

[ADMINISTRATIVE ORDER NO. 2018-19, August 20, 2018]

**GUIDELINES FOR ADDITIONAL ENVIRONMENTAL MEASURES
FOR OPERATING SURFACE METALLIC MINES**

<DIV ALIGN=JUSTIFY>

Adopted: 17 August 2018

Date Filed: 20 August 2018

In consonance with Presidential Directives on regulating mining operations towards sustainable development and pursuant to the pertinent provisions of Sections 8 and 9 and Chapter XI of the Republic Act (RA) No. 7942, otherwise known as the Philippine Mining Act of 1995 and Executive Order No. 791, the following are hereby promulgated for the guidance and compliance of all concerned:

Section 1. Basic Policy

The development, utilization and conservation of mineral resources under Mineral Agreements (MAs)/Financial or Technical Assistance Agreements (FTAAs) and other mining tenements shall be undertaken responsibly under the principle that mining is a temporary land use. As such, it shall lead to an optimum post-mining land use resulting from progressive and engineered mine rehabilitation work done in cycle with mining operations. Mining must always be guided by current best practices in environmental management committed to reducing the impacts of mining and effectively and efficiently protecting the environment.

Section 2. Objectives

This Administrative Order is issued to provide new environmental policies that will ensure sustainable environmental conditions at every stage of the mining operation and minimize the disturbed area of a mining project at any given time.

Section 3. Scope and Coverage

1 Institutionalizing and Implementing Reforms in the Philippine Mining Sector
Providing Policies and Guidelines to Ensure Environmental Protection and
Responsible Mining in the utilization of Mineral Resources

This Order shall cover all MAs or FTAAs and other similar Mining Tenements having surface metallic mines under Development/Construction or Operating Period.

Section 4. Definition of Terms

As used in and for the purpose of this Order, the following shall mean:

- a. Disturbed Areas means all surface areas where development/construction and utilization activities are ongoing or have been conducted;
- b. Mining Tenement means any tenorial instrument providing mining rights, such as Mining Patents and Special Mines Permit;
- c. Pier Stockyard means an area adjacent to the loading facility that is designed to temporarily stockpile ore prior to shipment;
- d. Subsoil means the mineral horizon between topsoil and the underlying parent material and usually lighter in color with an average depth of 0.15 to 1.20 meters;
- e. Temporary Revegetation means the process of re-establishing vegetation using any kind of plant materials, such as, but not limited to, grasses, shrubs, vines, and/or trees, in a disturbed area where development/construction and utilization activities are temporarily suspended; and
- f. Topsoil means the layer of the soil characterized by the presence of soil organic matter and usually darker in color than subsoil with an average depth of 0 to 0.15 meters.

Other undefined terms used in this Order shall have the same meaning as defined in other relevant laws and their implementing rules and regulations.

Section 5. Additional Environmental Measures

To ensure that the objectives of this Order are implemented, the following measures shall be incorporated in the pertinent work program under the MAs/FTAA's and other Mining Tenements:

a. Topsoil and Subsoil Management

All Contractors or holders of other Mining Tenements covered by this Order shall conduct stripping activities for topsoil and subsoil collection which shall be stockpiled separately for revegetation and rehabilitation purposes: Provided, that if the said soil material is not utilized within six months, the same shall be covered by vegetation or any equivalent soil conservation measures to retain its properties and protect soil organisms. The said stripping activities shall be included in the Three-Year Development/Utilization Work Program (3YD/UWP) and the environmental management of the said activity shall be included in the Environmental Protection and Enhancement Program (EPEP)/Annual EPEP (AEPEP);

b. Buffer Zone Management

A 20-meter buffer zone shall be established inward from the Mining Tenement boundary, and outward from the edges of the normal high waterline of rivers and streams that are within the Mining Tenement area.

Extraction activities and facilities shall not be allowed within the said buffer zone, except for necessary access roads and bridges.

Existing facilities within the buffer zone as of the date of this Order shall be allowed to remain: Provided, That such facilities do not adversely impact the environment, otherwise they shall be required to be transferred pursuant to a revised AEPEP;

c. Pier Stockyard as Temporary Stockpile Area for Ore Shipment

Pier Stockyards shall be utilized only as temporary stockpile areas for ore prior to loading operations for shipment. For Pier Stockyards with a capacity of 100,000 wet metric tons or less, the maximum period for temporary stockpiling of ores prior to shipment shall be sixty (60) days. For Pier Stockyards with a capacity of more than 100,000 wet metric tons, the maximum period shall be ninety (90) days. In case of force majeure and subject to a written notification to the MGB Regional Office concerned, said period may be extended until the force majeure ceases.

Remaining stockpile in the pier yards after the shipment should be reported and be included in the next shipment of ore. Said remaining stockpiles shall be provided with mitigating measures that will address the environmental impacts of said stockpiles:

d. Maximum Disturbed Area for Nickel Mines

i. The maximum disturbed area for extraction of ore at any one time shall be dependent on the scale of mining operations, as follows:

Scale of Mining Operation (WMT/Year)	Maximum Disturbed Area
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| a. 1 Million or less | 50 hectares |
| b. More than 1 Million but less than 3 Million | 60 hectares |
| c. 3 Million but less than 5 Million | 70 hectares |
| d. 5 Million but less than 7 Million | 80 hectares |
| e. 7 Million but less than 9 Million | 90 hectares |
| f. 9 Million and up | 100 hectares |

For projects that have a processing plant or those with long term supply agreement with domestic processing plant, the maximum disturbed area for extraction shall be one hundred sixty-two (162) hectares or two (2) meridional blocks.

Areas utilized for ancillary facilities, such as settling ponds, stock yards, sumps, motorpools, administrative offices, and other similar facilities, shall not be included in the above maximum disturbed area limit; and

ii. Temporary revegetation or progressive rehabilitation shall be implemented immediately on disturbed areas exceeding the maximum disturbed area limit provided hereof.

During the course of operation, should the Contractor or holder of other Mining Tenements intend to open an additional area beyond the maximum disturbed area limit, an equivalent area should undergo Temporary Revegetation or progressive rehabilitation to ensure that the