

**Administrative Order
No. 2
January 30, 1991**

SUBJECT: Errata to Some Provision of DENR Administrative Order No. 34, S. 1990 on the Revised Water Usage and Classification/Water Quality Criteria and DENR Administrative Order No. 35, S. 1990 on the Revised Effluent Regulations of 1990

In the interest of service and pursuant to the provisions of Executive Order No. 192, Series of 1987, due to a number of errors, typographical as well as those which were inadvertently included/excluded, DENR Administrative Order Nos. 34 and 35 are hereby amended as follows:

1. The following shall be the corrections/modifications:
 - a. For DENR Administrative Order No. 34
 - i) Footnote B, table 1, page 5 should read:

"For irrigation purposes, SAR should have a minimum value of 8 and a maximum value not to exceed 18. Boron should not exceed 0.75 mg/l".
 - ii) The Water Quality Criteria for "Total Coliforms" for Class SC of Table 3 page 8 should be 5000^(M) instead of 1000^(M)
 - iii) Item (c) "significant parameters", page 10. should read:

"As a guide. . . . are indicated in Table 6".
 - iv) Table 6a, Page 10 should be Table 6.
 - b. For DENR Administrative Order No. 35
 - i) The Title of Table 1, Section 4, page 2 should read:

"TABLE 1 - EFFLUENT SUBSTANCE"
(Maximum Health)^(A)

ii) Footnote (A) of Section 4, Table 1, page 3 should read:

"Except as otherwise indicated, all limiting values in Table 1 (Section 4) are maximum and therefore shall not be exceeded".

iii) There shall be an additional footnote (No. 4) in Tables 2A and 2B, Section 5, page 5 which should read:

iv. "The effluent standards apply to industrial manufacturing plants and municipal treatment plants discharging more than thirty (30) cubic meters per day".

iv) The effluent standards for "Total Dissolved Solids" of Class C, OEI and NPI (Section 5, Table 2A, page 4) should be deleted i.e. 1500 mg/l 1000 mg/l, respectively.

2. The above corrections/modification shall be published as required by law prior to implementation.

FOR IMMEDIATE COMPLIANCE.

FULGENCIO S. FACTORAN, JR.
Secretary

Administrative Order
No. 8
March 5, 1991

SUBJECT: Guidelines on the Issuances of Environmental Compliance Certificate (ECC) or Environmental Clearance (EC) for the Conversion of Agricultural Lands to Non-Agricultural Uses

Pursuant to Executive Order No. 192, and in consonance with RA 6657 and Executive Order 229, Series of 1987, the following guidelines are hereby issued for the guidance and compliance of all concerned:

Section 1. Policy and Objective. In line with the policy of the DENR to ensure that each land conversion is ecologically sound, an Environmental Compliance Certificate (ECC) or Environmental Clearance (EC) shall be required for prime and non-prime agricultural lands, respectively.

Section 2. Coverage. These guidelines shall cover both prime and non-prime agricultural lands.

- 2.1. The conversion of prime agricultural lands, declared as environmentally critical under Proclamation No. 2146, to non-agricultural land uses are covered by the existing rules and regulations of the Environmental Impact Statement (EIS) System. Prime agricultural lands are highly productive lands with or without irrigation system as certified by the Department of Agriculture and zonified by the Housing and Land Use Regulatory Board (HLURB).
- 2.2. For non-prime agricultural lands, the following shall be covered:
 - 2.2.1 Lands that have ceased to be economically feasible and sound for agricultural purposes or the land or locality has become highly urbanized and it will have a greater economic value for residential, commercial or industrial purposes;
 - 2.2.2 Lands classified as commercial, industrial and residential in new revised town plans approved by HLURB to be concurred by the Inter-Agency Planning Task Forces; and
 - 2.2.3 When the dominant use of the area surrounding the land subject of the application for the conversion is no longer agricultural, in the case of

the city/municipality which does not have land use plans or integrated zoning ordinance duly approved by the HLURB.

Section 3. Who May Apply. The following applicants for the conversion of agricultural lands to non-agricultural uses shall be required to secure an EC or ECC:

- 3.1 Owners of private agricultural lands or persons authorized by them, including land developers duly licensed by the HLURB or the government agency concerned;
- 3.2 Farmer-beneficiaries of the Comprehensive Agrarian Reform Program (CARP) after the lapse of five (5) years from award of land to them and who fully paid their obligations, or persons duly authorized by them; and
- 3.3 Government agencies, including government-owned or government-controlled corporations.

Section 4. Application Requirements. The following supporting documents shall be required from the applicants for EC/ECC:

- 4.1 In the case of prime agricultural lands which are environmentally critical areas, specific development plans therefor shall be required in addition to the other requirements prescribed by PD 1586 or the EIA law.
- 4.2 For areas classified as non-prime agricultural lands:
 - 4.2.1 Accomplished land conversion application form for an EC as prescribed in ANNEX A;
 - 4.2.2 Certified copy of Original Copy of Title (OCT)/Transfer Certificate of Title (TCT), and/or other legal documents establishing ownership;
 - 4.2.3 Certification from the concerned Regional Director, Department of Agriculture, that the land has ceased to be economically feasible and sound for agricultural purposes and the conversion of such area will not adversely affect a particular production system of an agriculture-based industry. In the absence of such, a certification from the Deputized Zoning Administrator of the HLURB that the land or locality has become highly urbanized and will have greater economic value for commercial, industrial or residential purposes under Section 2.2 hereof; or Certification of the HLURB Deputized Zoning Administrator in the city, municipality or region concerned, that the land is inside the proper

zone of the city/municipality and that the said land use plan/zoning ordinance was approved by the HLURB, for cases under Section 2.2 hereof.

- 4.2.4 Site characterization of the area applied for with the corresponding certification from the PENRO/CENRO concerned validating the contents of the report therein. The outline to be followed shall be as prescribed in Annex B hereof.

Section 5. Procedures for the Processing and Approval of Applications for ECC/EC.

- 5.1 Applications for land conversion covering areas classified as prime agricultural lands above (5) hectares shall be processed at the Environmental Management Bureau (EMB) in accordance with existing rules and regulations under PD 1586.

Prior to processing, the Regional Office concerned shall conduct initial evaluation of applications including ocular inspection for which a report thereon shall be submitted to the EMB.

An Environmental Compliance Certificate (ECC) shall be either issued or denied by the DENR Secretary or his duly authorized representative within twenty (20) days from the receipt of the application.

- 5.2 Applications for land conversion covering areas classified as prime agricultural lands five (5) hectares and below and non-prime agricultural lands irrespective of land area shall be processed at the Environmental Management and Protected Areas Service (EMPAS) of the DENR regional offices following the criteria set forth in Section 7 hereof.

An Environmental Clearance (EC) shall either be issued or denied by the DENR Regional Executive Director within fifteen (15) days from the the receipt of the application.

Section 6. Payment of Fees. The following fees shall be collected from the applicants per application:

- 6.1 For prime agricultural lands:

Filing and processing fee	-	P300.00; and
Legal Research Fee	-	P 10.00

(as authorized by NEPC Office Circular No. 4, 1985 and COA-MOF-OBM Joint Circular No. 6-85). Payments for ECC applications shall be payable to the Director, EMB

6.2 For non-prime agricultural lands:

Filing and processing fee - P200.00

Payments for EC applications shall be payable to the respective DENR Regional Office.

Section 7. Criteria for the Evaluation of Applications.

Applications for EC shall be evaluated using the following criteria:

7.1 Potential Environmental Impacts - An Impacts Checklist (Annex C) shall be used by the Regional Staff in identifying all potentially significant environmental impacts.

Annex D provides a brief discussion of the potential impacts included in the Impacts Checklist.

7.2 An EC shall be issued by the Regional Executive Director for applications under Section 5.2 hereof if the environmental impacts of the land conversion are not considered significant. On the other hand, an EC shall be denied if significant adverse impacts are confirmed. In all cases, the RED concerned shall submit a report thereon to the Secretary through the EMB.

Section 8. Repealing Clause. This order supersedes and/or amends all existing rules and regulations inconsistent herewith.

Section 9. Effectivity. This Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

ANNEX A

APPLICATION FORM FOR ENVIRONMENTAL CLEARANCE (EC)
(For Land Conversion Purposes)

1. Name of Applicant _____
Address _____

Tel. No. _____

2. Purpose/s of land conversion

 Residential
 Commercial
 Industrial
 Others, please specify _____

3. Existing agricultural use/s

 Ricefield
 Coconut plantation
 Sugar plantation
 Orchard
 Vegetable Farm
 Others, please specify _____

4. With existing/planned irrigation system

 yes; please give details _____

 No

5. Other sources of income at present _____

6. Details of proposed conversion
 - 6.1 Total land area to be converted _____
 - 6.2 General layout

- 6.2.1 Indicate the exact location and boundaries of the area for conversion on a 1:10,000 scale topographic map, if available.
- 6.2.2 Submit a vicinity map showing accessibility to schools, public market, hospital, rivers/creek.

7. Land use profile within 1 km of the proposed site

- Agricultural
- Ricefield
- Coconut plantation
- Sugar plantation
- Orchard
- Vegetable farm
- Others, please specify _____

SITE CHARACTERIZATION OUTLINE FOR LAND CONVERSION

1. Name and Address of Proponent

State the name and address of the applicant (individual or entity) applying for an Environmental Compliance Certificate. The applicant's telephone number and authorized representative, if any should be included.

2. Purpose/s of Land Conversion and the Importance of the Project

3. Details of the Project

3.1 Total land area to be converted

3.2 General Layout

Indicate the exact location and boundaries of the area for conversion on a 1:10,000 scale topographic map.

- Submit a vicinity map and photographs showing the panoramic view of the area and its adjacent areas. Photographs should be properly captioned to indicate points of location and description of its important features.

3.3 Description of project type and process (if already available)

4. Description of Existing Environmental Settings

4.1 Existing land uses

4.2 Information on crops, annual yield

4.3 Details of irrigation facilities if any

4.4 Existing drainage pattern/water resources

4.5 Population density

5. Prediction and Identification of Environmental Impacts

Describe in detail all predictable/imaginable environmental impacts that may occur due to land conversion, i.e. alternation of landform/drainage pattern, pollution of water resources, flooding, noise, displaced farmers, etc.

6. **Mitigating Measures**

State the measures to be undertaken to mitigate identified environmental impacts such as installation of drainage/sewerage facilities and pollution abatement facilities, adequate provision of relocation/resettlement and compensation of affected families, alternative sources of livelihood, job opportunities to be generated by the proposed project, etc.

7. **Status of the Project**

State the status of the project whether it is in the feasibility stage, site clearing, construction, etc., at the time this document was submitted.

8. **Project Proponent's Signature**

ANNEX C

IMPACT CHECKLIST FOR LAND CONVERSION PROJECT

Actions Affecting Environmental Resources	POTENTIAL ENVIRONMENTAL IMPACTS	Initial Environmental Examination (IEE)			
		No Significant Impact	Significant Impact		
			Small	Moderate	Major
1. Project Siting and Design	1.1 Ecologically-sensitive area				
	1.2 Historical/cultural features				
	1.3 Settlement/resettlements				
	1.4 Land value/use change				
	1.5 Landform/drainage alteration				
	1.6 Irrigation facilities				
	1.7 Noise/vibration pollution				
	1.8 Workers health and safety				
2. Project Construction and operation	2.1 Construction impacts				
	2.2 Project maintenance				
	2.3 Land management				

**POTENTIAL ENVIRONMENTAL IMPACTS
ASSOCIATED WITH LAND CONVERSION PROJECTS**

A . Project Siting/Design

1. Ecologically-sensitive area: Will the land conversion affect ecologically-sensitive areas like wetlands, forest, mineral reserve, etc. and threaten their survival/integrity?
2. Historical/Cultural Features: Does the land conversion threaten the fabric or reduce the value of historical/cultural features? Is tourism likely to be affected? Does the project design accomodate the road to protect historical/cultural values?
3. Settlements/Resettlements: Will the land conversion affect rural settlements, including life styles/basic needs? Have the project costs included adequate provisions/compensation for those persons/communities to be affected/resettled?
4. Land Value/Use Changes: Is the project likely to depreciate land values/uses? Are there provisions to protect land values/uses or compensate for loss?
5. Landform/Drainage Alteration: Will there be modification to the topographic features such as to affect passageways for communities or drainage (rivers/crecks) pattern? Has adequate attention been given to minimize/avoid loss of natural resources, pollution of water resources, flooding, etc.?
6. Noise/Vibration/Pollution: Will there be noise/vibration, fumes, dust generated by the project? Will buffer zones or other means be provided to minimize them?
7. Worker Health & Safety: Are there adequate provisions for workers health and safety during construction/operation phases?

B. Project Operation/Maintenance

1. Construction Impacts: Have provisions been made to minimize/avoid impediments to natural drainage (e.g. uncontrolled silt runoff), noise, dust?
2. Project Maintenance: Are operations and maintenance provisions sufficient to protect the environment?
3. Land Management: Is there a management scheme to monitor potential soil erosion, vegetation clearance operations, etc.?

Administrative Order

No. 34

June 28, 1991

**SUBJECT: Guidelines for the Issuance of
Environmental Compliance Certificate for
Fishpond Development**

Pursuant to the provisions of Proclamation No. 2146, proclaiming certain areas and types of projects as environmentally critical and within the scope of the Environmental Impact Statement System established under Presidential Decree No. 1586, and DENR Administrative Order No. 15 series of 1990 regarding regulations governing the utilization, development and other related projects, the following guidelines are hereby promulgated for the information and guidance of all concerned.

Section 1. Policy and Objectives. To promote a mutually productive and long term coexistence of aquaculture in ponds and natural fisheries as well as to minimize environmental degradation of the mangrove and nearshore ecosystem, it shall be the policy of the government to ensure that proper protective measures are in place to address environmental problems resulting from fishpond development projects, which are environmentally critical as defined in Proclamation 2146.

Section 2. Definition of Terms. For the purpose of this Order, the following terms are defined:

- a. **Alienable or Disposable Lands** refer to those lands of the public domain which have been the subject of the present system of classification, deemed not needed for forest purposes and available for titling or lease by the government.
- b. **Environmental Impact Statement(EIS)** refers to the documentation of the Environmental Impact Assessment (EIA) study on the project including a discussion of the direct and indirect consequences upon human welfare and ecological and environmental integrity.
- c. **Environmental Compliance Certificate (ECC)** refers to the permit issued by the President of the Philippines or his duly authorized representative certifying that the new fishpond development will not bring about unacceptable environmental impact and that the proponent has complied with the requirements of the EIS system.

- d. **Environmental Clearance** is a document issued by the DENR Regional Executive Director certifying that the existing fishpond conforms with environmental standards and is not adversely affecting the environment.
- e. **Fishpond Development Projects** are aquaculture activities within the mangrove ecosystem to include prawn and shrimp culture; seaweed farming, oyster, mussel and clam culture; and other fishpond production activities. Also included in this definition are saltbeds which involve clearing and diking in mangrove areas; and fishponds converted to salt beds.
- f. **Fishpond Lease Agreement (FLA)** is a privilege granted by the state to a person or entity to occupy and possess in consideration of specified rental any public lands for the raising of fish and other aquatic life within fishponds.
- g. **Mangrove** is a term applied to the type of forest occurring on tidal flats along the sea coast, extending along streams where water is brackish.
- h. **Project Description** refers to a document to be submitted by the project proponent which describes the project in detail and substantially conforms with the outline set forth in Annex A.
- i. **EIA Scoping Guidelines** refer to the guidelines set forth in Annex B to be conformed and submitted by the project proponent. The guidelines substantially describe the proposed fishpond development project, its environmental impacts and the mitigating measures to be undertaken.

Section 3. Coverage. All existing fishponds and new fishpond development projects regardless of area, situated in alienable or disposable lands or in mangrove forest lands which have been zonified as suited for such activity shall be covered by this Order.

Section 4. Application Procedures. The following application procedures shall be adopted for existing fishponds for Environmental Clearance (EC) and new fishpond development projects for Environmental Compliance Certificate (ECC).

- a. All operators of existing fishponds and other aquaculture farms with area of one hectare and above, who have not secured an ECC prior to implementation, shall be exempted from penalty or fine as provided for under Section 5(a) Article 5 of the Rules and Regulations implementing PD 1586 provided however, that they submit their application for EC within six (6) months from the date of this Order.

b. All new fishpond development projects shall be subjected to the EIS System and to secure the corresponding ECC.

b.1 ECC applications covering areas up to one (1) hectare shall be processed at the DENR regional office. The DENR Regional Executive Director is hereby authorized to issue/deny the ECC.

The DENR regional offices shall submit quarterly reports to the Environmental Management Bureau (EMB) on all issuances of Environmental Clearance and Environmental Compliance Certificate.

b.2 ECC applications covering areas more than one (1) hectare shall be submitted to the DENR regional offices for preliminary evaluation and ocular inspection prior to their endorsement to EMB for further evaluation and processing. The regional offices' initial evaluation/recommendation and ocular inspection report verifying the environmental impacts and mitigating measures relative to each project should likewise be endorsed. The EMB Director is hereby authorized to issue/deny the ECC.

Section 5. Coordination with Other Government Agencies. All DENR regional offices shall make the proper coordination and request to all local executives (mayors and governors) and heads of other concerned government offices in their respective regions not to issue permits or clearances to any new fishpond projects after issuance of the Order without compliance to the requirements of ECC from EMB-DENR.

Section 6. Monitoring Scheme. In order to assure that activities conducted within all existing/new fishponds are environmentally sound, the DENR, through the EMB, would conduct regular monitoring of the environmental impact of these areas. This would be conducted one year after the issuance of the ECC, and yearly thereafter, as provided for in the EIS System.

Section 7. Penal Provision. Violations of any of the provisions of this Order shall be penalized in accordance with applicable laws, rules and regulations.

Section 8. Effectivity. This Order shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

**Project Description Outline
for Fishpond Development
Environmental Impact Assessment (EIA)**

1. Name and Address of Proponent

State the name and address of the applicant (individual or entity) applying for an Environmental Compliance Certificate. The applicant's telephone number and authorized representative if any should be included.

2. Purpose/s of the Project

3. Details of the Project

3.1 Total land area to be developed

3.2 General Layout

Indicate the exact location and boundaries of the project area on a 1:10,000 scale topographic map

Submit a vicinity map and photo/s showing the panoramic view of the area. Photos should be properly captioned to indicate points of location and description of its important features.

3.3 Description of project type/process

4. Description of Existing Environmental Settings

Describe the source and quality of water resources, soil type, present land uses, existing biota, etc.

5. Prediction and Identification of Environmental Impacts

Describe in detail all predictable/imaginable environmental impacts that may occur due to the fishpond development project, i.e. destruction of mangrove areas, land subsidence and salt water intrusion to ground water, land of landform/drainage pattern, pollution of water resources due to lime, fertilizer, pesticides and other chemicals, potential soil erosion, flooding, etc.

6. Mitigating Measures

State the measures to be undertaken to mitigate identified environmental impacts such as mangrove reforestation, rehabilitation/vegetation of river banks, installation of waste water treatment and drainage/sewerage facilities, etc.

7. Status of the Project

State the status of the project whether it is in the feasibility stage, site clearing, pond construction, etc. at the time this document was submitted.

8. Project Proponent's Signature

**EIA Scoping Guidelines
for New Fishpond Development Projects**

1. Project Description and Plan

- 1.1 Name and address of Project Proponent
- 1.2 Type and purpose of Project
- 1.3 Exact project location properly superimposed on a 1:50,000 scale topographic map and sketch map of the area based on the survey report of BFAR Field Office
- 1.4 Size and scale of project (in terms of products or output per hectare and projected lifespan)
- 1.5 Detailed work program from construction to implementation stage including the number of workers in each phase of project development
- 1.6 Estimated project cost

2. Description of Existing Environment

2.1 Land

- Discuss the status of the land whether timberland/forestland, A&D/titled land, etc.
- Type of vegetation (name of species, number and volume per hectare. Attach timber inventory and colored pictures)
- Type of soil (discuss the pH and organic matter)

2.2 Climate

- Whether project is within climatic type I, II, III or IV

2.3 Hydrology and Water Quality

- Hydrological survey of project site (natural drainage patterns, season-dependent water flows and groundwater table)
- Water usage by the local population
- Name and uses of river traversing within the project site

- Fish and other aquatic animals found in the area

2.4 Socio-economic Description

- Profile of the surrounding community/barangay
- Major source of income
- Average family income in pesos per year

3. Environmental Impacts

3.1 Impacts on lands

- Volume per hectare of trees to be cut including nipa culms
- Potential soil erosion, flooding and changes in topography and structures in the process of dike and pond construction, uprooting the stumps of clear cut trees and nipa culms during conditioning of pond bottom

3.2 Impacts on surface water

- Pollution due to fertilization(name, kind of fertilizer and rate of application)
- Pollution due to liming on the dikes and bottom of pond
- Pollution due to pesticide (name, volume and kind of pesticide used to control pest and predators)
- Salt water intrusion on the surrounding community

3.3 Impacts on the atmosphere

- Foul odor due to fertilizer and pesticide application

3.4 Social impacts

- Impacts on public health and safety of the surrounding community

Potential decrease in water availability on the community

4. **Mitigating Measures**

4.1 Rehabilitate vegetation at the riverbanks and surrounding areas not utilized as pond by planting trees (attach plan/map of reforestation program)

4.2 Control measures to minimize effects of pesticide and fertilizer and other toxic chemicals on the surface water and river

5. **Project Proponent's Signature**