Republic of the Philippines

(Public Act 7611)

PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT

PCSD Bldg., Sports Complex Rd., Bgy. Sta. Monica, Puerto Princessa City, Palawan

Excerpts from the Minutes of the 315th PCSD Regular Meeting

held at Palawan Sustainable Development Training Institute (PSUDTI).

Irawan, Puerto Princessa City

December 11, 2014

Present:

1. Gov. Jose Ch. Alvarez, Provincial Governor
2. Vice Gov. V. Dennis M. Sarmiento, Sangguniang Panlungsod
3. Dir. Nelson P. Davanadera, Executive Director, PCSDS
5. Mr. Manuel D. Ochechi, Undersecretary, DENR
6. Hon. Lucmen D. Damalas, Pres., League of Municipalities
7. RADM Alexander S. Lopez, APO, Commander, WESCOM
8. Mr. Bar Dull, Business Sector Representative

Represented:

9. Rev. Fr. Eugene S. Elizora, NGO Representative
10. Sister Xaria Mon C. Jasmin, AMP
11. Hon. Lilibia R. Bayron, Mayor, Puerto Princesa City

Abstains:

12. Assoc. Edilberto M. De Luna, Assistant Secretary, DA

PCSD Resolution No. 14-517

A RESOLUTION GRANTING A STRATEGIC ENVIRONMENTAL PLAN CLEARANCE TO RIO TUBA NICKEL MINING CORPORATION ON ITS NICKEL MINING PROJECT DENOMINATED AS APPLICATION FOR MINERAL AGREEMENT (AMA) NO. AMA-LVB-141A

WHEREAS, Republic Act no. 7611, otherwise known as the Simintegral Environmental Plan (SEP), for Palawan Act approved on June 19, 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, Section 16 of Republic Act No. 7611 provides that the governance implementation and policy direction of the SEP shall be exercised by the PCSD;

"PCSD: Working together towards sustaining the future"

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WHEREAS, the PCSD, in the exercise of its mandate under Section 16, Paragraph 8 of Republic Act No. 7611 which empowers it to "adopt, amend and revised such rules and regulations as may be necessary for the effective implementation of the SEP and other provisions of the Act," promulgated Administrative Order No. 08 otherwise known as the Guidelines in the Implementation of the SEP Clearance System;

WHEREAS, the aforesaid Administrative Order requires that any proponent who intends to implement a project or carry out any undertakings in Palawan shall secure from PCSD a SEP Clearance, certifying that the proposed project or undertaking is in accordance with Republic Act No. 7611; that the proponent has complied with all the requirements of SEP Clearance System; and that the proponent is committed to comply with the terms and conditions thereof and to institute all mitigating measures as provided in the Environmental Impact Assessment (EIA) Report;

WHEREAS, under Section 9 Paragraph 1 of Republic Act No. 7611, an area of maximum protection or Core Zone shall be fully and strictly protected and maintained free of human disturbance. Included here are all types of natural forest which include first growth forest, residual forests and edges of intact forest, areas above one thousand (1,000) meters elevation, peaks of mountains or other areas with very steep gradients and endangered habitats and habitats of endangered and rare species;

WHEREAS, in 2008, the Rio Tinto Nickel Mining Corporation (RTNMC) filed with PCSD an application for SEP Clearance for its Nickel Mining Project in the Municipality of Batarman, Palawan denominated as Application for Minor Environmental Impact Assessment (AMEA) No. AMA-IVB-144 (amended to AMA-IVB-144A and AMA-I44B in 2016);

WHEREAS, on the 21 January 2009 PCSD meeting, the Council took note of the abovementioned application for SEP filed by RTNMC;

WHEREAS, on 25 September 2014, a letter dated 19 September 2014 from former Congresswoman and Council member Hon. Alfredo E. Abaya Jr requesting for the approval of the subject application for SEP Clearance was presented to the Council;

WHEREAS, in today’s regular meeting, RTNMC gave a presentation summarizing the events related to the subject application for SEP Clearance;

WHEREAS, the Council recognizes that RTNMC’s AMA-IVB-144A containing 3, 604.5 hectares originated from the Mining Lease Contracts (MLC) issued in 1978 and 1979 which conferred rights in favour of RTNMC that survived the enactment of Republic Act No. 7611 in 1992;

WHEREAS, the foregoing MLCs were the subject of RTNMC’s application for renewal and conversion to Mineral Production Sharing Agreement (MPSA) under Republic Act No. 7942 or the Philippine Mining Act of 1995 filed with the Mines and Geosciences Bureau Department of Environment and Natural Resources on 20 June 2003;

WHEREAS, the area subject to RTNMC’s AMA-IVB-144 where RTNMC shall conduct its activities are situated below 1,000 meters above sea level and are outside the Core Zone under the Environmental Critical Network (ECAN) and thus, measures shall be undertaken to strictly regulate and monitor the activities of RTNMC for protection of said Core-Zone;

WHEREAS, the PCSD study in 2110 reflects the following information:

1) The area covered by RTNMC’s AMA-IVB-144A are in the vegetative succession due to high disturbances caused mainly by forest fires in 1998 and 2001; and
2) In terms of tree density per hectare, all areas exhibited sparse stocking of only 100-1,100 trees per hectare for primary-old forest;
3) The average diameter—at—breast—height of trees is between 15.50 to 42.34 centimeters, below the 50 centimeters allowed to be harvested under the Philippine Selective Logging System, thus manifesting zero (0) harvestable volume; and
4) The tree volume per hectare ranges from 15.55 to 30.50 cubic meters per hectare, but this is compositely derived from small diameter trees.

WHEREAS, the local government units in the proposed project’s impact areas have issued their favorable endorsement for the said project including the Municipality of Bantayan, Palawan under Sangguniang Bayan Resolution No. 38 Series of 2004; Barangay Rio Tubo, Municipality of Bantayan, Palawan under Sangguniang Barangay Resolution No. 13, Series of 2004 and Barangay Tarkat, Municipality of Bantayan, Palawan under Sangguniang Barangay Resolution No. 21, Series of 2009 as amended;

WHEREAS, the National Commission on Indigenous Peoples (NCIP) under NCIP Lin Lance Resolution No. 081, series of 2007, dated 16 November 2007 approved the issuance of a Certification Precedent for RTNMC’sAMA—IVB-144 which covers AMA—IVB—PB—144A,

WHEREAS, the tribal organization Federation ng Tribal Chieftains in the Municipality of Bantayan, in a manifesto dated 14 July 2006 has endorsed the continued mining operation of RTNMC in Bantayan;

WHEREFORE, upon motion duly made and seconded, the Council RESOLVES, as it is hereby resolved, to APPROVE RTNMC’s application for SIF Clearance on its Application for Mineral Agreements/Concessionaires as AMA—IVB—144A given all findings as to Restricted, Traditional Use Zones under the Buffer zone with emphasis that no mining on core zone of 1,000 meters elevation and above including all other features or core zones in accordance to Republic Act No. 7611;

RESOLVED, FURTHER, that the PCSD Staff be DIRECTED, as it is hereby directed to issue the subject SIF Clearance in favor of RTNMC;

RESOLVED, FURTHERMORE, that the Council ISSUES, as it does hereby issue its favorable endorsement the subject AMA—IVB—144 to DENR—MOI;

RESOLVED, FINALLY, that the PCSD Secretary and the PCSD Chairperson be AUTHORIZE, as they are hereby authorized, to draft the Resolution embodying the Council’s thoughts and concerns, and to respectively certify on said attests to the Council’s adoption of the Resolution in keeping with regular and usual practice;

RESOLVED AND ADOPTED this 11th December 2014 in Puerto Princesa City, Palawan

I hereby certify that the above-quoted resolution has been duly adopted by the PCSD on December 11, 2014 in Puerto Princesa City, Palawan.

NELSON P. DEVANADERA
Secretary

AFFIRMED BY:

JOSE CHI. ALVAREZ
Chairman, PCSD