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CLEAN FUEL STANDARD LAND USE AND BIODIVERSITY CRITERIA - UPDATE

May 2022



Canada 

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1) COMING INTO FORCE



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COMING INTO FORCE

- December 2021 Approach: Material balancing verification will occur as of January 1, 2023, and LUB requirements (including declarations) will come into force on January 1, 2024.
- Considerations: All non-palm feedstock volumes are compliant with the LUB criteria before January 1, 2024. Thus, material balancing and declarations prior to the coming into force date are not required.
- CGII Approach: All LUB requirements, including material balancing and declarations, will come into force on January 1, 2024.
 - The CFR low carbon intensity fuel (LCIF) supply chain will have time to implement the LUB criteria requirements and alter their practices to ensure compliance.
 - This approach provides time for LR applications to be submitted and reviewed to inform harvester compliance decisions.
 - All feedstock harvested prior to January 1, 2024, is LUB-compliant.



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2) WILDLIFE HABITAT



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WILDLIFE HABITAT

- December 2021 Approach: “Vulnerable ecosystems” was included to ensure sensitive and rare ecosystems are kept intact, regardless of whether rare, vulnerable, or threatened species are present.
- Considerations: “Vulnerable ecosystems” is not uniformly defined throughout industry, leading to confusion with respect to the term’s scope.
- CGII Approach: Remove “vulnerable ecosystems” as protection of these areas is largely covered by other LUB criteria. The criterion prohibits feedstock cultivation and harvest in the habitat of any rare, vulnerable, or threatened species.
 - This approach removes ambiguity.
 - Protection of rare or sensitive ecosystems will continue to be achieved through other aspects of the LUB criteria such as:
 - Protection of rare, vulnerable, or threatened species;
 - Harvest prohibition on excluded lands(most vulnerable ecosystems fit the definition of excluded lands); and
 - Implementation of forest management plans (requires protection of biodiversity, water and soil quality and quantity, as well as watercourse connectivity).
 - The name of this criterion was changed from "protected areas" to "wildlife habitat" to better reflect its scope and intent.



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3) FOREST REGENERATION



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FOREST REGENERATION

- December 2021 Approach: Forest management plans must promote natural regeneration of harvested areas or replanting within **four years** of the harvest date.
- Considerations: Several PTs raised concerns with the specificity of the current wording, stating that it was too prescriptive to adequately consider ecosystem-specific circumstances.
- CGII Approach: "Forest management plans must promote timely regeneration to the pre-harvesting condition".
 - This wording ensures that regeneration is successful following planting.
 - Allows more flexibility to consider ecosystem-specific frameworks and scenarios that achieve the same goals.



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4) LEGISLATIVE RECOGNITION – CANADIAN ANALYSIS



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LEGISLATIVE RECOGNITION – CANADIAN ANALYSIS

- The intended outcome of the **wildlife habitat criterion** is achieved by the federal *Species at Risk Act*; therefore, this act can be used to provide Canada-wide compliance for both agricultural and forest feedstock.
- The intended outcome of the **damaging agents criterion** is achieved by the federal *Plant Protection Act*; therefore, this act can be used to provide Canada-wide compliance for both agricultural and forest feedstock.
- The intended outcome of the **forest watercourse connectivity criterion** is achieved by the federal *Fisheries Act*; therefore, this act can be used to provide Canada-wide compliance for forest feedstock.
- All other criteria eligible for LR (forest regeneration; naturally regenerated forest protection; forest soil, water, and biodiversity protection) must be met through PT legislation approved via LR, certification under an approved CFR-certification scheme, or on-site documentation retention.