

HIGHLIGHTS OF THE 3rd QUARTER 2022
MINE REHABILITATION FUND COMMITTEE MEETING
Berong Nickel Corporation
(MPSA No. 235-2007-IV)
Hybrid Meeting
07 October 2022 | 9:00 a.m.

ATTENDANCE:

MRFC Members:

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| 1. Engr. Glenn Marcelo C. Noble | Chairperson and Regional Director MGB MIMAROPA Region |
| 2. Ms. Herlina L. Nim (via Zoom) | Representing Ms. Lormelyn E. Claudio, CESO IV Co-chairperson and Regional Executive Director DENR MIMAROPA Region |
| 3. Engr. Nunilon R. Tanguilig | Representing Mr. Joe Amil M. Salino Regional Director, EMB MIMAROPA Region |
| 4. Atty. Noel E. Aquino (via Zoom) | Representing Hon. Victorino Dennis M. Socrates Provincial Governor, LGU – Palawan |
| 5. Fr. Jasper A. Tabangay | Social Action Director, AVPP – Palawan |
| 6. Mr. Carl O. Fernandez | Representing Hon. Joselito O. Ayala Mayor, LGU – Quezon, Palawan |
| 7. Engr. Deo V. Gatchalian | Compliance and Permitting Head, BNC |

Absent

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| 1. Ms. Marie Grace T. Pascua, PhD | Regional Director, NCIP MIMAROPA Region |
| 2. Mr. Roger V. Garinga | NGO - IDEAS |
| 3. Ms. Levita A. Lagrada | Representing Atty. Teodoro Jose S. Matta Executive Director, PCSDS |

Guest and Other Participants:

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| 1. Atty. Brenda Y. Segovia | Legal Counsel, BNC |
| 2. Engr. Julie Ann A. Perez | Technical Assistant, BNC |
| 3. Engr. Marc Raymund L. Zamora (via Zoom) | Resident Mine Manager, BNC |
| 4. Mr. Jay Pee R. Dela Cruz (via Zoom) | MEPEO, BNC |
| 5. Ms. Debbie A. Arquio (via Zoom) | Community Relations Manager, BNC |

MMT

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|-----------------------------|---|
| 1. Engr. Al Janry S. Tuazon | Sr. Science Research Specialist, MGB MIMAROPA |
| 2. For. Zosima D. Jampit | Sr. Envi. Mgt. Specialist, EMB MIMAROPA |

Secretariat:

- | | |
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| 1. Engr. Alvin S. Requimin | Division Chief, MSESDD, MGB MIMAROPA |
| 2. Engr. Hanna Lee B. Arriego | Sr. Science Research Specialist, MGB MIMAROPA |
| 3. Engr. Venus V. Jesoro | Sr. Envi. Mgt. Specialist, MGB MIMAROPA |

I. Preliminaries

Engr. Glenn Marcelo C. Noble, Chairperson and MGB MIMAROPA Regional Director, called the meeting to order at 10:11 a.m. upon confirmation of a quorum (7 out of 10) by the Secretariat.

II. Meeting Proper

A. Provisional Agenda

As raised by members of the committee, the following items were included in "Other Matters:"

- Palawan Landscape Restoration Network as suggested by Atty. Noel E. Aquino (Palawan LGU);
- Provision of necessary documents to MRFC members and MMT Membership as proposed by Fr. Jasper A. Tabangay (AVPP); and
- Participation of MRFC and MMT members to the 68th Annual National Mine Safety and Environment Conference (ANMSEC) in Baguio City.

With no further comments, the Chairperson approved the Provisional Agenda including the additional items for discussion in "Other Matters."

B. Draft Minutes of the 2nd Quarter 2022 MRFC Meeting

Upon review of the draft minutes, the following were the minor revisions:

- Line 240: phrase was revised from "prepare the community by mentioning during IECs *that it (2022)*" to "prepare the community by mentioning during IECs *that 2022 will*"; and
- Lines 269 – 270: sentence was revised from "The company is implementing the rehabilitation plan **even if the FMRDF has not been released.**" to "The company is implementing the rehabilitation plan **even if the work and financial plan for the FMR/DP has not been approved.**"

With the above minor revisions and inclusion of designation of BNC employees, the Chairperson approved the minutes of the 2nd quarter 2022 MRFC meeting for BNC upon motion of Atty. Aquino, seconded by Engr. Nunilon R. Tanguilig (EMB MIMAROPA).

C. Matters Arising from the Minutes of the 2nd Quarter 2022 MRFC Meeting

1. Existing Memorandum of Agreement (MOA) between BATA and BNC

The Chairperson instructed the Secretariat to summarize all issues discussed in the various MRFC meetings that concerns NCIP MIMAROPA as he will discuss the matter with Dir. Grace Pascua.

103 **2. Relocation of Water Sampling Stations**

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105 Per Engr. Tanguilig, BNC's request for relocation of water sampling
106 stations is for the EMB Regional Director's approval.

107
108 **3. Presentation of Highlights of the 2nd Quarter 2022 Air, Water, and Noise**
109 **Monitoring and Sampling**

110
111 Engr. Tanguilig's suggestion to attach the Certificate of Analysis when
112 discussing the results of air and water quality monitoring was included in
113 the presentation of technical reports.

114
115 **4. DAO No. 2022 – 12 re: EMB Membership to the MMT**

116
117 EMB MIMAROPA to send a letter prior to the conduct of semi-annual
118 monitoring.

119
120 **5. Brgy. Resolution No. 17 Series of 2022 re: Removal of Spillway/Detour**
121 **Bridge at Llabongan River**

122
123 The Chairperson informed the committee that the concern was
124 forwarded to the Department of Public Works and Highways -
125 MIMAROPA Region thru a letter dated 06 October 2022.

126
127 **6. BNC's FMR/DP Implementation**

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129 Contingent. Liability and Rehabilitation Fund - Steering Committee
130 (CLRF-SC) meeting was held on 24 September 2022 where the Year-1
131 Work and Financial Plan (WFP) for the final mine rehabilitation of Berong
132 Nickel Project (MPSA No. 235-2007-IVB) was approved.

133
134 Per Engr. Deo V. Gatchalian (BNC), while the company was in the
135 process of converting the Final Mine Rehabilitation and
136 Decommissioning Fund (FMRDF) from savings to trust fund, they were
137 informed by Land Bank of the Philippines (LBP) that the payment for
138 maintaining a trust account amounts to one percent (1%) of the total
139 FMRDF (on an annual basis). He asked if the said amount will be
140 shouldered by the company or will it be deducted from the FMRDF.

141
142 The Chairperson requested Engr. Gatchalian to provide the said
143 document stating such as the issue will be raised during the
144 Management Conference.

145
146 **D. Technical Reports**

147
148 **1. Presentation of Highlights of the 2nd Quarter 2022 MMT validation**

149
150 The Chairperson stated that the MMT shall continue to monitor the site
151 until such time that it will be subject for release (i.e., release of Certificate
152 of Final Relinquishment).

Engr. Al Janry S. Tuazon (MGB MIMAROPA) reported the MMT findings and recommendations. He explained that the format differs from other companies with approved AEPEP as BNC is in decommissioning and rehabilitation phase already.

- Based on Engr. Tuazon's report, of the 34-ha. target for progressive rehabilitation, BNC carried out land preparation in 4-ha. and reforestation in 6-ha.
- Regarding the slow growth rate of bamboo planted at elevated areas, the Chairperson said that this finding should be brought to the attention of the DENR and MGB – Central Office.
- Atty. Aquino noted the MMT's recommendation to catch-up with the rehabilitation activities and asked the company how will they accomplish the remaining more or less 20-ha. In response to this, Engr. Gatchalian explained that there was a delay in the approval of the WFP, but the company plans to compress the 6-year rehabilitation plan to two (2) years. They will submit to the CLRF-SC the proposed changes along with the WFP for next year before November.
- The Chairperson commented that it will not be a problem since the delay was due to the approval of the WFP.

2. Presentation of Highlights of the 3rd Quarter 2022 Air, Water, and Noise Monitoring and Sampling

For. Zosima D. Jampit (EMB MIMAROPA) presented the results of the 3rd quarter 2022 air and water quality and noise level monitoring, which were all within the DENR and NPCC standards, respectively.

- The Chairperson inquired on the noticeable dip in the graph of surface water monitoring results. Mr. Dela Cruz responded that the dip refers to the groundwater monitoring result. For. Jampit apologized as the groundwater monitoring result should not be included in the graph for surface water quality monitoring result.
- One of the recommendations of the sampling team is to consider renewable energy, which the Chairperson emphasized that it is a mere suggestion and not an imposition.

3. Presentation of Compliance with the 2nd Quarter 2022 MMT's Field Findings and Recommendations and Presentation of Physical and Financial Accomplishments, including Updating of Established Funds

Mr. Dela Cruz discussed the company's compliance with the 2nd quarter 2022 MMT findings and recommendations, accomplishments with respect to the FMR/DP and 3rd quarter 2022 accomplishments.

- The Chairperson asked for the reckoning date of the approved Year-1 WFP. Engr. Gatchalian said that Year-1 should start after the approval of the WFP. The Chairperson will seek clarification from MGB – CO because in his point of view, it should be April 1, 2022 as the company implemented a Care and Maintenance Program from January to March 2022.
- The Chairperson inquired on the company's plans for the ancillary facilities. Mr. Dela Cruz responded that around eight (8) hectares, composed of settling ponds and road networks will remain while the rented lots located outside the MPSA area will be retained for the next three (3) years.
- Atty. Aquino queried on the rehabilitation plan of settling ponds. Mr. Dela Cruz explained that silt gathered from other settling ponds will be used as backfill materials while silt recovered from km 10 onwards will be stockpiled at the nursery area. If the settling pond cannot be backfilled then fast growing and fruit bearing trees will be planted around the perimeter of the settling ponds, to prevent the walls from collapsing.
- Fr. Tabangay (AVPP) asked if the 90% survival pertains to the trees planted along the rehabilitated area. Mr. Dela Cruz replied in the affirmative and explained that this includes all plantations as well. From time to time, the condition of all reforested areas are being monitored to see if there is a need for enrichment planting.
- Fr. Tabangay inquired how long will the company monitor and maintain the area to which Mr. Dela Cruz responded that the plan is six (6) years. He likewise explained that a third-party shall be commissioned to assess the company's FMR/DP accomplishment. The MRFC and CLRF-SC shall likewise make a recommendation. If found lacking, the company shall implement activities using funds on top of the FMRDF.
- Fr. Tabangay queried if the road networks will be retained. Mr. Dela Cruz replied that only the main road networks as this will serve as access roads if ecotourism will push through.
- Fr. Tabangay asked if he can join the MMT monitoring. The Chairperson sees no problem on this as he may join as an MRFC member. As mine visit is not part of the MRFC's activities, the Chairperson suggested to conduct one early next year.
- While the status of the CLRF was being discussed, the Chairperson asked the company if they sent a letter of inquiry as to what will happen to the MRF and ETF. He commented that it is possible to retain the funds in preparation for the company's project in Longpoint.

- Referring to the rehabilitated areas, Fr. Tabangay remarked to describe it as "*malapit-lapit lang*" instead of "*maibalik sa dati*" to which the Chairperson commented that "*proximate*" is the more appropriate term.
- Mr. Carl O. Fernandez (MLGU Quezon) suggested to highlight the company's participation in implementing Executive Order No. 113, s. 1993 by donating seedlings to the LGUs and revisit the use of bamboo as planting material.

E. Presentation of Recent Drone Shots/Videos of Rehabilitation Areas

Part of the company's presentation.

F. Other Matters

1. Palawan Landscape Restoration Network

Atty. Noel explained that the Provincial LGU is in the process of drafting an ordinance to centralize the forest restoration efforts in Palawan. One map will be used wherein data from NAMRIA, DENR, PCSD and other concerned agencies will be collated, to know which areas will be prioritized for reforestation. Mining companies will be provided with a copy upon completion.

The Chairperson encouraged the company to support the said activity.

2. Participation of MRFC and MMT members to the 68th ANMSEC

Instead of a mine cross visit in Surigao, MMT and MRFC members will participate in the 68th ANMSEC that will be held in Baguio City in November 2022. The Chairperson asked to submit the names of the MMT and MRFC members on or before October 11 to finalize the list of attendees and travel arrangements.

3. Provision of Necessary Documents to MRFC Members

Upon request of Fr. Tabangay, the Chairperson instructed the company to provide MRFC members with the following documents on or before October 21, 2022: Environmental Compliance Certificate (ECC), Mineral Production Sharing Agreement, Social Development and Management Program, Environmental Protection and Enhancement Program – Final Mine Rehabilitation and/or Decommissioning Plan and Special Tree Cutting Permit.

4. MMT Membership

Fr. Tabangay asked regarding the MMT selection process. The Chairperson explained that unless there is a change in leadership (i.e., elected new officials) or change in NGOs advocacy then the current membership will be maintained.


Fr. Tabangay inquired on the change in the AVPP representative in the notice for the conduct of MMT monitoring in BNC, although they did not endorse a new MMT representative.

The Chairperson instructed the Secretariat to check the AVPP's letter re: MMT membership. He likewise instructed the MMT Team Leaders, to ask for a letter authorizing the representative should there be changes in personalities.

III. Adjournment

All matters properly discussed and there being no other issue for deliberation, the meeting was adjourned at 1:06 p.m. upon motion of Engr. Tanguilig, duly seconded by Atty. Aquino.

Attesting to the correctness of the foregoing:


HANNA LEE B. ARRIESGADO
Secretariat
MGB MIMAROPA

Approved by:


GLENN MARCELO C. NOBLE
Regional Director and
Chairperson, MRFC for BNC