



Republic of the Philippines

(Republic Act 7611)

PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT

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



Excerpts from the Minutes of the 215th PCSD Regular Meeting
held at Palawan Sustainable Development Training Institute (PSDTI),
Irawan, Puerto Princesa City
December 11, 2014

Present:

1. Gov. Jose Ch. Alvarez, Provincial Governor	Chairman
2. Vice Gov. V. Dennis M. Socrates, Sangguniang Pualalawigan	Vice Chairman
3. Dir. Nelson P. Davaanadera, Executive Director, PCSDS	Secretary
4. Dep. Dir.-Gen. Margarita R. Songco, NEDA	Member
5. Useo, Manuel D. Gerochi, Undersecretary, DENR	Member
6. Hon. Lucena D. Demunla, Pres., League of Municipalities	Member
7. RADM Alexander S Lopez AFP, Commander, WESCOM	Member
8. Mr. Bart Duff, Business Sector Representative	Member

Represented:

9. Rev. Fr. Eugene S. Elivera, NGO Representative	Member
Sister Xenia Mae C. Jumiñes, AMP	
10. Hon. Lueilo R. Bayron, Mayor, Puerto Princesa City	Member
Represented by Atty. Michelle Acosta	

Absent:

11. Hjl. Abraham M. Ibba, President, Liga ng mga Barangay	Member
12. Asoc. Edilberto M. De Luna, Assistant Secretary, DA	Member

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-IVB-144A**

WHEREAS, Republic Act no. 7611, otherwise known as the Strategic 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 SEP shall be exercised by the PCSD;

"PCSDS: Working together towards sustaining the future"

Head Office:
PCSD Building Sports Complex Road
Sta. Monica Heights, Puerto Princesa City, Palawan
P.O. Box 45 PFC 5300 Palawan, Philippines
☎ (045) 434-4235 • Telefax 434-4234
Email: ood@pcsd.ph • website: pcsd.ph

Metro-Manila Liaison Office:
Units 402 / 403 The One Executive Office Bldg.
West Ave. cor Ecol. Marinas St., Quezon City
☎ 376-2040 / 2061

WHEREAS, the PCSD, in the exercise of its mandate under Section 19, Paragraph 8 of Republic Act No. 7611 which empowers it to "adopt, amend and rescind such rules and regulations and impose penalties therefore for the effective implementation of the SEP and other provisions of the Act," promulgated Administrative Order No. 06 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 an undertaking 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 disruption. Included here are all types of natural forest which include first growth forest, residual forest 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 habitat of endangered and rare species;

WHEREAS, in 2008, the Rio Tuba Nickel Mining Corporation (RTNMC) filed with PCSD an application for SEP Clearance for its Nickel Mining Project in the Municipality of Bataraza, Palawan denominated as Application for Mineral Agreement (AMA) No. AMA-IVB-144 (amended to AMA-IVB-144A and AMA-144B in 2010;

WHEREAS, in the 31 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 Congressman and Council member Hon. Alfredo E. Abueg 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 consisting of 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 forgoing 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 areas 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 2010 reflects the following information:

- 1) The areas covered by RTNMC's AMA-IVB-144A are in the vegetative succession due to high disturbances caused mainly by forest fires in 1998 and El Nino 1999;
- 2) In terms of tree density per hectare, all areas exhibited sparse stocking of only 100-1,100 trees per hectare way below the DENR national stocking standard of 2,500 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 306.50 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 Bataraza, Palawan under Sangguniang Bayan Resolution No. 38 Series of 2004 ; Barangay Rio Tuba , Municipality of Bataraza Palawan under Sangguniang Barangay Resolution No. 13, Series of 2004 and Barangay Taratak , Municipality of Bataraza Palawan under Sangguniang Barangay Resolution No. 21, Series of 2009 as amended;

WHEREAS, the National Commission on Indigenous Peoples (NCIP) under NCIP En Banc Resolution No. 081, series of 2007, dated 16 November 2007 approved the issuance of a Certification Precondition for RTNMC's AMA-IVB-144 which covers AMA -IVB-~~IVB~~-144A.

WHEREAS, the tribal organization Federation ng Tribal Chieftains in the Municipality of Bataraza, in a manifesto dated 14 July 2008 has endorsed the continued mining operation of RTNMC in Bataraza;

WHEREFORE, upon motion duly made and seconded, the Council RESOLVES, as it is hereby resolved, to APPROVED RTNMC's application for SEP Clearance on its Application for Mineral Agreement Denominated as AMA-IVB-144A; given all findings as to Restricted, Controlled, 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 SEP 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-MGB;

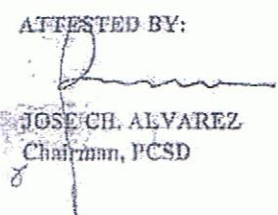
RESOLVED, FINALLY, that the PCSD Secretary and the PCSD Chairman be AUTHORIZED, as they are hereby authorized, to draft the Resolution embodying the Council's thoughts and concerns, and to respectively certify on and attest to the Council's adoption of the Resolution in keeping with regular and usual practice;

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

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


NELSON P. DEVANADERA
Secretary

ATTESTED BY:


JOSE CH. ALVAREZ
Chairman, PCSD