



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



MEMORANDUM

FOR : **The Undersecretary**
Field Operations for Luzon, Visayas and Environment
Integrated Environmental Science

The Director
Legal Affairs Service

The Bureau Directors
Biodiversity Management Bureau
Environmental Management Bureau

The Regional Executive Director
Region VI

The Regional Director
Environmental Management Bureau Region VI

FROM : **The Undersecretary**
Special Concerns and Legislative Affairs

SUBJECT : **REQUEST FOR COMMENT AND APPROPRIATE ACTION FROM
THE OFFICE OF SENATOR RISA HONTIVEROS RE: RELOCATION
OF NABAS WIND POWER PROJECT PHASE 2 AWAY FROM
NABAOY RIVER WATERSHED AND OUTSIDE THE PROTECTED
AREA**

DATE : **16 APR 2024**

The Office of Senator Risa Hontiveros is requesting comment and appropriate action to the letter complaint from Nabaoy Barangay Council, Nabaoy Environmental Defenders, and Protect Northwest Panay Peninsula Natural Park Coalition, calling for the relocation of the Nabas Wind Power Project Phase 2 away from Nabaoy River Watershed and outside Northwest Panay Peninsula Natural Park (NPPNP) in Panay Island.

In this regard, we respectfully request that the action/s on the above request be coursed through the Legislative Liaison Office for proper submission to the Office of Senator Hontiveros. Attached herewith is the letter endorsed by the Office of Senator Hontiveros. The position paper and supporting evidence referred to in the letter may be accessed through this link: <https://tinyurl.com/NABASWind>.

For information and appropriate action.


IGNATIUS LOYOLA A. RODRIGUEZ

4/8/24, 4:18 PM

Gmail - Fwd: PETROWIND turbines to affect Nabaoy watershed and built on protected area



Policy-Legislation Unit OSRH <legisrhb@gmail.com>

Fwd: PETROWIND turbines to affect Nabaoy watershed and built on protected area

Risa HQ <risahq@gmail.com>
To: Legis RHB <legisrhb@gmail.com>

Wed, Apr 3, 2024 at 4:54 PM

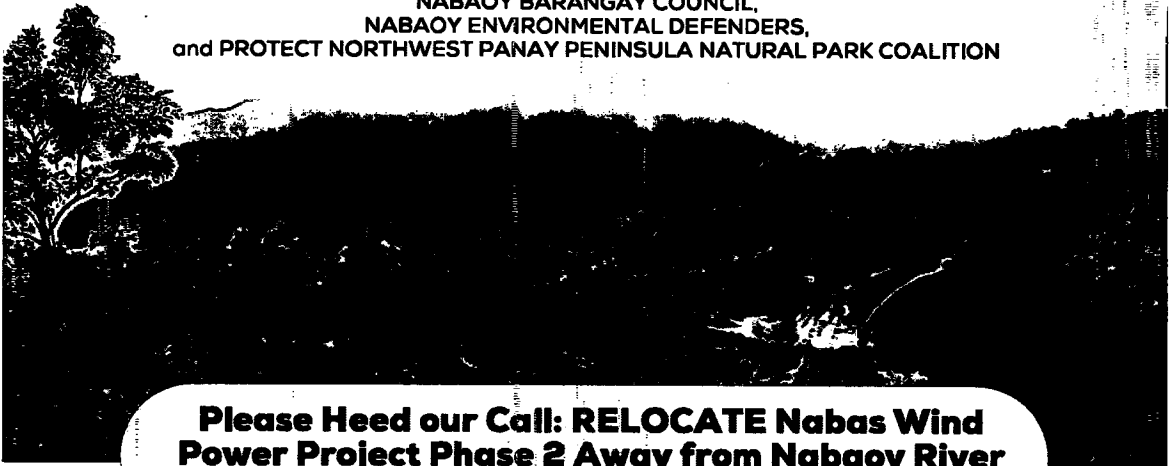
----- Forwarded message -----

From: **Nenette Graf** <nenettewindsurf@gmail.com>
Date: Wed, Apr 3, 2024 at 3:05 PM
Subject: PETROWIND turbines to affect Nabaoy watershed and built on protected area
To: <risahq@gmail.com>
Cc: <monicamagpantay@gmail.com>

Sent from my iPhone

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3997K



Please Heed our Call: RELOCATE Nabas Wind Power Project Phase 2 Away from Nabaoy River Watershed and Outside the Protected Area

Esteemed Senator Riza Hontiveros,

With sincere environmental and humanitarian regards,

While our stance is supportive of renewable energy initiatives, our foremost concern remains the just transition to renewables coupled with conscientious and sustainable development practices. Hence, we earnestly appeal for your help in advocating for the relocation of the last three 6.6 MW wind turbines away from the Nabaoy River Watershed (RW) and outside the Protected Area (PA), safeguarding the pristine integrity of Malay's last-standing watershed and primary source of potable water supply for mainland Malay and the island of Boracay, and conserving the 12,009-hectare Northwest Panay Peninsula Natural Park (NPPNP), one of the largest tracts of intact lowland forest in Panay Island (FPE 2018). Our plea for action is rooted in conservation and responsibility.

The Expanded National Integrated Protected Area Systems (ENIPAS) Act (RA 11038) is a crucial legal framework in the Philippines dedicated to establishing and safeguarding forest areas, aiming to prevent their exploitation and degradation. While allowing renewable energy development in these areas, it imposes strict conditions, including the use of low-impact technologies, Environmental Impact Assessment (EIA), and safeguards for biodiversity, ensuring the least damage possibly incurred.

This letter highlights the following issues and concerns:

- Nabaoy River Classification and Hydrology
- Northwest Panay Peninsula Natural Park (NPPNP)
- Environmental Impact Assessment (EIA)
- Barangay Nabaoy and Nabas Wind Power Project Phase One
- Water Quality and Economy
- Resolutions and Oppositions

In addressing the shared and immediate responsibility to pursue a sustainable and progressive future, reduce greenhouse gas emissions, and combat climate change, it is crucial that government agencies, businesses, and civil society organizations actively participate in transformative efforts. However, this dedication to a noble cause should not come at the expense of recklessly disrupting Panay's last critical forest frontier. Recognition of more sustainable methods for green energy production, ones that do not wreak havoc on rivers, communities, and mountains, is essential. **The pursuit of a greener future should be coupled with a firm commitment to environmental conservation and responsible stewardship, ensuring that progress aligns with nature.**

The link for the documents and their evidentiary contents can be accessed in this Google Drive folder:

Anytime soon, they will be continuing the construction. We are hoping for your immediate response to this matter, and to ensure the proper conservation and protection of Nabaoy RW and NPPNP from further degradation. Should you have other questions or concerns, feel free to connect with us through our email address or visit our Facebook page.

Thank you very much.

Yours in peace and conservation,

The Editors
Nabaoy Barangay Council
Nabaoy Environmental Defenders
Protect Northwest Panay Peninsula Natural Park Coalition

[VIEW THE DOCUMENTS HERE](#)

Please Heed our Call: **RELOCATE Nabas Wind Power Project Phase 2 Away from Nabaoy River Watershed and Outside the Protected Area**

Nabaoy River Classification and Hydrology

The Nabaoy River holds a pivotal classification by the DENR as Class A with a length of 17 km from its head source to its mouth, draining into the Sibuyan Sea. The drainage area of the Nabaoy River is around 2,375 ha, proclaimed as the Nabaoy RW and a part of the more expansive NPPNP. A study led by Mr. Raymond J. Sucgang, Supervising Science Research Specialist at the Philippine Nuclear Research Institute (PNRI), underscores the river's **unique hydrological system**. Originating from the Pangyaw and Nagata formations, characterized by their lack of primary porosity, the river nonetheless maintains a consistent flow throughout the year, even during dry seasons, owing to the intricate network of fractures and cracks that store rainwater for up to 15 years. Preserving these natural formations is paramount to ensuring **sustained water availability**. Any disruption to such formations would risk detrimental consequences such as water wastage and ecological imbalance.

Northwest Panay Peninsula Natural Park (NPPNP)

Furthermore, the NPPNP is one of the few remaining low-lying contiguous forests, a critical biodiversity hotspot in the country. Relocating the proposed expansion will avert irreversible harm to wildlife corridors, particularly within the Multiple Use Zone (MUZ) and the Strict Protected Zone (SPZ), situated less than 500 meters from the site of the last proposed wind turbine (WTG 25). Videographic evidence and reports of warty pigs near the construction site raise concerns about the potential disruption of their habitats and migration patterns. This situation could inadvertently lead to increased interference, including poaching and hunting activities by individuals who may gain easier access to these areas via the project's roads. Additionally, the project poses a **potential threat to birdlife and migratory patterns**. NPPNP data from E-Bird has documented numerous sightings of various bird species within the construction area, extending into the protected area, which serves as part of their migratory flyway throughout the country. This project not only disrupts the natural migratory flow of these birds but also presents a significant risk of bird strikes on the turbines, thus posing a direct threat to wildlife. The impact of the project extends beyond animals, encompassing plant species and other wildlife documented in the vicinity.

A rapid biodiversity survey during a joint environmental audit hike by the LGU Malay, PhilinCon Inc., Aklan Trekkers Inc., and conservation volunteers was conducted on September 3, 2023. The pre-determined transects for the survey were established along the road network connecting WTG-23 to WTG-25. This brief biodiversity survey documented a total of **forty (40) kinds of wildlife in the site**, which comprised ten (10) invertebrates, nine (9) birds, two (2) amphibians, and nineteen (19) plant taxa. Thirteen (13) identified species are endemic to the Philippines, meaning they are found exclusively in the country, with two (2) restricted to the islands of Negros and Panay. Ten (10) are considered residential, meaning they are native to the country, while three (3) are non-native but have become naturalized in the region. All identified species are currently classified by the International Union for Conservation of Nature (IUCN) as Least Concern, indicating that they are not globally considered at immediate risk of extinction. However, based on the DENR Administrative Orders (DAO) 2019-09 and 2017-11, three (3) are listed as **threatened at the local level**.

Environmental Impact Assessment (EIA)

Environmental Management Bureau (EMB) Memorandum Circular (MC) No. 005 series of July 2014 classifies renewable energy projects including wind energy as non-ECP and requires the submission of an IEE checklist to the Department of Environment and Natural Resources (DENR) Regional Office to support its ECC application. However, since Nabas Wind Power Project Phase Two (NWPP-2) is the expansion of an existing wind energy project (NWPP-1), the required document is an *Environmental Performance Report and Management Plan (EPRMP)*, which serves as the primary EIA document by PWEI in September 2018. However, upon thorough examination and discussions during a series of committee hearings and consultative meetings by SB Malay, notable deficiencies and discrepancies emerged – a **failure to foresee the potential repercussions on neighboring areas, an absence of robust mitigation strategies, even as well as incoherence on the papers versus the actual implementation**.

Notably, it has the following stipulations:

- Location: Barangay Pawa in Nabas, Aklan (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 1).
- Information, education, and communication (IEC) campaigns were conducted on 07, 08 and 09 October 2018 for Barangay Pawa, Nabas LGU and Aklan LGU, respectively (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 13).
- The EIA study area is confined to the host barangay of Pawa in the Municipality of Nabas particularly the upland areas where the proposed wind turbines will be located (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 3).
- All spoils and surface runoff will be directed away from tributaries of Nabaoy River (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 36).
- The risk of siltation of Nabaoy WS during the construction of NWPP2 exists. PWEI will implement the necessary measures to prevent its activities from affecting Nabaoy River. The measures shall include the installation of drains to conduct runoff away from Nabaoy WS... (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 82).
- The NWPP-2 expansion will be within the NWPPNP and could possibly affect Nabaoy River, which is an important source of water for Boracay and Malay. Erosion and siltation that occurred in NWPP-1 may occur in NWPP-2 with dire consequences (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 140).
- Slope grading – the ridge where the additional turbines will be constructed serves as the drainage divide between Nabaoy River and Unidos River. Nabaoy River is classified as Class A and serves as a source of the water supply systems for the Municipality of Malay and Boracay Island. If possible, road cuts and WTG sites should be sloped away from the Nabaoy WS and if feasible, the roads and WTG sites should be located away from the Nabaoy watershed (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 140).
- Temporary and permanent drainage should not flow through the Nabaoy River Watershed (Annex1-PetroWind Energy, Inc._Nabas EPRMP, page 140).

Please Heed our Call: **RELOCATE Nabas Wind Power Project Phase 2 Away from Nabaoy River Watershed and Outside the Protected Area**

The above stipulations showed **discrepancies in the project location, IEC scope, and study area**. Moreover, during the construction of the first three turbines last June 2023 - December 2023, the company did not direct the spoils and surface runoff away from the tributaries of Nabaoy River; installed drains did not conduct runoff away from Nabaoy RW; documentation of the initial construction showed dire consequences in the upstream tributary of Nabaoy River; the road cuts and WTG sites were not sloped away and were situated at the head forest of Nabaoy RW; and most importantly, temporary and permanent drainage flowed down through the Nabaoy RW.

A study by Magbiro (2022) says that from 2016 to 2019, PWEI Nabas Wind Farm generated a total of 481,802,974 MWh based on their reported Annual Forest Lang Agreement (FLAg) Compliance Report. The **reflected area** in their FLAg map was only 8.74 hectares compared to the area computed based on generated maps using aerial photos, CAD, and GIS tools, which turned out to be **50.74 hectares**. Moreover, the **total value of ecological threats** of effects on the environment of the wind farm during phase one (36 MW) is **Php322.76 million**.

Under Presidential Decree 1586 (1978), also known as the Philippine EIS System, **obtaining a new ECC is imperative when baseline characteristics undergo significant changes**. Such alterations should be to the extent that the impact assessment, which served as the foundation for the EMP, is no longer applicable.

The NWPP-2 project highlights significant deficiencies in the current environmental governance framework, particularly in the EIA process and regulatory oversight. Policy revisions are crucial to rectify these shortcomings, ensuring responsible and sustainable renewable energy development in protected areas. It is imperative to prioritize environmental protection and community well-being in policy decisions related to energy projects.

Barangay Nabaoy Concerns and Environmental Consequences of Phase One

Barangay Nabaoy, aside from being a watershed for Malay and Boracay Island, **hosts two of the accredited Community-Based Ecotourism Sites (CBETs)** – Nabaoy River and Nagata Falls, branded as two of the Seven Wonders of Malay. Tourism is an integral part of Barangay Nabaoy, and most community members derive benefits from visitors who can potentially provide a source of income for local businesses, help sustain local service, and protect community assets. Out of 369 total households in Brgy. Nabaoy, **126 were engaged in riverine fishing**, either as a primary livelihood (39 households) or as a source of supplemental income (87 households). The average family size is 4, and the maximum family size reported is 12. The harvest of river prawns locally known as "ueang" in 2021 was approximately 0.8 kg per individual per fishing trip. Today, each kilo costs Php500 - Php600.

Nabaoy River also serves as a **sacred ground for the hunting and gathering practices of the neighboring Ati community** of Barangay Cubay Sur. A cultural mapping of Malay would support this notion. Known as nomadic for foraging and exploring the mountains, Nabaoy has a perfect geography that would aid the Ati's food sustenance while preserving their natural heritage and cultural integrity. **The construction of PetroWind is a threat to the preservation of their indigenous knowledge systems and practices and traditional ecological knowledge**. It will strip them of their rights and access to nature, compromising their spiritual and harmonious relationship with the earth. The project is an injustice to our Ati brothers and sisters.

Despite being not a host community, Nabaoyons exert that they have the right to oppose the project and are firm in expressing their fears due to the lack of integrity by the company and the precedence the phase one of the project caused to Napaan and Putol RW almost 10 years ago. **Although mitigation measures were presented, they have failed to adequately protect the two watersheds and made the communities downstream suffer for almost five years of discoloration and siltation which ultimately affected the reef systems of Brgy. Argao**. It has received complaints from water concessionaires who used to harvest water in the two mentioned watersheds and also from the barangay captains of Napaan and Argao who have manifested their concerns during SB committee hearings.

During phase one, the company's operations had irreversible consequences, notably in Barangay Napaan, where the environmental impact is painfully visible. Despite provisions in the Comprehensive Development and Management Plan (CDMP) to address such impacts, including measures for prevention, mitigation, or enhancement, issues persist. PWEI committed to preventing siltation in water quality, but improper gabion installation, which could have prevented problems, proved unsuccessful. **Gabions were either destroyed by heavy siltation or unable to withstand its severity**.

Water Quality and Economy

Key water utilities namely the Boracay Island Water Company (BIWC), Boracay Tubi Systems Inc. (BTSI), and Malay Water District (MWD) voiced concerns during committee hearings and consultative meetings by LGU Malay and through position papers **emphasizing the risk to water quality and the potential economic repercussions**. Given the rivers' significance to Boracay Island, a world-class tourism destination and an economic lifeblood of the country. **The disruption poses a significant threat, raising questions about social protection measures for affected communities excluded from the CDMP**.