

TEMPLATE

# DEVIATION REQUEST FORM

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PUBLICATION DATE **11.04.2021**

Version **5.0**

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## A. To be completed by Gold Standard

### 1 | Decision

**1.1 | Date – 07/11/2023**

**1.2 | Decision**

The deviation request is approved.

The PD shall ensure that a continuity in the Project's monitoring activities has been maintained and PD is able to justify that no monitoring gaps exist (especially for SDG parameters) within the Monitoring Period(s). However, if gap(s) exist, the project shall justify that conservative approach(es) have been applied in line with section 3 of the Deviation Approval Requirements and Procedures (version 1.2) and overarching GS principles (as applicable).

The verifying VVB shall confirm that the monitoring approaches are correct and conservative for the emission reduction calculations.

The Project Developer shall clearly document the deviation request, its implications and GS' decision in the appropriate section of the GS Monitoring Report (for the relevant MP).

The verifying VVB shall, through appropriate means at its disposal, evaluate the Project's compliance with the above-mentioned condition and provides its opinion in the Verification Report.

SustainCert shall review both the PD's response and the VVB's assessment/opinion of the same and take appropriate steps.

**1.3 | Is this decision applicable to other project activities under similar circumstances?**

No.

**B. To be completed by the Project Developer/Coordinating and Managing Entity and/or VVB requesting deviation** (Submit deviation request form in Microsoft Word format)

## 2 | Background information

Deviation Reference Number	DEV_560	
Date of decision	07/11/2023	
Precedent (YES/NO)	No	
Precedent details	N/A	
Date of submission	23/10/2023	
Project/PoA/VPA	<input type="checkbox"/> Project	ID – GS2990
	<input type="checkbox"/> PoA	ID – GSXXXX
	<input type="checkbox"/> VPA	ID – GSXXXX
Project/PoA/VPA title	Kikonda Forest Reserve Reforestation Project	
Date of listing		
GS Standard version applicable	Gold Standard for the Global Goals	
Date of transition to GS4GG (if applicable)		
Date of transition to Gold Standard from another standard (e.g. CDM) (if applicable)		
Date of design certification/inclusion (if applicable)		
Location of project/PoA/VPA	Host country(ies) - Uganda	
Scale of the project/PoA/VPA	<input type="checkbox"/> Microscale <input type="checkbox"/> Small scale <input checked="" type="checkbox"/> Large scale	
Gold Standard Impact Registry link of the project/PoA/VPA	<a href="https://registry.goldstandard.org/projects/details/1798">https://registry.goldstandard.org/projects/details/1798</a>	
Status of the project/PoA/VPA	<input type="checkbox"/> New <input type="checkbox"/> Listed <input type="checkbox"/> Certified design <input checked="" type="checkbox"/> Certified project	
Title/subject of deviation	Performance certification monitoring period	
Specify applicable rule/requirements/methodology, with exact paragraph reference and version number	<p>Land Use and Forestry Activity Requirements v1.2.1: Section 3.1.12 (b)</p> <p>Site Visit and Remote Audit Requirements and Procedures v1.0: Section 1.2.2</p> <p>Applicability of minimum site visit requirements by VVB: Section 2.1 and 2.1.1</p>	

Specify the monitoring period for which the request is valid (if applicable)	Start date: 01 October 2016 End date: 14 December 2021
Submitted by	Contact person name: Rajbir Singh Rai
	Email ID: rajbir@sarraigroup.com
	Organisation: Nile FiberBoard Ltd.
	Project participant: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Validation and Verification body (VVB opinion shall be included, where required by the applicable rules/requirements or request is submitted by the VVB).	Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes; VVB name:  VVB Staff name(s):
Any previous deviations approved for the same project activity/PoA/VPA(s)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

### 3 | Deviation detail

#### 3.1 | Description of the deviation:

*\*Guidance\* Use the space below to describe the deviation and substantiate the reason for requesting deviation from applicable rules/requirements. Please include all relevant information in support of the request. You are requested to follow the principles for requesting deviations, given in the [Deviation Approval Procedure/ Design Change Requirements](#).*

##### 3.1.1 | Deviation detail (to be completed by Project developer)

The Kikonda Forest Reserve Reforestation Project is a forestry project that was originally certified as a carbon project under the CarbonFix v2.0. Since the initial certification, the project has also been transitioned from CarbonFix 2.0 to CarbonFix 3.2 to GS AR Requirements v9.0 and currently with the GS4GG Gold Standard Afforestation/Reforestation (A/R) GHG Emissions Reduction & Sequestration Methodology v1.0. The project start date was set for 2002 with an initial crediting period of 50 years (2002 to 2051). The initial project owner was Global Woods AG. The project owner changed in 2020 from Global Woods AG to Nile Fibreboard Ltd (NFB). Alongside the change of project ownership, the project during this time also indicated changes in the project design that takes effect from 2022 onwards.

The last performance certification happened in 2016 and the next performance certification was scheduled for 2021. However, prior to the scheduled performance certification, the project ownership of the project changed and there had been parallel project design changes as well. With the overlapping changes occurring in the project, the previous owner (Global Woods), new project owner (NFB) and FORLIANCE (technical consultant) reached out to both SustainCERT and Gold Standard as early as January 2021 to inquire on the proper procedures to address the different changes that happened in the project. As a result, from the recent communications with SustainCERT (meeting held last 6 October 2023), it was recommended to submit a Deviation Request. The objective of this document is to request a deviation from the below rules related to performance certification timeline stated in the Land Use & Forestry Activity Requirements V 1.2.1., the Site Visit and Remote Audit Requirements and Procedures v1.0: Section 1.2.2 and Applicability of minimum site visit requirements by VVB.

Land Use & Forestry Activity Requirements V 1.2.1.

- Section 3.1.12b<sup>1</sup>: Verification and Issuance review (Performance Certification): The performance review may take place either alongside or after Project Design Certification and must occur at least once during the 5-year Certification cycle. A/R specific: Verification shall be completed at least every 5 years until the end of the crediting period.

Site Visit and Remote Audit Requirements and Procedures v1.0: Section 1.2.2.

- Section 1.2.2: The remote assessment requirements/approach outlined in this document do not apply to:
  - a. Land Use and Forest Projects
  - b. Program of Activities (PoAs), including microscale PoAs

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<sup>1</sup> [https://globalgoals.goldstandard.org/standards/203\\_V1.2.1\\_AR\\_LUF-Activity-Requirements.pdf](https://globalgoals.goldstandard.org/standards/203_V1.2.1_AR_LUF-Activity-Requirements.pdf)

- Section 3.1 Frequency of physical site visits (\*): For rules on possible deviations from the minimum site visit requirements, please see the Rule Update “Applicability of minimum site visit requirements by VVB<sup>2</sup>”.

Applicability of minimum site visit requirements by VVB

- Section 2.1. Validate the reason for gaps in site visit, and
- Section 2.1.1 The reasons for non-compliance with site visit requirements could either be Force Majeure or Non-Force Majeure.

*Force-Majeure:* Any cause constituting force majeure i.e., an event beyond the control of the project developer and not involving the developer’s fault or negligence and not foreseeable. Such events may include, but are not limited to;

- any act of war (whether declared or not), invasion, revolution, insurrection, terrorism, or any other acts of a similar nature or force, that prevents VVB travel to project site
- Natural disasters like flood, earthquake, etc.
- Change in Governmental requirements, policy, etc. that affect the project implementation and operation
- Any other situation which meets the definition above

Force majeure does not include shortage of personnel, industrial action, economic downfall, sickness of personnel, breach of contract by subcontractors and liquidity or solvency problems.

*Non-Force Majeure:* Any other cause that is not covered under force majeure.

The rationale for submitting this request is based on the following reasons, which are described below.

1. The project was most recently certified according to the “The Gold Standard Afforestation/Reforestation (A/R) Requirements Version 0.93<sup>3</sup>”. While the

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<sup>2</sup> <https://globalgoals.goldstandard.org/ru-2021-applicability-of-minimum-site-visit-requirements-by-vvb/>

<sup>3</sup> [https://www.goldstandard.org/sites/default/files/ar-requirements\\_v0-9.pdf](https://www.goldstandard.org/sites/default/files/ar-requirements_v0-9.pdf)



methodology mentioned that projects need to be certified at least every 5 years (see p. 40 of the document), the basis of the 5-year period from when VERs can be certified was not from the on-site visit date.

2. The reason for the gap during the site visit was classified under Force Majeure specifically the following:
  - a. *Natural disasters*: The COVID-19 pandemic that started in 2020 until 2021 had impacted the scheduled site visit during the 5<sup>th</sup> year (2021) of the monitoring period (2016-2021) due to the policy<sup>4</sup> that was imposed in Uganda, thus restricting movement and activities not only in the project area but also for potential VVBs to conduct the site visit. Since Section 1.2.2 (of the Site Visit and Remote Audit Requirements and Procedures v1.0), that states that remote assessment does not apply to Land Use and Forest (LUF) Projects, the project was unable to conduct the site visit in due time.
  - b. *Change in government requirements*: While associated with the global pandemic that the project owner does not have control over, the local policy decision<sup>5</sup> of restricting movement and activities have also impacted the project implementation, since the employees that perform the project activities including the forest inventories had no alternative to execute the project activities. This limitation was not because of lack of personnel, but more because of a policy-oriented mandate that impacted the host country.
  
3. The project, apart from having design changes, also had project owners changed. The change of project ownership happened in 2020, however, the procedures and guidelines on how the change of project ownership will impact the next certification event was not reflected in any of the existing Gold Standard templates/documents or SustainCERT documents. To address this

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<sup>4</sup> Uganda Policy\_Statutory Instrument No. 38 of 2021

<sup>5</sup> Ibid

aspect, the previous owner (Global Woods) and new owner (NFB) have proactively contacted and reached out to Gold Standard as early as January of 2021<sup>6</sup> to inquire about the process of the change of project ownership approval. However, only in October of 2022<sup>7</sup> have the previous owner (Global Woods) and new owner (NFB) have been provided with the procedures and guidelines for the change of ownership process approval. Gold Standard from the recommendation in January 2021 (see footnote 6) indicated that until the change of ownership has been approved by the Gold Standard, the previous owner remains as the project owner in the Registry and all related project documentation, hence the new project owner (NFB) needed to request, undergo and be approved by the Gold Standard and SustainCERT for the change of ownership process prior to proceeding to the design change approval process (of which then required the on-site visit). The change of ownership process has only been able to be confirmed and approved in March 2023 (see footnote 7). Below is the summary of the events mentioned above.

<b>Date</b>	<b>Event</b>	<b>Relevant/Source Document</b>
06 November 202	NFB acquired the legal rights to manage the Kikonda Forest Reserve Reforestation Project from Global Woods through the acquisition of the Global Woods company to NFB company.	NFA license to NFB for KFR_06112020 (reflecting the approval from the National Forest Authority that NFB have the legal rights over the project area).
26 January 2021	Global Woods proactively contacted Gold Standard to start the inquiry on how to proceed with the Change of Ownership Process since there are no public documents or templates from Gold Standard or	Email document: 26.01.2021_Change of Ownership_Notice given to GS from Global Woods.

<sup>6</sup> 26.01.2021\_Change of Ownership\_Notice given to GS from Global Woods

<sup>7</sup> March 2023\_Design Change Documents Upload SustainCERT and GS

	<p>SustainCERT related to the Change of Ownership Process.</p> <p>In this email, Gold Standard advised Global Woods and NFB that until the change of ownership has been approved by the Gold Standard, the previous owner remains as the project owner in the Registry and all related project documentation.</p>	
12 October 2022	<p>Previous owner (Global Woods) and new owner (NFB) have been provided with the procedures and guidelines for the change of ownership process approval</p>	<p>Email document: March 2023_Design Change Documents Upload SustainCERT and GS.</p>
24 March 2023	<p>With the clear procedures and guidelines provided to the new project owner (NFB), they started the formal request, underwent and was approved by the Gold Standard and SustainCERT for the change of ownership process on 24 March 2023. Following the advice from Gold Standard, NFB proceeded with the design change approval process (of which then required the on-site visit).</p>	<p>Email document: March 2023_Design Change Documents Upload SustainCERT and GS.</p>

4. This request complies with the principles for requesting deviations. The principles are:
  - a. Environmental integrity: Gold Standard certified products (GS VERs) and/or statements will not be overestimated because of the deviation, and conservativeness must be ensured.
    - A delay on the on-site visit has no impact on the amount of carbon stored by the project. Specifically, since both the baseline and project scenarios have been revised to reflect the potential impacts

of the design change. Conservativeness was also demonstrated in the responses to the CARs and CLs that were identified by the VVB during the validation of the design change.

- b. Contribution to the Sustainable Development Goals (SDGs): SDG contributions that the project is designed to achieve must be in line with GS4GG requirements and are not compromised.
  - A delay on the on-site visit has no impact on the SDG contributions achieved by the project.
- c. Safeguarding principles and requirements: Project must be in line with Safeguarding principles and requirements of GS4GG
  - A delay on the on-site visit has no impact on the adherence to safeguarding principles of the project. During the 2016-2021 monitoring period of which the project seeks certification, the ongoing compliance with these principles was demonstrated through the FSC certification.
- d. Compliance with host country regulations: Project must not conflict with host country regulations.
  - A delay on the on-site visit has no impact on the adherence to host country regulations by the project.

In conclusion, the project has not been able to conduct the on-site visit in 2021 (as the 5<sup>th</sup> year of the 5-year certification period) due to force majeure reasons that are allowed for possible deviations from the minimum site visit requirements. In addition, the change of ownership process that was a precursor for the design change approval process (based on GS advice) has only been able to be approved in March 2023, hence the on-site visit that was part of the design change also was conducted after March 2023. We therefore ask to omit any penalty, sanction, or measures, so that the project can acquire certification from the monitoring period of 2016-2021. In addition, the VVB performing the design change validation and verification is EPIC Sustainability. EPIC Sustainability will issue its opinion as VVB and can provide further information in its auditor report. The auditor report should suffice for the assessment of this petition that the delay on the on-site has no impact on the Gold Standard certified products (GS VERs) and SGD contributions.

3.1.2 | VVB Opinion (to be completed by VVB, if applicable):

*\*Guidance\* If required by SustainCERT or Gold Standard for this particular deviation, please add here the VVB's opinion.*

### 3.2 | Assessment of the deviation:

*\*Guidance\* Use the space below to describe how the deviation complies with the requirements, and, where applicable, the accuracy, completeness and conservativeness is ensured. Please include all relevant information in support of the request.*

#### 3.2.1 | Deviation assessment (to be completed by Project developer):

As explained above, the provisions set forth by the LUF Activity Requirements, Site Visit and Remote Audit Requirements and Procedures and the Applicability of minimum site visit requirements by VVB, are still adhered to by the project despite the delay on the on-site visit. Hence, the project or the standard's integrity has not been compromised. Accuracy and completeness are ensured by the ongoing design change approval process (currently on the preparation of the validation and verification reports). Conservativeness is also not impacted since forest monitoring was conducted during the requested monitoring period (2016-2021) and any clarifications from the VVB have also been addressed.

#### 3.2.2 | VVB opinion (to be completed by VVB, if applicable):

*\*Guidance\* If required by SustainCERT or Gold Standard for this particular deviation, please add here the VVB's opinion.*

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### 3.3 | Impact of the deviation:

*\*Guidance\* Use the space below to describe the impact of the deviation on project design, safeguarding principles assessment, SDG assessment, emissions reductions, monitoring frequency, data quality, potential risk or any other relevant aspect of the project. Please substantiate the impact assessment with relevant and verifiable data/information.*

3.3.1 | Impact assessment (to be completed by Project developer):

As described above, the project design, safeguarding principles assessment, SDG assessment, emissions reductions, monitoring frequency, and data quality are not impacted by a deviation from the rule. The only risk associated with this request might be that other projects faced the same situation, but this could be avoided by explicitly informing transition projects about the need to re-validate projects after five years and formulating the principles and regulations in a clearer manner for which projects types the Design Renewal Certification is needed.

Due to an unintended delay (that was not in the project owner's control), the risk of not granting a deviation from the present rule is considerable. The new project owner is still reliant on the carbon credits sale for the project to be continuously implemented. Furthermore, NFB as the new owner and FORLIANCE (as the technical consultant) has updated all required documentation, closed the CARs and CLs from the VVB during the design change validation and verification and proactively started the communication for the change of ownership process approval as early as the change of ownership occurred. As previously mentioned, the design change approval process is being concluded with the VVB for the project to continue with the Performance Review event. Therefore, the approval of the deviation request will be crucial for the continuity and assurance to provide positive effect to the project.

3.3.2 | VVB opinion (to be completed by VVB, if applicable):

*\*Guidance\* If required by SustainCERT or Gold Standard for this particular deviation, please add here the VVB's opinion.*

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**3.4 | Documents:**

*\*Guidance\* List of documents provided (note that once a decision has been made by Gold Standard, this deviation form along with supporting documents will be made public on the Gold Standard website. If any of the supporting documents are confidential, please indicate here to ensure they are omitted.)*

The following documents are provided as part of this request:

[Uganda Policy Statutory Instrument No. 38 of 2021.pdf](#)

[26.01.2021 Change of Ownership Notice given to GS from Global Woods.pdf](#)

[March 2023 Design Change Documents Upload SustainCERT and GS.pdf](#)

Version number	Release date	Description
5	11.04.2022	Additional information added: <ul style="list-style-type: none"> <li>- date of listing, design certification, transition</li> <li>- standard version</li> <li>- specific reference to a requirement deviated from</li> <li>- any previous deviations/design changes approved</li> </ul> Guidance on VVB opinion
4	14.01.2021	
3	16.07.2020	
2	03.05.2018	
1	01.07.2017	Initial adoption