



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
929-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> E-mail: web@denrgov.ph

MEMORANDUM

TO : **All Undersecretaries**
All Bureau Directors
Forest Management Bureau
Biodiversity Management Bureau
Environmental Management Bureau
Mines and Geo-sciences Bureau
Ecosystems Research and Development Bureau
Land Management Bureau
The Executive Directors
River Basin Control Office
National Water Resources Board
The Administrator
National Mapping Resource and Information Agency
The General Manager
Laguna Lake Development Authority

FROM : **The Undersecretary**
Finance, Information Systems and Climate Change
Head, Task Force Build Back Better (TFBBB) Secretariat

SUBJECT : **REQUEST FOR COMMENTS/ CONCURRENCE ON THE DRAFT DENR ADMINISTRATIVE ORDER (DAO) ON DENR RIVER RESTORATION THROUGH DREDGING ACTIVITIES BY LOCAL GOVERNMENT UNITS.**

DATE : 21 September 2021

This refers to the instruction of the Secretary, as the Task Force Chairperson, during the 19th regular meeting of the TFBBB last 15 July 2021 to formulate guidelines regarding the river restoration through dredging by LGUs, as proposed by the Department of Public Works and Highways (DPWH).

Please find attached draft DAO on DENR River Restoration through Dredging Activities by LGUs as embodied in Sections 5.4 of the DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 (DENR River Restoration through Dredging Activities) and DENR DAO 2020-07 (Rationalizing Dredging Activities in Heavily-Silted River Channels Pursuant to the DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 1 Series of 2019).

May we request for your comments on the draft DAO as designated Focal Persons of the Key Result Areas (KRAs) and Members of the Technical Working Group (TWG) of the

TFBBB. Kindly submit your comments/ concurrence on the draft policy to: ccs@denr.gov.ph
not later than 30 September 2021, Thursday.

Thank you.

For the Task Force Chairperson:


ATTY. ANALIZA REBUELTA-TEH



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DENR ADMINISTRATIVE ORDER

NO. _____
Series of 2021

**SUBJECT : DENR RIVER RESTORATION THROUGH DREDGING
ACTIVITIES BY LOCAL GOVERNMENT UNITS**

Pursuant to Section 2, Article XII of the 1987 Constitution, and the Department's mandate under Executive Order No. 292 or the Administrative Code of the Philippines, Section 5.4 of DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 and Executive Order No. 120, series of 2020, the following guidelines are hereby prescribed:

Section 1. Coverage. This Order shall cover the implementation of the DENR River Restoration thru Dredging Activities by local government units (LGUs) as embodied in Sections 5.4 of the DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 in heavily-silted river channels within the country.

Section 2. Rationale and Objectives.

- a) The flow of materials and sediment from the upland that flank down major river channels thereby causing its aggradation became the long-term direct culprit of massive flooding.
- b) It is necessary to protect and properly manage the utilization and disposition of the sand and gravel in heavily-silted river channels to improve the water flow, ensure the integrity of the various protective dikes and infrastructures, thereby reduce risks to lives and properties.
- c) In order to restore the natural state and water flow of the heavily-silted river channels within the country and improve its hydraulic capacity thereby eliminate flooding, large-scale dredging and desilting operations, based on a comprehensive dredging plan, must be implemented

Section 3. Modes of River Restoration through Dredging available to LGUs. The following are the modes through which an LGU may undertake/implement dredging projects under DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01, to wit:

- a) **Section 5.3. of DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 (*Dredging Projects for flood control, navigation and other purposes to be funded and implemented by the LGUs and other government agencies without commercial utilization*)** - For this purpose, LGUs are required to secure a Sanggunian resolution and

submit their application directly to the concerned DPWH District Engineering Office (DEO). In addition, the LGU shall prepare the dredging plan and other requirements under Section 6 of JMC 2019-01, in accordance with the approved DPWH dredging masterplan.

The issuance of the dredging clearance by the DPWH shall be based on the Dredging Master Plan to include the following:

- a. Soil Investigation Report- to include the geological and geotechnical characteristics in the area, as well as the soil parameters of the riverbed and river banks, sediment transport analysis in accordance with DPWS DGCS 2015, Vol. 2C- Geological and Geotechnical Investigations.
 - b. Design Report- which shall contain the following:
 - Project Impact Analysis (PIA)
 - Purpose and necessity of the dredging project
 - Methodology of the hydrologic, hydraulic, rate of sediment yield and transport
 - Hydrologic Analysis using HEC-HMS and/or acceptable rainfall-runoff analysis
 - Hydraulic Analysis using HEC-RAS to determine the existing capacity of the river and water surface profile for WITH and WITHOUT the effect of the dredging works.
 - Sediment Yield and Transport Analysis
 - Scouring Analysis and Slope Stability Analysis
 - c. Geotechnical Investigation Report
 - d. Detailed Quantity Calculation Report
 - e. Methodology Report including spoil bank management
 - f. Identification and designation of dredging spoil sites
- b) **Under Section 5.4. of DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 (*DENR River Restoration through Dredging Activities*) and DENR Department Administrative Order (DAO) 2020-07 (*Rationalizing Dredging Activities in Heavily-Silted River Channels Pursuant to the DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 1 Series of 2019*)** – In addition to the private sector, the LGUs having corporate powers pursuant to Section 22 of the Local Government Code shall be qualified to apply as dredging contractor/operator, subject to criteria to be set by the Inter-Agency Committee, and upon submission of a letter of intent to the DENR Secretary pursuant to Section 1, Part III of DAO 2020-07.

Section 4. LGU Qualifications for DENR River Restoration through Dredging Activities. The Provincial, City or Municipality Inter-Agency Committee shall set the qualifications to determine the technical competence and financial capability of the LGU to undertake DENR River Restoration through Dredging Activities with authority to dispose dredged materials depending on the morphology of the river and level of siltation, among others.

The Qualified LGU shall:

- a) Secure a Sanggunian Resolution authorizing it to undertake DENR River Restoration through Dredging Activities.

- b) Deploy all their equipment within 30 days from the Notice to Proceed (NTP) to be issued by the Provincial/ City Government.
- c) Post a Cash Bond in the amount to be determined by the Inter-Agency Committee, to be held in an account for the Provincial/City Government, to ensure compliance with this Order and other applicable environmental laws, rules and regulations.
- d) Secure the required clearances from the appropriate government office including a certification of no pending case relating to compliance with existing environmental laws, rules and regulations, and an undertaking that it will never be involved in such.
- e) Undertake protection of the rivers banks from erosion and provide necessary engineering intervention to support the vital infrastructures along the river, pursuant to the dredging clearance approved by the DPWH.
- f) Pay the required National and Local Tax as required by law.

Section 5. Procedure. The procedure for the DENR River Restoration through Dredging Activities by LGUs shall be as follows:

- a) The Qualified LGU after obtaining a Sanggunian Resolution, shall file an application for dredging clearance before the DPWH District Engineering Office (DEO) concerned.
- b) After securing a dredging clearance from the DPWH, the Qualified LGU shall obtain an Environmental Compliance Certificate (ECC) before the EMB Regional Office.
- c) The Qualified LGU shall then enter into a Memorandum of Agreement (MOA) with the DENR Regional Office in order to be granted the authority to dispose the materials extracted. In the same MOA, the issuance of Ore Transport Permit (OTP) and/or Mineral Ore Export Permit (MOEP) by the MGB Regional Office shall be included. *Provided*, that a written notice prior to shipment or transport of dredged and/or extracted suitable materials shall be submitted to the MGB Regional Office for monitoring purposes.
- d) Likewise, the Qualified LGU shall be accredited as a trader/retailer/dealer. The Certificate of Accreditation shall be issued by the MGB Regional Office.

Section 6. External Funding Support. To attain the objectives of this Order, Qualified LGUs undertaking DENR River Restoration through Dredging Activities under Section 5.4 DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 2019-01 may obtain support from external sources such as development partners.

Section 7. Creation of Provincial/Municipal/City IAC - An Inter-Agency Committee shall be created, composed of the following:

- a) DENR Regional Executive Director as Chairperson;
- b) DPWH Regional Director as Member;
- c) MGB Regional Director as Member; and
- d) EMB Regional Director as Member.

Section 8. Powers and Functions of the Inter-Agency Committee. The Inter-Agency Committee shall have the following powers and functions:

- a) Determine the technical and financial capacity of the LGU;
- b) Determine the River Dredging Zone (RDZ);
- c) Serve as oversight for the implementation of this Order and monitoring of the dredging operations;
- d) Recommend the suspension and/or cancellation of permits and/or clearances; and
- e) Propose policies and programs to rationalize the dredging operations.

Section 9. Environmental safeguards and mitigating measures. The Qualified LGU shall undertake the following environmental safeguards and mitigating measures:

- a) The design of the river restoration through dredging shall ensure that the same shall result to a measurably improved ecological condition and resilience of the river. The DENR Integrated Master Plan for Cagayan River Basin shall be used as guiding framework.
- b) The monitoring of the Environmental Impact Assessment (EIA) study shall be undertaken regularly, including conduct of pre-assessment and post-assessment of restoration/rehabilitation and dredging activities, and data from the monitoring and assessment shall be gathered.
- c) Environmental safeguards and mitigating measures such as river bank stabilization, restoration and enhanced water quality monitoring shall be undertaken by the IAC or Task Force Build Back Better, with the LGU to support the river restoration through dredging. For this purpose, the LGU and/or the National Government Agency concerned, upon endorsement and/or approval of the Task Force may provide for allocation of funds to implement these measures.
- d) A study on the utilization of dredged materials shall be undertaken by the IAC and/or LGU.
- e) The LGU shall ensure that no damage shall be incurred to the water infrastructure or facilities of the LWD. The cost of damages caused by the LGU or its personnel as determined by the latter should be shouldered by such LGU.

Section 10. Subjectivity to Other Laws. This Order shall be subject to the Constitution and all pertinent laws, guidelines and issuances.

Section 11. Repealing Clause. All Orders, issuances, rules and regulations, or parts thereof which are inconsistent with this Order are hereby repealed or modified accordingly.

Section 12. Separability. The provisions of this Order are hereby declared to be separable. If any part or provision of this Order shall be declared invalid, the remaining portions or provisions shall not be affected thereby and shall be construed as if they did not contain the particular invalid term or provision.

Section 13. Suppletory Clause. In case of violation and/ or non-compliance with the provisions of this Administrative Order, the pertinent penal provisions under R.A. 7942, Presidential Decree No. 1586 and other applicable laws, rules and regulation shall be applied suppletory thereto.

Section 14. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of the receipt of the copy thereof by the Office of the National Administrative Registrar (ONAR).

Issued on _____, in Quezon City.

ROY A. CIMATU
Secretary