

[DENR ADMINISTRATIVE ORDER NO. 34, June 28, 1991]

GUIDELINES FOR THE ISSUANCE OF ENVIRONMENTAL COMPLIANCE CERTIFICATE FOR FISHPOND DEVELOPMENT

Pursuant to the provision 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 document to be submitted by the project proponent which describes the projects in detail and substantially conforms with the project description outline.

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 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 of 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 be penalized in accordance with applicable laws, rules and regulations.

SECTION 8. Effectivity — This Order shall take effect immediately.

Adopted: 28 June 1991

(SGD.) FULGENCIO S. FACTORAN, JR.
Secretary

ANNEX A *

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