

Philippine Environmental Policy Guidelines for Ecotourism Investment / Development : A Guide to BIMP – EAGA Investors



FOREWORD R D









The 7,100 islands of the Philippine Archipelago are among the most beautiful in the world. The hospitable people with rich cultures and varied traditions, the exceptionally diverse terrestrial and marine life, the verdant forests, lofty summits, grassy savannahs, sparkling waterfalls, smoldering volcanoes, pristine lakes and rivers, white beaches, picturesque limestone caves and cavers, inviting hot springs, captivating sunset and the temperate climate make this country a perfect place. These physical and natural attributes offer tremendous potentials for nature-based tourism or ecotourism.

Mindanao and Palawan Islands are areas in the Philippines that possess such unique features. Their inclusion in the Brunei Darussalam-Indonesia-Malaysia-the Philippines-East ASEAN Growth Area or BIMP-EAGA attest to this. However, such great potentials have to be promoted as a window for investment opportunities.

It is for this reason that the Department of Environment and Natural Resources through the Protected Areas and Wildlife Bureau in close coordination with the Environment Management Bureau embarks in preparing this guide and the brochures as information tools to gain the support of the business sector in further developing these two major islands as ecotourism destinations. Opportunities for investment and the individual potentials of the sites for ecotourism development are provided in the guide and the brochures.

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PHILIPPINE ENVIRONMENTAL POLICY GUIDELINES FOR ECOTOURISM INVESTMENT/ DEVELOPMENT: A GUIDE TO BIMP-EAGA INVESTORS

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PHILIPPINE ENVIRONMENTAL POLICY GUIDELINES FOR ECOTOURISM INVESTMENT/DEVELOPMENT: A GUIDE TO BIMP-EAGA INVESTORS

I. INTRODUCTION

The Philippines is definitely more than any other destination. Like a gemstone with many facets, the Philippines' assets go beyond the white sand beaches and underground rivers. The uniqueness of the Philippine attractions can be seen from the highest peak to the deepest sea, from the biggest island to the smallest dot of land in the country. These features make the Philippines as one of the major tourist destinations in the world.

Based on the 1998 data from the Department of Tourism (DOT), the top three reasons why tourists come to the country are sightseeing, business meetings and shopping, and beach holidays. As can be gleaned, two of the top three preferences are nature-based activities: sightseeing and beach holidays.

The growing economic importance of tourism industry has over the years attracted the attention of most governments around the world, particularly those of developing countries like the Philippines. However, it was only recently that most countries recognized the reality that tourism largely depends on the quality of the environment. This realization paved the way to the evolution of the so-called "ecological tourism or ecotourism".

The International Union for the Conservation of Nature (IUCN), also known as The World Conservation Union defined ecotourism as "environmentally responsible travel and visitation to relatively undisturbed natural areas in order to enjoy and appreciate nature that promotes conservation, has low visitor impact, and provides for beneficially active socio-economic involvement of local populations". The Philippine Government adheres to this concept.

Executive Order No. 111 issued in June 17,1999 mandates the formulation of the National Ecotourism Strategy (NES) and the review, evaluation and approval of major and minor ecotourism projects. Ecotourism is defined under the NES as a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics as well as economic benefits are fostered and pursued for the enrichment of host communities and satisfaction of visitors (NEDC Resolution No. 2000-01).

Further, the NES emphasized the need to formulate ecotourism standards for the development of the natural and cultural resources as well as building facilities, providing services, and implementing activities in ecotourism sites. The development of a national ecotourism standard and certification program is being initiated by the National Ecotourism Steering Committee (NESC).

The high potential of the Philippines for ecotourism development is exemplified in the island clusters of Mindanao and Palawan which form part of the BIMP-EAGA Region. One of the objectives of the BIMP-EAGA is to enhance tourism in the region by promoting ecotourism development. However, to attract investors, they need to be provided with information on the specific sites within the region that offer investment opportunities for ecotourism development as well as guidelines in pursuing such endeavor.



This document presents the Philippines contribution to the collective approach of BIMP-EAGA member-countries towards ecotourism development. It provides the specific areas in Mindanao and Palawan for ecotourisrm development. It also outlines the national laws, policies, rules and regulations governing developmental activities in the country for guidance by the ecotourism industry sector. The document is also intended to raise awareness and gain support of the general public in nature conservation while providing them the opportunity to marvel at the beauty of God's work.

II. DEVELOPMENT OPPORTUNITIES

The island clusters of Mindanao and Palawan are endowed with vast natural resources both flora and fauna, scenic and unique landscapes and seascapes, boast of a wide range of mountains, caves, plains, rivers, lakes, falls, and other natural features. The local ethnic culture and its inter-connectiveness with the environment is one of the subjects of interest and appreciation of visitors. These offer a wide range of investment opportunity for ecotourism development by the BIMP-EAGA partners and global investors.

Ecotourism Sites

1. Mindanao

Some of the existing and potential sites for ecotourism in the region are already included as key sites in the National Ecotourism Strategy formulated in line with Executive Order No. 111. Some of the best sites are described in detail in the compilation of brochures shown in Annex. J. which forms part of this guide.

Mt. **Apo Natural Park** is the highest mountain peak and home to endemic flora and fauna, such as Waling-waling (*Vanda sanderiana*) and the world-renowned Philippine Eagle (*Pithecophaga jeffery*i). The park has the following natural and cultural features: caves, waterfalls, lakes, hotspring, rainforest and tribal villages. Existing facilities and amenities include nature trails, cottages, toilet and shower, picnic sheds and water system. The development of park facilities, trails and picnic areas near the waterfalls are among the potential ecotourism investment opportunities in the park. The recorded number of visitors from 1999-2001 is two thousand six hundred sixty six (2,666).

Lake Sebu Watershed Forest Reserve is located in the Central Mindanao area. It is also known as the summer capital of the south because of its cool climate and natural features such as seven waterfalls, beautiful and navigable lakes and rich biodiversity. Likewise, it is the home of two ethnic groups, the T'boli and Ubo. The recreational activities it offers include horse back riding, boating, birdwatching and swimming. Its local products include Tilapia (prepared in various dish styles), fruits, vegetables, rattan, tinalak and brass.

Its potential for investment include the development of recreational facilities like tennis court, swimming pool, basketball court, benches, restrooms, children's playground, landmark/interpretative signs, ethnic cultural village, trade center/T'boli arts, botanical garden/eco park and

ethnological museum. There are thirty seven thousand eight hundred fourty (37,840) visitors recorded from year 2000 to 2002.

The province of **Misamis Oriental** is known for its unique landscapes and seascapes as exemplified by the presence of numerous caves with irregular rock formations along the sea coast, limestone forest interspaced with beach forest species, narrow reefs, white beaches, beautiful waterfalls, etc.

Camiguin, the small volcano-studded island is named as Mindanao's classic holiday hideaway. It possess various types of natural features such as gentle walking routes; clear seas and coral reefs for diving and snorkeling; numerous cold and hot springs; several waterfalls covered with lush vegetation; mountain canyons for trekking, climbing, rappelling and hang gliding.

The **Agusan Marsh Wildlife Sanctuary**, known as an "enchanted wetland" is one of the county's most fragile ecosystems and most ecologically significant wetland in the Philippines. Found in the heart of Mindanao's Agusan Basin, this vast expanse of marsh covers an area roughly the size of Metro Manila. What makes this region so important is that, it contains nearly 15% of the nation's fresh water resources in the form of swamp forests. Among the recreational activities it offers include lake hopping, river cruising, birdwatching and boating. Existing facilities and amenities include sleeping quarters, rest rooms, power system and communication system. Investment opportunities include construction of visitor center/lodging houses, operation of ferry boat, renting of equipment/gadgets, supplies for boating, kayaking and establishment of boardwalk. There are 263 visitors recorded from 2001-2002.

The **Siargao Protected Landscape and Seascape** is just a few hundred kilometers east of the famed Philippine Deep which is endowed with a landscape and seascape of almost unparalleled natural beauty that attracts environmentally conscious ecotourists. It is internationally known as surfers' paradise. Swimming , sunbathing, snorkeling , surfing (August to November-Northeast wind offshore, December to February-Northeast wind on shore), boat riding, island hopping, mountain biking, trekking, spelunking, kayaking and diving are among the recreational activities that the area offers. Existing visitor facilities and amenities include beach resorts, boat hire, jetski, cottages, restaurant, power house, commercial center, food establishment, souvenir shops and cling stations. Investment opportunities include stores rental for scuba diving gears, construction of guest house cum convenience store, monkey trail, divers and snorklers shack, and interpretative signs. The recorded number of visitors in the area for 2001-2003 is two thousand ninety-three (2,093).



On the northwestern tip of Mindanao are the "Twin-Cities of **Dipolog** and **Dapitan**. Dipolog is known as the "Orchid City" due to its beauty and charm. On the other hand, Dapitan, the place where our national hero Dr. Jose Rizal spent years of exile, is known for its historical and rustic strangeness, and branded as the "Shrine City",

The **Great and Little Sta. Cruz Protected Landscape and Seascape** are twin island situated in the southernmost tip of the Zamboanga Peninsula. It offers nature based and other forms of cultural attractions. It is also offers recreational activities such as swimming, snorkeling, beach combing, ski/scuba diving, sun bathing, shoreline hiking and fishing. The existing visitors facilities include one (1) unit pavilion for twenty (20) pax, nine (9) units big picnic shed for ten (10) pax, eighteen (18) units small shed for four to six (4-6) pax, six (6) units tables for six to eight (6-8) pax, two (2) units restrooms and barbeque pits. The recorded total number of foreign and local visitors in the area for the last three (3) years is one thousand seven hundred thirty six (1,736).

The Pujada Bay Protected Landscape and Seascape prouds of the natural ecosystems like mangroves, coral reefs and seagrass. It has an excellent to good conditions of coral covers. Seagrass beds are practically found all around the coast of the bay. Eight (8) species of the twelve (12) seagrass species identified and found in the Philippines are present in the Bay.

The **Mt. Malindang Range National Park** contains unique features such as numerous mountain peaks, closed canopy forest, crater valleys and lakes, rivers, diverse species of flora and fauna, and indigenous people communities. These features possess potentials for ecotourism activities like mountain trekking, canopy walk, bird watching and naturebased observations, horseback riding, fishing at the crater lake, canoeing or rafting and guided tours. The tourist services provided include visitor center, hotels and lodging houses, rent a car, transportation facilities, restaurant, grocery and novelty store. The recorded number of visitors in the area for year 2000-2001 is three hundred sixty five (365).

The **Turtle Islands Wildlife Sanctuary** is recognized as one of the 11th major nesting area of green turtle in the world and the only major one in the Southeast Asia. Its diverse resources provide wide spectrum of nature-based tourism activities ranging from appreciation and casual visits to natural areas to scientific research of turtles and the marine environment. Among the recreational activities it offers include turtle watching, scuba diving, snorkeling, swimming, scenic viewing mountain

hiking, trekking, witness active mud volcano, sun bathing, fishing, Island hopping and scientific research.

2. Palawan

The Province of Palawan, considered a world-class ecotourism destination, is most distinctive for its variety of wildlife, the subject of interest of wildlife enthusiasts. Its surrounding shorelines not only serve as roosting and rookery for endemic shorebirds and turtles but also as wintering and migratory grounds for other bird species. These shorelines also offer diverse spectacular coastal terrain such as white sand beaches, beautifully sculpted stacks of small jutted islands, lush jungles at the top of towering limestone cliffs and walls, and underwater coral gardens swarming with marine life revealed by crystal clear water. The inlands are of exceptional landscapes, extensively covered with forests sheltering many faunal species found nowhere else. Most of all, it is the home and domain of tribal groups like Tagbanua, Cuyun and Batak.

The natural treasure which Palawan offers for nature lovers are the **Ursula Island Game Refuge and Bird Sanctuary** with an observation post and perimeter trails for bird watchers, the **Tubbataha Reef National Marine Park**, a UNESCO World Natural Heritage Site and is haven for diving. It is an enormous reef which rises above the surface of the ocean in the very center of Sulu Sea. **Bacuit Bay**, **El Nido Managed-Resource Protected Area** and **Calamian Group of Islands**, the prime areas for sea kayaking are the potential to become Asia's next rock climbing mecca for their fissured and creviced massive towering rocks that provide varied degrees for climbing.

The **Puerto Princesa Subterranean River National Park** is an underground river inside a cave stretching more than eight kilometers deep into St. Paul's mountain. The waterway is believed to be one of the longest underground rivers in the world and perhaps the only one which empties directly into the sea.

Calauit Game Preserve and Wildlife Sanctuary, is internationally known for the successful breeding of African animals such as giraffe, eland, zebra, impala, bushback, topi, gazelle and waterback. The area is a showcase of habitat conservation featuring the harmonious integration of exotic African animals with endemic and endangered animals such as calamian deer and wild pigs. Resident and migratory birds are also present in the island as well as a wide array of small mammals, reptiles and amphibians. The sanctuary is good for scientific educational and recreational activities.

Calauit is a small-low-lying island separated by a mangrove area from the island of Busuanga. Its natural vegetation is lowland forest with beach forest and mangroves along the coast. Among the existing facilities and amenities include administrative and operations center, guest quarters, outer guest area, docking areas, visitor service truck and pumpboat. Potentials for ecotourism development include handicraft for souvenirs, development of trekking trails, mangrove tour and eco-village. The maximum total number of visitors both local and foreign is six thousand seven hundred sixty nine (6,769) from 2001-2003.

The Kaniki Island located in the Western Busuanga Island coast of possess long beaches which is perfect for sun Northern Palawan bathing and shallow waters of 100 meters from the shoreline ideal for swimming, kayaking and snorkeling. The big waves are ideal for surfboard riding and its deep seas for scuba diving. The area has a mangrove channel with good coral cover inside. The area is good for bird and monkey watching, hiking and sight seeing, tour diving and island tours. Existing visitor facilities and amenities include bungalow type cottages, kaingin hut, small dive shop boat services and power house. Investment opportunities include hotels or lodging houses, restaurant rentals for equipment, gadget for scuba diving and snorkeling, binoculars and boat and establishment of boardwalk and souvenir shops. The development of the mangrove channel is being targeted under the Sustainable Environmental Management Project in Northern Palawan Tourism Development component.

III. LAWS, RULES AND REGULATIONS GOVERNING ECOTOURISM DEVELOPMENT IN THE PHILIPPINES

The Department of Environment and Natural Resources (DENR) is the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources as mandated by Executive Order No. 192.

A. BIODIVERSITY CONSERVATION

The Protected Areas and Wildlife Bureau (PAWB) of the DENR is mandated to formulate policies, plans and programs on the establishment and management of protected areas, conservation of biological diversity and nature conservation and education. Below are the laws, rules and regulations governing biodiversity conservation and ecotourism.

1. National Integrated Protected Areas System (NIPAS Act) (R. A. 7586 issued on June 1, 1992)

The law provides for the establishment and management of national integrated protected areas system which focus on the outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, bio-geographic zones and related ecosystems, whether terrestrial, wetland or marine.

The law also provides flexibility in the management of protected areas through the establishment of management zones such as strict protection zone and multiple-use zone, among others. Ecotourism development such as nature trail establishment, construction of visitor center and cottages, etc. are allowed within the recreational zone including multiple use zone and buffer zone, as maybe appropriate. Community participation in the management/development of ecotourism sites is encouraged.

Wildlife Resources Conservation and Protection Act (RA No. 9147 issued July 30, 2001)

The scope of application of the law include all wildlife species in all areas including protected areas (RA 7586) and critical habitats and exotic species which are traded, cultured, maintained and/or bred in captivity/ propagated.

The salient features of the act include the joint jurisdiction among DENR, DA and PCSD and provides regulations on the collection/possession of wildlife and its by-products or derivates; local transport of wildlife and its by-products or derivates; exportation and importation of wildlife; introduction, re-introduction, and re-stocking of endemic and indigenous wildlife and commercial breeding/propagation.

The law also provides distinction between bio-prospecting and basic wildlife scientific research; specifies the kinds of wildlife permits to be issued by the Secretary; strengthens the existing guidelines on biosafety; establishes the National Wildlife Research Center which lead in the conduct of wildlife scientific studies: authorizes the establishment/designation of WRC; provides for the regulation of zoological and botanical gardens and other similar facilities; creates the Wildlife Traffic Monitoring Officers; authorizes the deputation of Wildlife enforcement officers; and prescribes the establishment of critical habitats outside protected areas where threatened species are found.

It also provides for the registration of threatened and exotic wildlife in the possession of private person; provides for the adoption of flagship species by Local Government Units to serve as emblem of conservation;

enumerates the illegal acts which include activities destructive to wildlife resources and their habitats; establishes a Wildlife Management Fund for habitat rehabilitation or restoration and wildlife scientific research enforcement and monitoring activities and enhancement of capabilities of relevant agencies; and provides for tax exemption for donations, contributions, bequest, subsidies or financial aid for wildlife conservation and protection.

3. National Caves and Cave Resources Management and Protection Act (RA No. 9072- April 8, 2001)

The DENR in coordination with the DOT, takes lead in the promotion of caves classified for ecotourism and in the cave visitor management in accordance with Executive Order No. 111 (Establishing the Guidelines for Ecotourism Development in the Philippines) and Joint DENR-DOT Memorandum Circular No. 98-02 (Guidelines for Ecotourism Development in the Philippines).

4. Ecological Destination Development Guidelines for Turtle Islands, Tawi-Tawi (DAO No. 99-31 dated July 30, 1999)

This Order aims to ensure that environmental considerations are incorporated at the earliest possible stage of any development activity within the Turtle Islands and to protect the biodiversity and environment of the Turtle Islands while assuring the socio-economic benefit for the community through appreciation of the ecological destination.

5. Executive Order No. 111 "Establishing the Guidelines for Ecotourism Development in the Philippines" issued June 17, 1999 and NEDC Resolution 2000-01 "Adopting the Operating Guidelines for E.O.111"

The Executive Order established an institutional mechanism and framework for ecotourism development in the Philippines. To enhance partnership from among wide range of individuals and organizations to work together for ecotourism, it created a National Ecotourism Development Council (NEDC), National Ecotourism Steering Committee (NESC) and Regional Ecotourism Committee (REC) composed of representatives from different concerned government agencies, private sector and non-government organizations. It also provides economic incentives or accreditation program to support ecotourism initiatives.

The Order also provides for the formulation of Ecotourism Strategies to set direction for the ecotourism development in the Philippines.

As defined in the Implementing Rules and Regulations (IRR) of Executive Order 111, ecotourism is a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics as well as economic benefits are fostered and pursued for the enrichment of host communities and satisfaction of visitors.

5.1 Procedure in the processing of Investment Proposal for Ecotourism Development

The flow chart (Annex B) briefly describes the process flow for ecotourism investment proposals. The outline (Annex A) contains the list of information or documents required in the preparation of the proposals. There are two procedures to be followed based on the kind of project being proposed. Based on the National Ecotourism Strategy, developments can be either major or minor projects. **Major projects** are integrated ecotourism development project located in clearly delineated area such as key ecotourism sites, tourist zones, tourism estates protected areas on such other areas as may be proclaimed/designated. The project may consist of several components of ecotourism such as facilities services and activities. **Minor projects** are specific ecotourism project located either within on outside of the key ecotourism sites, tourist zones, tourism estates, protected areas on such other areas as proclaimed/designated.

All project/investment proposals must be submitted to the BIMP-EAGA Secretariat for the initial screening/review. The BIMP-EAGA Secretariat shall determine whether a project falls under the major or minor category. For major projects requiring Environmental Compliance Certificate (ECC), the proponent will be required to secure the necessary clearance from the Environmental Management Bureau (EMB-DENR).

For major projects not requiring ECC, the review of proposal shall be done by PAWB. This is to ensure that the proposal does not run in conflict with the protected area management plan if the proposed ecotourism site is within a proclaimed protected area.

PAWB and the ETWG shall make the final endorsement of the reviewed proposal to the NESC. The NESC decides whether a proposal for a major project shall be approved or denied. For minor projects, the DENR Regional Office shall review all proposals for endorsement to the Regional Ecotourism Committee.

B. ENVIRONMENTAL

The Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR) is specifically tasked to recommend rules and regulations for environment impact assessment and provide technical assistance for their implementation and monitoring.

1. Presidential Degree No. 1586 (The Philippine Environmental Impact Statement (EIS) System

Provides an effective planning, management and regulatory tool in addressing environmental problems in the country specifically in assessing that development actions conforms with basic principles of sustainable development. Section 4 thereof explicitly requires "all agencies and instrumentalities of the national government, including government-owned and controlled corporations, as well as private corporations, firm and entities to prepare an environmental impact system (EIS) for every action, project or undertaking which significantly affects the quality of the environment".

It declared environmentally critical projects (ECPs) and projects within environmentally critical areas (ECAs) as projects which require the submission of an environmental impact statement (EIS). Section 4 thereof provides that "No person, partnership or corporation shall undertake or operate any such declared ECP or project within an ECA without first securing Environmental Compliance Certificate (ECC)". PD 1586 also identified the lead agency for the implementation of the EIS system and provides sanctions for its violation.

The succeeding rules and regulations, procedure and requirements provided for under DAO 96-37 series of 1997 and lately DAO 2003-30 series of 2003 made it possible for proponent of projects having negative impacts on the environment to implement these activities in a sustainable and environmentally friendly manner.

DAO 2003-30 – Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System

Consistent with the continuing effort of the Department of Environment and Natural Resources (DENR) to rationalize and streamline the implementation of the Philippine Environmental Impact Statement (EIS) System established under Presidential Decree (PD) No. 1586, Presidential Proclamation No. 2146 defining the scope of the EIS System and pursuant to Administrative Order No. 42 issued by the Office of the President on November 2, 2002, the following rules and regulations are hereby promulgated:

2.1 Basic Policy and Operating Principles

Consistent with the principles of sustainable development, it is the policy of the DENR to implement a systems-oriented and integrated approach to the EIS system to ensure a rational balance between socio-economic development and environmental protection for the benefit of present and future generations.

The following are the key operating principles in the implementation of the Philippine EIS System:

- a. The EIS System is concerned primarily with assessing the direct and indirect impacts of a project on the biophysical and human environment and ensuring that these impacts are addressed by appropriate environmental protection and enhancement measures;
- b. The EIS System aids proponents in incorporating environmental considerations in planning their projects as well as in determining the environment's impact on their project;
- Project proponents are responsible for determining and disclosing all relevant information necessary for a methodical assessment of the environmental impacts of their projects;
- d. The review of the EIS by EMB shall be guided by three general criteria: (1) that environmental considerations are integrated into the overall project planning, (2) that the assessment is technically sound and proposed environmental mitigation measures are effective, and (3) that social acceptability is based on informed public participation;
- e. Effective regulatory review of the EIS depends largely on timely, full, and accurate disclosure of relevant information by project proponents and other stakeholders in the EIA process;
- f. The social acceptability of a project is a result of meaningful public participation, which shall be assessed as part of the Environmental Compliance Certificate (ECC) application, based on concerns related to the project's environmental impacts; and
- g. The timelines prescribed by this Order, within which an Environmental Compliance Certificate must be issued or denied, apply only to processes and actions within the Environmental Management Bureau's (EMB) control and do not include actions or activities that are the responsibility of the proponent.

2.2 ECC Application Processing and Approval Procedures

2.2.1 Scope of the EIS System

In general, only projects that pose potential significant impact to the environment shall be required to secure ECC's. In coordination with the Department of Trade and Industry (DTI) and other concerned government agencies, the EMB is authorized to update or make appropriate revisions to the technical guidelines for EIS System implementation.

The issuance of ECC or CNC for a project under the EIS System does not exempt the proponent from securing other government permits and clearances as required by other laws.

In determining the scope of the EIS System, two factors are considered: (i) the nature of the project and its potential to cause significant negative environmental impacts, and (ii) the sensitivity or vulnerability of environmental resources in the project area.

The specific criteria for determining projects or undertakings to be covered by the EIS System are as follows:

- a. Characteristics of the project or undertaking
 - Size of the project
 - Cumulative nature of impacts vis-à-vis other projects
 - Use of natural resources
 - Generation of waste and environment-related nuisance
 - Environment-related hazards and risk of accidents
- b. Location of the Project
 - Vulnerability of the project area to disturbances due to its ecological importance, endangered or protected status
 - Conformity of the proposed project to existing land use, based on approved zoning or on national laws and regulations
 - Relative abundance, quality and regenerative capacity of natural resources in the area, including the impact absorptive capacity of the environment
- c. Nature of the potential impact
 - Geographic extent of the impact and size of affected population
 - Magnitude and complexity of the impact

Likelihood, duration, frequency, and reversibility of the impact

The following are the categories of projects/undertakings under the EIS system:

Category A. Environmentally Critical Projects (ECPs) with significant potential to cause negative environmental impacts.

Category B. Projects that are not categorized as ECPs, but which may cause negative environmental impacts because they are located in Environmentally Critical Areas (ECA's).

Category C. Projects intended to directly enhance environmental quality or address existing environmental problems not falling under Category A or B.

Category D. Projects unlikely to cause adverse environmental impacts.

Proponents of co-located or single projects that fall under Category A and B are required to secure ECC. For co-located projects, the proponent has the option to secure a Programmatic ECC. For ecozones, ECC application may be programmatic based on submission of a programmatic EIS, or locator-specific based on submission of project EIS by each locator.

Projects under Category C are required to submit Project Description.

Projects classified under Category D may secure a CNC. The EMB-DENR, however, may require such projects or undertakings to provide additional environmental safeguards as it may deem necessary.

Projects/undertakings introducing new technologies or construction technique but which may cause significant negative environmental impacts shall be required to submit a Project Description which will be used as basis by EMB for screening the project and determining its category. The process flow chart of ECC application for Environmentally Critical Project (for EIS Report) is attached as Annex E.

2.2.2 Requirements for Securing Environmental Compliance Certificate (ECC) and Certificate of Non-Coverage (CNC)

ECC processing requirements shall focus on information needed to assess critical environmental impacts of projects. Processing requirements shall be customized based on the project categories.

Certificate of Non-Coverage is issued by the EMB certifying that, based on the submitted project description, the project is not covered by the EIS System and is not required to secure an ECC.

Initial Environmental Examination (IEE) Report is a document similar to an EIS, but with reduced details and depth of assessment and discussion.

Initial Environmental Examination (IEE) Checklist Report is a simplified checklist version of an IEE Report, prescribed by the DENR, to be filled up by a proponent to identify and assess a project's environmental impacts and the mitigation/enhancement measures to address such impacts.

Environmental Impact Statement (EIS) is a document, prepared and submitted by the project proponent and/or EIA Consultant that serves as an application for an ECC. It is a comprehensive study of the significant impacts of a project on the environment. It includes an Environmental Management Plan/Program that the proponent will fund and implement to protect the environment.

The following is a summary of the required documents, the processing, endorsing and deciding authorities for ECC/CNC applications and timeframe for each project category:

The matrix below summarizes the EIA requirements of Eco-Tourism projects and activities:

ACTIVITIES	NOT	COVERED		
	COVERED	IEE	EIS	
		Checklist	Study	
1. Leisure Activities				
 Horseback riding 				
 Hiking 				
 Site seeing 				
 Camping 				
 Mountain trekking 				
 Bat and Monkey Watching 	g			
 Canoeing & Rafting 				
 Kayaking 				
 Recreational Fishing 				
 Guided Tour 				
 Staying with the nativ 	es or			
indigenous people in the a	area			
 Swimming, sunbathing, 	scuba			
diving, surfboard riding, j	et and			
water skiing, snorkeling				
 Scientific, educational act 	ivities			
 Mangrove reforestation 	222 721			
 Establishment of 	fish			
sanctuaries and artificial	coral			
reets Deserves	Barration			
Resource renabilities	litation			
2. Acquisition of the following:	Sector and the sector of the s			
 communication facilities 				
wall mounted, mon	opole,			
parapet, located on top	of the			
building, indoor antenna				
 sports and recreational 				
equipment	2			
 vehicle and office equipment 	ent			
3. Installation and construction of	of the			
following:				
 telecommunication tower 				
located on green field/E0	CA			
 light and water facilities 				
 resthouse in an area less 	than	l.		

	5000 sq.m.			P0.344 0.225
	resthouse in an area more than 5000 sq. m			
	 hanging bridges and/or canopy walk 			
	pedestrian overpass		-	
	 monitoring station for bird watching and nature observation 			
Ų	 farmer exchange centers 			
	 multipurpose pavements 			
Ŷ	 health centers (out patients/consultation type i.e. rural health and dental clinic) 			
	 sari-sari/coop store and cottage industries (SME) 			
	 school buildings with a total floor area of less than 5,000 sq.m. 			
	 school building with a total floor area of more than 5,000 sq.m. 			
	 administration building with a total floor area less than 10,000 sg.m. 			
	 administration building with a total floor area more than 10,000 sq.m. 			
	 18-hole and below Golf Course and driving range not more than 5 hectares 			
	 above 18-hole Golf Course 			Street La
4.	Seaweeds farming			
5.	Agricultural plantation			
	 Less than 1 hectare 			
	 => 1 hectare but less than 300 hectares 			
-	 => 300 hectares 			
6	Butterfly farm			
· • •	Duttoring			

Options:

Based on the above classifications of the listed activities; BIMP-EAGA Ecotourist site should further define limitations on activities involving:

- a.) building of structures such as rest house, school, administration building and telecom facilities;
- b.) harvesting or plantation especially those who will be using pesticide/herbicides; and
- c.) large scale aquaculture activities greater than 300 hectares (along coastal areas and lakeshores).

The next screening shall be the determination if the project or undertaking is classified as an "environmentally critical project" (ECP) or not. If so, an environmental impact statement (EIS) shall be prepared by the project proponent for submission to EMB.

The next screening shall be the determination if the project or undertaking is located in an "environmentally critical area" (ECA). If so, an Initial Environmental Examination (IEE) or an IEE checklist shall be prepared by the project proponent for submission to the concerned DENR RO.

The process flow chart of ECC application for Projects located in ECA (for IEE report is attached as Annex F.

Is should be noted that projects or portions thereof, although with separate EIS submissions, will be valuated as an integrated project for the purpose of determining or categorizing as ECP. For example, a whole island ecotourism development which includes construction of bird-watching station and canopy walk shall be treated as "one" ECP.

As in the case of ECPs, the DENR is also expected to exercise its sound judgment and sound discretion in determining which projects are located within ECAs. In exercising such function, the DENR shall apply a liberal interpretation of the law on coverage taking into consideration the rationale of the EIS system, and shall use the "significant impact on the quality of the environment" test under PD 1152 and PD 1586.

2.3 Processing Time Frame

If no decision is made within the specified timeframe, the ECC/CNC application is deemed automatically approved and the approving authority shall issue the ECC or CNC within five (5) working days after the prescribed processing timeframe has lapsed. However, the EMB may deny issuance of ECC if the proponent fails to submit required additional information critical to deciding on the ECC/CNC application, despite written request

from EMB and despite an adequate period for the proponent to comply with the said requirement.

In cases where ECC issuance cannot be decided due to the proponent's inability to submit the required additional information within the prescribed period, the EMB shall return the application to the proponent. The project proponent may resubmit its application, including the required additional information, within one (1) year for Category A projects and six (6) months for Category B projects without having to pay processing and other fees. Otherwise, the matter shall be treated as a new application.

In cases where EMB and the project proponent have exhausted all reasonable efforts to generate the information needed for deciding on the ECC/CNC application, the responsible authority (Secretary or EMB Director / Regional Director) shall make a decision based on the available information so as to comply with the prescribed timeframe. The decision shall nonetheless reflect a thorough assessment of impacts taking into consideration (i) the significance of environmental impacts and risks; (ii) the carrying capacity of the environment; (iii) equity issues with respect to use of natural resources, (iv) and the proponent's commitment to institute effective environmental management measures.

The process flow of CNC application is attached as Annex G.

Proponents who wish to undertake project that is considered as an ECP, regardless of location, must prepare an Environmental Impact Statement (EIS). The EIS is submitted to the Environmental Management Bureau (EMB) as the primary basis for the review and evaluation issuance or denial of an ECC by the DENR Secretary. In general, it is the Environmental Management Bureau that is responsible for implementing the EIS System for ECPs.

On the other hand, proponents whose project are located within ECAs are generally required to submit an Initial Environmental Examination (IEE/IEE) checklist to the Environmental Management Bureau Regional Office where the ECA and the project are proposed to be situated.

The submission of an IEE/IEE checklist does not preclude the EMB Regional Director from further requiring the proponent to submit an EIS pursuant to Section 23 (b) of DAO 96-37. The Regional Director may request the proponent to submit an EIS if

the proposed project has high potential to scale and magnitude that an EIS becomes a more appropriate document to submit.

Further, proponent of projects within ECAs, for the same reason as above, may immediately opt to prepare and submit an EIS in lieu of an IEE/IEE checklist. In both cases, the IEE/IEE checklist or EIS, as the case maybe, will be primary basis for the review and issuance or denial of ECC by the Regional Director.

The following criteria, among others, shall guide proponent and the DENR RO in determining whether a project in an ECA will be required to submit an EIS instead of an IEE/IEE checklist:

- significant environmental impacts have not been adequately addressed by proposed mitigation and enhancement measures;
- strong public opposition or low social acceptability;
- high risk to public safety, welfare and health;
- use of significant amount of highly pollutive substances;
- production of toxic or hazardous wastes; and
- significant socio-cultural impacts.

Proponents of projects falling into these categories are advised to proceed directly to the preparation of EIS instead of an IEE/IEE checklist and submit the same to the DENR RO concerned. However, the DENR RO may request assistance from the EMB in the evaluation or assessment of the EIS. In such cases, the DENR RO should involve the EMB in the entire process (e.g. from scoping to review).

Based on the criteria stated for projects within an ECA, proponents of Ecotourism projects must submit their respective ECC application to the concerned EMB Regional Office and follow the flow chart for Ecotourism projects as stated above.

The corresponding schedule of fees for ECC, CNC, post ECC processing and other services is attached as Annex H.

PHILIPPINE ENVIRONMENTAL POLICY GUIDELINES FOR ECOTOURISM INVESTMENT/ DEVELOPMENT: A GUIDE TO BIMP-EAGA INVESTORS

PROPOSAL OUTLINE

1. THE PROPONENT

- 1.1 Proponent's basic information (country of origin, name of the proponent/company, complete address, telephone/fax numbers)
- 1.2 Nature of ownership (single proprietorship, corporation, partnership)
- 1.3 Capitalization
- 1.4 Owners (names, citizenship, address, % of share/holdings)
- 1.5 Other business
- 2. EXECUTIVE SUMMARY OF THE PROJECT

3. THE PROJECT CONTEXT

- 3.1 Background and Rationale
- 3.2 Environmental Context
 - 3.2.1 Natural and Physical Environment
 - 3.2.1.1 Location (specific location)
 - 3.2.1.2 Site Suitability (soil, surface, geological, etc.)
 - 3.2.1.3 Topography (terrain, slope, evaluation, etc.)
 - 3.2.1.4 Surface water quality/quantity
 - 3.2.1.5 Groundwater qualify/quantity
 - 3.2.1.6 Climate and Meteorology
 - 3.2.1.7 Ecosystems description
 - 3.2.1.8 Unique natural features
 - 3.2.1.9 Flora and fauna

3.2.2 Socio-Economic Cultural, and/or Historical Context

- 3.2.2.1 Settlement characteristics
 - 3.2.2.1.1 Population size and number of households in the project area
 - 3.2.2.1.2 Age profile
 - 3.2.2.1.3 Employment, livelihood, and income profiles
 - 3.2.2.1.4 Health and Sanitation
 - 3.2.2.1.5 Public utilities and services
 - 3.2.2.1.6 Local peace and order situation

3.2.2.2 Cultural/Historical Context

- 3.2.2.2.1 Ethnic Groups
- 3.2.2.2.2 Traditional knowledge, system and practices
- 3.2.2.2.3 Historical/cultural structures or properties
- 3.3 Local Development/Political Context
 - 3.3.1 Comprehensive Land Use and Zoning
 - 3.3.2 Local Government Unit Structures and Processes
 - 3.3.3 Local ordinances and Regulations
 - 3.3.4 Active Civic/Community Organizations
 - 3.3.5 NGO operations
 - 3.3.6 Consultation Process (attach proof)
- 4. PROJECT PROFILE
 - 4.1 Land Area
 - 4.1.1 Total land area
 - 4.1.2 Basis for land ownership/possession Stewardship, lease, etc.)
- (OCT/TCT,

- 4.2 Site Development
 - 4.2.1 Physical Plan/Structural Plan
 - 4.2.2 Components/Services
 - 4.2.2.1 Accommodations (No. and types)
 - 4.2.2.2 Food and beverage outlets
 - 4.2.2.3 Rest areas
 - 4.2.2.4 Information Centers
 - 4.2.2.5 Nature trails
 - 4.2.2.6 Other related facilities
- 4.3 Proposed Ecotourism Activities

Include, but not limited to, trekking, mountain climbing, kayaking/boating, spelunking, cultural presentation, scuba diving/snorkeling, bird watching, tree planting, other related activities.

- 4.4 Economic Benefits
 - 4.4.1 Intent/capability to provide for jobs/employment/livelihood
 - 4.4.1.1 No. and types of jobs/local employment to be generated
 - 4.4.1.2 Supplemental livelihood to be generated

- 4.4.2 Strategies to optimize local participation
 - 4.4.2.1 Project local employment to be generated
 - 4.4.2.2 Community organizing
- 4.4.3 Training/Skills Upgrading
 - 4.4.3.1 For project operation/management/livelihood activities
 - 4.4.3.2 Other local capacity building programs
- 4.5 Social Services/Benefits
 - 4.5.1 Proposed basic health services
 - 4.5.2 Proposed safety and protection measures
 - 4.5.3 Proposed program for social preparedness for children and women
- 4.6 Environmental Protection
 - 4.6.1 EIS/IEE and the proposed environmental management program
 - 4.6.2 Waste management program
 - 4.6.3 Energy management program
 - 4.6.4 Water management program
 - 4.6.5 Interpretation programs for environmental appreciation and protection
- 4.7 Cultural Preservation
 - 4.7.1 Cultural promotion program
- 4.8 Total Estimated project Cost
 - 4.8.1 Project Cost
 - 4.8.2 Mode of financing

5. PROJECT ORGANIZATION STRUCTURE

- 5.1 Vision, Mission, Goal
- 5.2 Organizational Structure
- 5.3 Personal Profile
- 5.4 Manpower Development Plan
- 5.5 Personnel Recruitment

6. MONITORING AND EVALUATION

- 6.1 Project monitoring and evaluation process
- 6.2 Monitoring and Evaluation tools

Annex "B"

FLOWCHART OF THE PHILIPPINE-EAGA ECOTOURISM INVESTMENT PROPOSAL



For Minor Projects :



Annex "C"

Scope of the EIS System

MAXIMUM TIME TO GRANT OR DENY ECC APPLICATION (working days)	180 days	120 days	120 days	120 days	90 days	60 days	60 days	30 days	60 days	15 days	15 days
DECIDING AUTHORITY	DENR Secretary	DENR Secretary	EMB Central Office Director	DENR Secretary	EMB Central Office Director	EMB Central Office Director	EMB Regional Director	EMB Regional Director	EMB Central Office Director	EMB Regional Office Director	EMB CO or RO Director
PROCESSING RESPONSIBILITY/ Endorsing Official	EMB Central Office (CO) Director	EMB CO Director	EMB CO/EIA Division Chief	EMB Central Office Director	EMB CO/EIA Division Chief	EMB/CO EIA Division Chief	EMB Region/EIA Division Chief	EMB Region/EIA Division Chief	EMB CO/EIA Division Chief	EMB RO / EIA Division Chief	EMB CO or RO /EIA Division Chief
DOCUMENTS REQUIRED FOR ECC/CNC APPLICATION	Programmatic EIS based on I an eco-profile and focused on (he most critical	Project EIS		Programmatic Environmental Performance Report and Management Plan (PEPRMP)	Environmental Performance Report and Management Plan (EPRMP)	Project IEE or IEE Checklist if available (IEE may be	followed up by full EIA if required by EMB after its review of the IEE)	Environmental Performance Report and Management Plan (based on a checklist if available)	PEPRMP	Project Description	Project Description or Proof of Project Implementation Start prior to 1982 (if applying for a CNC)
APPLIED TO	Co-located F projects	Single	Project	Co-located 1 projects	Single Project	Single Proiect		Single Project	Co-located Project	Co-located or Single Projects	
	4-1: New			A-2: Existing and to be expanded (including undertakings that have	5 years and plan to re-start, with or without expansion) A-3: Operating without ECC	B-1: New		B-2: Existing and to be expanded (including undertakings that have stopped operations for more than	o years and plan to re-start, with or without expansion) B-3: Operating without ECC		
	A: Environmentally Critical Projects	A: Environmentally Critical Projects A-1: Ne						B: Non- Environmentally Critical But located in an ECA		C: Environmental Enhancement or	D: Not Covered

ENVIRONMENTALLY CRITICAL AREA (ECA)

An area is environmentally critical under Section 1.0 (b), Article II of DAO 96-37 if it exhibits any of the following characteristics:

A. Areas declared by law as national parks, watershed reserves, wildlife preserves, and sanctuaries

The laws referred to by this provisions are Pres. Decree No. 705, as amended, otherwise called as the "Revised Forestry Code", Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act, and other issuances including international commitments and declarations.

A "national park" is defined under Section 4(c) of the NIPAS Act as "a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such area."

A "wildlife sanctuary" is defined under Section 4(m) of the NIPAS Act as "an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulations for their perpetuation."

All other protected areas covered by NIPAS shall likewise be included in this category.

B. Areas set aside as aesthetic, potential tourist spots

Aesthetic potential tourist spots shall refer to areas declared and reserved by the Department of Tourism or other appropriate authorities for tourism development.

C. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna)

This refers to wilderness areas and areas such as Mt. Bako, Mt. Apo, etc., which are natural habitats of endangered or threatened, rare and indeterminate species of flora and fauna.

- 1. <u>Indeterminate species</u> shall refer to plant or animal species which are apparently endangered but where insufficient data are currently available for a reliable assessment.
 - 2. <u>Threatened species</u> shall refer to any plant or animal species which is likely to become endangered species within the foreseeable future throughout all or just a significant portion of its range.
 - <u>Rare species</u> shall refer to plant or animal species which are not under immediate threat of extinction but occurs in small numbers.
 - 4. <u>Endangered species</u> shall refer to plant or animal species which are actively threatened with extinction and whose survival are unlikely without protective measures.

D. Areas of unique historic, archeological, geological, or scientific interests

Areas of unique historic, archeological, or scientific interest refer to military and non-military shrines which are of cultural, historical, and scientific significance to the nation.

This classification includes national historical landmarks, geological monuments, and paleontological and anthropological reservations as may be designated or determined by the National Historical Institute, National Museum, National Commission for Culture and the Arts, National Commission on Geological Sciences, and other appropriate authorities.

E. Areas which are traditionally occupied by cultural communities or tribes

This refers to all ancestral lands of National Cultural Communities identified in Sec. 1 of P.D. No. 410 and settlements designed, implemented and maintained by the PANAMIN for national minorities (non-Muslim hill tribes referred to in P.D. No. 719) as may be amended by Republic Act No. 8371 the Indigenous Peoples Rights Act of 1997 (IPRA) and its IRR.

This also refers to all areas that are occupied or claimed as ancestral lands or ancestral domains by indigenous communities, or certified as such (CADC/CALC) pursuant to DENR Admin. Order No. 2, series of 1993 regarding identification and delineation of ancestral land or domain claims.

G. Areas with critical slope

This shall refer to all lands with slope of 50% or more not classified in this listing as environmentally critical.

This classification shall also cover alienable and disposable forest lands and unclassified forests.

H. Areas classified as prime agricultural lands

Prime agricultural lands shall refer to all irrigated and irrigable areas and other areas mapped under the Network of Protected Areas for Agriculture (NPAA) of the Bureau of Soils and Water Management (BSWM). The NPAA Guide covers all regions of the country and available in a 1:50,000 scale at the Agricultural Land Management and Evaluation Division (ALMED), BSWM.

I. Recharged areas of aquifers

Recharged areas of aquifers shall refer to sources of water replenishment where rainwater or seepage actually enters the aquifers.

Areas under this classification shall be limited to all local or non-national watersheds and geothermal reservations.

J. Waterbodies

Waterbodies shall refer to waters that are tapped for domestic purposes, within the controlled or protected areas declared by the appropriate authorities or which support wildlife and fishery activities.

K. Mangrove Areas

Mangrove areas are tidal areas covered by salt-tolerant, intertidal tree species.

This classification shall refer to areas declared as mangrove swamp forest reserves by Proclamation No. 2152 and mangrove forests declared as wilderness areas by Proclamation No. 2151.

L. Coral Reefs

Coral reefs shall refer to areas characterized by the assemblage of different types of marine plants and organisms.

This classification shall include all areas identified by local sources such as the UP-Marine Sciences Institute, DENR-Coastal Environment Program, etc. to be rich in corals. Annex "E"



Annex "F"



PROCESS FLOWCHART OF CNC APPLICATION



ouncure of these	S	ch	ed	ul	e	of	Fees
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	Fees and Other Charges (in Philippine Pesos/Non- refundable)
A. Application for ECC	
1. Category A-1 (Co-located Projects)	PhP 10,000.00
Procedural Screening Fee	1,500.00
Database Management Fee	3,000.00
Processing Fee	5,500.00
 Category A-1 (Single Project), Category A- 2 and A-3 (Co-located Project) 	6,000.00
	600.00
Procedural Screening Fee	2,000.00
Database Management Fee Processing Fee	3,400.00
3. Category A-2, A-3 and B-1 (Single	4,000.00
Project) ; B-2 and B-3 (Co-located	
Projects)	300.00
	1,000.00
Procedural Screening Fee	2,700.00
Database Management Fee Processing Fee	
4. Category B-2 and B-3 (Single Projects)	3,000.00
Procedural Screening Fee	300.00
Database Management Fee Processing	1,000.00
Fee	1,700.00
B. Certification of Non-Coverage	
1. Category D	100.00
2. Category C	600.00
C. Post ECC Processing Services	
 Request for minor ECC Amendment (Article III Section 8.3) 	300.00 / condition
 Request for major ECC Amendment (Article III Section 8.3) 	1,200.00 /condition
D. Other Services	
1. Request for miscellaneous certifications	50.00 /certification
2. Request for Certified True/Photocopy	25.00 /document

PAWB-BIMP-EAGA Manual final rep June 22-04

REFERENCES:

- Environmental Management Bureau (EMB), DENR Administrative Order No. 03-30 dated June 30, 2003
- Environmental Management Bureau (EMB), DENR Administrative Order No. 96-37, December 2, 1996
- National Integrated Protected Areas System (NIPAS) Act R.A. 7586, series of 1992
- National Ecotourism Strategy Committee (NESC), Ecotourism Technical Working Group (ETWG) New Zealand for International Development April 2002
- Planning and Technical Services Department; and the Project Operations and Implementation, Department of Palawan Council and Sustainable Development (PCSD) Development Staff

Calauit Game Preserve and Wildlife Sanctuary Management and Staff

Mallari, Tabaranza and Crosby, Key Conservation Sites in the Philippines . 2001

Philippine EAGA on Forestry and Environment

Head of Delegation : Undersecretary Manuel D. Gerochi, DENR

Philippine -EAGA Technical Working Group on F/E

Members :

DENR Bureau Directors (PAWB, FMB, ERDB, EMB) Regional Coordinators/ Regional Secretary for ARMM Regional Executive Directors of DENR Regions 4B (Palawan) & 9-13 (Mindanao) Regional Technical Directors for Forestry Regional Directors for EMB Regional Desk Officers (RDOs) Technical Working Staff

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