



## LAGUNA LAKE DEVELOPMENT AUTHORITY

### RESOLUTION NO. 248, Series of 2005

#### **Resolution Amending Board Resolution No. 23, Series of 1996, Providing Guidelines on the Use of Shoreland Areas Surrounding the Laguna De Bay**

**WHEREAS**, the shoreland areas of Laguna de Bay are those areas consisting of the strip of the lakebed along its shores below elevation 12.50 meters as referred to datum 10.00 meters below mean lower low water (MLLW), alternately submerged or exposed by the annual rising and lowering of the lake water;

**WHEREAS**, past and present technical studies on environmental quality conditions, including water quality of Laguna de Bay and its watershed, show that the increasing pollution loading of the water systems from point and non-point sources including households, is reaching an alarming level;

**WHEREAS**, due to the existing industrial activities in the Western Corridor of the Lake Region, the Laguna de Bay Master Plan of 1996 designates the West Bay area as Industrial Zone from the foot of Mt. Makiling to the south end of the lake up to the ridges of hills dividing the Municipalities of Binangonan and Cardona. The Master Plan likewise designates the East Bay, from the areas of Cardona, Teresa, Antipolo, San Mateo and Rodriguez in the Province of Rizal up to the upper watershed of Sierra Madre Mountain ranges down to the Banahaw and Makiling Mountain in the south end of the lake, as Watershed Protection Zone which shall be rehabilitated and conserved in order to ensure that the annual water balance and recharge of the Laguna de Bay is ecologically sustained;

**WHEREAS**, unless drastic actions are applied and implemented against the continued deterioration of Laguna Lake, the integrity of the lake ecological system and its beneficial uses to stakeholders will be jeopardized, thus resulting to irreversible damage;

**WHEREAS**, there is an urgent need to develop and implement projects aimed at dredging, protection of embankments, sewerage and sanitation facilities, among others, to address the problem;

**WHEREAS**, major sources of revenue from enforcement of LLDA's rules and regulations dealing with pollution control and abatement, aquaculture structures and shoreland use/occupancy would not be able to sustain the cost of the much needed remedial measures for environmental management and water resources development, hence, the need to develop non-traditional revenue sources;

**WHEREAS**, under Section 4, Paragraph E of Republic Act No. 4850, the LLDA is authorized "to engage in agriculture, industry, commerce or other activities within the region which may be necessary or directly contributory to the socio-economic development of the region, and for this purpose, whether by itself or in cooperation with private persons or entities, to organize, finance, invest in and operate subsidiary corporations: Provided, That the Authority shall engage only, unless public interest requires otherwise, in those activities as are in the nature of few ventures or are clearly beyond the scope, capacity, or interest of private enterprises due to consideration of geography, technical or capital requirements, returns on investment, and risk;

**WHEREAS**, there is an increasing trend in economic activities in region whereby proposed development projects are at planning and development stages;

**WHEREAS**, the shoreland areas consisting of about 14,000 hectares, have environmental/ecological significance and actual/potential benefits, and shall provide readily available land resources to support and sustain the much needed infrastructure and development projects;

**WHEREAS**, in order not to jeopardize the integrity of the lake's ecological system as well as its beneficial uses to stakeholders, implementing guidelines are necessary;

**NOW, THEREFORE**, premises considered, **BE IT RESOLVED**, as it is hereby **RESOLVED**, to approve the guidelines governing the use of titled and untitled Laguna de Bay shoreland areas by private individuals or entities.

**Section 1. Scope of Application.** These guidelines shall apply to the shoreland areas along Laguna de Bay, provided that all of the following conditions are satisfied:

- a.) currently unutilized/unoccupied;

- b.) not subject of a pending claim or lease application (applicable only to untitled areas);
- c.) not covered by any proposed/pipeline national and regional government projects; and
- d.) technically feasible for development.

**Section 2. *Definition of Terms.*** As used herein, the following words and phrases shall mean as hereunder respectively indicated:

- a). Laguna de Bay Shoreland Area also known as the “buffer zone” is that part of the lake bed along the lakeshore lying at elevation 12.50 meters and below and alternately submerged or exposed by the normal annual rising and lowering of the lake levels. Datum elevation is a point 10.00 meters below Mean Lower Low Water (M.L.L.W). This is a linear strip of open space designed to separate incompatible elements or uses, or to control pollution/nuisance and for identifying and defining development areas or zones;
- b) Clearance to Develop shoreland area is a legal authorization granted by the Authority to the LGUs of shoreland barangays, municipalities, cities to use/develop shoreland areas for their respective government projects under the terms and conditions prescribed under these guidelines
- c) Special Concerns Division (SCD) is an organizational unit of the Authority created under Board Resolution No. 155, Series of 2001 which is responsible for the implementation of all shoreland development and management policies, rules and regulations, among others.

**Section 3. *Prescribed Uses, Plans and Designs of Structures / Facilities.*** The use of shoreland areas along Laguna de Bay which satisfy the conditions set under Section 1 of these guidelines may be used by private individuals or entities, subject to the following terms and conditions:

3.1. Prescribed Uses.

Section 2 (Prohibited Uses) of Article 6 of Board Resolution 23, Series of 1996 is hereby amended to read as follows:

Any activity that will pose pollution and cause ecological disturbance to the lake, as determined by the LLDA shall be strictly prohibited.

- a. Plan and Design.
  - b. The design of landscape must adopt the wetland / biological park concept (*e.g., Geelong Waterfront in Australia, Lake Biwa and Lake Kasimigaura Bio-parks in Japan, among others*)
  - c. Facilities / structures maybe allowed to be established on shoreland areas, provided that such facilities or structures will be built on the following conditions:
    - b.1. It will ensure soil stability at the project site
    - b.2. Semi- permanent / permanent structures maybe allowed provided the following are adhered to:
      - b.2.1. Concept of face the lake design
      - b.2.2. Color hues as may be recommended by the LLDA.
      - b.2.3. Sound structural design criteria and standards as well as material specifications.
    - b.3. Backfilling will be regulated to mitigate project areas from the following:
      - b.3.1 Rising of lake water
      - b.3.2 Shoreline embankment protection
      - b.3.3 Health risks
      - b.3.4 Protect crops, facilities and other technical reasons provided that the earth materials will be sourced within the Laguna de Bay Region and no waste materials will be used for backfilling subject to LLDA evaluation and approval.

**Section 4. *Environmental Requirements.*** All proponents shall prepare and submit for approval by LLDA their respective Initial Environmental Examination (IEE) Checklist or Report and Environmental Impact Studies (EIS) depending on the project undertaking for preventive and control measures against potential ecological disturbance during construction and operation.

**Section 5. *Jurisdiction over Shoreland Areas and Ownership of Structures for Untitled Lands.*** The ownership/jurisdiction over the shoreland area remains with the State through the LLDA. The improvements thereon shall be owned by the proponent. However, after the purpose for which the structure or facility has been served, or the area will be needed by LLDA or the National Government or any of its instrumentality for a project with greater benefits/impact, or any of the afore-stated conditions has been violated, the ownership of the facilities/structures shall revert to

LLDA. Any modification on the approved structures/facilities shall be subject to the approval of the Authority. Any change in the proposed use shall be subject to the approval of the Authority.

**Section 6. *Permit Requirements.*** The proponents are required to submit the following as basis for evaluation:

- a.1. Project proposal including cost estimate;
- a.2. Engineering Plans and Technical Maps;
- a.3. Timetable;
- a.4. Solid and liquid waste management plans;

The Special Concerns Division (SCD ) shall certify that the requirements under these Guidelines have been complied with, before the issuance of the clearance to develop shoreland areas.

**Section 7. *Payment of Fees.*** The proponents shall be required to pay the following fees:

- a.) Processing fee \*\*
- b.) Survey fee \*\*
- c.) Shoreland Development Clearance fee to be computed as follows:
  - c.1. With structure: Clearance fee = area in sq.m. x 5% of zonal value
  - c.2. Without structure (open area): Clearance fee = area in sq.m x 1% of zonal value
- d.) Annual lease fee for untitled shoreland areas in accordance with Board Resolution No. 113, Series of 1999, as amended. \*\*

**Section 8. *Reportorial Requirements.*** Annual Reports on the implementation use and development of shoreland areas shall be prepared by the SCD and to be submitted to the Board of Directors thru the General Manager of LLDA.

**Section 9. *Board Resolution Repealed.*** All Board Resolutions, orders, memorandum, rules and regulations or parts thereof in conflict with this resolution as hereby repealed, modified, or amended accordingly.

**Section 10. *Effectivity Clause.*** These guidelines shall take effect fifteen (15) days after publication in a newspaper of general circulation.

**\*\* - Separately passed upon by the LLDA Board and covered by Board Resolution**

**APPROVED** on June 2, 2005: