DENR ADMINISTRATIVE ORDER
No. 2004 - 57
August 31, 2004

SUBJECT : GUIDELINES ON THE DEVELOPMENT PROJECTS AND ACTIVITIES THAT MAY BE ALLOWED WITHIN THE MARIKINA WATERSHED RESERVATION (MWR)

Pursuant to RA 7586, otherwise known as the National Integrated Protected Areas System Act (NIPAS) of 1992, DENR Administrative Order No. 25, Series of 1992 which is the Implementing Rules and Regulations of the NIPAS Act, and DENR Memorandum Circular No. 35, Series of 1993 on November 07, 1993 the following guidelines are hereby issued for the information and guidance of all concerned:

Section 1. Basic Policy. The proper and effective conservation of the natural and biological resources of the Marikina Watershed Reservation (MWR) in order to sustain its ecological functions and economic services shall be the primary concern of the Department. Towards this end, the adoption and institution of projects and activities under the concept of multiple use within the Watershed Reservation that adhere to the principles of sustainable development and biological diversity conservation is of paramount importance.

Section 2. Scope and Coverage. This Order shall cover the boundaries of the Marikina Watershed Reservation as defined by Executive Order No. 33 with the exception of Proclamation No. 901 and Proclamation No. 585, subject to private rights. The development projects or activities shall be implemented in the allowable zones of the MWR such as the multiple-use, restoration, recreation, special-use zones and/or buffer zones as well as in the strict protection zone, as may be appropriate.

Section 3. Definition of Terms. For purposes of this Order, the following terms shall be defined as follows:

3.1 Multiple Uses - refer to the various sustainable development activities that shall may be allowed by the PAMB within the MWR.

3.2 Multiple-Use Zones - areas where settlement, traditional and/or sustainable land use, including agriculture, agroforestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan of the MWR.

3.3 Restoration Zones – areas of degraded habitat where the long term goal will be to restore natural habitat with its associated biodiversity and to rezone the area to a more strict protection level.

3.4 Recreational Zones – areas of high recreational, tourism, educational, or environmental awareness values where sustainable eco-tourism, recreation, conservation education or public awareness activities may be allowed as prescribed in the management plan of the MWR.

3.5 Special-Use Zones – areas containing existing installations of national significance, such as telecommunication facilities, irrigation canals or electric power lines, among others.

3.6 Strict Protection Zone – areas with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by the indigenous communities.

3.7 Buffer Zones – areas outside the MWR but adjoining it that are established by law and

under the control of the DENR through the Protected Area Management Board (PAMB).

Section 4. Allowable Development Projects and/or Activities. Aside from Protected Areas Community-Based Resource Management Agreement (PACBRMA), the following development projects or activities may be allowed within the MWR:

4.1 Ecotourism such as sightseeing, camping, hiking, horse-back riding and other similar activities with the installation of basic visitor facilities and amenities such as camping ground, bathing establishments, accommodation facilities, view decks, picnic sheds, trail or access system, conservation education related facilities, among others. Provided that high-rise buildings, major infrastructure facilities, golf courses, artificial lakes and the like shall not be allowed. Provided further, that buildings shall not be more than two (2) storeys high;

4.2 Restoration and rehabilitation of denuded or degraded areas which include establishment and maintenance of forest nurseries and the like;

4.3 Fruit orchard, agro-forestry farming, demonstration farming and or experimental station establishments, provided that inorganic fertilizers and chemicals such as pesticides that may contaminate bodies of water shall not be allowed in accordance with Resolution No. 8 of the National Water Crisis Act Commission created under RA 8041;

4.4 Water resources development for domestic use, irrigation and hydro-power generation;

4.5 Facilities for telecommunication and power lines and similar installations of national significance and the rights-of-way thereof; and

4.6 Rehabilitation and restoration activities in Strict Protection Zones, provided that such will not entail harvesting of resources.

Section 5. Qualified Applicants. The following are qualified to apply for any development projects and/or activities within the said Reservation:

5.1 Tenured Migrants or PACBRMA holder.

5.2 An association, corporation, cooperative, partnership or a juridical person whether private or public, duly created and/or registered under Philippine laws, provided that at least 60% of whose shares or membership belong to the Filipino citizens, including Non-Government Organizations whose primary purpose is for the management, conservation and protection of natural resources.

5.3 Local Government Units (LGUs) and Other Government Agencies (OGAs).

Section 6. Requirements in the Processing and Approval of Development Projects and/or Activities. In processing and recommending for the approval of development projects and/or activities within the Marikina Watershed Reservation, the following shall be required:

6.1 Any application or proposal for development projects and/or activities within the Marikina WR should be in conformity with its initial protected area plan or management plan.

6.2 The proposed development project and/or activity should be fully endorsed by the

Protected Area Management Board of the MWR.

6.3 That in the conduct of restoration and rehabilitation of denuded areas within the Reservation, the provisions of DENR MC No. 20, Series of 1990 as well as DMC No. 2004-06 shall be strictly complied with by the project proponent.

6.4 The establishment or installation of structures or facilities brought about by the development project or activity shall not entail human settlement or habitation of the proponent(s) within the MWR.

6.5 Tenured migrants or PACBRMA holders shall be given priority over such applications for development projects and/or activities, without, however, causing the transfer of their settlement areas, unless it is in accordance with the zoning established under the initial protected area plan or management plan of MWR.

6.6 Corresponding user fees shall be imposed and collected by the PAMB through the Protected Area Superintendent (PASu) for the utilization of portion of the MWR following the provisions on Integrated Protected Area Fund (IPAF) pursuant to the NIPAS Act.

Section 7. Procedure in the Processing of Applications. The following procedures shall be followed in the processing of applications for development projects and/or activities within the MWR:

7.1 The proposal for development projects or activities shall be filed with the Office of the PASu of MWR.

7.2 The PASu shall endorse the same to the PAMB of MWR for deliberation within five (5) working days upon receipt of the proposal.

7.3 The PAMB within fifteen (15) working days upon receipt of the documents, shall convene and deliberate the same. For approved proposals, a corresponding PAMB Resolution shall be passed by the Board. In case the project proposal is disapproved, a denial or rejection letter shall be issued by the RED as Chairman of the PAMB within five (5) days.

7.4 In case of approved proposal, the PASu and the proponent shall jointly prepare a draft Memorandum of Agreement (MOA) within fifteen (15) working days from the date of the PAMB Resolution approving the proposal.

7.5 The MOA shall be executed between the PAMB through the Regional Executive Director (RED) of DENR Region 4A (CALABARZON) and the proponent within twenty (20) working days from the date of the PAMB Resolution approving the proposal.

7.6 The proponent shall prepare an Environmental Impact Assessment/Initial Environmental Examination (EIA/IEE) for submission to the Regional Executive Director, Environmental Management Bureau for the issuance of an Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) as the case may be. No development project or activity shall be implemented within the Marikina Watershed Reservation without the required ECC or CNC.

7.7 The Secretary thru the PAWB Director shall be furnished copy of the approved development projects and/or activities for monitoring purposes.

Section 8. Transitory Provisions. Upon the effectivity of this Order, DENR Region 4-A shall reassess the MWR to ascertain the boundaries of areas to be retained as protected area under the NIPAS. The Regional Office shall, likewise, fast track or accelerate the actual delineation of the various management zones of the MWR in accordance with the provisions of the NIPAS Act. In the meantime that actual zoning of MWR is being worked out, the upper headwater of the Reservation shall be delineated and designated as Strict Protection Zone and shall be closed to any development projects or activities except for restoration and rehabilitation activities as may be necessary.

Section 9. Effectivity. This Order shall take effect upon signing hereof and revokes or amends accordingly all other previous orders and issuances inconsistent herewith.

ELISEA G. GOZUN
Secretary