



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DEPARTMENT OF ENERGY



JOINT DENR-DOE ADMINISTRATIVE ORDER
NO. 2002 - 01

NOV 13 2002

SUBJECT : **Procedures for the Establishment of Energy
Projects in Protected Areas**

Pursuant to the provisions of Republic Act No. 7586 otherwise known as the *National Integrated Protected Areas Act of 1992* and its Implementing Rules and Regulations, and the provisions of Republic Act No. 7638 otherwise known as the *Department of Energy Act of 1992*, and its Implementing Rules and Regulations, and in line with the Department of Environment and Natural Resources (DENR) – Department of Energy (DOE) *Memorandum of Agreement for Cooperation and Assistance on Energy Projects in NIPAS Areas* signed on October 28, 1996 which created the Committee on Energy Projects in NIPAS Areas (CEPNA), this Order is hereby issued for the guidance of all concerned.

SECTION 1

COVERAGE

This Order shall cover energy project proposals within:

- a. Initial NIPAS components or proclaimed protected areas including its established buffer zones; and
- b. Additional/proposed protected areas.

SECTION 2

PROCEDURES

The DENR and the DOE, through the CEPNA, agree to the inclusion or segregation of energy projects located within protected areas, as may be appropriate. This Order aims to ensure that the Philippine Energy Plan is met to provide stable, reliable, adequate, affordable and safe energy with emphasis on indigenous energy resources, while at the same time the area is protected and its bio-diversity is conserved within the context of the NIPAS Act.

The following procedures are jointly issued to facilitate resolution of concerns on the establishment of energy projects in protected areas:

- 2.1 The DENR and the DOE, through CEPNA, shall undertake a continuing identification and reconciliation of its programs with overlapping location with respect to protected areas;
- 2.2 Prior to the establishment of any energy project in a NIPAS area or a proposed protected area, the DOE or its attached agencies and instrumentalities shall present to the CEPNA its energy project proposals;
- 2.3 With the confirmation of the energy block boundaries, CEPNA shall review and evaluate the feasibility of the proposed energy project based on the following criteria;

a. *Technology type:* Prioritization of compatible energy options or those with available environmental technologies to make the project compatible with the protected area;

b. *Project location:* The proposed energy project areas should either be at the perimeter or edge of the protected area or outside the strict protection zone of the park; and

c. *Social Cost Benefit Analysis:* All the direct and indirect benefits accruing to the park with the presence of the energy project outweigh the adverse impacts and economic costs of the project to the protected area.

2.4 Once CEPNA recommends the energy project proposal to the DENR, the latter shall:

a. Endorse the energy project to the respective Protected Area Management Board (PAMB) established for the initial or proclaimed protected area;

b. Directly handle the review of proposals within additional protected areas yet to be proclaimed.

2.4.1 For energy projects in established/initial components of the NIPAS, the DENR shall endorse to the President the issuance of the protected area proclamation only after the PAMB has completed its evaluation and has issued its recommendation on the proposal. DOE can directly coordinate with PAMB for resolution of its concern and completion of the latter's requirements. Once the DOE has complied, PAMB issues a resolution endorsing the energy project to the DENR.

2.5 Once a decision is reached by the DENR on how the proposed energy project will be established within the NIPAS area, the DENR shall incorporate the energy project proposal into the Initial Protected Area Plan (IPAP). The IPAP shall serve as a guidepost for the conduct of energy resources survey within the concerned NIPAS area.

2.6 DENR shall then draft the proclamation designating the recommended areas as a special use zone or buffer zone of the protected area and providing for measures for its protection, for approval by the President.

2.7 The result of the energy resources survey shall be submitted to the President by the DOE-DENR for recommendation to Congress for the enactment of a law allowing the exploitation and utilization of energy resources found within the concerned NIPAS areas.

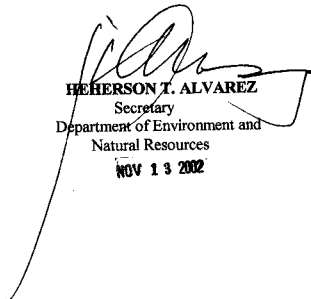
2.8 No actual implementation of energy projects in NIPAS areas shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environment Impact Assessment (EIA) System. In instances where energy projects are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution or indiscretion.

The attached flowchart shall serve as a reference for screening energy projects in NIPAS areas.

SECTION 3


EFFECTIVITY

This Order shall take effect immediately and revokes, supersedes and amends any order and/or instructions inconsistent herewith.



HEHERSON T. ALVAREZ
Secretary
Department of Environment and
Natural Resources

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VICENTE S. PEREZ, JR.
Secretary
Department of Energy

