

DENR Administrative Order No.2000-51
June 21, 2000

SUBJECT : Guidelines and Principle In Determining Fees for Access to and Sustainable Use of Resources in Protected Area.

Pursuant to the provisions of Republic Act 7586 otherwise known as the National Integrated Protected Areas System (NIPAS). Act of 1992 and its Implementing Rules and Regulations, and in order to provide guidelines and principles in accessing and sustainably using resources in protected areas, this Order is hereby issued for the guidance of all concerned.

SECTION I
TITLE

This Order shall be known as "*Guidelines and Principles in Determining Fees for Access to and Sustainable Use of Resources in Protected Areas*".

SECTION 2.
OVERRIDING PRINCIPLES IN THE UTILIZATION OF RESOURCES IN PROTECTED AREAS

- 2.1 Sustainability is the overriding consideration in determining all types and rates of use of all resources in protected areas. Sustainable use shall be operationalized as follows:
 - 2.1.1 For the extraction of renewable resources such as forest flora and fauna and other forest products, surface and ground water, fisheries, geothermal energy and similar resources, sustainable use shall be the rate of extraction that is lower than either the rate of regeneration or the rate that shall endanger life forms inside the protected area. The rate of use shall be within the carrying capacity of the protected area and its immediate surroundings when taken individually or collectively or in relation to other uses of the area and that any form of use shall maintain the socio-economic and cultural aspect of the area.
 - 2.1.2 Any development of land and other resources in a protected area shall not alter the landscape and shall not significantly disrupt normal ecological functions and processes.
 - 2.1.3 The recreational use of resources for tourism for filming or photography, shall preserve the natural landscape and not put significant stress on living resources by considering the carrying capacity of the area.
 - 2.1.4 In the process of resource utilization, the introduction of substances or chemicals harmful to the environment shall not be allowed.
- 2.2. Subsistence use of resources by indigenous peoples and tenured migrants shall be exempt from the payment of user fees.

SECTION 3
OBJECTIVES

It shall be the objective of this Order to set forth the procedure which DENR through the Protected Areas and Wildlife Bureau (PAWB) and the Protected Area Management Boards (PAMBS) shall follow in determining fees for access to and sustainable use of resources located in protected areas for subsistence, recreational, extractive, commercial, and all other purposes. Revenues generated shall accrue to the Integrated Protected Area Fund (IPAF) which will be managed by the IPAF Governing Board and the concerned PAMB. The revenue generated shall be disbursed solely for the protection, maintenance administration and management of NIPAS, and duly approved projects endorsed by the PAMBS, in the amounts authorized by the DENR.

SECTION 4 SCOPE

This Order shall cover identified major uses of all resources and facilities in areas comprising the National Integrated Protected Areas System (NIPAS).

SECTION 5 DEFINITION OF TERMS

- 5.1 Carrying capacity** - refers to the ability of the natural or environmental resource to absorb stress without experiencing unacceptable -instability and degradation.
- 5.2 Commercial Use** - is the use of resources in excess of subsistence use.
- 5.3 Cottage-Scale Development** - any development that requires an investment of PhP 150,000 to 1.5 million.
- 5.4 Development of Land and Other Resources** - involves all forms of improvement or enhancement of land and other resources within a protected area for any purpose.
- 5.5 Extractive Use** - is the use of resources involving gathering, tapping, diverting, or any form of removal of resources within the designated multiple use zone, sustainable use zone and buffer zone.
- 5.6 Final Consumption** - refers to use of resources where the resource is no longer used as input to production of other goods or services.
- 5.7 Fishing** - is the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
- 5.7 Indigenous Cultural Communities/Indigenous People (ICCs/IPs)** - refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains (Section 3(h), RA 8371).
- 5.9 Medium-Scale Development** - any development that requires an investment of above PhP 1.5 million to 60 million.
- 5.10 Marketed Resources** - are resources which use entails voluntary exchange involving monetary transaction or nonmonetary transaction as in the case of barter.
- 5.11 Micro-Scale Development** - any development that requires an investment of PhP 150,000 and below
- 5.12 Non-marketed Resources** - are resources which use does not entail market transaction.
- 5.13 Recreational Use** - is the use of resources for the primary purpose of personal enjoyment but which does not entail any form of extraction, except, for example, in recreational or sports fishing where a regulated number of fish may be taken.
- 5.14 Resources** - refer to all living and non-living, renewable or non-renewable, including but not limited to terrestrial, aquatic or both, surface or subsoil resources found within protected areas.
- 5.15 Small-Scale Development** - any development that requires an investment of above PhP 1.5 million to 5 million.
- 5.16 Subsistence Use** - is the use of resources to satisfy the minimum basic requirements of households of indigenous cultural communities and tenured migrants including but not limited to food, dwelling, clothing, medical assistance and recreation.
- 5.17 Sustainable Use** - is the use of components of biological diversity in a way and at a rate that does not lead to the decline in the species used, thus, maintaining its potential to meet the needs and aspirations of the present and future Filipino generations.

5.18 Tenured Migrant - or communities within -protected areas are those who have actually and continuously occupied area five (5) years before the designation of such as protected area in accordance with the NIPAS Act and are solely dependent on the resource for subsistence (Sec. 4(1), RA 7586).

SECTION 6 TYPES OF USES

The following are the types of uses of resources in protected areas on which fees shall be assessed or may be applied:

- 6.1 Subsistence use shall include but not limited to hunting of wildlife for household consumption, gathering of forest products for house construction, agriculture or fish culture to raise crops or fish for household consumption. Subsistence use shall be for the benefit of indigenous cultural communities and tenured migrants only.
- 6.2 Recreational use shall include but not limited to land, waterbased activities such as snorkeling, SCUBA diving, swimming, boating, mountain climbing, trekking, picnicking, and bird watching, filming and photography; and all other similar activities as may be determined and allowed by the Protected Area Management Board (PAMB).
- 6.3 Extractive use shall include but not limited to:
 - a) extraction or diversion of water for irrigation or domestic uses;
 - b) collection or gathering of forest products such as vines, rattan, bamboo, resin, ornamental plants, bird's nest, guano, honey;
 - c) collection of wildlife such as monkeys, wild pigs, butterfly;
 - c) extraction of flora and fauna and its by-products, parts and derivatives, including, but not limited to leaves, blood and samples; e) fishing either in small or commercial scale.
- 6.4 Commercial use shall refer to the development of land and other resources such as construction of kiosks for vending food and souvenir items; construction of tourist and lodging facilities- shops for rental of recreational equipment such as boats, and such other activities as may be allowed by the Management Plan and in accordance with Department of Trade and Industry (DTI) guidelines.

Further, it shall also include existing activities relating to the use of geothermal energy, water resources for electric power generation, use of fish pens and fish cages, use of highways, relay stations and similar communication or transportation structure.

SECTION 7 TYPES OF FEES

- 7.1 **Protected Area Entrance Fee** - is a fee paid to enter a protected area.
- 7.2 **Facilities User Fee** - is a fee paid for the privilege of using man-made facilities inside a protected area.
- 7.3 **Resource User Fee** - is a fee paid for the sustainable commercial use of a specified quantity of resources within protected area over a specified period of time.
- 7.4 **Concession Fee** - is a fee paid for the use of land or other resources for the privilege of undertaking micro and cottage-scale development for a specified period of time and for a specified nature of development.
- 7.5 **Development Fee** - is a fee paid for the use of land or other resources for the privilege of undertaking small, medium and other bigger scale development in protected areas to the extent as may be allowed by PAMB and in accordance with the Management Plan for a specified period of time and for a specific nature of development.
- 7.6 **Royalty** may be defined as a The paid based on the gross output value or gross sales from products out of resources derived from a protected area.

SECTION 8

SPECIFIC GUIDELINES AND PRINCIPLES IN DETERMINING FEES

One or more guidelines and/or principles may be employed in determining fees based on the following: a) capability to approximate closely the correct fee; b) availability of data as basis for computations; and c) costs to be incurred in estimating the fee.

8.1 Protected Area Entrance Fees and Facilities User Fees

Specific Principles

- 8.1.1 Cost-recovery principle - For Protected Area Entrance Fees, collected revenues shall cover, as much as possible, a reasonable proportion of all costs incurred in protecting, maintaining and enhancing the natural attractions of the protected area. For Facilities User Fees, collected revenues shall cover, as much as possible, a reasonable proportion of all costs incurred in providing and maintaining the man-made facilities in the protected area.
- 8.1.2 Willingness-to-pay principle - For Protected Area Entrance Fees, these shall be based on the willingness-to-pay estimates of the visitors based on appropriate surveys.

Guidelines

- 8.1.3 Protected Area Entrance Fees shall cover access to the protected area. If applicable, an additional Facilities User Fee shall cover access to and the use of man-made facilities in the protected area.
- 8.1.4 For Protected Area Entrance Fees, the willingness-to-pay principle shall be the primary basis for computing fees. However, if information is not available, the cost-recovery principle shall be the basis of computation.
- 8.1.5 For Facilities User Fees on man-made facilities managed by private entities, rates shall be determined by the private entity but shall be comparable to fees charged for the use of similar facilities in a comparable location. All Facilities User Fees shall be determined in consultation with the PAMB.
- 8.1.6 For Facilities User Fees on man-made facilities managed by the government, these shall be determined using the cost-recovery principle and shall be comparable to the fees for the use of privately-managed facilities with similar characteristics.
- 8.1.7 A three-tiered system of Protected Area Entrance Fees shall be developed: lower rates, for Filipino students and senior citizens; normal rates for other Filipino visitors; lower rates for minors; higher rates for all foreign visitors.

8.2 Resource User Fees, Development Fees and Concession Charges

Guidelines and Principles

- 8.2.1 The PAMB may, to the extent feasible, enter into coproduction, joint venture or production-sharing agreements with interested parties through the Natural Resource Development Corporation (NRDC) in the processing, marketing, and disposition of resources in appropriate management zones within the protected area.
- 8.2.2 The government share of the protected area through the Integrated Protected Areas Fund (IPAF) in these agreements shall be a reasonable proportion of the excess profits derived from the commercial extraction of resources.
- 8.2.3 Project proposals for development activities within protected areas which are outside the scope of the management plan shall be subject to an EIA as required by law and other pertinent laws and regulations prior to their implementation.

8.3 Royalty

Guideline and Principle

For any use of resources that result in the sale of goods or services where the value of total sales can be easily monitored, the resource fee may be based on royalty.

SECTION 9 OTHER PROVISIONS

- 9.1 The computation of the excess profits shall be guided by the formula specified in *Annex A*. The corresponding government share from the excess profit shall be determined consistent with the appropriate instrument agreed upon by the contracting parties.
- 9.2 The rate of subsistence use shall be specified for each resource and where possible, for each household of indigenous people and tenured migrants. Such rate shall not exceed the rural annual capita threshold income by region as may be determined by the National Economic and Development Authority (NEDA).
- 9.3 The classification of development projects in protected areas in terms of investments shall be regularly updated in accordance with DTI guidelines.
- 9.4 The guidelines and principles enumerated herein shall be elaborated and operationalized in a handbook that shall be developed after pilot-testing in a sufficient number of protected areas.
- 9.5 The PAMB may enter into a MOA with NRDC to be its collecting arm, and/or fund manager and marketing arm.

Furthermore, PAMB may also engage the services of NRDC to manage and operate areas it may deemed appropriate.

SECTION 10 RESPONSIBILITIES OF PAWB AND PAMB

- 10.1 PAWB shall:
 - 10.1.1 Take the lead in pilot-testing these guidelines and principles in key resources and uses in collaboration with the PAMBs and DENR Field Offices;
 - 10.1.2 Develop a manual to be used by PAMBs in the implementation of the guidelines and principles after pilot testing in a sufficient number of areas;
 - 10.1.3 Assist the PAMBs to operationalize the manual; and
 - 10.1.4 Assist in providing experts required by the PAMBs in the implementation of the guidelines and principles.
- 10.2 PAMB shall:
 - 10.2.1 Collaborate with PAWB in the pilot testing of the guidelines and principles;
 - 10.2.2 Be guided by the manual developed by PAWB in implementing the guidelines and principles;
 - 10.2.3 Approve all types of uses of resources in a protected area through a Memorandum of Agreement with the concerned entity;
 - 10.2.4 Conduct public consultations/dialogues with interested parties on proposed fees;
 - 10.2.5 Formulate and pass all resolutions required to enable and facilitate the collection of fees; and
 - 10.2.6 Determine through consultations with indigenous people the traditional uses of resources within protected areas.

This Order shall take effect fifteen (15) days after publication and revokes, supersedes, and amends any order and/or instructions inconsistent herewith.

(Sgd.) ANTONIO H. CERILLES
Secretary

Published at:
MALAYA - July 15, 2000