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DENR

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08-04-23

TITLE:

PAGE

DATE

DENR eyes 'co-processing' to control plastic pollution

WHILE aggressively promoting the implementation of the Extended Producer's Responsibility (EPR), which compels big plastic manufacturers to recover plastic wastes that they produce, the Department of Environment and Natural Resources (DENR) is also looking at ways to reduce plastic waste and combat pollution.

As part of the initiative, the DENR is exploring the potential of co-processing, a method that converts residual waste such as end-of-life plastics into alternative fuel for cement manufacturing plants.

Using co-processing, solid waste, including plastics and discarded tires, is substituted for coal, pet coke, or diesel as fuels.

The waste is processed at 1450°C.

This fuel substitution avoids methane emissions generated at landfill sites and partially decarbonizes the manufacturing process.

Any waste by-products, such as ash, are also fully integrated into the microstructures of the clinker, a key ingredient of cement.

Environmentalists, however, question this method, saying it contributes to air pollution and violates

the Clean Air Act, a law that prohibits waste incineration as a method of waste disposal.

DENR Secretary Antonia Yulo-Loyzaga recently visited the new shredder platform, which strengthens the waste-to-fuel co-processing operation of Republic Cement in Taysan, Batangas upon the invitation of Aboitiz Group President and CEO Sabin Aboitiz.

The company is a joint venture of Aboitiz Group and Ireland-based CRH, one of the leading building materials companies in the world.

Through its resource recovery "eco loop," Republic Cement is the pioneer in the use of alternative fuel in local cement manufacturing, with over 20 years of experience using alternative fuels and raw materials. It has established the capacity to reuse or recover the thermal and mineral properties of waste

materials, such as residual plastic or rice husk, as alternative fuels.

The DENR is seeking strategic engagements with stakeholders in the private sector and other non-government organizations that will yield multiple benefits to communities, the environment, and the economy, while complying with both the Ecological Solid Waste Management Act and the Extended Producer's Responsibility or EPR Law of 2022.

The EPR law requires large companies to collect, recycle and otherwise dispose of plastic packaging wastes by 80 percent in 2028. Loyzaga signed the law's implementing rules and regulations in January this year.

Meanwhile, Loyzaga lauded Republic Cement for enabling the decrease of its partner LGU's plastic packaging footprint from 2020 to 2022. *Jonathan L. Mayuga*



TITLE: _____

PAGE _____

DATE _____



RESILIENCE MONTH HONOREES. The 35th National Disaster Resilience Month recently awarded the Dangal Bantayog ng Katatagan Champions (starting from third from left): Science and Technology Secretary Renato Solidum, Jr., Center for Disaster Preparedness President Zenaída Delica-Willison, Environment Secretary Maria Antonia Yulo-Loyzaga, and SM Prime Holdings Inc. Chairman of the Executive Committee Hans Sy (also inset). They are joined by (from left) Office of Civil Defense Assistant Secretary Raffy Alejandro IV, OCD Undersecretary Ariel Nepomuceno, Defense Senior Undersecretary Irineo Espino, and DND Assistant Secretary Joselito Ramos at the Philippine International Convention Center.



TITLE:

PAGE

DATE

Gatchalian: Process observed in Waterfront reclamation project

By CECILLE SUERTE FELIPE

Sen. Sherwin Gatchalian has maintained that processes were observed involving the 318-hectare reclamation project of the Waterfront Manila Premier Development Inc. (MWPMI) led by the senator's

family.

"I don't deny that father is connected to the project. I know for a fact that reclamation projects here behind the Sofitel Philippine Plaza... all went through the process," Gatchalian added during the Kapihan sa Manila Bay Forum on Wednesday.

"I don't deny that (it's) my dad's project, but I don't meddle with the business."

While he was not part of the projects, the senator said he knew that all invited stakeholders, including the local government unit,

Turn to Page 4

Gatchalian From Page 1

non-government organizations, businesses and embassies were invited and consulted.

"It went through a thorough process. PRA (Philippine Reclamation Authority) and the DENR (Department of Environment and Natural Resources) issued permits. They have gone through the

process. It would be unfair if they question it now," said noted. "Let's respect the process."

Last year, the PRA issued a permit allowing MWPMI to start reclamation of 318 hectares of foreshore and offshore areas in Manila Bay upon full payment of the initial regulatory fee.

The planned project, located in the south of Manila South Harbor, will include a central business district as well as health, entertainment and education hubs. This covers the P34.3-billion reclamation and horizontal development of 318 hectares along Manila Bay.

Lawful business

Amid concerns raised by the United States embassy, the PRA yesterday said that China Communications Construction Co. (CCCC) is engaged in lawful business in the country.

"We have not received any categorical blacklisting against this corporation. These are all allegations from news outside the Philippines, that they are involved in the reclamation of the WPS (West Philippine Sea), the artificial islands, so their permits were processed," PRA Assistant General Manager for reclamation and regulation Joseph John Literal said over GMA News.

"So we assume that they are doing business here in a legal manner or they are lawfully engaged in business right now," he added.

The US embassy earlier said it has already brought to the attention of the Philippine government its concerns over the ongoing reclamation projects in Manila Bay and CCCC.

In 2020, the US blacklisted China state-owned enterprises responsible for and central to the militarization and coercion in the South China Sea.

The CCCC was also reportedly cited by the World Bank and Asian Development Bank for engaging in fraudulent business practices.

3

Dare

For its part, the Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas (Pamalakaya) on Thursday dared the US embassy in Manila to oppose all reclamation projects in Manila Bay, including those that affect the livelihood of fishermen, if it is concerned about the marine environment.

"For us fishers, we'll appreciate the concern only when the US embassy completely opposes the reclamation projects in Cavite province that gravely threaten the marine biodiversity and livelihood of tens of thousands of fisherfolk," Pamalakaya chairperson Fernando Hicap said.

Pamalakaya said fishing structures such as mussel farms and stationary fish traps were already wiped out in Cavite and Navotas to pave the way for the reclamation projects.

- With Evelyn Macairan, Emmanuel Tupas



TITLE: _____

PAGE _____

DATE _____

FACTS ABOUT THE MANILA WATERFRONT RECLAMATION PROJECT:

Waterfront Manila Premier Development, Inc (Waterfront Manila), the Joint Venture Partner of the **City Government of Manila** clarifies its position on the recent allegations circulating on the alleged opposition of the US Embassy against the Manila Waterfront City Reclamation Project.

The initial concerns of the US Embassy which were communicated to the City of Manila pertain only to the flooding that they experienced last August 2022, and possible heavy traffic flow in the area. Moreover, in coordination with the Department of Environment and Natural Resources (DENR), the US Embassy would simply like to participate in a discussion on the possible environmental effects and a better understanding of land reclamation. However, to Waterfront Manila's surprise, the matter has been blown out of proportion and was hyped up by media, adversely affecting the members of the Gatchalian family.

For the record:

The City of Manila and its Developer, Waterfront Manila are compliant with all the requirements of the **Philippine Reclamation Authority (PRA)**. The 318-hectare Manila Waterfront City Reclamation Project (the "Project") with the City of Manila has been given a **Notice to Proceed (NTP)** and **Notice to Mobilize (NTM)** and/or **Notice to Commence Actual Reclamation Works (NTCARW)** by the PRA. Several government offices interposed **no objection** to the Project. The Environmental Compliance Certificate (ECC) was issued by the DENR. The Project was studied and master-planned by AECOM, a US based company. The Project involves billions of dollars worth of investment that is expected to immediately spur economic activities across business sectors and immediately generate around 100,000 employment opportunities, billions of taxes and the much-needed income to the country, in general and to the City Government of Manila and its constituents in particular. Reclamation has socio-economic benefits well recognized by the State as early as the time of then President Marcos, Sr. This has been continued with the successful establishment of the CCP Complex, Mall of Asia and the like. In fact, the US Embassy sits on a reclaimed land.

For the record:

The Project did not commence reclamation works last August 2022. Thus, it cannot be the cause of the flooding within the US Embassy area. Flooding and traffic have been perennial problems even without reclamation in Manila Bay.

As for the recent issue on national security, the Project has complied with the requirements of the DENR to make sure of the safe passage of vessels and that the distance of the Project from the US Embassy will not impede the natural flow of water, and security protocol, as necessary.

For the record:

The DENR, in its letter dated 02 March 2022 gave CLEARANCE to the Project as to its compliance with the conditions to the Notice to Mobilize (NTM) and Notice to Commence Actual Reclamation Works (NTCARW) issued to the Project.

It was clarified that DENR only requires coordination with the Philippine Navy (PN) relative to their requirements on safe passage, and the proponent has secured clarification from PN which satisfies the said condition stated in the Area Clearance issued by the DENR.

¹See EIS, p. 408

As to the issue of the eligibility of the Project's EPC Contractor, **CHINA FIRST HIGHWAY ENGINEERING CORP. (CFHEC)** is not backlisted by the World Bank. **CHINA COMMUNICATIONS CONSTRUCTION COMPANY LTD. (CCCC)** is a separate juridical entity from CFHEC and it is not involved in the reclamation at the West Philippine Sea. Moreover, the Project is not funded by the World Bank but by the Private Proponent/Developer, Waterfront Manila and at **no cost to the government**. In fact, the National Government will get **51% share** of the reclaimed land once the Project is completed.

For the record:

In a letter dated 30 April 2018, the DENR-EIAM Division invited the US Embassy to attend the Public Hearing of the proposed Project scheduled last 21 May 2018 as part of the proponent's application for an Environmental Compliance Certificate (ECC). Despite receipt of the DENR letter invitation, no representative from the US Embassy attended the said Public Hearing as shown on the Public Hearing Attendance Sheet.

Likewise, there were public scoping and consultations held in 2017 and 2018. Based on the Environmental Impact Assessment (EIS) approved by DENR¹, the US Embassy was invited but likewise did not attend the hearing.

DENR-EMB Meetings:

- Public Scoping – 19 December 2017;
- Public Consultations – May 7 and May 14, 2018;
- Public Hearing – 21 May 2018

Further, the US Embassy further sent its representative in the PRA's initial rationalization plan meeting sometime on January 17, 2019.

In all these meetings/consultations, the US Embassy did not object or file a comment as to the Manila Waterfront Reclamation Project.

More importantly, the Project Proponents have ensured in the Project's plans that there is enough distance from the shore to the reclaimed land. This plan was incorporated and submitted in its **Detailed Engineering Design (DED) last 05 December 2019** and resubmitted in its **Final Landform Design last 10 September 2020** to the PRA. Likewise, the Proponents have mitigation plans on environmental effects submitted to the PRA and the DENR.

The Project Proponents assure the public that the Project has all the necessary permits. They will comply with all government regulations, as they continue to do so, as well as their unwavering commitment to preserve and protect the environment and not to endanger national security. The Project Proponents remain committed to abide by all environmental laws and regulations to ensure that there will be no violations that will prejudice every Filipino people. The Private Proponents are open to working together and commits to cooperate with all stakeholders including the US Embassy to address all concerns.

The Project Proponents recognize that there is a way to harmonize industrial development with the preservation and protection of the environment. Bearing this in mind, the world-class reclamation development envisioned by the City of Manila is in furtherance of its **Vision of becoming "the premier city of the Philippines; mindful of its glorious past and conscious of its exciting future."**



TITLE:

PAGE

DATE

Chiz cautions vs halting project on US govt say-so

SEN. Francis Chiz Escudero cautioned Malacañang to avoid being stampeded into blocking a Manila Bay reclamation project solely on the basis of the United State government's concern over "long-term environmental impact" and the Chinese partner of the project proponent: a state-owned Beijing firm earlier blacklisted by Washington.

Escudero said halting a project that had hurdled regulatory clearances from Philippine agencies—in this case the Department of Environment and Natural Resources (DENR) primarily—would set a bad precedent whereby Manila could be simply dictated upon by policy of foreign governments.

Speaking at the Kapihan sa Senado, Escudero said the Chinese firm "was blacklisted by the US government, not the Philippine government."

He noted that this is a reclama-

tion project which got clearances from the DENR and, presumably, the Philippine Contractors Association.

Asked about a part of a recent US Embassy statement about possible adverse environmental impacts, Escudero said the "DENR should have looked at that before they granted approval," adding that the department's decision enjoys the presumption of regularity, or that it examined all relevant data to form the basis for its move to issue a go-ahead to the project.

"We cannot block a project on the basis of fear," Escudero stressed, speaking mostly in Filipino, as he replied on what he deemed speculative basis for throwing out a project that was earlier cleared.

In its statement, the US Embassy at Roxas Boulevard, fronting the Manila Bay, was also "concerned" that the reclamation project is being financed by China Communications Construction Co., whose

subsidiary, China Harbour Engineering Co. Ltd., was awarded the project involving backfilling to form three artificial islands and foundation treatment.

According to US Embassy spokesman Kanishka Gangopadhyay, "We are also concerned that the projects have ties to the China Communications Construction Co., which has been added to the US Department of Commerce's Entity List for its role in helping the Chinese military construct and militarize artificial islands in the South China Sea. The company has also been cited by the World Bank and the Asian Development Bank for engaging in fraudulent business practices."

A Department of Foreign Affairs source confirmed that this concern was communicated to them. However, the Embassy did not file any demarche or note verbale to this effect. **Butch Fernandez**



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All
PAGE

UPPER
LOWER

PAGE 1
STORY

BANNER
STORY

EDITORIAL

CARTOON

08-04-23

TITLE:

PAGE

DATE

Escudero pushes Department of Water

BY BERNADETTE E. TAMAYO

SEN. Francis Joseph "Chiz" Escudero on Thursday raised the need to create a Department of Water to ensure that flood control projects will not be affected by local politics.

Escudero made the suggestion as he noted that national flood control projects are often delayed because of the "interference" of some local officials.

He was responding to a query on how the Department of Public Works and Highways should "balance" the interests of some congressmen, governors or mayors in the implementation of flood control projects in their localities.

"This is not ideal. There are situations like that when a congressman is not in good terms with a mayor. That is where the Department of Water should come in," Escudero said in a forum.

"I hope that in the proposed measure [creating a Department of Water], the national government's authority should prevail over the local government [in the implementation of flood control

projects]," he said in Filipino.

Sen. Mary Grace Poe urged fellow legislators to heed President Ferdinand Marcos Jr.'s "marching orders" to create the Department of Water Resources Management (DWRM) amid the looming water crisis.

Poe had hoped the President would certify as urgent the bill creating the DWRM so that the government could focus on solutions to water scarcity.

"Let's seize the moment stirred by the President's marching orders to finally pass the Department of Water Resources Management bill," Poe said.

Senate President Juan Miguel "Migz" Zubiri said he was "glad to hear that the [creation of the] Department of Water Resources remains a big priority of the ad-

ministration."

"As the principal author of the bill, I am ready to push the bill through the Senate, which is especially timely now, with the El Niño crisis upon us," Zubiri said.

"Water deserves serious focus and consolidated effort. We must act before the crisis exacerbates," said Poe, chairman of the Senate Committee on Public Services.

"We hope the push for a water department law can take a step forward with an urgent certification from the President," she said.

Senate Minority Leader Aquilino "Koko" Pimentel 3rd also backed the creation of the Department of Water, "which should have jurisdiction over water resources and bodies of water from 'ridge to reef.'"



TITLE:

PAGE:

DATE:

A review of policy issues in Philippine mining



Perpevina C. Tio
EAGLE WATCH

First of three parts

IN recent decades, there have been several efforts to change the policy governing mining in the Philippines. The current proposal is to create a new fiscal regime for all large-scale mining operations. Estimates show that, if enacted, the new fiscal regime could yield P38 billion annually. The most relevant features of the current plan, which has been approved at the committee level of the House of Representatives (HOR), ensures additional revenue streams from mining activities by declaring all mining areas as mineral reservation area (or 5 percent royalty payment to the national government) and imposing a 10 percent tax on the market value of mineral exports. The proposals that were originally drafted by the Department of Finance (DOF) would increase the effective tax rate on mining from the existing 38 percent to 51 percent.

The resurgence of interest in mining comes after the issuance of Executive Order (EO) 130, which effectively lifts the moratorium on new mining applications that has been in effect since 2012 through an earlier EO 79 by President Benigno Aquino III. EO 79 was created to promote sustainable economic development and social growth at both national and local levels, and spelled out agenda points that ensure adherence to improved environmental standards

and increased revenues through a new legislation that rationalizes revenue sharing schemes.

The revenues received by the national and local government come from tax and non-tax payments of mining companies to various government agencies. Among the taxes collected from mining, the excise tax accrues to local government units (LGUs) hosting the extractive activity. Excise tax, also known as national wealth, is an additional revenue to the

internal revenue allotment that LGUs are entitled to receive regularly from the national government. Since the enactment of the Philippine Mining Act in 1995, excise tax on all locally extracted mineral products has been pegged at 2 percent of the market value of the gross output. In 2018, excise tax on all locally extracted minerals only (metallic and non-metallic) increased to 4 percent by virtue of the implementation of the first package of the Tax Reform for Acceleration and Inclusion (TRAIN) Law. Excise tax on minerals are not differentiated from the excise tax on other manufactured domestic goods and from abroad.

Section 294 of the Local Government Code (LGC) specifies that the utilization of the LGU's share from mining (also known as national wealth share) shall be appropriated by the local legislative to fund local development and livelihood projects.

The gross collection of revenues from mining is generally distribut-

ed to the national government (60 percent) and the LGUs (40 percent). The 40 percent share of the LGUs is further allocated to the province (20 percent), component city/municipality (45 percent), and barangay (35 percent). The revenue share of the national government depends on the production of the aggregated mining industry, and the LGU share depends on the performance of the mining company in a particular locality.

At the height of the pandemic, the mining sector increased its payment of taxes, fees, and royalties to various collecting agencies to P42.34 billion in 2021 from P31.28 billion in 2020. Of these, the Mines and Geosciences Bureau (MGB) and Department of Environment and Natural Resources (DENR) collected P3.21 billion in 2021, higher than the previous year's level of P2.17 billion. Excise tax collected by the Bureau of Internal Revenue (BIR) increased to P7.87 billion

SEE "EAGLE WATCH," A13

Taxes, Fees, and Royalties from Mining (in Billions of Pesos)

	2020	2021	2022
Taxes, fees, and royalties	31.28	42.34	3.51
Fees, charges, and royalties (collected by DENR-MGB)	2.17	3.21	3.51
Excise tax (collected by BIR)	5.9	7.87	-
Taxes collected by national agencies	19.77	27.34	-
Taxes, fees, and charges collected by LGUs	3.43	3.91	-

Source: MGB Mineral Statistics 2020, 2021, 2022, preliminary (data as of 2023 March 06).

Eagle Watch...

CONTINUED FROM A12

in 2021 from P5.9 billion the previous year. Other taxes received by the national agencies in 2021 amounted P27.34 billion, an increase from the P19.77 billion collected in 2020.

The LGUs' collection of local taxes, fees and charges in 2021 has increased to P3.91 billion from the previous year's collection of P3.43 billion. The accompanying table shows the breakdown of collection from mining.

Production value (PV) refers to the gross output of mineral extract-

ed during the reporting period as defined in Chapter 1, Section 5(ar) of the DENR Administrative Order 2010-21 of the Philippine Mining Act of 1995 (under the term "Gross Output"). The production value of mining has seen an increase from the 2020 level at P195.3 billion to P223.5 billion in 2021 and to P247.2 billion in 2022. The MGB report also shows that total employment in mining in 2022 was 205,642, an increase from 185,534 employed in 2021.

Ms. Perpevina C. Tio is a graduate student at the Department of Economics of Ateneo de Manila University.



TITLE :

PAGE

DATE

Keeping track of our indigenous people and communities



Sonny M. Angara

BETTER DAYS

ON August 9, 2023 we commemorate the 29th International Day of the World's Indigenous Peoples. The date was chosen by the United Nations General Assembly to mark the first meeting of the UN Working Group on Indigenous Populations in 1982. There are at least 110 indigenous cultural communities/indigenous peoples (ICC/IP) in the Philippines. Individually, they number anywhere between 14 and 17 million. Geographically, they are predominantly located in Mindanao (61 percent) and Northern Luzon (33 percent). While they represent a sizeable chunk of the population, IPs continue to be among the most disadvantaged groups in the country.

The World Bank previously noted that IPs, while comprising only 6 percent of the global population, account for nearly 20 percent of the world's extreme poor. According to the Department of Economic and Social Affairs of the United Nations, more than 70 percent of the world's population are living in countries with rising income and wealth inequality, including indigenous peoples who already face high rates

of poverty and acute socioeconomic disadvantages. They attribute the high levels of inequality to institutional instability, corruption, financial crises, increased crime and lack of access to justice, education and health services.

In its report on the Philippines, the International Labor Organization took note of how IP communities, generally located in distinct ancestral territories, have high rates of

unemployment, underemployment, and illiteracy. While their socioeconomic, cultural, and spiritual lives revolve around their ancestral domains, indigenous peoples see their ownership of land shrinking and disregarded.

The Philippines was among the 144 countries of the UN General Assembly that voted to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on September 13, 2007. It establishes a universal framework of minimum standards for the survival, dignity and well-being of the IPs of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of IPs.

The UNDRIP affirms that indigenous peoples are equal to all other peoples. Reaffirms that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind. It recognizes the urgent need to respect and promote the rights of indigenous peoples.

Our Constitution mandates that the State shall recognize, protect, promote and fulfill the rights of IPs. In 1997, Republic Act 8371 or the Indigenous Peoples Rights Act (IPRA)

was enacted, fulfilling the State's constitutional duty to recognize the millions of ICCs and IPs in the country. The IPRA has been around for 26 years but little headway has been made to improve the lives of our IPs.

What exacerbates the situation of our IPs is the absence of reliable public data on ICCs and more often than not, this leads to situations where they are neglected in the delivery of basic, social, technical and even legal services. It is for this reason that we filed Senate Bill 1167 in August last year, which calls for the establishment of ICC/IP resource centers in strategic areas in the country, as determined by the National Commission on Indigenous Peoples. These centers will be composed of three major service areas, namely: the Statistical Service Area; Human Development Index Service Area; and the Domains Management Service Area.

The Statistical Service Area will be responsible for the documentation and recognition of ICCs and IPs, their indigenous knowledge, systems and practices, political structures, and customary laws through census, appraisal and baseline reports and libraries. For the
SEE "ANGARA," A13

Angara . . .

CONTINUED FROM A12

Human Development Index Service Area, it will address the problems of ICCs and IPs and provide basic and necessary services through link-ups with concerned government departments and agencies, such as training programs, grant of scholarships, employment, livelihood and enterprises, and health services. In the case of the Domains

Management Service Area, it will be tasked to promote participatory programs, projects and activities for ICCs and IPs to effectively deliver their responsibility of maintaining ecological balance, restore denuded areas, observe laws, and ensure the implementation of the Ancestral Domains Sustainable Development and Protections Plans and other existing programs.

We authored Republic Act 10908 or the Integrated History Act of 2016 to raise the awareness and under-

standing of our youth on Filipino-Muslims and IPs. The law mandates the teaching of Filipino-Muslim and IPs history in basic and higher education in the country. I believe that raising the awareness of people about the history, culture and practices of our IPs by educating them in their early years will help in fostering inclusivity and in eliminating discrimination.

ICC/IPs have unique practices and customs that contribute to the richness and complexity of Philippine culture and heritage. They deserve

to be noticed and just like any other Filipino, their needs should not be neglected and the services provided by government should reach all of them, wherever they are situated.

Senator Sonny Angara has been in public service for 18 years—9 years as Representative of the Lone District of Aurora, and 9 as Senator. He has authored, co-authored, and sponsored more than 330 laws. He is currently serving his second term in the Senate.

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TITLE:

PAGE

DATE

'TITLING DONE IN GOOD FAITH'

BAGUIO TO TRANSFER TITLE OF BURNHAM PARK TO TIEZA

BAGUIO CITY—Hoping to smoothen its relationship with the national government, Baguio has begun the process of transferring the controversial land title it secured over a third of Burnham Park to a tourism agency, a city official said on Wednesday.

City Administrator Bonifacio dela Peña disclosed the outcome of a meeting in May between Mayor Benjamin Magalong and Mark Lapid, chief operating officer of the Tourism Infrastructure and Enterprise Zone Authority (Tieza), following a backlash over Baguio's decision to secure a title over the century-old park's most visited spots like its man-made lake.

The historic park was named after Chicago architect Daniel Burnham, who designed Baguio City for the American colonial government.

The city government acquired ownership over 18.2 hectares of Burnham Park on March 3 to preserve parts of this popular destination, which were outside Original Certificate of Title (OCT) No. 1, the country's first land title.

As the only remaining townsite in the country, all Baguio lands are alienable unless segregated by law, presidential decree, or through land patents such as OCT 1.

Baguio was granted OCT No. 2023000017 by the Department of Environment and Natural Resources over what is described as Burnham Lot 1, which is comprised of the 3-ha lake, the Baguio Orchidarium, the children's playground, the Rose Garden, the Melvin Jones Grandstand and its football field.

Lot 1 also includes the picnic grove, the skating rink, the stretch of the park dedicated to children's bicycles, the Igorot Park and the Ibaloy Heritage Garden, which are components of the 33-ha Burnham Park Reservation, which was set aside in 1925 "for park purposes" through Proclamation No. 64.

Burnham Lot 1 was among a growing list of townsite properties that have been identified for city needs and that require titles. Wright Park was almost acquired by a private claimant because of an ancestral land title that was nullified in 2019 by the Supreme Court.

Legality questioned

But Councilors Elmer Dautin and Mylen Yaranon questioned the legality of owning Burnham Park, which is under the supervision of the Department of Tourism like all parks in the country.

The city government has been granted full administrative control over Burnham Park through a series of executive orders issued by the late former President Fidel V. Ramos and former President Gloria Macapagal-Arroyo, now a representative of Pampanga.

But according to Ramos' Executive Order No. 224, which he signed in 1995, the Baguio government may not "encumber, mortgage or alienate (sell) any portion of the park."

Dela Peña said the city government acknowledged that OCT No. 2023000017 should belong to Tieza, the successor to the Philippine Tourism Authority, which controlled the nation's parks.

Magalong had expressed to Lapid that "titling Burnham Park was done in good faith and not out of malice," Dela Peña said.

Tieza had pledged to finance the rehabilitation of Burnham Park in 2019, through a P400-million grant that was realigned to combat COVID-19 when the pandemic broke out in 2020.

When asked, Dela Peña stressed that Tieza's Burnham Park commitment had not been a factor in Magalong's decision to transfer the city's new title to the agency.

"In fact, Tieza increased its pledge to P600 million," he said, which could be available next year.—VINCENT CABREZA INQ



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INQUIRER

Ab
PAGE

UPPER
 LOWER

PAGE 1
STORY

BANNER
STORY

EDITORIAL

CARTOON

TITLE:

Baguio to transfer ...

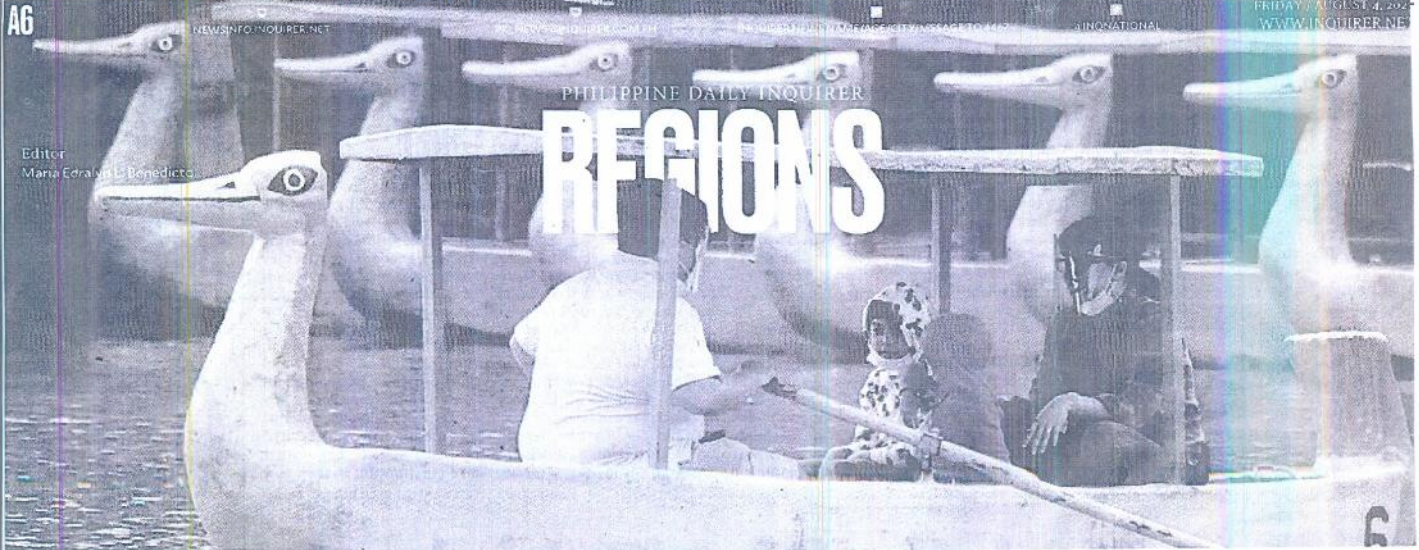
PAGE

2/2

D8-04-23

DATE

A6



PARK ACTIVITY Burnham Park in Baguio City is one of the country's most popular destinations, with many visitors taking boat rides in the park's man-made lake, like this family in this 2021 photo. The Baguio government will soon turn over its title over sections of Burnham Park to a national tourism agency. —EV ESPINOSA



EDITORIAL

Disaster zones

Large swathes of Bulacan and Pampanga and parts of Pangasinan have turned into disaster zones amid incessant heavy rainfall and floods that refuse to subside. The massive flooding can't be due simply to the release of water from surrounding dams, whose operators insist they have been following water release protocols that have been in place for a long time.

Senators have announced that they would conduct an inquiry into the cause of the flooding. They must invite scientific experts for an accurate assessment, so that the proper solutions can be implemented. Apart from climate change, which is triggering extreme weather disturbances, some experts are looking at man-made causes of the flooding that has paralyzed the affected provinces for nearly two weeks now. Any inquiry must spare no one.

In addition to the economic paralysis, health experts are warning of the spread of diseases in the flood-hit areas, notably mosquito-borne illnesses such as dengue, respiratory and skin afflictions as well as leptospirosis. With potable water supplies affected, there are also concerns about gastroenteritis and cholera. Some residents have reported the emergence of snakes at their homes, with certain species possibly poisonous, as well as rats

and other animals that might carry rabies. COVID-19 remains a threat, with highly transmissible new variants still causing debilitation and death.

The most vulnerable to diseases are infants and children below five years old as well as the elderly and ailing. These problems are aggravated by the fact that even healthcare facilities have been affected by the floods, with at least one hospital forced to suspend operations. Persons needing regular dialysis have been among the most adversely affected by the mobility disruptions.

This latest catastrophic flooding may subside in a few days, but it is just the start of the typhoon season, and the disaster is likely to be repeated in the coming weeks. Residents in some areas have said they have been experiencing serious flooding even during high tide.

The affected areas are so vast and densely populated, and permanent evacuation is unlikely. What is urgently needed is a proper assessment of the reasons for the flooding, so that appropriate interventions can be carried out and the damage can be minimized if not eliminated. While considering the possible interventions, the affected communities need immediate assistance to protect public health.



'Habagat' may gradually weaken by weekend – PAGASA

By ELLALYN DE VERA-RUIZ

The southwest monsoon, or "habagat," may continue to bring some rains to some parts of Luzon in the next 24 hours, before it gradually weakens by the end of the week, the Philippine Atmospheric, Geophysical, and Astronomical Services Administration (PAGASA) said on Thursday, Aug. 3.

PAGASA weather specialist Benison Estareja said the southwest monsoon may continue to dominate and bring rains for the next three days, but conditions may gradually improve across most of Luzon by weekend.

In the next 24 hours, occasional moderate to heavy monsoon rains may persist in Ilocos Norte, Ilocos Sur, La Union, Pangasinan, Zambales, and Bataan.

Meanwhile, scattered light to heavy monsoon rains and thun- ▶ 8

'Habagat' may gradually weaken by weekend – PAGASA 1◀

derstorms may affect Metro Manila, Tarlac, Bulacan, Pampanga, Nueva Ecija, Aurora, Cordillera Administrative Region, Cagayan Valley, and Southern Luzon.

PAGASA warned of possible flooding or landslides in these areas.

"Sa Metro Manila, sa Friday, may mga pag-ulan pa rin pero hindi na kasing dalas noong mga nakaraang araw. Pagdating ng weekend mas maaraw na, mas mababa na ang tsansa ng mga pag-ulan. Kung may pag-ulan man ito ay sa hating-gabi hanggang sa madaling araw (Metro Manila may still experience some rains on Friday but it will not be as often as in the past few days. By weekend, it will be sunnier, with less chance of showers. If there is any rain, it will be from midnight to early morning)," Estareja said.

The rest of the country will continue to have partly cloudy to cloudy weather with isolated rain showers or localized thunderstorms.

UP in QC, Manila adopt WFH

Meanwhile, the University of the Philippines (UP) campuses in Quezon City and Manila announced on Thursday, Aug. 3, a shift to work-from-home for their university personnel due to incessant rains.

"Due to the anticipated heavy

rains on the 3rd and 4th of Aug. 2023, heads of UP Diliman (UPD) units are authorized to adopt work-from-home arrangements for their personnel as the circumstances warrant and consistent with the exigencies of the service," UPD said.

The decision is an "appropriate consideration to those who reside far from campus and those who could encounter difficulty in commuting using public transportation," it added.

However, UPD enjoined the University Health Service, UPD Police, Public Safety and Security Office, Special Services Brigade, and Campus Maintenance Office to deploy minimum numbers of needed onsite personnel.

UPD also encouraged faculty members to shift to distance learning on the mentioned dates.

Similarly, UP Manila (UPM) shifted to home-based work on Thursday based on the directive of the Office of the Chancellor.

However, it emphasized that personnel with urgent tasks in the office may report onsite and shift to WFH subsequently.

UPM also suspended its classes on Thursday in accordance with the announcement of the local government of Manila City. (With a report from Sonny Daanoy)



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Rains raise Angat Dam water level by 20 meters

The water level in Angat Dam rose by 20 meters in less than three weeks amid heavy rainfall spawned by Typhoons Egay and Falcon as well as the southwest monsoon.

Angat's water level was recorded at 198.99 meters as of 8 a.m. yesterday compared to the previous day's 196.75 meters, records from the Provincial Disaster Risk Reduction and Management Office showed.

National Water Resources Board Executive Director Seville David Jr. noted that on July 14, the dam's water elevation was only 178 meters.

"We can say that Angat Dam is now within its normal operating level. This is a good development, especially with our preparation for the possible El Niño phenomenon at the end of the year," David said.

Angat Dam supplies more than 90 percent of Metro Manila's potable water needs. It also provides irrigation to 25,000 hectares of rice fields in Bulacan and Pampanga.

Meanwhile, David said the operators of Ipo and Bustos Dams continued to release water yesterday as the dams reached their spilling levels.

"Based on the report I received, there was mild release of water as rains were still experienced in the watershed, particularly in Ipo Dam," he said.

Release of water from the dams had been blamed for massive flooding in many areas in Bulacan, which is now under a state of calamity.

- **Bella Cariaso, Ramon Efren Lazaro**



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Republic of the Philippines Department of Environment and Natural Resources

DENR ADMINISTRATIVE ORDER 2023-02

SUBJECT: GUIDELINES IN SECURING ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) UNDER THE PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT SYSTEM FOR FLOATING PHOTOVOLTAIC (FPV) PLANTS WITHIN LAGUNA LAKE

1. RATIONALE The development of renewable energy sources, particularly Floating Photovoltaic (FPV) plants, plays a crucial role in achieving a sustainable future and addressing the challenges brought about by climate change...

2. DECLARATION OF POLICY Acknowledging the urgency of development of utility-scale FPV with limited implementation and expansion, relative to other established renewable energy sources and the growing body of knowledge on the potential interactions of FPV facilities with its host environment, the State shall adopt a policy that ensures a balance between environmental and social concerns, restoration, and regeneration of the Laguna Lake in its utilization for renewable energy production...

3. OBJECTIVES OF THE ADMINISTRATIVE ORDER This Administrative Order (AO) aims to ensure that FPV development adheres to the highest environmental sustainability standards. 3.1 Establishing a robust regulatory framework to address potential environmental, social, and economic impacts of FPV development in Laguna Lake; 3.2 Promoting the efficient use of available water resources in Laguna Lake, while maximizing clean energy generation from FPV plants; 3.3 Fostering collaboration among stakeholders, including government agencies, local communities, and the private sector, to ensure the successful implementation and operation of FPV plants in Laguna Lake; 3.4 Assessing the cumulative impact of all the development projects within the Laguna Lake; 3.5 Promoting comprehensive water use planning with robust national enforcement by assessing the carrying capacity of the Laguna Lake; 3.6 Supporting continuous research and innovation to improve the environmental performance and resilience of FPV plants in Laguna Lake in the face of climate change and other challenges; and 3.7 Incorporating adaptive management strategies to respond effectively to evolving conditions and new information regarding the environmental impacts of FPV plants within Laguna Lake.

4. SCOPE AND COVERAGE The Administrative Order shall cover the following: 4.1 FPV Plants issued with Environmental Compliance Certificate prior to the issuance of this AO; 4.2 FPV projects within the initial pre-determined area of not more than two thousand (2,000) hectares within the Laguna Lake allocated for Renewable Energy Utilization (REU), as indicated in LLDA Memorandum Circular No. 2022-02, attached herein as ANNEX A; 4.3 All other FPV projects not falling under 4.1 and 4.2 above shall be subject to appropriate guidelines to be issued by the DENR in consultation with the technologies that may evolve and other considerations based on the experience from the implementation of the projects referred to in 4.1 and 4.2 above.

5. ENVIRONMENTAL AND SOCIAL CONSIDERATIONS ON THE PHASES OF DEVELOPMENT OF FPV PROJECTS 5.1 Pre-Construction Stage The pre-construction stage involves the identification of a suitable location within the Laguna Lake for the FPV Project, assessment of the entire "area of influence," conduct of a feasibility study to determine if the proposed site is suitable for FPV installation, and baseline study and stakeholder analysis to establish the existing environmental, social, and economic conditions, including land and water use, flora and fauna, and livelihoods of the communities that may be affected.

5.2 Development/Construction Stage The construction stage involves the site preparation, delivery and installation of the floaters, PV panels, inverters, transformers, electrical cables, and other equipment, anchoring and mooring, interconnection to substation and grid, and testing and commissioning to ensure that the project is operational and at par with environmental safeguards and safety standards.

5.3 Operation and Maintenance Stage The Operation and Maintenance Stage involves the implementation of the identified mitigation measures, monitoring the performance of the project in relation to the water quality and flora and fauna, identifying and rectifying any faults, conducting regular preventive, corrective and predictive maintenance, and repair of FPV plant to ensure its safe and efficient operation, and managing waste and debris generated by the FPV project. Other operation and maintenance activities include cleaning of modules, troubleshooting for low insulation resistance, component's inspection and replacement, and maintenance of anchoring and mooring. This phase is critical in ensuring the long-term viability and sustainability of the project.

5.4 Decommissioning Stage Decommissioning stage involves the removal of the FPV project, including the floaters, PV panels, inverter, transformers, interconnections, electrical equipment, and other infrastructure due to various reasons such as the end of the project's useful life, changes in regulations or policies, or other factors. It also involves restoring the site to its original state as much as possible and managing any waste and debris generated during the decommissioning process.

5.5 Environmental and Social Risk Assessment The DENR shall conduct an environmental and social risk assessment to identify potential risks and impacts of the FPV project. The assessment shall consider the project's location, scale, and proximity to sensitive areas, as well as the project's potential impacts on the environment and social conditions. The assessment shall also consider the project's potential impacts on the livelihoods and economic activities of the users of the aquatic environment, availability of the areas for recreation, increase in visual "clutter," and proximity to an identified navigational lanes/creeks for public areas and to productive fishing areas.

5.6 Environmental and Social Risk Mitigation Measures The DENR shall require the proponent to develop and implement a comprehensive Environmental and Social Risk Mitigation Plan (ESRMP) that addresses the identified risks and impacts of the FPV project. The ESRMP shall include measures to avoid, minimize, restore, and compensate the impacts of the FPV project.

5.7 Environmental and Social Risk Monitoring and Reporting The DENR shall require the proponent to establish a robust monitoring and reporting system to track the project's performance against the ESRMP. The monitoring system shall include regular site visits, data collection, and reporting to the DENR. The reporting system shall also include a public consultation mechanism to ensure transparency and accountability.

5.8 Environmental and Social Risk Management The DENR shall require the proponent to establish a robust environmental and social risk management system to ensure the project's compliance with the ESRMP. The risk management system shall include a clear chain of command, defined roles and responsibilities, and a robust communication and reporting mechanism.

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Baseline water chemistry analysis for leaching to monitor the health, ecology and quality of the water body should be conducted.

Recommended parameters include monitoring of temperature, level of acidity (pH), chlorophyll-a, total suspended solids, chemical oxygen demand, algae concentration, phytoplankton, dissolved oxygen, biochemical oxygen demand (water) and substrate and benthic (ecology).

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5.20 Environmental and Social Risk Management The DENR shall require the proponent to establish a robust environmental and social risk management system to ensure the project's compliance with the ESRMP. The risk management system shall include a clear chain of command, defined roles and responsibilities, and a robust communication and reporting mechanism.

A climate and disaster risk assessment must be conducted to provide technical guidance and standards that can address the cumulative impact on water quality considering climate change risks and impacts, future wind and wave conditions, and wind and wave modeling for resilient design of FPV systems in relation to future climate projections.

9. ECC APPLICATIONS PROCEDURE The PECC application shall follow the procedures under the Revised Procedural Manual of DENR AO 2003-30 and guidelines on Public Participation for the Philippine EIS System of DENR AO 2017-15. The ECC application shall be filed with the EMB Central Office. The flowchart of the ECC application procedure is attached as ANNEX E.

10. AUTHORITY TO ISSUE PECC FOR FPV PROJECTS LOGATED WITHIN LAGUNA LAKE The Secretary or the EMB Director, upon clearances by the former, shall approve the issuance of the PECC. Decision on the issuance of the PECC shall be based on the carrying capacity of the lake.

11. COMPLIANCE AND ENVIRONMENTAL IMPACT MONITORING, EVALUATION AND ASSESSMENT The DENR shall undertake compliance monitoring, evaluation and assessment for the programmatic ECC issued to LLOA. The LLOA shall be responsible in monitoring the developers covered by the programmatic ECC.

12. REPEALING CLAUSE All orders, circulars, memoranda, and other issuances inconsistent herewith are hereby repealed, amended, and/or modified accordingly. This Order shall be enhanced upon completion of the study in collaboration with the Department of Energy (DOE), in reviewing the Philippines' environmental and social (E&S) safeguards requirements with regard to FPV for compatibility with international standards of good practice.

13. SEPARABILITY CLAUSE If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

14. EFFECTIVITY This Order shall take effect immediately after publication in a newspaper of general circulation and upon acknowledgment of UP CNIR.

ANNEX A: Laguna Lake Development Authority Memorandum Circular No. 2022-02 "Implementing Rules and Regulations of Board Resolution No. 600 Series of 2021" Please see LLDA MC No. 2023-02 at https://www.llda.gov.ph/attachments/2023/02/2023-02-02.pdf

ANNEX B: Floating Solar Handbook for Practitioners Please see Floating Solar Handbook for Practitioners at https://www.llda.gov.ph/attachments/2023/02/2023-02-02.pdf

ANNEX C: Mitigating Biodiversity Impacts associated with Solar and Wind Energy Development Table 4.3 Summary of mitigation approaches for solar power projects

Table with 4 columns: Project phase, Mitigation/Approach, Avoidance and minimization, and Mitigation/Approach. Rows include Construction phase, Operation phase, and Details.

ANNEX D: Matrix of Environmental and Social Risks for FPVs, Anup Report, 19 April 2023 Potential Interactions of FPVs on E&S Aspects

Table with 3 columns: Conditions, Opportunities, and Things to Consider/Prevent. Rows include Land, Air and noise, and Water.

8. CONDUCT OF CLIMATE AND DISASTER RISK ASSESSMENT During the pre-development stage, climate risk assessment should be conducted to determine the impact of climatic conditions on the construction, foundation, system design, and layout, as well as the reliability of the FPV systems.

It is essential to consider natural catastrophes' likelihood early in the site identification/pre-construction stage due to their increasing frequency and extremity. In addition, the carrying capacities of identified water bodies, particularly rivers, inland lakes, and reservoirs, must be assessed in relation to other existing water uses to consider climate change risks and impacts.

Measures and guidance to mitigate and manage electrical hazards, risks of structural failure due to wind, waves, and other environmental factors, risks to personnel safety, entanglement, environmental and navigation, and collision risks should also be included.



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ANNEX E

Flowchart for PECC Application of FPV projects

1.0 Scoping		NOTES
1.1	Social Preparation/EC	Information, Education and Communication (IEC) shall be conducted in preparation for the public scoping by providing flyers with information about the program. At the minimum, the following information shall be provided: purpose of PEIA, need for the program, alternatives being considered by the program proponent, proposed location, program proponent, program title/name.
1.2	Request for Scoping with EMB	Scoping is a required activity for PEIS based projects. The Proponent submits to the EMB a Letter of Request for Scoping, including the Program Description for Scoping, with supporting data, Map and Description of Preliminary Project Area, Summary IEC documentation.
1.3	Review Team Formation, Scheduling of Three-Level Scoping Activity	Within five (5) working days from receipt of letter request, EMB forms the prospective Review Team. In coordination with the Proponent, EMB confirms the date and venue of the Three-Level Scoping Activity. The Review Team consists of an EMB Case Handler, third-party EIARC members and/or Resource Persons.
1.4	Conduct of Three-Level Scoping Activity	1.4 The Three-Level Scoping Activity: a) Program Briefing with Review Team (RT), during which Proponent presents a program overview, key issues of program as presented. b) Public Scoping with stakeholders, during which community sector raise their issues to be addressed in the PEIA Study. c) Technical Scoping with Review Team, during which the PEIA TOR is finalized and signed by the RT and the Proponent.
1.5	Final Approval of Scoping Checklist	1.5 The EMB Chief reviews and approves the PEIA scoping checklist, rendering official the final TOR of the PEIA Study.
2.0	PEIA Study and Report Preparation	THIS STEP IS WHOLLY WITHIN THE PROPOONENT'S CONTROL. Proponent undertakes the PEIA Study with the assistance of its PEIA Preparation Team. DENR-EMB personnel may clarify procedural and technical matters on the PEIA process but is not allowed to take part in the preparation of the report.
2.0 PEIA Report Review and Evaluation		
3.1	Procedural Screening of PEIA Report	3.1 Proponent submits one (1) copy of PEIA Report. Within three (3) days from receipt of the PEIA Report, the Scoping Officer validates the procedural screening by the Proponent. Non-compliance document will be returned. If conforming, Proponent will be notified of the compliance by being furnished a copy of the validated procedural screening portion of the Scoping Checklist duly signed by the EMB Screening Officer. Proponent will also be provided 10 Day Pre-Review Fee, set up the Review Fund, and then show the receipt to the EMB Case Handler to initiate the processing of the document.
3.2	Payment of Pre-Review Fee Set up Review Fund	3.2 The Review Fund is estimated by the EIARC and signed off by the EIARC Chief. The Proponent with the DENR-EMB Fund Manager then enters into a MOA.
3.3	Submission of Procedurally Accepted Application Documents	3.3 The Proponent shall submit 6 hard copy and 1 e-copy of PEIA Report.
Steps 4.0 to 6.0 START OF EMB-CONTROLLED REVIEW PROCESS		MAXIMUM WORKDAYS DENREMB REVIEW DURATION - 48 WD Day 1 of the official processing period is reckoned on the day of the Proponent's submission of receipt of the Pre-Review Fee and Review Fund, together with the required number of reports, to the EMB Case Handler.
4.0	Substantive Review	
4.1	Reconvening of Review Team (RT) and Distribution of PEIA Report copies to RT members	4.1 The EMB convenes the EIA Review Committee and Resource Persons through a formal invitation, 1 (one) after receipt of all PEIS and receipt of the Pre-Review Fee and Review Fund.
4.2	Review Proper by Review Team (EMB CH, EIARC, RP)	4.2 The Review Proper is inclusive of a submission of one (1) Additional Information (AI) per DMC 2010-14, submission of 2 Review Team meeting, 1 Site Visit and 1 Public Hearing, and submission of EIARC Report by EIARC Chair and Review Process Report of the EMB Case Handler.
4.2.1	1 st Review Team Meeting	4.2.1 EMB can pre-select the EIARC Chair; otherwise, the EIARC members can select its Chair. EIARC members shall send their Additional Information (AI) during the 1 st review meeting. Responses of the proponent to the AI shall be submitted to EMB 5 days after the 1 st review meeting. NON-SUBMISSION OF THE AI WITHIN THE PRESCRIBED TIMEFRAME WOULD BEAR A TOPSAP OF THE REVIEW PROCESS AND AUTOMATIC RETURN OF PEIA REPORT TO THE PROPOONENT, WHO IS GIVEN ONE (1) YEAR TO RESUBMIT WITHOUT HAVING TO PAY PROCESSING AND OTHER FEES.
4.2.2	Site Visit (SV) and Public Hearing (PH)	4.2.2 The final PEIS for review and I-9 (Resource Summary) shall be posted in the EMB website at least 20 days before the public hearing along with the Notice of Public Hearing. The program proponent at its own expense shall ensure the publication of the Notice of Public Hearing upon approval by the EMB Office. The Notice shall be published in a newspaper of general circulation once a week for two consecutive weeks, the second publication of which shall be at least seven (7) days before the scheduled public hearing. The timeframe from the publication of the Notice until the acceptance of the full documentation of public hearing shall not be included in the processing timeframe of 48 WD.
4.2.3	2 nd Review Meeting (Final Meeting)	4.2.3 2 nd review team meeting will be conducted FWD after receipt of public hearing documentation and PEIS with annotated AI. The EIARC during this meeting will provide their recommendation to EMB whether the will be issued or not. If denied, they will provide reasons on their basis of denial.
4.2.4	Submission of EIARC Report by EIARC Chair	4.2.4 The EIARC Chair at the latest shall submit the EIARC Report within five (5) days from the last EIARC meeting. EIARC Report Preparation is included in the Review Proper duration.
4.2.5	Submission of Review Process Report (RPR) Recommendation by EMB Case Handler	4.2.5 The RPR/Recommendation Document shall be prepared and submitted by the EMB CH to the EIARC Review Board on Chief EIARC Data or Chief at the latest within five (5) days from receipt of the EIARC Report.
5.0	Endorsement of Recommendation	The EMB shall endorse the PECC applications to DENR for approval. The endorsement includes the RPR/Recommendation document.
6.0	Sign-off/ Issuance of Decision Document	Prior to the release of the PECC, Proponent shall submit to the EMB ten (10) hard copy and 1 e-file of the FINAL PEIS REPORT. The Proponent signs the "Statement of Full Responsibility on PECC" document prior to the official signing of the PECC.