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GUIDELINES FOR THE ISSUANCE OF ENVIRONMENTAL COMPLIANCE CERTIFICATE FOR FISHPOND DEVELOPMENT

DENR ADMINISTRATIVE ORDER NO. 34, June 28, 1991

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Pursuant to the provision of Proclamation No. 2146, proclaiming certain areas and types of projects as environmentally critical and within the scope of the Environmental Impact Statement System established under Presidential Decree No. 1586, and DENR Administrative Order No. 15 series of 1990 regarding regulations governing the utilization, development and other related projects, the following guidelines are hereby promulgated for the information and guidance of all concerned.

SECTION 1. Policy and Objectives — To promote a mutually productive and long term coexistence of aquaculture in ponds and natural fisheries as well as to minimize environmental degradation of the mangrove and nearshore ecosystem, it shall be the policy of the government to ensure that proper protective measures are in place to address environmental problems resulting from fishpond development projects, which are environmentally critical as defined in Proclamation 2146.

SECTION 2. Definition of Terms — For the purpose of this Order, the following terms are defined.

a. Alienable or Disposable Lands refer to those lands of the public domain which have been the subject of the present system of classification, deemed not needed for forest purposes and available for titling or lease by the government.

b. Environmental Impact Statement (EIS) refers to the documentation of the environmental impact assessment (EIA) study on the project including a discussion of the direct and indirect consequences upon human welfare and ecological and environmental integrity.

c. Environmental Compliance Certificate (ECC) refers to the permit issued by the President of the Philippines or his duly authorized representative certifying that the new fishpond development will not bring about unacceptable environmental impact and that the proponent has complied with the requirements of the EIS system.

d. Environmental Clearance is a document issued by the DENR Regional Executive Director certifying that the existing fishpond conforms with environmental standards and is not adversely affecting the environment.

e. Fishpond Development Projects are aquaculture activities within the mangrove ecosystem to include prawn and shrimp culture; seaweed farming, oyster, mussel and clam culture; and other fishpond production activities. Also included in this definition are saltbeds which involve clearing and diking in mangrove areas; and fishponds converted to salt beds.

f. Fishpond Lease Agreement (FLA) is a privilege granted by the state to a person or entity to occupy and possess in consideration of specified rental any public lands for the raising of fish and other aquatic life within fishponds.

g. Mangrove is a term applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where water is brackish.

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h. Project Description refers to document to be submitted by the project proponent which describes the projects in detail and substantially conforms with the project description outline.

i. EIA Scoping Guidelines refer to the guidelines set forth in Annex B to be conformed and submitted by the project proponent. The guidelines substantially describe the proposed fishpond development project, its environmental impacts and the mitigating measures to be undertaken.

SECTION 3. Coverage — All existing fishponds and new fishpond development projects regardless of area, situated in alienable or disposable lands or in mangrove forest lands which have been zonified as suited for such activity shall be covered by this Order.

SECTION 4. Application Procedures — The following application procedures shall be adopted for existing fishponds for Environmental Clearance (EC) and new fishpond development projects for Environmental Compliance Certificate (ECC).

a. All operators of existing fishponds and other aquaculture farms with area of lone hectare and above, who have not secured an ECC prior to implementation, shall be exempted from penalty fine as provided for under Section 5 (a) Article 5 of the Rules and Regulations implementing PD 1586 provided however, that they submit their application for EC within six (6) months from the date of this Order.

b. All new fishpond development projects shall be subjected to the EIS System and to secure the corresponding ECC.

b.1.

ECC applications covering areas up to one (1) hectare shall be processed at the DENR regional office. The DENR Regional Executive Director is hereby authorized to issue/deny the ECC.

The DENR regional offices shall submit quarterly reports to the Environmental Management Bureau (EMB) on all issuances of Environmental Clearance and Environmental Compliance Certificate.

b.2.

ECC applications covering areas more than one (1) hectare shall be submitted to the DENR regional offices for preliminary evaluation and ocular inspection prior to their endorsement to EMB for further evaluation and processing. The regional offices' initial evaluation/recommendation and ocular inspection report verifying the environmental impacts and mitigating measures relative to each project should likewise be endorsed. The EMB Director is hereby authorized to issue/deny the ECC.

SECTION 5. Coordination with Other Government Agencies — All DENR regional offices shall make the proper coordination and request to all local executives (mayors and governors) and heads of other concerned government offices in their respective regions not to issue permits of clearances to any new fishpond projects after issuance of the Order without compliance to the requirements of ECC from EMB-DENR.

SECTION 6. Monitoring Scheme — In order to assure that activities conducted within all existing/new fishponds are environmentally sound, the DENR, through the EMB, would conduct regular monitoring of the environmental impact of these areas. This would be conducted one year after the issuance of the ECC, and yearly thereafter, as provided for in the EIS System.

SECTION 7. Penal Provision — Violations of any of the provisions of this Order be penalized in accordance with applicable laws, rules and regulations.

SECTION 8. Effectivity — This Order shall take effect immediately.

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Adopted: 28 June 1991

(SGD.) FULGENCIO S. FACTORAN, JR.
Secretary

ANNEX A [*]

PROJECT DESCRIPTION OUTLINE FOR
FISHPOND DEVELOPMENT
Environmental Impact Assessment (EIA)

1. NAME AND ADDRESS OF PROPONENT

State the name and address of the applicant (individual or entity) applying for an Environmental Compliance Certificate. The applicant's telephone number and authorized representative if any should be included.

2. PURPOSE/S OF THE PROJECT

3. DETAILS OF THE PROJECT

3.1 Total land area to be developed

3.2 General layout

- Indicate the exact location and boundaries of the project area on a 1:10,000 scale topographic map.

- submit a vicinity map and photo/s showing the panoramic view of the area. Photos should be properly captioned to indicate points of location and description of its important features.

3.3 Description of project type/process

4. DESCRIPTION OF EXISTING ENVIRONMENTAL SETTINGS

Describe the source and quality of water resources, soil type, present land uses, existing biota, etc.

5. PREDICTION AND IDENTIFICATION OF ENVIRONMENTAL IMPACTS

Described in detail all predictable/imaginable environmental impacts that may occur due to the fishpond development project, i.e. destruction of mangrove areas, land subsidence and salt water intrusion to ground water, land, of landform/drainage pattern, pollution of water resources due to lime, fertilizer pesticides and other chemicals, potential soil erosion flooding, etc.

6. MITIGATING MEASURES

State the measures to be undertaken to mitigate identified environmental impacts such as mangrove reforestation, rehabilitation/vegetation of river banks, installation of waste water treatment and drainage/sewerage facilities, etc.

STATUS OF THE PROJECT

State the status of the project whether it is in the feasibility stage, site clearing, pond construction, etc. at the time this document was submitted

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PROJECT PROPONENT'S SIGNATURE

ANNEX B [*]

EIA SCOOPING GUIDELINES
FOR NEW FISHPOND DEVELOPMENT PROJECTS
1. PROJECT DESCRIPTION AND PLAN

1.1 Name and address of Project Proponent

1.2 Type and purpose of Project

1.3 Exact project location properly superimposed on a 1:50,000 scale topographic map and sketch map of the area based on the survey report of BFAR Field Office

1.4 Size and scale of project (in terms of products or output per hectare and projected lifespan)

1.5 Detailed work program from construction to implementation stage including number of workers in each phase of project development

1.6 Estimated project cost

2. DESCRIPTION OF EXISTING ENVIRONMENT

2.1 Land

- Discuss the status of the land whether timberland/forestland, A & D/titled land, etc.

- Type of vegetation (name of species, number and volume per hectare. Attach timber inventory and colored pictures)

- Type of soil (discuss the pH and organic matter)

2.2 Climate

- Whether project is within climatic type I, II, III, or IV

2.3 Hydrology and Water Quality

- Hydrological survey of project site (natural drainage patterns, season-dependent water flows and groundwater table)

- Water usage by the local population

- Name and uses of river traversing within the project site

- Fish and other aquatic fund in the area

2.4 Socio-economic Description

- Profile of the surrounding community/barangay

- Major source of income

- Average family income in pesos per year

3. ENVIRONMENTAL IMPACTS

3.1 Impacts on land

- Volume per hectare of trees to be cut including nipa culms

- Potential soil erosion, flooding and changes in topography and structures in the process of dike and pond construction, uprooting the stumps of clear cut trees and nipa culms during conditioning of pond bottom.

3.2 Impacts on surface water

- Pollution due to fertilization (name, kind of fertilizer and rate of application

- Pollution due to liming on the dikes and bottom of pond

- Pollution due to pesticide (name, volume and kind of pesticide used to control pest and predators)

- Salt water intrusion on the surrounding community

3.3 Impacts on the atmosphere

- Foul odor due to fertilizer and pesticide application

3.4 Social impacts

- Impacts on public health and safety of the surrounding community

- Potential decrease in water availability on the community

4. MITIGATING MEASURES

4.1 Rehabilitate vegetation at the riverbanks and surrounding areas not utilized as pond by planting trees (attach plan/map of reforestation program)

4.2 Control measures to minimized effects of pesticide and fertilizer and other toxic chemicals on the surface water and river.

5. PROJECT PROPONENT'S SIGNATURE

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