

**[BFAR JOINT DA-DENR-DILG ADMINISTRATIVE
ORDER NO. 1, January 31, 2008]**

**DEFINING/IDENTIFYING THE AREAS OF COOPERATION AND
COLLABORATION AMONG THE DEPARTMENT OF AGRICULTURE
(DA), DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES (DENR) AND THE DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT (DILG) IN THE PLANNING, MANAGEMENT
AND CONTROL OF AQUACULTURE DEVELOPMENT TO MITIGATE
IMPACTS ON THE ENVIRONMENT**

Pursuant to the provisions of the Local Government Code of 1991 (Republic Act 7160), National Integrated Protected Areas System Act of 1992 (Republic Act 7586), the Philippine Fisheries Code of 1998 (Republic Act 8550), Wildlife Resources Conservation and Protection Act of 2001 (Republic Act 9147), the Philippine Forestry Code (Presidential Decree 705, as amended), the Environmental Impact Statement (EIS) System (Presidential Decree 1586), Ecological Solid Waste Management Act of 2000 (Republic Act 9003) Philippine Clean Water Act of 2004 (Republic Act 9275), and Executive Order 292 {Administrative Code of 1987), we the undersigned by the powers vested in us by the aforementioned laws and other relevant laws agree to identify and define areas of cooperation and collaboration to implement a responsible code of practice for fisheries in mitigating impacts from aquaculture as well as management, monitoring and control of aquaculture development.

Article I
Declaration of Policy

SECTION 1. The DA, DENR and DILG have agreed to coordinate their efforts, harmonize their policies, and cooperate in the implementation of the laws, rules and regulations at the operational level aimed at adopting an integrated and coordinated approach on aquaculture development in order to mitigate impacts on the environment.

SECTION 2. The three Departments together with the League of Municipalities/League of Cities of the Philippines (LMP/LCP) shall commit to fulfill this collaboration through consultations and workable referral systems.

Article II
Definition of Terms

SECTION 3. Definition of Terms - For purposes of this Joint Administrative Order, the following terms shall mean:

a. Aquatic Pollution is defined as the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment, which results or is likely to result in such deleterious effects as to harm living and non-living aquatic

resources, pose potential and or real hazard to human health, hindrance to aquatic activities as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or airtransport or other human-made structure. Deforestation, unsound, agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which similar hazards and deleterious effects shall also constitute aquatic pollution.

b. Invasive Alien Species (IAS) are species introduced deliberately or unintentionally outside their natural habitat where they have the ability to establish themselves, invade, outcompete natives and endemic species and take over the new environments.

c. Genetically Modified Organism (GMO) refers to organism whose genes are lated to produce certain desired characteristics and be propagated for experimental purposes.

d. Fish Kill is any unusual and noticeable increase of mortality due to infectious or non- infectious causes in wild or captive fish or shellfish population.

e. Fishpond Lease Agreement (FLA) areas are mangrove forest lands and other swamps released to the Department of Agriculture/Bureau of Fisheries and Aquatic Resources (DA/BFAR) by the Department of Environment and Natural Resources (DENR) for fishpond purposes.

f. Fishpond Lease Agreement (FLA) is an agreement entered into by and between the Secretary of Agriculture (DA) and qualified fishpond applicant for the use of public land for fishpond development purposes for a period of twenty five (25) years.

g. Undeveloped Fishpond area is an area not enclosed by dikes or enclosed by dikes without functional water control structures or enclosed by dikes with functional water control structures but the water level required for production on a commercial scale cannot be maintained either by high tides or by pumping, or a larger area enclosed with a simple perimeter dike which has not been subdivided, which may or may not be vegetated with mangrove species and is not producing on a commercial scale.

Article III

Code of Practice for Aquaculture

SECTION 4. Adoption of the Code of Practice for Aquaculture - Pursuant to the Philippine Fisheries Code (RA 8550), the Code of Practice for Aquaculture as provided for in Fisheries Administrative Order No. 214-2001 promulgated by the Secretary of Agriculture outlining the general principles and guidelines for environmentally-sound design and operation for the sustainable development of the industry shall be adopted by DENR and DiLG for implementation/enforcement in their respective areas of jurisdiction subject to existing rules and regulations.

SECTION 5. Water Management - All waters shall be maintained in a safe and

satisfactory condition in accordance with water quality criteria for freshwater, coastal and marine waters as defined under DENR Administrative Order No. 34-1990 on Revised Water Usage and Classification/Water Quality Criteria. The DA and DILG shall make sure that this is enforced strictly in their respective areas of jurisdictions.

SECTION 6. Water Discharge and Sludge/Effluent Management - The DA/BFAR, DENR, DILG, League of Municipalities/Cities of the Philippines (LMP/LCP), Fisheries and Aquatic Resources Management Council (FARMC), and other concerned agencies and NGOs shall help in increasing awareness of the proper waste management in the aquaculture industry through the following practices:

- a. Effluents, sediments and other wastes shall be properly disposed of through the use of wastewater treatment and settling ponds;
- b. Outfall shall be so designed that no significant impact of effluents on natural waters occurs beyond the mixing zone;
- c. Sediment from ponds, canals or settling basins shall be put back into the area from which it was eroded, used as earth fill or disposed of through some other environmentally responsible way and
- d. Discharged water shall meet water quality standards under DENR Administrative Order No. 35-90 on Revised Effluent Regulations of 1990.

SECTION 7. Introduction of Aquatic Exotic, Invasive Alien Species (IAS) and Genetically Modified Organisms (GMO) - The introduction of aquatic exotic, IAS and GMOs shall be made after a sound ecological, biological and environmental justification based on scientific studies and subject to the bio-safety standard including but not limited to quarantine as provided for by existing laws and regulations. The DA/BFAR together with DENR and in consultation with the different stakeholders, shall develop a national management strategy regarding the introduction of aquatic exotic, invasive alien species and genetically modified organisms to mitigate its impacts in the ecosystem in consonance with DA AO No. 8-2002 on rules and regulations for the importation and release into the environment of plants and plant products derived from the use of modern biotechnology. Imported live commodities shall, likewise be subjected to Import Risk Analysis (IRA) by agencies concerned.

SECTION 8. Feed, Feed Use and Management - To improve the efficiency of supplemental feeds and feed management in aquaculture and reduce the amount of waste entering the ponds, lakes and culture areas, the practices as embodied in FAO 214-2001 shall be adopted and strictly followed by the three agencies.

The DA/BFAR shall assist the Bureau of Animal Industry (BAI) in the monitoring of aquafeeds as well as registration, evaluation, investigation and inspection of establishments engaged in the manufacture, distribution, and sale of aquatic animal feeds and drugs as per Memorandum of Agreement. Accreditation and certification of bona fide aqua-feed millers should be instituted by DA/BFAR, and manufacturers found to have produced, supplied, sold or disposed substandard feeds for aquaculture use shall be conditionally banned until such time that they have complied with the aquafeeds standardization.

The DILG shall assist the DA/BFAR in the implementation of the afore noted measures which shall be considered in the renewal of FLAs as well as permits for marine culture structures and aquaculture operations.

SECTION 9. Carrying Capacity - The criteria for the determination of the carrying capacity of lakes and other bodies of water to control stocking density and feeding requirements are the following:

a. The carrying capacity of a lake and other bodies of water shall be determined through the conduct of physico-chemical and biological study to determine plankton/algae density, nutrients and transparency and fish biomass and composition;

b. The carrying capacity of fish pens, cages in the lake shall be based on the physico-chemical and biological productivity measured in terms of biomass (gm/m^2) and nutrient uptake (gmC/m^2); and

c. The level of primary productivity in inland water that could support the good growth of plantivorous species like tilapia, carp, and milkfish shall be less than $10\text{gmC}/\text{m}^2$.

d. Standard carrying capacity models for coastal/marine aquaculture operations shall likewise be established jointly by BFAR, the DENR with the assistance of the academe.

The determination of carrying capacity in bodies of water shall be undertaken jointly composite team composed of DA/BFAR, DENR and DILG within their areas of jurisdiction.

Article IV Aquatic Pollution

SECTION 10. Proper Disposal of Fishery Structures and Other Paraphernalia - No person shall throw, run, drain, or otherwise dispose into any of the water, or cause, permit, suffer to be thrown, run, drain, allow to see or otherwise dispose into such waters, any organic or inorganic matter or any substance in gaseous or liquid form that shall cause pollution of such waters, land or atmospheric air as per Section 9 of RA 3931 of 1964 creating the National Pollution Commission now Environment Management Bureau.

Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any surface water, where the same shall likely be washed into such surface water, either by tide action or by storm, floods or otherwise which could cause water pollution or impede natural flow in the water body, shall be dealt with in accordance with RA 9275 (Philippine Clean Water Act) and RA 8550 (Philippine Fisheries Code).

The LGUs shall implement and enforce the law within their respective jurisdiction as regards segregation and collection of wastes. For segregation and collection of biodegradable, compostable and reusable wastes, the same shall be undertaken at the barangay level while collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city concerned in accordance with

RA 9003.

The DENR and the DA/BFAR shall assist the LGU concerned in the implementation of the above mentioned provisions.

SECTION 11. Fish Kills and Other Aquatic Pollution Cases - The Joint Quick Response Team that was created per DA-DENR Joint Memorandum Order No. 1, series of 2000 on Identifying/Defining the Areas of Cooperation and Collaboration between the DA and the DENR in the implementation of R. A. No. 8550 (Philippine Fisheries Code of 1998) and Joint DA-DENR Special Order No. 259-2004 on the Creation of Joint Quick Response Teams, Defining Their Membership and Functions, shall be the Team that will address aquatic pollution cases and shall identify their respective focal units to perform oversight functions. The said team shall be strengthened/reconstituted as per Article VII, Section 15 of this Joint Administrative Order to include DILG, LMP/LCP or LGU concerned and FARMC representative.

Article V Environmental Impact Assessment (EIA)

SECTION 12. Conduct of Environmental Impact Assessment (EIA) - The conduct of Environmental Impact Assessment (EIA) shall be the main responsibility of the proponent with assistance from DA/BFAR for fisheries related activities, or where the coastal development shall have direct impact on the management of the fisheries and aquatic resources of the area. The proponent in coordination with LGU concerned shall ensure Public participation through the conduct of public hearings and dissemination of information pertinent to the project in consultation and coordination with the respective Municipal FARMCs.

A project development plan of any proposed aquaculture establishment within the LGU jurisdictions shall be required for submission to and review by the BFAR Regional Offices, Operators shall further be required to a compulsory self-monitoring report on a regular basis for validation of agencies concerned.

The DENR shall issue corresponding Environmental Compliance Certificate (ECC) in accordance with DAO No. 2003-30 on Strengthening Environmental Impact Assessment (EIA) System and existing rules and regulations. Where the subject areas for development precludes the establishment of a Manculture Park or Aquaculture Zones, a Programmatic EIA may be considered for approval upon a satisfactory survey/monitoring report from the LGU as concurred by BFAR.

Pursuant to DAO No. 96-37, proponents of Fishery or Aquaculture Projects under Group 1 category or those considered as Environmentally Critical Projects (ECP) shall be required to prepare and submit an Environmental Impact Statement (EIS) to the EMB Central Office. However, if said projects fall under Group II category or projects for Environmentally Critical Areas (ECAS) an Initial Environmental Examination (IEE) or a Project Description shall be required and submitted to the concerned Regional Office of the Environmental Management Bureau.

SECTION 13. Composite Monitoring of Compliance to EIS - A multi-partite monitoring team (MMT) may be formed if required in the ECC for the purpose of monitoring compliance by the proponent The composition of the MMT shall be composed of DENR, DA/ BFAR, LGU concerned, FARMC, and/or other stakeholders