



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



MEMORANDUM

FOR/TO : **The Undersecretary**
Legal and Administration

The Undersecretary
Finance, Information Systems and Climate Change

The Undersecretary
Field Operations for Luzon, Visayas and Environment

The Undersecretary
Field Operations-Mindanao

The Assistant Secretary
Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Project

The Assistant Secretary
Field Operations Western Mindanao and Forest Management Bureau
Director in concurrent capacity

The OIC Director
Policy and Planning Service

The Director
Climate Change Service

FROM : **The Undersecretary**
Policy, Planning and International Affairs

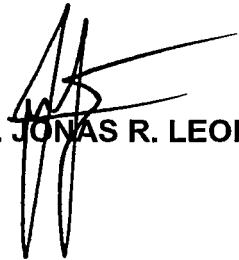
SUBJECT: **DISCUSSION OF THE COMMENTS AND INPUTS TO THE DRAFT NATURE-BASED SOLUTIONS PROJECT GUIDELINES**

DATE : JAN 23 2024

This pertains to the draft DAO entitled "Guidelines for Nature-Based Solutions Projects" which was forwarded to your Office for your comments/review. Please be informed that the Policy Studies Division of the Policy and Planning Service has

consolidated the inputs. In this regard, we would like to invite you and your technical representatives to attend and discuss the consolidated inputs to the draft DAO on February 06, 2024, 10:00 am at the Office of the Assistant Secretary for International Affairs Conference Room. Attached herewith are the matrix of comments/inputs and notice of meeting for your review and reference.

For consideration.



ATTY. JONAS R. LEONES



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



NOTICE OF MEETING

**DISCUSSION OF THE ADDITIONAL COMMENTS AND INPUTS ON THE DRAFT
NATURE-BASED SOLUTIONS (NBS) PROJECT GUIDELINES**

FOR/TO: Undersecretary for Legal and Administration
Undersecretary for Finance, Information Systems and Climate Change
Undersecretary for Field Operations for Luzon, Visayas and Environment
Undersecretary for Field Operations Mindanao
Assistant Secretary for Policy, Planning, and Foreign-Assisted Special
Projects
Assistant Secretary for Field Operations Western Mindanao and Forest
Management Bureau Director in concurrent capacity
Director, Policy and Planning Service
Director, Climate Change Service
Technical Representative (s), OULA
Technical Representative (s), OUFISCC
Technical Representative (s), OUFO-LVE
Technical Representative (s), OUFO-M
Technical Representative (s), CCS
Technical Representative (s), FMB
Technical Representative (s), Policy Studies Division

DATE/TIME: February 06, 2024
10:00 AM onwards

VENUE: **Office of the Assistant Secretary for International Affairs Conference
Room, 5th Floor, DENR Central Office**

AGENDA:

1. To discuss the additional comments and inputs on the draft DAO re "Guidelines for Nature Based Solutions Project"
2. Other Matters


ATTY. JONAS R. LEONES

**MATRIX OF CONSOLIDATED COMMENTS/INPUTS ON THE DRAFT DAO:
“GUIDELINES FOR NATURE-BASED SOLUTIONS PROJECTS”**

SECTION OF THE DRAFT DAO	COMMENTS/INPUTS	SOURCE OF COMMENTS
Title	<ul style="list-style-type: none"> Considering the content and provisions of the draft policy, it is recommended that the title of the draft DAO should be “Guidelines for Implementing the Nature-Based Solutions (NBS) Strategy.” 	PPS
Introductory/Policy Statement	<ul style="list-style-type: none"> Chapter 15 of the 2023-2028 Philippine Development Plan details the strategies of a cross-sectoral convergence and coordination to accelerate climate action and strengthen disaster resilience. This emanates from the SDG that called countries to mainstream the 2023 SDG Agenda into our national planning instruments, policies, strategies and financial frameworks. 	OUFO-M
Declaration of State Policy	<ul style="list-style-type: none"> This section is long, perhaps the second and third sentences can be transferred to the other section to make it concise and specific to the declaration of state of policy. 	OUFO-LVE
Objectives	<ul style="list-style-type: none"> The letters b and c of the objectives can be merged to avoid superfluity. The words “not limited to...” might be stated under the Scope. It is recommended to include an additional objective on the harmonization and/or consolidation of existing local NBS projects. 	OUFO-LVE FMB
Scope	<ul style="list-style-type: none"> Define the difference between NBS and other existing/institutionalized DENR Projects. Describe area requirements for a project to be eligible/considered. 	OUFO-M

Definition of Terms	<ul style="list-style-type: none"> • For letter f. Nature-Based Solutions-refer to “actions...” but, when we are referring to NBS it is always a project. For consistency, purposes, use the word “project” instead of “actions.” • For letter g. NBS Agreement, it is suggested to omit the words “a tenurial instrument documenting” since the word tenurial security was already emphasized. The definition could be written as “refer to the agreement between the Department...” 	OUFO-LVE
Guiding Principles	<ul style="list-style-type: none"> • On letter d, suggestion to delete the second climate change before the word adaptation. It can be written as “such as climate change mitigation and adaptation...” 	OUFO-LVE
Lead Office	<ul style="list-style-type: none"> • Clarify if NBS will be streamlined with the existing units of DENR or is it considered a special project. 	OUFO-M
Database and Control Maps of potential NBS Areas	<ul style="list-style-type: none"> • Clarification on why the NAMRIA, RBCO and PAGASA are the only offices explicitly indicated. In this regard, it is suggested to omit this phrase. 	
Project Proponent	<ul style="list-style-type: none"> • Clarify if existing holders of DENR tenurial instruments are also eligible to apply. If yes, then the applicant should/must be compliant with the terms and conditions of his existing issued instrument/agreement. Moreover, under the Natural Resources and Regulatory program, the field Offices are required annually to conduct Compliance Monitoring of Tenure of Permit Holders while CBFMA holders will undergo Performance Evaluation of Tenure. 	OUFO-M

	<ul style="list-style-type: none"> • The duties, responsibilities and liabilities of the project proponent must also be defined. 	PPS
Application Requirements	<ul style="list-style-type: none"> • The last sentence can be written as “..based on the impact on the environment and natural resources, and the NBS benefits.” Delete the words “that it will have” and “it can deliver.” 	OUFO-LVE
NBS Agreement	<ul style="list-style-type: none"> • The provision which states that “the contract term which shall be a period for twenty-five (25) years, renewable for another twenty-five years” implies a proposed NBS tenurial instrument. The agreements that should be undertaken between the Project Proponent and the State are either co-production, joint venture, or production-sharing. Since NBS is not a production project but rather a protection or restoration effort , the agreements should be aligned with what is prescribed by the 1987 Philippine Constitution. The difference between the proposed NBS agreement and the existing tenurial instruments being issued by the DENR should be clearly stated in the dao. Further, it is recommended to ensure that the proposed tenurial instrument is not overlapping/redundant with already existing instruments of the Department and other government agencies and the tenure’s approval should be at the Central Office. • The NBS Agreement provisions are redundant with a section discussing NBS Benefits and Opportunities. • On letter E. the statement is not clear. Do we mean “allowing details of changes to...”? 	<p>OUFO-M, FMB and PPS</p> <p>PPS</p> <p>OUFO-LVE</p>

Permits, Licenses and Certifications	<ul style="list-style-type: none"> • The EMB shall also be consulted on the issuance of Certificate of Non-Compliance. • In the third paragraph, the last sentence add the word shall and read it as “and shall provide assistance and support..” 	OUFO-M
Project Monitoring	<ul style="list-style-type: none"> • Provide criteria for monitoring and identifying lead Office in the Regional and Central Office with specific roles and responsibilities. It is recommended that the Licenses, Patents and Deeds Division will be the focal unit in the Regional Office while FMB or BMB shall lead in the Central Office. Further, the applicant must submit his/her NBS application plan that serves as baseline for project monitoring, indicative measures for project impact and documentation for advocacy-related activities. Monitoring standards should be defined with source of funds in the conduct of monitoring and evaluation. 	OUFO-M and FMB
NBS Benefits and NBS Opportunities	<ul style="list-style-type: none"> • Specify in detail the entitlements or rights. • The section can be written as “NBS Benefits and Opportunities” • The reiterative statements in the draft policy that the “<i>Project shall be entitled to all the rights, improvements, NBS Benefits and NBS Opportunities, including all income and proceeds from the development and enhancement of the NBS Projects</i>” should also consider the arrangement it has to agree with the State, as represented by the DENR. After all, the DENR’s roles in the draft policy are crucial but not limited to assisting in sourcing the funds from 	OUFO-M OUFO-LVE FMB

	international partners, arbitering in matters related to competing claims over the Project Sites and facilitating the development, operation and maintenance of the NBS Project.	
Optimization of -Benefits	<ul style="list-style-type: none"> • In relation to the item C of the NBS agreement, specify also the details of the Payments for Ecosystem Services. • Delete “-” before Benefits. 	OUFO-M OUFO-LVE
Department Assistance	<ul style="list-style-type: none"> • It is recommended that the Department provide initial funding taking into account the NGP experience on financial management. The organizational structure of the NBS should be indicated and the process flow of application and the approving authority should also be identified. It is also recommended that the application must be submitted in the CENR Offices to facilitate initial evaluation. 	OUFO-M and FMB
NBS Registry	<ul style="list-style-type: none"> • The registry shall be continuously updated and maintained with control maps and harmonized with other associated registries- issued with tenorial instruments. • Considering monitoring was emphasized in this section, it is suggested to read this section as “Monitoring of NBS Registry.” Also, it is necessary to add one more section for the “NBS Registry” perhaps before the section on Lead Office. 	PPS OUFO-LVE
Existing NBS Benefits	<ul style="list-style-type: none"> • This section can be incorporated under the NBS Registry. 	OUFO-LVE
Department Assistance	<ul style="list-style-type: none"> • This section can be added under the Lead Office. 	OUFO-LVE

<p>General Comments</p>	<ul style="list-style-type: none"> • The draft DAO should be in accordance with existing guidelines such as: <ul style="list-style-type: none"> a) National Disaster Risk Reduction and Management Plan (NDRRMP) 2020-2023. Under the Prevention and Mitigation Pillar of the NDRRMP–Outcome 6, it identifies NBS as one of the strategies and underscores the critical role of natural resources and ecosystems in DRRM, sustainable integrated area development, participatory environmental governance, environmental and ecological stability, and contributes to the Philippine Development’s Plan strategy on ensuring ecological integrity, and a clean and healthy environment. b. DAO No. 2021-22 entitled “Guidelines on mainstreaming, cascading and institutionalizing climate change concerns in the environment and natural resources priority programs.” The DAO No. 2021-22 ensures that NBS strategies such as current and future climate hazards, and assessment of the climate-responsiveness using the developed criteria are integrated to priority programs of the department. • It is recommended to include provisions for criteria for site selection of NBS projects and addressing management area conflicts. This provision shall determine who will be the project proponent/s in case that the proposed area has existing tenure, CADT, protected area etc. • Identify the DENR Office responsible for the review of the processes of the Agreement. It is 	<p>PPS</p> <p>FMB AND PPS</p> <p>OUFO-M</p>
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	<p>also recommended to identify the accountabilities of the RED who will endorse the NBS project.</p> <ul style="list-style-type: none"> ● The draft DAO should indicate specifically the recognized standards for climate action and sustainable development. ● It is suggested that the guidelines shall focus on the discussion of the framework to be used in identifying/classifying NBS Projects. This includes discussion on the criteria for the NBS projects ● It is suggested to elaborately discuss NBS, separate from the definition of terms and assign a major provision in the proposed policy detailing the covered activities, strategies and expected outcomes of an NBS project. While the term has been adopted widely in the country, it is still best to provide a clear context as to what the potential stakeholders might expect in its implementation. ● Kindly expound the provisions vis-a-vis the objectives set for the purpose. Where was the framework discussed? What are the strategies that will enable public-private collaboration? What are the incentives to encourage the participation of all stakeholders? Moreover, how will existing NBS-related projects be treated or dealt with? ● It is suggested to include a provision which shall contain the different NBS eligible activities or pathways (PES, etc). It should be noted that NBS is a general term which also includes forest carbon projects. This can also help in the evaluation of impacts on environment and natural resources as well as its benefits. 	<p>OUFO-M</p> <p>FMB</p> <p>FMB</p> <p>FMB</p> <p>PPS</p>
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	<ul style="list-style-type: none">• In accordance with the DAO no. 2021-15 or the “Enhanced Policy Development System” kindly attach the 1) Completed Staff Work and Policy Analysis Paper containing the processes or developmental stages of the draft policy i.e. 2) problem and issue identification, 3) problem and issue analysis, 4) policy options formulation and 5) policy discussions and agreements. Further, please draft the proposed DAO in accordance with the prescribed pro-format version of a DAO as indicated in ANNEX A of DAO No. 2021-15.	
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