



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Community Environment and Natural Resources Office
PROTECTED AREA MANAGEMENT BOARD
Pasi II, Socorro, Oriental Mindoro



PAMB RESOLUTION NO. 09, SERIES OF 2013

RESOLUTION ALLOWING **EMERGING POWER, INC. (EPI)** TO CONDUCT GEO-SCIENTIFIC SURVEYS AND ENVIRONMENTAL IMPACT ASSESSMENTS FOR ITS PROPOSED EXPLORATION ACTIVITIES PERTINENT TO THE DEVELOPMENT, CONSTRUCTION AND OPERATION OF GEOTHERMAL MODULAR PLANTS IN 932 HECTARES OF LAND LOCATED IN BRGY. MONTELAGO, NAUJAN, ORIENTAL MINDORO WITHIN THE BOUNDARIES OF NAUJAN LAKE NATIONAL PARK (NLNP).

WHEREAS, Section 2 of Republic Act 9513 (RA 9513), otherwise known as the Renewable Energy Act of 2008 provides that it is the policy of the State to: a.) Accelerate the exploration and development of renewable energy resources; b.) Increase the utilization of renewable energy by institutionalizing the development of national and local capabilities in the use of renewable energy systems; and c.) Encourage the development and utilization of renewable energy resources as tools to effectively prevent or reduce harmful emissions, and thereby balance the goals of economic growth and development with the protection of health and the environment;

WHEREAS, Constellation Energy Corporation (CEC), holder of a Geothermal Service Contract with the Department of Energy (DOE), has requested the DOE to approve the Deed of Assignment assigning to EPI (formerly Emerging Power Resource Holding Corporation) its rights and obligations under the Geothermal Renewable Energy Service Contract (GRESK), specifically GRESK No. 2010-02-013, located in Brgy. Montelago, Naujan Oriental Mindoro covering an area of 3,914 hectares, 932 hectares of which are found within the boundaries of the NLNP;

WHEREAS, in the said GRESK, the Renewable Energy Developer (RE Developer) is required by the DOE to submit Technical Data and Reports such as Detailed Geo-Scientific Surveys, Environmental Impact Assessment and Exploration Drilling Report;

WHEREAS, EPI, in compliance with the requirement of the DENR-EMB in its application for an Environmental Compliance Certificate (ECC) for Exploration Drilling, has requested the Protected Area Management Board (PAMB) of the Naujan Lake National Park for clearance to

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conduct Geo-Scientific surveys and environmental assessments in preparation for its proposed exploration activities and operation of a geothermal facility on parts of the concession as defined in the GRESC which overlaps areas in the NLNP;

WHEREAS, all Geothermal Resources in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the waters of the Philippines belong to the State, are inalienable and imprescriptible, and their exploration, development and exploitation are governed by the provisions of Presidential Decree No.1442 otherwise known as An Act To Promote The Exploration And Development Of Geothermal Resources, hereafter referred to as "PD1442" and RA 9513 otherwise known as the Renewable Energy Law of 2008, hereafter referred to as "RA No.9513";

WHEREAS, under Section VI of the GRESC entitled: "MINIMUM WORK COMMITMENT AND MINIMUM EXPECTED PRE-DEVELOPMENT EXPENDITURES", EPI is required, among others, to obtain an Environmental Compliance Certificate (ECC) in order to drill and test exploration wells;

WHEREAS, EPI has conducted several consultation briefings and dialogues with the PAMB regarding the project that include, among others, project description and other ancillary facilities, areas covered, resource requirements, project benefits, and detailed steps to be taken during environmental study;

WHEREAS, EPI has validated previous studies undertaken by the Philippine National Oil Company-Energy Development Corporation (PNOC-EDC), the DOE and CEC showing rich geothermal reserves within the 932 hectares found inside NLNP;

WHEREAS, there is a need for EPI to conduct further studies, surveys and modeling to determine the most feasible and appropriate drilling sites within the NLNP that will generate maximum outputs for optimal electricity generation during its operation;

WHEREAS, EPI, through its environmental consultants, Gaia South, Inc., will conduct the necessary Environmental Impact Assessment (EIA) studies involving baseline profiling, project description analysis, impacts prediction and environmental management and mitigation planning to assure environmental protection during exploration and operation stages of the project;

WHEREAS, this resolution shall also consider and include the stipulation in Presidential Proclamation No. 282, as reinstated by Presidential Proclamation No. 335 which "withdraw from sale, settlement or other disposition and reserve as National Park purposes to be known as Naujan Lake National Park (NLNP)";

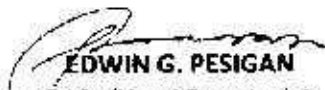
WHEREAS, Rule 13 of REVISED IRR OF REPUBLIC ACT 7586 NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992 states that the proponent of development project and activity shall secure prior clearance from the PAMB before undertaking or implementing the activity and before the issuance of an ECC.

NOW THEREFORE, be it resolved, by the PAMB of NLNP, on its special meeting assembled, to ALLOW, as it hereby ALLOWED, EPI to undertake Geo-Scientific surveys and environmental impact assessment activities pertinent to the development, construction and operation of geothermal modular plants in 932 hectares of land located in Brgy. Montelago, Naujan, Oriental Mindoro within the boundaries of NAUJAN LAKE NATIONAL PARK (NLNP) provided that the result of the surveys and studies will be presented to PAMB for clearance in order to secure an ECC for Exploration Drilling from the DENR-EMB.

RESOLVED FURTHER, that representatives from the PAMB Committee on Resource Management shall be informed/involved in the conduct of Geo-Scientific surveys and environmental assessment activities.

UNANIMOUSLY APPROVED, this 7th day of November 2013, on motion of MPDC Caroline G. Manuel, seconded by all PAMB members present at PAMB Office, Socorro, Oriental Mindoro.

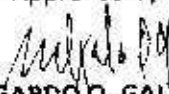
I hereby certify to the correctness of the foregoing resolution:


EDWIN G. PESIGAN
PASu/Head Secretariat

Attested and certified to be duly adopted:


HON. HIPOLITO V. MANIBO
Presiding Officer

Approved by:


EDGARDO D. GALEON
PAMB Chairman/ RED, DENR-4B