

[**NIA, April 22, 2004**]

ADMINISTRATIVE ORDER NO. _____, SERIES OF 2001

Amended Rules and Regulations Governing Fishing and Other Related Activities, Including the Construction and Operation of Fish Cages at Magat Reservoir in Ramon, Isabela

Pursuant to the Provisions of P.D. No. 693 dated May 7, 1975 authorizing the construction of the Magat Dam and Letter of Instruction 1002 dated March 20, 1980 giving authority to NIA to manage, protect, develop and rehabilitate the watershed area of Magat and other operational hydropower dam and water oriented projects, the following rules and regulations are hereby promulgated for the information and guidance of all concerned.

SECTION 1. Title of this Administrative Order - This Administrative Order shall be known as the "Rules and Regulations Governing Fishing and Other Related Activities, including the Construction and Operation of Fish Cages at the Magat Reservoir in Ramon, Isabela."

SECTION 2. Definition of Terms - as used in this Order, the following terms shall mean:

1. Magat Reservoir - a man-made body of water formed by the construction of the Magat High Dam Complex and located in the undeveloped mountains of the Cordillera Central Mountain Range. The reservoir extends upstream about 50 kilometers from the damsite to a point just downstream from the town of Bagabag, Nueva Vizcaya province and is not part of "Municipal Waters" as defined under Section 3, P.D. 704.
2. Fishing - the act of catching, trapping or taking fish from reservoir waters in the manners prescribed in this Order, exclusive of the growing and/or culturing of fish in fish cages.
3. Sustenance Fishing - fishing for domestic or family consumption with the use of one (1) hook and one (1) line, one (1) pole, and where the catch does not exceed five (5) kilograms per day.
4. Aquaculture - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
5. Aquatic Pollution - the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which

result or is likely to result in such deleterious effects as to harm living and non living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances from any water, land, air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wet land conversion, which cause similar hazards and deleterious effects shall also constitute aquatic pollution.

6. Fisheries - refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.

7. Fish Cage - refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in place by wooden/bamboo posts or various types of anchors and floats.

8. Fisherfolk - people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.

9. Fisherfolk Organization - an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers and constitution and by laws, an organizational structure and a program of action.

10. Fishery Operator - one who owns and provides the means including land, labor, capital, fishing gears and vessels, but does not personally engage in fishery.

11. Fishery Refuge & Sanctuaries - a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.

12. Fisherfolk Cooperative - a duly registered association of fisherfolks with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risk and benefits of the undertakings in accordance with universally accepted cooperative principles.

13. Fishworker - a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit sharing or stratified sharing basis, including those working in fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security

guards and overseers.

14. Sport Fishing - fishing with the use of one (1) hook, one (1) line, one (1) pole, extended only to visitors and tourist and unless the catch does not exceed ten (10) fish per day.

15. Small Scale Commercial Fishing - fishing where the purpose is to catch fish for commercial scale, beyond sport or sustenance fishing.

16. Fishing Gear - any instrument or equipment used to catch or take fish.

17. Fishing Permit - a privilege granted by the NIA or his duly authorized representative to the holder of a permit, to fish at the reservoir of the Magat Dam, subject to the conditions, limitations and restrictions herein provided.

18. O & M Fee - is the fee collected from fisherfolk for every kilogram of fish landed at the Fish Landing Point to subsidize O & M expenses incurred relative to the development and protection of the Magat Reservoir.

19. Bonafide Resident Fisherman - shall refer to those fishermen who have established permanent residence and actually resided in the reservoir towns of Ifugao, Isabela and Nueva Vizcaya for a period of at least six (6) months prior to the filing of the application for permit.

20. Research Institutions - shall refer to the organizations, domestic or international, authorized to operate under Philippine Laws and explicitly authorized by their respective charters to engage in studies and experimentations aimed at the improvement/advancement of fish culture techniques and practices.

21. NIA - National Irrigation Administration

22. Administrator - the Administrator of the National Irrigation Administration.

23. FARMC - Fisheries and Aquatic Resources Management Council.

24. IFARMC - Integrated Fisheries and Aquatic Resources Management Council.

25. Fishing Belt Area - area identified by NIA suitable for fishing operation, otherwise known as "Purok".

26. Floating House - is a shelter made of light materials with a dimension not larger than 2 1/2m x 3 m just enough to accommodate two (2) caretakers/persons.

SECTION 3. Required Permits - Any persons, partnership, association, corporation,

research institution or other aggrupation desiring to fish and/or construct and operate fish cages in the Magat Reservoir shall first obtain permit from NIA and pay the corresponding fees, bonds, and other charges due therefor.

a. For Fishing - any person, partnership, association, corporation, research institution or other aggrupation desiring to fish in the Magat Reservoir shall first obtain a permit from NIA and pay the corresponding fees, and submit Identification Cards and Residence Certificate as a pre-requisite.

b. Fish Cage Operation - the following shall be qualified to obtain fish cage permit:

1. Filipino, of legal age and duly registered fisherfolk of the reservoir towns of Isabela, Ifugao and Nueva Vizcaya;
2. Research Institutions engaged in Fishery development;
3. Fisherfolk association, corporation, partnerships, cooperatives duly registered as such under Philippine Laws;
4. Other aggrupation of local residents being promoted and supported by the government.

In issuing said permits, the NIA shall be guided by the following order of preference:

- a. Fishermen's cooperatives in the reservoir towns of Isabela, Nueva Vizcaya and Ifugao;
- b. Associations and/or aggrupations of bona fide resident fishermen of the reservoir towns of Isabela, Nueva Vizcaya and Ifugao;
- c. Bona fide resident fishermen of the reservoir towns of Isabela, Nueva Vizcaya and Ifugao;
- d. Corporations, partnerships or other aggrupations;
- e. Research institutions.

For the purpose of determining bona fide residence in the reservoir towns of Isabela, Nueva Vizcaya and Ifugao, a certification of the Mayor of the reservoir town concerned as recommended by the FARMC Chairman of the Municipality, shall be submitted, together with the application for permit.

SECTION 4. Fishing Gear Allowed - Fishing gears allowed for catching fish are as follows:

a. Gill Net (Sigay) - Gill net is a curtain like net consisting of one or more rectangular units connected with each other entangles fish by the gills.

b. Long Line (Kitang) - A long horizontal line with a series of branch lines attached with baited hook at the end.

- c. Cast Net (Tabukol) - A conical net provided with lead sinkers at lower line, which is thrown by hand to fall flat upon the surface of the water to cover the fish.
- d. Bobo (Serreg) - A fish trap made of woven fine bamboo splints sometimes provided with a non-return valve (Serreg) at the gate opening to prevent escape of fish.
- e. Pole & Line (Liwliw) a pole with single line attached to one end of a pole with one or more baited hooks and sinker.
- f. Spear - A fishing instrument made of rod with barb, generally thrown by hand or fired from a gun-like or bow-like device.

SECTION 5. Restrictions

- a. No permit shall be issued for the construction of fish cages outside the areas specified by NIA or any duly approved modifications thereof;
- b. No fisherfolk or fishing boat is allowed at any time to enter or fish in the Magat High Dam Reservoir Fish Sanctuary one kilometer upstream from the High Dam indicated and marked by the NIA as a restricted area;
- c. No fish pen shall be constructed at any place within the reservoir;
- d. The minimum distance between any two fish cages shall be:
 - 1. Twenty (20) meters when they are owned by different individuals
 - 2. Five (5) meters when they are owned by same individual
- e. No fish cages shall be constructed within designated navigation channels or at river outlets;
- f. Subject to the Provisions of Section 11 (e) hereof, permits shall be granted only over reservoir areas of not more than one thousand (1,000) square meters for individuals and not more than ten thousand (10,000) square meters for cooperatives, associations, corporations, partnerships, research institutions or other aggrupations; Provided, however, That in determining the extent of the area to be covered by the permit, the financial capacity of the applicant to undertake the project shall be taken into consideration;
- g. All persons fishing during night time shall have a light in his fishing boat sufficiently bright for proper identification of his presence in the reservoir. Persons fishing during night time without light are presumed to be poaching in the area and shall be restrained from fishing by NIA and FARMC authorities.