



Republic of the Philippines
PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT
Puerto Princesa City, Palawan

PCSD RESOLUTION NO. 05-250

**RESOLUTION ADOPTING THE REVISED GUIDELINES
IN IMPLEMENTING THE ENVIRONMENTALLY CRITICAL AREAS NETWORK,
THE MAIN STRATEGY OF THE STRATEGIC ENVIRONMENTAL PLAN
(SEP) FOR PALAWAN,
AMENDING PCSD RESOLUTION NOS. 94-44 & 99-144**

April 25, 2005

WHEREAS, Republic Act No. 7611 otherwise known as the Strategic Environmental Plan (SEP) for Palawan Act approved on 19 June 1992 provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD) under the Office of the President;

WHEREAS, pursuant to Section 19, Chapter V of R.A. No.7611, the PCSD is vested with the power to adopt, amend, rescind such rules and regulations for the effective implementation of the provisions of Strategic Environmental Plan for Palawan;

WHEREAS, the main strategy of the SEP is the establishment of the Environmentally Critical Areas Network (ECAN), a graded system of protection and development control over the whole of Palawan;

WHEREAS, the PCSD in Resolution No. 94-44 adopted the guidelines in implementing the ECAN, setting certain parameters/criteria in zoning the terrestrial, coastal/marine and tribal ancestral lands/domains of the province, while PCSD Resolution No. 99-144 amended Section 16 of Resolution No. 94-44 providing the detailed parameters o criteria in zoning the terrestrial component;

WHEREAS, there is a need to make the guidelines in implementing the ECAN updated and attuned with the current circumstances and developments;

WHEREFORE, be it resolved, as it is hereby RESOLVED, to adopt, as it is hereby ADOPTED, the Revised Guidelines in Implementing the Environmentally Critical Areas Network (ECAN), the main strategy of the Strategic Environmental Plan (SEP) for Palawan (RA 7611), amending PCSD Resolution Nos. 94-44 and 99-144:

CHAPTER I

POLICY, APPLICATION AND COVERAGE

Section 1. Title. These guidelines shall be known and cited as "The Revised Guidelines in Implementing the Environmentally Critical Areas Network (ECAN), the Main Strategy of the SEP for Palawan Act (RA 7611).

Section 2. Policy. It is the policy of the Palawan Council for Sustainable Development (PCSD) to support and promote the sustainable development of Palawan through proper conservation, utilization and development of its natural resources to provide optimum yields on a continuing basis. Furthermore, it shall also promote and encourage the involvement of all sectors of society and maximize people participation in natural resource management, conservation and protection. PCSD also recognizes the significance of preserving and declaring certain areas free from human intervention to maintain ecological balance.

Section 3. Objectives and Purpose. Pursuant to Republic Act 7611 and with reference to Section 11, Rule III of the amended Rules and Regulations Implementing the Strategic Environmental Plan (SEP) for Palawan Act., the Local Government Code of 1991, Executive Order No. 240 and other pertinent laws, these guidelines shall prescribe the processes, criteria, methodologies and institutional arrangements in implementing the ECAN.

Further, these guidelines shall set the functional relationships between and among the Council, the Palawan Council for Sustainable Development Staff, to be known as the Council Staff, the Local Government Units, other agencies and organizations and concerned members of the community.

Section 4. Scope of Application. These guidelines shall apply in the implementation of ECAN and shall serve as guide for the local government, and private entities concerned in formulating and implementing plans, programs and projects including businesses affecting Palawan, whether or not physically located or operating in the province.

Section 5. Coverage of ECAN. The areas covered by ECAN encompass the entire province of Palawan, subdivided into three (3) components namely: Terrestrial, Coastal/Marine Area and Tribal Ancestral Lands.

CHAPTER II
DEFINITION OF TERMS

Section 6. Definition of Terms. For purposes of these guidelines, the following definition of terms is hereby adopted:

- 1) *Ancestral Domains.* Refer to all areas generally belonging to indigenous cultural communities (ICCs)/indigenous peoples (IPs), subject to property rights within this area already existing and/or vested upon the effectivity of these Guidelines, held under a claim of ownership, occupied or possessed by ICCs/IPs by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present, except when interrupted by war, force majeure, or displacement by force, deceit, stealth, or as a consequence of government projects or any voluntary dealings entered into by the government and private individuals/corporations and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural and other lands individually owned whether alienable and disposable or otherwise; hunting grounds, burial grounds; worship areas; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by ICCs/IPs, but from which they traditionally had access to, for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- 2) *Biodiversity.* Refers to the variety of all forms of life, from genes to species, through to the broad scale of ecosystems.
- 3) *Biodiversity hotspots.* Refers to areas under immediate threat from impacts such as salinity, land clearing, weeds and feral animals, etc., and are strongholds of large numbers of unique plants and animals. The areas are home to endemic (or native) flora and fauna that are mostly restricted to one geographic locality and need immediate conservation.
- 4) *Buffer zone.* Refers to the zone which permits regulated use and acts as the protective barrier to the core zone. Likewise, these are variable areas surrounding or adjacent to core zones where important species and processes necessary for sustaining the core zone are to be maintained.

- 5) *CADC/CALC*. Refers to the Certificate of Ancestral Domain Claim/Certificate of Ancestral Land Claim, a tenurial instrument awarded by DENR to IPs.
- 6) *CBFM*. Refers to the Community-Based Forest Management". It is an attempt of the government to empower and involve communities and local people in the management of the forest and its resources.
- 7) *CBMFMA*. Refers to the "Community-Based Mangrove Forest Management Agreement", an agreement forged between the government and traditionally mangrove-dependent communities to rehabilitate, develop, manage, protect and preserve mangrove resources, which is a new approach adopted by the government as a policy of building partnership between people and the government in the upkeep of the country's natural resources.
- 8) *CITES*. Refers to the "Convention on the International Trade in Endangered Species of Wild Fauna and Flora" signed by contracting States at Washington D.C. on 3 March 1973 and amended at Bonn on 22 June 1979. This resulted to the regulation of the trade of endangered species particularly those threatened with extinction. It also published a list of endangered species under CITES regulation.
- 9) *Coastal/Marine Areas*. This area includes the whole coastline up to the open sea. It also refers to a band of dry land and adjacent ocean space (water and submerged land) in which the land ecology and land use affect ocean space ecology and vice versa. Functionally, it is a broad interface between land and water where production, consumption and exchange processes occur at high rates of intensity. Ecologically, it is an area of dynamic biochemical activity but with limited capacity for supporting various forms of human use. Geographically, the outermost boundary is defined as the extent to which land-based activities have measurable influence on the chemistry of the water or on the ecology or biota. Its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of fifteen (15) kilometers from the lowest tide mark to include coral reefs, algal flats, seagrass beds and other soft-bottom areas. In small islands, their geographical extents include all areas not covered by the terrestrial zoning.
- 10) *Controlled use area*. This forms part of the buffer zone, encircles and provides outer barrier to the terrestrial core zone and restricted use areas and allows controlled forest extraction, like the collection of minor forest products and strictly controlled logging and mining.
- 11) *Core Zone*. Refers to the area of maximum protection in both terrestrial and coastal-marine areas which shall be strictly protected and maintained free of human disruption.
- 12) *DA*. Refers to the "Department of Agriculture", a national government agency tasked to implement agricultural laws and policies and supervise agricultural programs.
- 13) *DENR*. Refers to the "Department of Environment and Natural Resources", the national government agency responsible for the protection, conservation, management development and utilization of the country's environment and natural resources.

14) *ECAN Board*. A local multisectoral body created as a coordinative and advisory body to the local government unit, purposely to assist in: developing plans and programs to implement ECAN at the municipal level; the protection and management of the environment in the local areas; the sustainable utilization of natural resources; ensuring compatibility of development projects with ECAN zones and local environmental conditions through project screening

and monitoring; facilitating the flow of activities, documents and decision-making processes related to the efficient and effective implementation of ECAN.

15) *ECANization*. Refers to the process of delineating and marking the boundaries of the different zones in both land and sea and the identification of prescribed activities and resource use for each zone together with the enforcement of regulatory measures to prevent practices that are destructive of the environment.

16) *EIA*. Refers to the Environmental Impact Assessment, a process that involves evaluating and predicting the likely impacts of a project on the environment during construction, commissioning, operation and abandonment.

17) *Endangered Habitat*. Refers to critical or threatened area/habitat that is essential to the maintenance of viable populations of species and their ultimate survival.

18) *Environmentally Critical Areas Network (ECAN)*. A graded system of protection and development control over the whole of Palawan as provided in Sec. 7, R.A. 7611.

19) *Estuarine*. The part of the wide lower course of the river where its current is met and influenced by the tides.

20) *Foreshore Area*. That part of the shore which is alternately covered and uncovered by the ebb and flow of the tide. Its limit is the highest water mark landward and the lowest water mark seaward.

21) *ISF*. Refers to the "Integrated Social Forestry Program" of the government launched in 1982 under Presidential Letter of Instruction 1260 which aimed at legitimizing the occupancy of forest dwellers while protecting the ecological integrity of these areas through the issuance of the Certificate of Stewardship Contract.

22) *Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs)*. Refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.

23) *IUCN*. Refers to the International Union for Conservation of Nature and Natural Resources, an organization based in Europe that published the Red Data Book listing the threatened and endangered species of flora and fauna.

- 24) *MSA*. Refers to "Mangrove Stewardship Agreement", a contract entered into by and between an individual, association or cooperative and the government which grants the former the right to the use of a specified mangrove area in return for managing that area according to an approved management plan.
- 25) *Multiple/manipulative use zone*. Refers to the area where the landscape has been modified for different forms of land use such as but not limited to intensive timber extraction, grazing and pastures, agriculture and infrastructure development. In coastal/marine areas, refers to the zone where compatible resource use and non-destructive human activity can be undertaken.
- 26) *Non-Government Organization (NGO)*. A private, non-profit organization registered with the Securities and Exchange Commission that has been organized primarily for delivery of various services to the communities and has an established track record for effectiveness and acceptability in the community where it is serving.
- 27) *PCSD*. Refers to the "Palawan Council for Sustainable Development", the administrative body responsible for the governance, implementation and policy direction of the SEP as provided in Sec. 16, Ch. V, R.A. 7611.
- 28) *PCSDS*. Refers to the PCSD Staff, the regular professional support (technical) staff of PCSD as provided in Sec. 20, Ch. V of R.A. 7611.
- 29) *People's Organization (PO)*. A bonafide association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s who voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.
- 30) *Private Rights*. A right or claim of a private individual or entity over an area supported by legal instruments which establishes his ownership and possession over such area prior to the approval of these guidelines.
- 31) *Public Easement/Salvage Zone*. Part of the seashore and lakes and along banks of rivers and streams throughout its entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.
- 32) *Restricted use area*. This is a part of the buffer zone, generally surrounding the terrestrial core zone and allows limited and non-consumptive (soft-impact) activities.
- 33) *Small Island*. Inhabited or uninhabited island having an area of less than 500 hectares.
- 34) *Stakeholder*. Any entity whose interest may be directly or indirectly affected by the implementation of projects, plans, or programs.

- 28) *Sustainable Development*. This refers to the improvement in the quality of life of the present and future generations through the complementation of development and environmental protection. It is defined by the World Commission on Environment and Development (1992) as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".
- 29) *Terrestrial*. The land component of ECAN consisting of the flatlands, hills and mountains.
- 30) *Traditional use zone*. It is the part of the buffer zone consisting of edges of intact forests where traditional land use is already stabilized or is being stabilized.
- 31) *Tribal Ancestral Lands*. As used in this guidelines as an ECAN zones, refers to the areas both land and sea that are traditionally occupied by ICCs/IPs. It includes the ancestral lands and domains as defined by PCSD Resolution No. 99-147 and subsequent amendments thereto and the Indigenous People's Rights Act (RA 8371) also known as the IPRA.

TITLE 1
ECAN FOR TERRESTRIAL COMPONENT

CHAPTER I
CRITERIA FOR TERRESTRIAL ECAN

Section 7. Criteria in Zoning the Terrestrial Component.

- (1) **The Core Zone** (or Maximum Protection Area) shall constitute any of the following:
- Areas above 1000 meters elevation
 - Virgin forest or primary growth forest
 - Areas with steep gradient, above 50% slope
 - Critically threatened/endangered habitats and habitats of rare endangered species or habitat of Palawan local endemic species of flora and fauna
 - Other areas which may be identified and designated as such by the Council
- (2) **Buffer Zone:**
- (a) The Restricted Use Area shall constitute any of the following:
- Areas with elevation ranging 500-1000 meters
 - Areas with slope ranging 36%-50%
 - Critical watersheds which were identified, classified or declared as such by the government
 - In areas where none of the above criteria apply, a two hundred (200)-meter belt in the mainland and one hundred (100)-meter belt in the islands surrounding the core zone shall apply.

- Poor, stunted and sparse stands of semi-deciduous forest which has a low regeneration capacity

- Areas designated as biodiversity hotspots and highly threatened by human activities based on scientific studies

(b) The Controlled Use Area shall constitute any of the following:

- Areas with elevation ranging 300-500 meters
- Areas with slope ranging 19%-35%
- Areas within the criteria of the restricted use zone where there is a community

(c) The Traditional Use Area shall constitute any of the following:

- Areas above 18% slope but below 300 meters elevation subjected earlier to deforestation but are already stabilized or suitable to stable upland farming system
- Edges of intact forests where traditional land use is already stabilized or is being stabilized
- Open, brushland or grassland areas that are still classified as timberland or public land with elevation below 300 meters
- All other areas with elevation below 300 meters

(3) **The Multiple (Manipulative) Use Zone** shall constitute any of the following:

- Areas classified as Alienable and Disposable lands
- Areas with slope 18% and below but not exceeding 300 meters in elevation
- Built-up or settlement areas located in lowlands (less than 18% slope)

Section 8. Criteria in Zoning the Tribal Ancestral Lands. The identification, delineation and management of the tribal ancestral lands/zones in Palawan shall be governed by PCSD Resolution No. 99-147 and the subsequent amendments thereto, in consonance with pertinent laws, rules and regulations.

The tribal ancestral zones shall be comprised of the following:

- Areas proclaimed/declared/issued with CADCs and CALCs
- Areas proclaimed/declared by PCSD as tribal ancestral zone
- Areas declared/classified as ancestral lands/domains by other concerned agencies with prior concurrence of the PCSD

Section 9. Special Areas of Concern. Special criteria and guidelines shall be formulated by PCSD for the treatment of existing/proclaimed protected areas, protected areas under the National Integrated Protected Areas System (NIPAS) Law/initial components of NIPAS, proposed protected areas, declared public parks and recreational areas, critical watersheds, tourism areas identified in the Palawan Tourism Master Plan, and identified areas for environmental and ecological research, education and training.

CHAPTER II

ACTIVITIES ALLOWED IN THE TERRESTRIAL ZONES

In consonance with the SEP philosophy, Sec. 5, Chapter II of Republic Act 7611, activities that may be allowed in each of the ECAN Zones shall be in support of sustainable development that protect life-support ecosystems and rehabilitate exploited areas to allow upcoming generations to sustain developmental growth. This general philosophy is by:

- (1) **Ecological Viability** – The physical and biological cycles that maintain the productivity of natural ecosystems must always be kept intact;
- (2) **Social Acceptability** – The people and communities, through participatory processes, should be fully informed and committed to support sustainable development activities by fostering equity in access to resources and the benefits derived from them; and
- (3) **Integrated Approach** – This allows for holistic view in the treatment of problems and issues as well as opportunities in the planning and implementation of sustainable development objectives embodied in RA 7611.

Section 10. Allowable Activities. Activities allowed by R.A 7611 in the ECAN Terrestrial Zones are the following:

(a) **Core Zone.** It shall be fully and strictly protected and maintained free of human disruption. Exceptions, however, may be granted to traditional uses of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and religious purposes.

(b) **Buffer Zone.** Certain development endeavors may be subjected to the EIA System and to other laws and rules regulating development projects under this zone, such as but not limited to the following:

Restricted Use Area: Limited and non-consumptive activities which shall include but not limited to gathering of wild honey, almaciga tapping, soft-impact recreational activities (i.e hiking, sight-seeing, bird watching), research, sustainable activities of IPs and ecosystem restoration or rehabilitation.

Controlled Use Area: Strictly controlled mining and logging, which is not for profit (i.e. communal forest, CBFM, etc.), almaciga tapping, tourism development, research, grazing and gathering of honey, rattan and other minor forest products may be allowed.

Traditional Use Area: Management and control shall be carried out with the other supporting programs of the SEP which may include, but not limited to, Upland Stabilization Program (USP), Catchment Management, Hillside Farming Reforestation, Integrated Social Forestry (ISF), Industrial Tree Plantation (ITP) and Community-Based Forest Management.

(c) **Multiple Use Zone.** Management and control shall be strictly integrated with the other supporting programs of the SEP and shall be in accordance with a land use plan endorsed by the local government and the community concerned for the PCSD's approval.

Uses that may be allowed include, but not limited to, timber extraction with community-based forest management, grazing and pastures, agriculture, infrastructure and industrial development, recreation, education, research and other sustainable human activities. However, certain development endeavors may be subjected to the EIA System and to other pertinent laws and rules.

(d) **Tribal Ancestral Lands.** This component which may transcend all zones will allow activities on the bases of the material and cultural needs of the tribes using consultative processes and cultural mapping, and specifically governed by PCSD Resolution Nos. 99-147 and 04-233.

TITLE 2
ECAN FOR COASTAL MARINE COMPONENT

CHAPTER I
CRITERIA FOR COASTAL/MARINE ECAN

The coastal/marine areas of Palawan shall be zoned/classified into Core Zone, Multiple-Use Zone and Ancestral Coastal/Marine Waters. Where it is applicable, each zone shall be further sub-divided into different sub-zones depending upon the environmental condition of the zone and on its appropriate and sustainable use.

Section 11. Criteria in Zoning the Coastal-Marine Component

1. Coastal/Marine Core Zone. Any of the following shall constitute the zone:

- Coral reefs with intact resources, good to excellent coral cover condition or 50%-100% coral cover;
- Coralline sites containing at least 50% of coral genera found in the management unit of live coral cover ranging from 25-50%;
- Seagrass beds serving as link habitat of the coral core zones and/or providing habitat to rare, threatened and endangered species;
- Seagrass beds with at least 50% cover of more than one species of seagrass;
- Seagrass beds with sightings or signs of Dugong dugon feeding tracks;
- Coastal/marine habitat of endangered species declared by IUCN or CITES, DA or DENR or the PCSD;
- Primary growth mangrove areas which serve as protection against storm erosion, flood and other similar hazards; primary growth mangroves regardless of location, for maintenance of ecological balance, protection against riverbank erosions, wildlife sanctuaries and used for educational research purposes; and all areas with standing mangrove forest cover except areas allocated for MSA, CBMFMA, ISF and FLA;

-Areas identified/declared by PCSD, Bureau of Fisheries and Aquatic Resources (BFAR) or under local government zoning ordinance as fish sanctuaries, spawning areas, nursery areas, breeding/feeding grounds, etc;

2. Coastal/Marine Multiple Use Zone. The multiple use zones are other coastal/marine areas outside of the core areas where compatible resource uses may be carried out. The multiple use zone shall further be subdivided into two major sub-zones: the buffer zone and the sustainable (general) use zone.

a) Transition (Buffer) Zone. This zone serves as transition area or buffer between the core zone and the sustainable/general use zone, and may constitute any of the following:

-Uninhabited islands or undeveloped portions thereof not subject to private rights shall be classified as transition zone except when identified/declared as ancestral coastal/marine waters

-Uninhabited islands or islets with an area of less than 500 hectares

-Degraded small islands with an area of less than 500 hectares

-Released areas for fishpond development which were utilized and abandoned including those not utilized for 5 years from the date of the release

-Degraded habitats of endangered marine species

-Denuded mangrove forest

-Areas identified as contributing to important ecological processes such as spawning, nursery areas, breeding/feeding grounds that otherwise could have been classified as coastal-marine core zone but during the approval of these guidelines, these areas are occupied or have been released by virtue of existing laws or due to inappropriate management of local coastal marine areas. These areas shall be maintained for their existing use or a phase-out strategy shall be implemented in these areas reverting them to their natural state or for their appropriate uses.

No further development, growth or expansion shall be allowed in these areas to encourage habitat enhancement or maintenance of the resource to increase production level or ecosystem maintenance

-In areas where none of the above criteria apply, a 50-meter belt surrounding the mangrove core zone and 100-meter belt for other coastal core zones shall be delineated as buffer zone

b) Sustainable (General) Use Zone. It is the development area of the coastal/marine zone where different compatible and sustainable development activities may be carried out. The zone shall cover all coastal/marine areas not classified/delineated as core zone, buffer zone and ancestral coastal/marine waters.

The LGU, if it so desires, may further classify/divide this zone into the following sub-zones: Communal Fishing Ground, Tourism Development Area, Visitor Use Area, Sustainable Development Area and etc.

3. Ancestral Coastal/Marine Waters. These are coastal/marine areas traditionally occupied by ICCs/IPs identified as ancestral waters in consultation with tribal communities concerned and appropriate agencies of the government. These shall be treated in the same zonation system of environmental protection as the other coastal/marine zones considered in these guidelines except, for stronger emphasis in cultural consideration pursuant to the provisions of PCSD Resolution No. 99-147 and subsequent amendments thereto and the IPRA Law.

4. Coastal-Marine Waters of Protected Areas. Coastal/marine areas forming part of declared parks and sanctuaries shall be governed by special guidelines to be formulated by PCSD.

CHAPTER II
ACTIVITIES ALLOWED IN THE COASTAL MARINE ZONES

Section 12. Activities Allowed in Coastal Marine Zones.

1. Coastal/Marine Core Zone. The coastal/marine core zone shall be fully and strictly protected and maintained free from human disruptions including general navigation, snorkeling, diving, hiking, etc., except for the following:

- Navigation purposes of the local fishing communities where there is no alternative routes;
- Emergency situations such as navigational routes to save life and property; and
- Researches previously authorized by PCSD

2.Coastal/Marine Multiple Use Zone. The activities that may be allowed in the multiple use zone shall be governed/determined by resource distribution patterns, appropriate uses and management strategies and/or restrictions for each sub-zone subject to the review of the PCSD pursuant to the provisions of these guidelines. However, certain development endeavors may be subjected to the EIA System and to other pertinent laws and rules regulating development projects The following activities may be allowed in the sub-zones:

a) Transition (Buffer) Zone

- 1.Habitat restoration, rehabilitation and enhancement activities
- 2.Rehabilitation of small islands and mangrove ecosystem
- 3.Soft-impact activities:
 - Swimming/Snorkeling;
 - Non-motored boating (row boats, kayaks, canoes, wind surfing, etc.);
 - Guided scuba diving;

- Fishing using highly-selected gears (i.e. hook & line and gill net) with specification to be determined by studies; Research/regular monitoring previously authorized by PCSD;
- Pre-approved visit or educational activities (i.e. educational tours given on well marked erosion prevention trails or guided boat sailing);
- Installation of information boards for environmental management, conservation and protection purposes; and
- Resource enhancement activities such as habitat restoration and rehabilitation, i.e., mangrove reforestation

b) **Sustainable (General) Use Zone.** This zone allows all sustainable human activities. However, certain development endeavors may be subjected to the EIA System and to other laws rules and regulations regulating development projects. Sustainable human activities may include but not limited to the following:

1) Communal Fishing/ Active Fisheries Development

- Non-destructive fishing activities
- Fry collection and shell and other marine products gathering
- Navigational routes
- Fishery support facilities and infrastructure, i.e. docking area, etc.

2). Tourism Development

- Tourism infrastructure such as resorts
- Recreational activities
- Habitat structures, i.e., bird watching huts, etc.
- Small community projects supporting eco-tourism such as cottages, canoeing, kayaking, information and souvenir shops, pumpboats, etc.

3) Other activities:

- Environmental education activities such as study tours
- Recreational activities such as snorkeling, swimming, scuba diving, kayaks, canoeing, sailing, rock climbing, etc. Areas identified for these activities should be marked with buoys, safety measures and/or information
- Sports fishing limited to local operators observing seasonal regulations and size of catch as well as the LGU regulations on sports fishing
- Picnic ground and beach shed
- Rehabilitation/habitat enhancement activities
- Existing use/activities in the area
- Community-based mangrove forest activities in denuded areas
- Researches previously approved by PCSD

3. Prohibition on Quarry Along Beaches and Shorelines. Pebble quarry or gathering, extraction of gravel and sand and such other activities along shorelines and beaches are prohibited as mandated by PCSD Resolution No. 03-220, Batas Pambansa Blg. 265 and other pertinent laws, rules and regulations.

4. Ancestral Coastal/Marine Waters. Allowable activities in this zone shall be governed by PCSD Resolution No. 99-147 and subsequent amendments thereto, PCSD Resolution No. 04-233 and other pertinent laws, rules and regulations, including but not limited to the following:

Cultural activities performed by IPs according to their religious rites and heritage
IP activities related to their subsistence and tradition.

Section 13. Public Easement. The easement area shall be allocated for public use in the interest of recreation, navigation, floatage, fishing and salvage. No person or entities shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage nor build structures of any kind therein.

**CHAPTER III
MANAGEMENT OF COASTAL AREAS**

Section 14. Management by the Local Government Units (LGUs). The Municipal/City Government Units shall exercise general supervision and control over the management of their coastal/marine areas subject to prior clearance from PCSD in accordance with their existing laws, rules, regulations and agreements; Provided that areas which have been declared initial components of NIPAS shall remain to be under the management of their governing bodies. As mandated by the SEP, the PCSD shall give policy directions to the municipal/city governments and the respective management bodies in this regard.

Coastal/marine areas falling under any classification whose management is awarded to entities by virtue of agreements/contract shall be properly marked with buoys provided by the grantees/awardees with the assistance of PCSDS. Billboards and/or signages regarding the areas' management shall be posted thereupon by the grantees/awardees for public information.

**TITLE 3
ECAN IMPLEMENTATION AND INSTITUTIONALIZATION
CHAPTER I IMPLEMENTATION PROCESS**

Section 15. Formulation and Adoption of Criteria. The formulation of criteria in delineating the ECAN Zones shall involve the identification of parameters characterizing the physical (i.e. elevation slope, landforms), socio-anthropological (i.e. ancestral lands, traditional practices or customs) and environmental (i.e. habitat, ecosystem, vegetative cover) conditions. These parameters shall be qualified and quantified to determine the extent of coverage that would support the rationale use for each zone. Such criteria shall be presented to the Council for approval upon the endorsement of the Council Staff.

Section 16. Modification of Criteria. Modification or amendment regarding an approved criteria or guidelines can be initiated by any concerned group: government, non-government or private in nature.

Such move for modification or amendment shall be submitted to the Council Staff for review and to the Council for approval. It should be supported by official documents, to include

- a) resolution by the concerned Sangguniang Bayan/Panglunsod
- b) map of 1:50,000 scale with technical descriptions, and
- c) rationale and objectives for the proposed modification.

Section 17. Information Dissemination. Immediately upon effectivity of these guidelines, an information dissemination and community consultation campaign shall be undertaken. The PCSD Staff shall coordinate with the Local Government Units, Non-Government Organizations, other concerned government organizations and agencies and Peoples organizations about the information campaign that shall be undertaken regarding the conduct of ECAN zoning in Palawan. The local communities shall be involved in all phases of the ECAN delineation up to its implementation and long term management. Empowerment of the communities shall be done through training, seminars and other community participation activities. The Local Government Unit is responsible for holding community meetings and consultations. After the areas had been delineated and approved, information dissemination campaign shall continue to be undertaken to enlighten the users and the populace of the existing ECAN boundaries and uses of each zone in each municipality or management unit.

CHAPTER II

ECAN MAPPING, ZONING AND PLANNING

Section 18. Mapping. Mapping to delineate the ECAN zones provides visualization to the policy makers, those affected and the general public on the effect of such criteria. It shall be done by the LGU and its ECAN Board, with the assistance of PCSD Staff and other appropriate agencies. Such map shall be verified and validated on the ground to come up with the ECAN Map of 1:50,000 scale to be passed and declared by the Council.

Section 19. Identification of the Zones in ECAN Mapping. The LGU through the ECAN Board (with memberships among others, from local government unit, line agencies, POs, NGOs, and other entities) shall assist the PCSDS in the identification of the ECAN zones.

Section 20. Community Consultation on the ECAN Maps. Community consultation on the ECAN map shall be undertaken by the PCSDS together with the local government units. The activity will provide a venue for all stakeholders to express their views on such maps and subsequent preparation of the zoning plan.

Section 21. Map Validation. Validation of the ECAN maps of appropriate scale for the Barangays and 1:50,000 for the municipalities, using GPS and surveys shall be spearheaded by the PCSD Staff with the assistance of the LGU and its ECAN Board and other concerned agencies. Upon completion of the validation process, the verified/updated map shall be prepared by the respective LGUs with the assistance of its ECAN Board and PCSD Staff.

Section 22. Map Revision/Modification. Subsequent revisions and updating of the ECAN Zoning Map may be undertaken by the Council staff upon acquisition of new and relevant information, in consultation with the local government units and concerned sectors in the province.

Section 23. Declaration of the ECAN Zones Map. Upon recommendation by the PCSD Staff, the LGU through its Sangguniang Bayan shall submit to the PCSD its ECAN Zones Map (with the technical descriptions and the allowable activities for each zone) for approval. Such map shall be guided by the provisions of these guidelines. The same map shall be subject to progressive review and update by the PCSD Staff and the LGU through its ECAN Board upon acquisition of more information on the environmental condition of the terrestrial and coastal/marine areas for review and final approval of PCSD. After PCSD approval of the ECAN Zones Map, the LGU shall support the PCSD action through adoption of the ECAN Zones Map by local resolutions and ordinances.

Section 24. Boundary Delineation. Upon approval of the ECAN map, field delineation which involves surveying and planting or marking of visible boundaries shall take place. This shall be undertaken by the Local Government Units in their respective areas of concern in coordination with its ECAN Board, the PCSD Staff, the Community Environment and Natural Resources Office (CENRO) of DENR, the Provincial Government, the National Commission on Indigenous Peoples (NCIP) for tribal ancestral lands, other government and non-government organizations, and concerned members of the community.

Section 25. Preparation of the ECAN Zoning Plan. After the approval of the ECAN Map, the LGU through its ECAN Board and with the assistance of the PCSDS, shall prepare an ECAN Zoning Plan taking into consideration the following:

- Stakeholders' participation in the protection conservation, development, exploitation and restoration of natural resources in the area;
- Encroachment of commercial fishing vessels on municipal waters;
- Treatment of protected areas under the NIPAS;
- Inter-agency participation;
- Protection of coastal/marine areas and enforcement of fishery laws;
- Monitoring and evaluation schemes to include coastal pollution monitoring and control to understand water pollution of the area and to institute measures complementary to the PCSDS environmental quality regulation;
- Regulatory measures or permitting system;
- Application of resource rents or user charges;
- Management of funds from proceeds of license fees;
- Allowable activities for each zone;
- Development activities in small islands;
- Waste disposal and sewage;
- Provision of alternative livelihood projects;
- Protection of the access rights of the community to the natural resources;
- Migration and settlement within the coastal areas; and
- Appropriation of funds for the implementation of the plan and the management of the ECAN zones.
- Others identified to be necessary and relevant.

The ECAN Zoning Plan shall include among others the following:

- Description of the Area
- Goals/Objectives
- Zoning Strategy (priorities, methodologies for marking zone boundaries)

- Zone Management (activities, regulatory measures policy directions)
- Administration
- Monitoring and Evaluation
- Annexes (maps and references)

Section 26. LGU Adoption of the ECAN Zoning Plan. The ECAN Zoning Plan shall be prepared by the ECAN Board to be organized or reconstituted in each municipality/city as provided in Sections 37-39 of these guidelines. The Plan shall be presented for public hearing in the respective locality before final adoption by the Sangguniang Bayan/Panglunsod and endorsement to the Sangguniang Panlalawigan for subsequent approval of the Council through the Council Staff.

Section 27. Declaration of the Plan by the Council. The Council shall declare the ECAN Zoning Plan defining therein the boundaries with technical descriptions and the allowable activities in each of the zones. The Plan may be province-wide, area-specific, or criterion-specific depending upon the availability of data and other resources required. Provided, however, that said Plan shall be subject to progressive review and update following the same process cited in this guidelines.

Section 28. Review of the Zoning Plan. The ECAN Zoning Plan shall be reviewed and evaluated by the PCSDS to ensure its conformity with the SEP Law and other guidelines formulated by PCSD. After final review and evaluation, the Plan shall be adopted by the Sangguniang Bayan through a municipal resolution and the Sangguniang Panlalawigan through a provincial resolution. Upon its adoption, the Plan shall be submitted to PCSD for approval. Upon approval, the concerned LGU shall integrate and/or harmonize the said Plan with its CLWUP.

Section 29. Conflict Resolution. Conflict resolution process is hereby provided to settle issues arising from the setting of boundaries and the identification of allowable activities for each zone. Should there be earlier claimants, conflict or opposition in certain areas, these shall be resolved by the LGU through the ECAN Board, by consultation and/or negotiation process. If unresolved such conflicts shall be elevated to PCSD for resolution. Resolution of conflicts in the Tribal Ancestral Zone should be governed by PCSD Resolution No. 99-147 and subsequent amendments thereto as well as the IPRA Law.

CHAPTER III

HARMONIZATION WITH THE MUNICIPAL LAND AND WATER USE PLANS

Section 30. ECAN as Framework for Municipal Planning. The ECAN Zoning Plan (EZP) shall serve as the general physical plan of every municipality/city. It shall be the basis of other planning activities such as land use planning, tourism master planning and resource management planning as a whole.

The Comprehensive Land and Water Use Plans of the respective LGUs shall be anchored on the ECAN Zoning Plan.

Section 31. Integration/Harmonization of ECAN Zoning Plan with the Municipal Comprehensive Land and Water Use Plan. The implementation of the ECAN Zoning Plan which may include policy formulation, legislation, setting up of permitting system, monitoring and other related activities,

as hereinafter provided, shall be the joint responsibility of the Local Government Units and the Council Staff through the Municipal ECAN Board. To attain this objective, the Plan may be integrated into or harmonized with the Municipal Comprehensive Land & Water Use Plan.

CHAPTER IV SUPPORT MECHANISMS

Section 32. Environmental Monitoring and Evaluation. The Council Staff shall establish and operationalize the Environmental Monitoring and Evaluation System (EMES) to provide periodic review and assessment of the environment which shall be used as basis to check the efficacy and possible defects of the ECAN Zoning Plan in meeting its overall objective of protecting and enhancing the ecological system in the province while at the same time supporting development. It shall lead the monitoring and assessment of the implementation of the ECAN Zoning Management Plan as part of its EMES operations pursuant to its mandate under the SEP Law.

Section 33. Environmental Research. Pursuant to the provisions of R.A. 7611, the PCSDS shall facilitate the conduct of environmental studies as well as organize a network of research organizations or a scientific committee to facilitate the conduct of studies by which implementation of ECAN shall be improved and successfully implemented.

Section 34. Environmental Education and Extension. The PCSDS in coordination with other agencies and organizations, shall undertake intensive environmental education and extension services to instill full understanding and cooperation among the populace in the implementation of the ECAN. Such shall be complemented by the information and education program of the LGU for their constituents.

CHAPTER V COMPLEMENTATION

Section 35. Coordination with the Local Government Units. In Section 19 of the SEP Act, it is provided that one of the powers and functions of the Council is to ensure alignment of plans, programs and policies to the SEP by the local governments. In the implementation of ECAN, this coordination shall specifically mean that there shall be unity of functions between the Council and the heads of local governments through their representation in the Council.

Section 36. Functions and Responsibilities. The functions and responsibilities of the Council, the Council Staff and the Local Government Units of Palawan (i.e. provincial, municipal) shall be as follows:

1. The Council shall approve policy guidelines to include criteria in delineating the ECAN zones, processes and program of work to implement ECAN. It shall likewise initiate sourcing of funds for major activities and the establishment of linkages with national and provincial agencies/entities for joint undertakings. It shall likewise approve the ECAN Zones Map for each and every municipality as well the Comprehensive ECAN Zones Management Plan.
2. The Council Staff shall develop the policy guidelines for approval of the Council, work with the local government units, line agencies and other concerned group or members of the community in carrying-out the approved program for the implementation of ECAN; facilitate the creation, reconstitution and/or operationalization of the ECAN Board in the municipalities to facilitate the flow of activities, documents and decision-making processes related to the efficient and effective implementation of the ECAN; monitor and evaluate the environmental conditions in the light of ECAN targets and objectives; conduct research to enhance the establishment of ECAN; and conduct information and education programs to develop local capability and administer funds appropriated for the ECAN activities.
3. The Local Government Units, at their respective levels, shall initiate passage of resolutions, provincial/municipal/city ordinances and regulatory measures to integrate and enforce ECAN as provided by the Council and these guidelines into their zoning ordinances. Their representatives to the Council: the Governor, the Vice-Governor representing the Sangguniang Panlalawigan, City Mayor, the President of the Mayors League, and the President of the Provincial Federation of the Liga ng mga Barangay shall serve as the direct link to ensure alignment of their plans and actions. They shall harness the participation of line agencies, non-government organizations and the community in the implementation of ECAN in the municipality. Towards this end, the LGU shall adopt and endorse the Municipal ECAN Zones Map to the PCSD; integrate/harmonize the Municipal Comprehensive Land and Water Use Plan (CLWUP) and their Zoning Ordinance with the ECAN Zoning Plan; create, reconstitute and/or operationalize the Municipal ECAN Board; and allocate a regular fund out of the annual municipal budget for the local implementation of ECAN and other provisions of these guidelines.

CHAPTER VI THE MUNICIPAL ECAN BOARDS

Section 37. Creation of the Municipal ECAN Boards. There shall be created an ECAN Board, thru a Sangguniang Bayan/Panglunsod Resolution or Ordinance (whichever is applicable) for every municipality/city of Palawan. To carry out its mandate as vested hereunder, the Board may create an Executive Committee, working teams and similar bodies it may deem appropriate.

Section 38. Composition of the ECAN Board. The ECAN Board shall be composed of the following:

- Municipal Mayor/Local Chief Executive
- Municipal Vice-Mayor
- PCSDS / District Manager/Representative
- President of the Liga ng mga Barangay

- Chairperson of SB Committee on Environment
- Municipal Planning and Development Coordinator
- Municipal Environment and Natural Resources Officer
- DENR-CENRO Representative
- NGO/PO Representative
- Indigenous People Representative

-Other agencies/sectors the Board may identify as necessary such as Sangguniang Kabataan, DAR, NCIP, Philippine National Police, Armed Forces of the Philippines, Academe/Education, Business, Women, etc.

Section 39. Powers and Functions of the ECAN Board. The Board is vested with the following powers and functions:

1. Facilitate the local implementation of this resolution and other pertinent PCSD rules, regulations and issuances;
2. Formulate its own Operational Procedures or Guidelines;
3. Initiate passage of resolution, municipal/barangay ordinances and regulatory measures to implement ECAN and enforce the ECAN Zoning Plan;
4. Review proposed and existing projects in the light of ECAN targets and objectives;
5. Harness the participation through coordination and collaboration of line agencies, NGOs and the community towards the attainment of ECAN objectives;
6. Set up a special trust fund, as a depository of all collections of monies that may accrue such as donations, grants and gifts as well as fees and charges that may later be imposed by the Board, and the management and disbursement thereof in accordance with the relevant provisions of RA 7160;
7. Share the resource requirements necessary to implement ECAN in the municipality;
8. Organize ECAN executive committee and working teams when deemed necessary; and
9. Through the ECAN working teams, undertake the following:
 - a. Provide technical support to the LGU in implementing the ECAN;
 - b. Facilitate the flow of activities, documents, information and decision-making process related to the efficient and effective implementation of the ECAN;
 - c. Assist in data acquisition, analysis, monitoring and evaluation of environmental conditions in the light of SEP and ECAN targets and objectives;
 - d. Assist PCSD in the conduct of information and education activities;
 - e. Facilitate the formulation of ECAN Zoning Plan and its harmonization with the Municipal Comprehensive Land and Water Use Plan; and
 - f. Other activities in pursuance of sustainable development objectives.

CHAPTER VII GENERAL PROVISIONS

Section 40. Amendment. These guidelines may be amended wholly or in part by the Council through public hearing/notification.

Section 41. Repealing Clause. These guidelines supersede PCSD Resolution Nos. 94-44 and 99-144 and other rules, regulations and resolutions inconsistent herewith.

Section 42. Effectivity. These guidelines shall take effect immediately.

SO RESOLVED. APPROVED and ADOPTED this 29th day of April, 2005 in Quezon City.

I hereby certify to the correctness and accuracy of the above-quoted resolution.


NELSON P. DEVANADERA
Secretary

APPROVED FOR THE COUNCIL:


HON. ABRAHAM KAHLIL B. MITRA
Chairman

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