



Republic of the Philippines
Ministry of Natural Resources
OFFICE OF THE MINISTER
Diliman, Quezon City

FISHERIES ADMINISTRATIVE)
O R D E R NO. 123:
SERIES OF 1 9 7 8)

SUBJECT: IMPLEMENTING RULES AND REGULATIONS OF
PRESIDENTIAL DECREE NO. 1151 ON FISH-
ERIES AND AQUATIC RESOURCES EXTRACTION
AND EXPLOITATION.

Pursuant to Section 7 of Presidential Decree No. 704, otherwise known as the "Fisheries Decree of 1975" and Presidential Decree No. 1151, the following rules and regulations are hereby promulgated:

SECTION 1. Definition of Terms. - For the purpose of this Order, the following terms shall mean:

- (a) Environment - means man's surroundings, inclusive of all physical, economic, historical, institutional, aesthetic, cultural, and social conditions existing within the area which will be affected by a proposed action, project or activity. Further, the nature of environmental boundaries of a project extends beyond its physical boundaries; it also involves the commitment of environmental resources.
- (b) Initial Environmental Examination (IEE) - is a preliminary study of the reasonably foreseeable effects of a proposed action on the human environment. It provides the basis for a decision by the Lead Agency as to whether an Environmental Impact Statement shall be required or not. The IEE should identify and describe (1) the nature, scope and magnitude of any reasonably foreseeable effects of an action or any part of an action on the human environment; (2) the reasonably foreseeable effects of any environmental impact on organisms in the biosphere including human life; (3) reasonable alternatives to the proposed action which will be studied in detail in the Environmental Impact Statement, and (4) the mitigation measures of the Environmental Impact.

- (c) Environmental Impact Statement (EIS) - is a document which aims to identify, predict, interpret and communicate information regarding the changes in environmental quality associated with a proposed project and which examines the range of alternatives for the objective of the proposal and their impact on the environment.
- (d) NEPC - means the National Environmental Protection Council of the Ministry of Human Settlements and Ecology.

SECTION 2. Who are required to submit Initial Environmental Examination (IEE):

1. Qualified individual applicants, associations, corporations or cooperatives for the following fishery privileges shall submit an Initial Environmental Examination in the forms prescribed for this purpose by the NEPC to the Bureau of Fisheries and Aquatic Resources together with their applications for a lease agreement, a license or a permit:
 - a) fishpond lease agreement
 - b) ordinary and special commercial fishing boat licenses
 - c) licenses for seaweed culture and gathering
 - d) licenses for fishpen, fish cages and other aquaculture activities
 - e) licenses or permits for gathering coral, ornamental shells, aquarium fishes, sponges, seasnakes, pearl oysters, oysters and mussels.
2. Proponents of the following government projects shall submit an Initial Environmental Examination to the NEPC in the forms which it prescribed for this purpose together with their project proposals on:
 - a) Aquaculture projects such as fish cages, rice paddy fish culture and mari-culture
 - b) Ice Plants and Cold Storage (BFAR Integrated Cold Chain Program)
 - c) Shellfish farming (oysters and mussels).


SECTION 3. Evaluation of Initial Environmental Examination (IEE).

1. For private applicants - All IEE shall be submitted to the Bureau of Fisheries and Aquatic Resources for evaluation by the BFAR Review Committee. If it finds that an EIS is necessary, then the applicant shall submit the same for further action. If an EIS is no longer necessary then the application may be further processed for the issuance of a lease agreement, a license or a permit, as the case may be, if all the other requirements relative to the same are duly complied with.
2. For the proponents of the aforementioned government projects - All IEE shall be submitted together with the project proposal to the NEPC for evaluation. If it finds that an EIS is necessary, the proponents shall submit the same to the NEPC for further action. If an EIS is no longer necessary, then the project proposal may be recommended to be given due course and approved if all the other requirements of the Bureau of Fisheries and Aquatic Resources are duly complied with.

SECTION 4. Issuance of Certificate of Compliance. - Upon approval of the final environmental impact statement (EIS), the Director of Fisheries and Aquatic Resources shall issue the corresponding Certificate of Compliance after which the applications may be given due course.


SECTION 5. Conflicts arising in the implementation of the EIS System. - In case of conflicts in the implementation of the EIS, the guidelines prescribed by NEPC on this matter shall be observed.

SECTION 6. Monitoring of EIS. - Monitoring of the progress of a project on which an EIS was proposed and subsequently approved shall be made by a designated representative of the Bureau of Fisheries and Aquatic Resources from time to time as may be required by the NEPC.

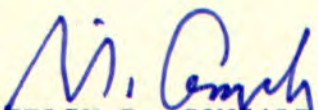


SECTION 7. Repealing Clause. - All orders, rules and regulations or parts thereof, inconsistent with the provisions of this Administrative Order, are hereby repealed or modified accordingly.

SECTION 8. Effectivity. - This Administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or two (2) newspapers of general circulation.


JOSE J. LEIDO, JR.
Minister

RECOMMENDED BY:


FELIX R. GONZALES
Director of Fisheries
and Aquatic Resources