Forest Users*, or other group with traditional or customary rights to use, control, and or transfer rights). Individuals’ rights are deemed to derive from their association with the group, defined here as a *De Facto Rightsholder*, of which they are a member. Thus, a group but not an individual can be considered as a *De Facto Rightsholder* under *The RFS*. Family farmers shall be deemed *De Facto Rightsholders* if, and only if, a governmental certificate confirms their possession of lands in the *Project Area* (e.g. Municipal Certificate of Possession and Neighborhood). All *De Facto Rightsholders* shall also be listed on the *De Facto Rightsholder List* referred to in Sections IC2-3C and S1-1.

D. *Governmental Authorities* with jurisdiction to regulate the lands or activities within the *Project Area*.

**IC2-2** The *Project Participant Identification Document* shall include:

- A. Proper and popular names of entities, individuals, organizations, communities, groups, *Governmental Authorities*, and other identifying labels;
- B. Contact information to the extent available, including addresses, phone, email, or other internet contact;
- C. Names of officers, executives, or leaders of entities; and
- D. Publicly available legal registration information.



**IC2-3** The following are required to demonstrate compliance with Sections IC2-1 and IC2-2:

A. A *Personal Representation* by the *Project Proponent's* and the *Project Developer's* top executive officer (e.g., CEO, Principal Partner, Executive Director) in his or her personal capacity as well as by the *Project Proponent* and *Project Developer* that the information is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation; and

B. Where the identification is required to be filed with a *Governmental Authority*, confirmation by that authority evidenced by an official document; and

C. *De Facto Rightsholders List* prepared in accordance with the *Requirements* of S1-1.

### IC3: LEGAL FOUNDATION

#### OBJECTIVES:

Identify legal, traditional, or customary rights of all *Project Participants* to use, control, or transfer any rights in or appurtenant to the lands in the *Project Area*.

Demonstrate that all necessary agreements have been reached with all *Project Participants* affirming the legal right of the *Project Proponent* to transfer, monetize, and trade in reduced emissions of carbon from reduced removal of *Tree Biomass* through receipt and transfer of *RFS Credits* described in Section A6 (“Credit Registration, Transfer, Retirement”).

Demonstrate that the proposed activity or *Project* does not conflict with any national or sub-national REDD or similar programs or activities in the relevant jurisdiction.

Demonstrate that the award of *The RFS Credit* is not itself a violation of applicable law, and the economic benefits of any subsequent trade are not already assigned by applicable law to a third party whose *Consent* or assignment has not yet been obtained.

#### RATIONALE:

*The RFS* seeks to assure purchasers of *RFS Credits* that sellers have the right to transfer carbon emission reductions for value under the law in which the *Project Area* is located. This requires more than a mere showing of legal title to *Project Area* lands. The *Project Proponent* must demonstrate its right to monetize and trade carbon reductions in lieu of or in partnership with: *Governmental Authorities*; contract counterparties (e.g., *Project Developers*, assignees, concessionaires); or *De Facto Rightsholders*.

**REQUIREMENTS:**

Section IC3-1 requires documentary support for the information provided on the *Project Land Tenure Map* and *Tenure Table* in addition to the IC1-5 *Representations*. Section IC3-2 describes the *Requirements* the *Project Proponent* must demonstrate it has met in support of its right to trade in the credits to be issued as *RFS Credits*. IC3-3 specifies the documentary evidence required to substantiate IC3-2 claims.

**IC3-1** In addition to the *Requirements* of IC1-5, in support of the information on the *Project Land Tenure Map* and *Tenure Table* required under IC1-2, as part of its *Initial Project Submission Document*, the *Project Proponent* shall provide the following documentary evidence:

- A. With respect to *De Jure Rightsholders*, registered legal titles confirmed by the *Governmental Authority* in accordance with law evidenced by an official document (e.g. stamped deed; affidavit), and, in the case of a disputed title, Final Judicial Orders from a court from which there is no further appeal; and
- B. *Legal Opinion* of a qualified attorney admitted to the practice of law in the jurisdiction in which the *Project* is located that the information on the *Project Land Tenure Map* and *Tenure Table* is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation.

**IC3-2** As part of its *Initial Project Submission Documents*, the *Project Proponent* shall provide satisfactory documentary evidence, in accordance with subparagraph IC3-3 below, that:

- A. The *Project Proponent* or one or more of the persons or entities who are parties to binding contractual arrangements with the *Project Proponent* has been assigned under the law of the host country the right to trade in, transfer, and monetize the reductions in carbon emissions that result when removals of *Tree Biomass* are reduced; and

B. A *Governmental Authority* (local, state or municipal) has not put in place a national, sub-national or other program that is materially inconsistent with, or purports by its terms to supersede or annul:

1. Any legal measure and/or instrument on which the proposed activity or *Project* is based; or
2. Any method chosen to fulfill any *Requirement* under *The RFS* (for example, a permanence method, a baseline method, or *Requirements* under Section S, such as free, prior informed consent; and

C. No agency or instrumentality of the government in the jurisdiction(s) in which any part of the *Project* is located claims the right to transfer carbon emission reductions; and

D. There is no provision of applicable law in the jurisdiction(s) in which any part of the *Project* is located whereby any person (including any agency or instrumentality of the government), other than the *Project Proponent* and/or one or more of the counterparties with which the *Project Proponent* has contracted or its permitted assigns, is entitled to transfer carbon emission reductions, and specifically those that result from reducing the removal of *Tree Biomass*; and

E. If the jurisdiction(s) in which the *Project* is located has a mechanism in place for tracking and/or registering activities or *Projects* of the kind proposed or undertaken by the *Project* (whether or not as part of that jurisdiction's committed *Nationally Appropriate Mitigation Actions* or "*NAMA*"), and recordation and/or registration is required by applicable law at the time the *Initial* or *Final Project Submission Documents* are delivered or at any subsequent *Verification Date*, the *Project Proponent* shall represent and provide legally valid documentary evidence that:

1. The proposed *Project* or proposed activity is duly recorded and/or registered; and

2. Such recordation and/or registration is not inconsistent under applicable law with the qualification of the *Project* or activity for issuance of credits under *The RFS*; and

F. Neither the issuance of *RFS Credits* to the *Project Proponent* nor to any one or more of the counterparties with whom the *Project Proponent* has contracted, nor any eventual sale of a *RFS Credit* by the *Project Proponent* or by any such counterparty or its assigns will result in a violation of any applicable law of the jurisdiction in which the *Project* is located; and

G. The *Project Proponent* will take all required actions, as provided under applicable law, to report to the *Governmental Authorities* the receipt or transfer of a *RFS Credit*.

**IC3-3.** Evidence in support of the information required in IC3-2A-G.

A. For purposes of IC3-2, satisfactory documentary evidence of the matter to be demonstrated shall require one or more of the following as per Table IC3-3:

1. A *Personal Representation* by the *Project Proponent's* and the *Project Developer's* top executive officer (e.g., CEO, Principal Partner, Executive Director) in his or her personal capacity as well as by the *Project Proponent* and *Project Developer* that the information in the IC3-2A-G is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation;

2. *Legal Opinion* of a qualified attorney admitted to the practice of law in the jurisdiction in which the *Project* is located that the information required by IC3-2A-G is accurate and complete in all material respects to the best of his/her knowledge and belief after a full, good faith investigation;

3. Official written statements by *Governmental Authorities*; or

4. Final Judicial Orders from a court from which there is no further appeal.

B. Table IC3-3 describing satisfactory documentary evidence alternatives for IC3-2A-G *Requirements*.

Table IC3-3: Satisfactory documentary evidence alternatives for IC3-2A-G <i>Requirements</i> .								
Sub-paragraphs	A	B	C	D	E1	E2	F	G
	1 + 2	1 + 2; or 3; or 4	1 + 2; or 3.	1 + 2; or 3.	1 + 3	1 + 2; or 3.	1 + 2; or 3.	1

C. Should any *Representation* prove inaccurate, subsequent credits will not be verified except in accordance with the remedial procedures in Section A7.