



Republic of the Philippines
MIMAROPA Region
Province of Occidental Mindoro
OFFICE OF THE GOVERNOR

03 April 2023

SEC. MARIA ANTONIA YULO LOYZAGA

Department Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

SUBJECT: DENR MEMORANDUM ORDER 2023-01

Dear Secretary Loyzaga,

We are informed and have noted from the DENR website that the above stated Memorandum Order entitled ***"ADDITIONAL GUIDELINES FOR PROJECTS APPLYING FOR ECC WHICH ARE WITHIN OR WITH CLOSE PROXIMITY TO PROTECTED AREAS (PA'S) AND OR/ RAMSAR SITES"*** require the EMB Regional Office to endorse the ECC application to the Office of the Secretary through the EMB Director, after the final Environmental Impact Assessment Review Conference for clearance before issuance of the ECC. The Memorandum Order also defines ***"Close Proximity"*** as anywhere within the Province.

With due respect, having worked closely with a number of Proponents for the Restoration and Rehabilitation of the "flood causing" rivers located in the Province of Occidental Mindoro, we have observed their struggle to meet with the stringent requirements of DAO 2020 -12 that are all pending for three (3) years since the program to restore and rehabilitate the said flood causing rivers was initiated.

To date, only a few proponents are nearing completion due to the voluminous set of documents to prepare and the time required by the Agencies to review these documents. To add another step will increase regulatory burden and will further extend the time to complete. Meanwhile, our communities fret in fear at the prospect of the coming rains.

Hence, we request you to exempt River Restoration and Rehabilitation Projects from the above Memorandum Order based on the following:

1. River Restoration and Rehabilitation Projects are "positive environmental activities" that are geared towards preserving the environment and well-being of the host communities.
2. River Restoration and Rehabilitation Projects are not mining nor quarrying activities.

"Ganado sa Serbisyo, Ganado sa Pagbabago!"

Address: Provincial Capitol Compound, Barangay. Payompon, Mamburao, Occidental Mindoro



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3. River Restoration and Rehabilitation Projects are proactive measures to mitigate floods that have over the years have exacted heavy damage to our crops thereby has far reaching effects as Occidental Mindoro is a major supplier of rice and other food stuff to Metro Manila and other provinces.

We wholly support the DENR's objective to preserve the Protected Areas and Reservations in order to preserve bio-diversity and slow down the effects of climate change. We believe however that the existing protective regulations are adequate and our Province has a proven record of strict adherence to these regulations that we can hand in hand, with the DENR, ensure that these regulations are implemented by the proponents of River Restoration and Rehabilitation Projects.

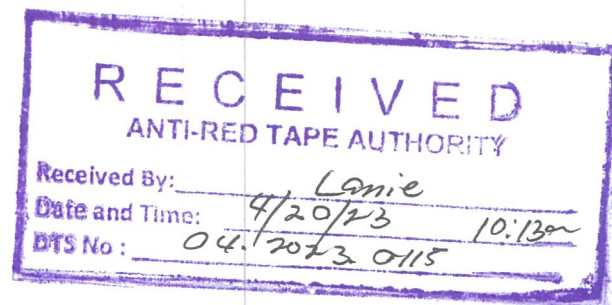
Moreover, may we be informed if this new policy was subjected to the **Regulatory Impact Assessment (RIA)** by the **Anti-Red Tape Authority (ARTA)** pursuant to **R.A 11032 or the Ease of Doing Business and Efficiency in Government Service Delivery Act of 2018**, considering that said changes would mean additional layer of authority and signatories. This shift of rules in the middle of compliance by the Proponents would further delay the permitting process and is considered an encroachment to the mandate of the Inter-Agency Committee (IAC) created by DAO 2020-12, which is supposed to be given autonomy to promulgate guidelines to expedite the primordial intent of flood mitigation along the coastal towns of the Province.

We appeal for your reconsideration.

Sincerely,


EDUARDO B. GADIANO
Governor

Cc: Office of the Ombudsman
Anti-Red Tape Authority
Civil Service Commission





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JAN 13 2023

DENR MEMORANDUM ORDER

No. 2023- 01

SUBJECT : **ADDITIONAL GUIDELINES FOR PROJECTS APPLYING FOR AN ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) WHICH ARE WITHIN OR WITH CLOSE PROXIMITY TO PROTECTED AREAS (PAs) AND/OR RAMSAR SITES**

In line with the implementation of the Presidential Decree 1586 (Philippine Environmental Impact Statement System) and its Implementing Rules and Regulations (DAO 2003-30), to ensure the protection and conservation of identified Protected Areas (PAs) and Ramsar sites as an important tool in climate change adaptation and mitigation, the following are additional guidelines in the processing of applications of certain ECCs:

A. Approval by OSEC of ECCs of Non-ECPs Located within the PA or RAMSAR Site

ECCs of Non- Environmentally Critical Projects located within the PA and/or Ramsar Site including their duly approved buffer zones shall require the approval of the Office of the Secretary. The EMB Regional Office shall endorse the ECC application for approval to the Office of the Secretary through the EMB Director within five (5) days after the final EIARC meeting.

B. Clearance of OSEC Prior to Final Formal Scoping Checklist

EMB Central and Regional Offices that are handling the ECC applications of projects to be located within or with close proximity to Protected Areas and RAMSAR sites are required to secure a **Clearance** from the Office of the Secretary (OSEC) prior to the final approval of the technical scoping checklist. The OSEC will review the scoping checklist to add, if necessary, other issues/impacts to be included in the EIA Study. The OSEC shall endeavor to finish its review within ten working (10) days from receipt of the checklist. The project is considered near or in close proximity to PAs and/or Ramsar sites if the proposed project is within the province where the PAs and/or Ramsar sites.

The EMB shall also include in the technical scoping checklist to be submitted to the OSEC the following:

1. The proponent's commitment to perform avoidance, mitigation, rehabilitation, and compensatory activities for the environmental impact caused by the project; and
2. The Social Development Plan (SDP)/Corporate Social Responsibility (CSR) shall include the protection of such PAs and/or Ramsar sites.

C. Additional Items in Project Description Report

Proponents of projects that are near PAs and/or RAMSAR sites are directed to indicate in the Project Description Report for Scoping the following:

1. The proximity and potential environmental impacts of the project on Protected Areas (PAs) and RAMSAR sites within ten (10) kilometers from the project;
2. The water and power source to be used in the proposed project; and
3. The names of the Preparer/s of the EIA Study shall be clearly stated in said document.

D. Mandatory Resource Persons in the EIARC

For all ECC applications, the EIARC shall include Resource Persons from the Biodiversity Management Bureau (BMB) and the Forest Management Bureau (FMB). Should there be no issue or concern for the BMB or FMB in the project, such shall be stated in the Formal Final Scoping Checklist, which shall be attested to by the representatives of said bureaus.

E. EIA RC Chairman Confirmation in ECC

The Chairman of the Environmental Impact Assessment Review Committee (EIARC) is directed to confirm that the post-conditions, if any, in the Chairman's Report are included in the ECC.

This Order shall take effect immediately and remain valid unless revoked in writing.


MARIA ANTONIA YXLO LOYZAGA
Secretary

