



## Purging the Tunnels: Decision-Making Process of Kabayan Indigenous Peoples Community on Hydro Electric Power Project (HEPP)

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### **Abstract**

Development projects may be realized if the participation from the communities is upheld. Guided by the principles of Participatory Communication Theory (Bessette, 2006), this study was conducted to review and understand the decision-making process of the Kabayan Indigenous Peoples (IP) community on the proposed 20 Megawatts Kabayan 1 Hydroelectric Power Project (HEPP) of Hydroelectric Development Corporation (Hedcor) Benguet Inc.. The proposed project was terminated after the elders/leaders of Kabayan voted against the implementation of the project in a consensus building held on November 18, 2016. The Hedcor Benguet Inc. has filed for a Motion for Reconsideration but has consequently withdrawn this to explore other alternatives that maybe favorable to the community. Further, the results showed that most of the community members through their elders/leaders participated and joined in the activities in relation to the hydroelectric project initiated by the NCIP and the community themselves. The participation of the elders/leaders in the said decision-making was manifested in their active articulation of the community's stand for their interests and welfare. Also, external and internal factors affected the decision of the elder/leaders based on individual understanding and stance on the issue. Several community values were identified in the decision-making of the participants, which include collectivism, respect, trust, freedom of opinions, environmentalism, unity, and volunteerism.

### **Introduction**

All sources of renewable energy (RE) such as solar, wind, geothermal, and hydropower are considered

sustainable energy and widely encouraged because they are available and free of cost. Anent to this, the Philippines opened its gates to energy development projects because of the lack of electricity as the

government also claims that the current supply is inadequate. The country has fossil fuels, but it is not as rich as renewable sources and it takes thousands of years to develop (Diano, 2014).

According to the U.S Department of Energy (US-DOE, 2016), there are types of hydropower plants like the run-of-river, which is a facility that channels a portion of a river through a canal or penstock and may not require the use of a dam.

In the Cordilleras, the Agno River is known as the cultural heartland of the community people who believed that land and water are resources to be used and shared with their kin, ancestors, and gods (Rivers Watch East and Southeast Asia [RWESA], 2003).

In the most recent years, the National Commission on Indigenous Peoples-Cordillera Administrative Region (NCIP-CAR) documented that the Philippine Department of Energy endorsed the 20 Megawatts Kabayan 1 Hydro Electric Power Project (HEPP) of Hydroelectric Development Corporation (Hedcor) Benguet Inc., to the NCIP-CAR to secure the necessary permits and clearances from all relevant government entities including the certification and the conduct of the Free Prior and Informed Consent (FPIC) process. The FPIC is a consultative process with IP community that will be affected by development projects such as the hydroelectric project.

In October 2016, NCIP led a series of community assemblies in various barangays in Kabayan, Benguet as part of the FPIC process. Indigenous peoples in the 13 barangays of Kabayan rejected the proposal of the Aboitiz-owned Hedcor Benguet Inc., with a vote of 58 members of elders in favor, 62 against, and eight abstentions (Lacsamana, 2016).

On November 18, 2016 a resolution of the Onjon Ni Kasikuran Shi Kabayan (ONKASKA), a recognized IP organization in the municipality, stated that the consensus of the IP and council leaders rejected the proposed project because of the serious potential negative impact of the company's tunneling project on the abundant water system that sustains their agricultural production along the river system.

Reflected in this experience of Kabayan Indigenous Cultural Community (ICC) is community participation in decision-making as one of the necessary ingredients for a project to succeed. Community participants will not be limited to

community leaders or prominent members as groups such as women, elderly, youth, and landless must be also properly represented (CHARM 2 Communities, 2012).

Servaes (2002) stated that community members will take the lead in using communication tools in taking decision depending on the design, production and usage of communication materials

Further, several factors affecting decision making process includes: the decision makers; the decision; time; and people affected by the decision. Each individual develops personal beliefs and values, including those relating to their environment and life experiences; hence bringing a different perspective to a decision situation (Meeler, n.d.).

Chapter IV, Section 16 and 17 of the Republic Act 8371 or the Indigenous Peoples Rights Act (IPRA) concretizes the right of the IPs to participate fully at all levels of decision making in matters that may affect their rights, lives, and destinies through procedures determined by them. They also have the right to participate in the formulation, implementation, and evaluation of policies, plans and programs for national, regional and local development that may directly affect them (IPRA, 1997).

In essence, the collective decision making experience of Kabayan ICC reflects cultural and community values. Some of the core values of indigenous peoples in the Cordilleras are diligence, collectivism (*gamal* and *aduyon/alluyon*), environmentalism, and courageousness which are guided by traditional beliefs, customary laws, and enforced by traditional governments (IFMS and Practices Research Team, 2016).

On the other hand, the successes and failures of most development projects are often determined by two crucial factors, that is, (1) communication and (2) people's involvement (Bessette, 2006).

Bessette (2006) added that by participating in the decision-making process, the public will realize the importance of their involvement in deciding their future. He included that public participation is a means to convey individual and the society's personal interests and concerns with regard to the development plans, especially that the public will be directly affected.



This study perceives that the community participation in the decision making in the proposed development project in the municipality is highly important as it is the anchor whether the development project will be realized or not. Further, the researchers being members of the young generation in the host community and inheritor of the culture and environment, they were interested on how an IP community halts and ceases a development project.

The study determined the decision-making process of Kabayan Indigenous Peoples Community on the proposed 20 Megawatts Kabayan 1 Hydroelectric Power Plant (HEPP). Specifically, the study was able to: describe the status of the proposed project during the time of the study; review the community activities conducted in relation to the proposed project; determine the respondents' participation in the activities related to the proposed hydropower project; determine the factors associated to the decision- making of the community; and determine the community values and how these are manifested in the decision-making.

## Methodology

This qualitative study used the principles of Participatory Communication Theory in understanding the decision-making process. Participatory Communication Theory, according to Bessette (2006) maximizes communication and people's involvement in the realization of development projects.

Kabayan was chosen as the place of the study because it is the location of the proposed and terminated hydroelectric project.

The key informants of the study were Kabayan Mayor Gideon P. Todiano; Nora L. Ramos, NCIP-Benguet Officer; and Seigfred Chanfing, NCIP-Benguet Tribal Affairs Assistan I for Kabayan Ancestral Domain (Table 1). They were purposively chosen considering that they have knowledge and have involvement in the said proposed project. Mayor Todiano was the vice mayor during the proposal of the project. Further, the NCIP key informants are members of FPIC team and have facilitated on the proposed project.

Snowball sampling technique was used for the 38 participants community elders/leaders who are from the 13 barangays whose names are withheld to protect their identities. The criterion considered in choosing the referrals is the elders/leaders must have participated in the consensus building during the FPIC process. Table 2 shows the list, date, and venue of the interview for the participants of the study.

On the other hand, the project proponent—Hedcor Benguet Inc.—declined to be interviewed for the study despite communications from the researchers.

Data was gathered using personal interviews. Guide questions were used during the one-on-one interview with the key informants and participants.

In addition, 10 documents were analyzed and reviewed from the NCIP through the authorization of the ONKASKA (Table 3), the recognized Indigenous Peoples Organization (IPO) in Kabayan and was used for verification. The documents include: (1) Field Based Investigation (FBI) Report; (2) Minutes of the First and Second Consultative Community Assemblies; (3) Minutes of the First and Second Consultative

Table 1

*Profile of the Key Informants, the Date, and Venue of Interview*

Name of the Key Informant	Date of Interview	Venue of the Interview
Gideon P. Todiano	April 9, 2018	Mayor's Office
Nora L. Ramos	April 10, 2018	NCIP Provincial Office, Capitol La Trinidad
Siegfred Chanfing	April 18 & May 8, 2018	Bokod Community Service Center, Ambangeg, Daklan, Bokod



Table 2

*The List of Participants, the Date, and Venue of Interview*

Barangay	Participant	Date of Interview	Venue of Interview
1. Poblacion	Participant 1	January 22, 2018	Kabayan Cooperative Office
	Participant 2	January 22, 2018	Poblacion Barangay Hall
	Participant 3	January 22, 2018	Participant's House
	Participant 4	January 22, 2018	Participant's House
	Participant 5	January 22, 2018	Participant's House
2. Ballay	Participant 6	January 24, 2018	FITS Room at Municipal Building
	Participant 7	January 24, 2018	FITS Room at Municipal Building
	Participant 8	January 24, 2018	FITS Room at Municipal Building
	Participant 9	January 26, 2018	Kabayan Centarl Hall
	Participant 10	January 26, 2018	Kabayan Central Hall
3. Kabayan Barrio	Participant 11	January 24, 2018	Kabayan Barrio, Barangay Hall
	Participant 12	January 24, 2018	Kabayan Barrio, Barangay Hall
	Participant 13	January 26, 2018	Kabayan Central Hall
	Participant 14	April 11, 2018	Participant's House
4. Eddet	Participant 15	January 25, 2018	Eddet Barangay Hall
	Participant 16	January 25, 2018	Eddet Barangay Hall
	Participant 17	January 25, 2018	Participant's House
	Participant 18	January 25, 2018	Participant's House
5. Duacan	Participant 19	January 26, 2018	Kabayan Central Hall
	Participant 20	January 26, 2018	Kabayan Central Hall
6. Anchokey	Participant 21	January 26, 2018	Kabayan Central Hall
7. Batan	Participant 22	February 8, 2018	Dawis Restaurant at Pico, La Trinidad
8. Tawangan	Participant 23	April 3, 2018	Lutheran Church, Baguio City
9. Lusod	Participant 24	April 23, 2018	Kabayan Central Hall
10. Adaoay	Participant 25	April 11, 2018	Participant's House
	Participant 26	April 11, 2018	Participant's House
	Participant 27	April 11, 2018	Participant's House
11. Gusaran	Participant 28	April 11, 2018	Participant's House
	Participant 29	April 13, 2018	Participant's House
12. Pacso	Participant 30	April 12, 2018	Participant's House
	Participant 31	April 12, 2018	Participant's House
	Participant 32	April 12, 2018	Participant's House
	Participant 33	April 12, 2018	Participant's House
	Participant 34	April 12, 2018	Participant's House
	Participant 35	April 12, 2018	Participant's House
	Participant 36	April 12, 2018	Participant's House
	Participant 37	April 12, 2018	Participant's House
13. Bashoy	Participant 38	April 11, 2018	Participant's House



Table 3

*List of Documents Reviewed in Relation to Kabayan 1 HEPP*

Document	Date Written	Where it was Retrieved
Field Based Investigation (FBI) Report City	May 03, 2016	NCIP-Regional Office, Magsaysay, Baguio City
Minutes of the First and Second Consultative Community Assemblies	October 2016	NCIP-Bokod Community Service Center, Ambangeg, Daclan, Bokod
Minutes of the First and Second Consultative Community Assembly at Ballay Barangay Hall	October 2016	NCIP-Bokod Community Service Center, Ambangeg, Daclan, Bokod
Minutes of the Second Consultative Community Assembly at Adaoay Barangay Hall	October 2016	NCIP-Bokod Community Service Center Ambangeg, Daclan, Bokod
Minutes of the Consensus Building on the Proposed Project	November 18, 2016	NCIP-Bokod Community Service Center, Ambangeg, Daclan, Bokod
Kabayan IP Elders/Leaders Resolution of Non-Consent	November 18, 2016	NCIP-Regional Office, Magsaysay, Baguio City
Motion for Reconsideration	January 5, 2017	NCIP-Regional Office, Magsaysay, Baguio City
Letter of Withdrawal for the Motion for Reconsideration	August 8, 2017	NCIP-Regional Office, Magsaysay, Baguio City
Terminal Report on the Concluded FPIC for Kabayan 1 HEPP	September 4, 2017	NCIP-Bokod Community Service Center, Ambangeg, Daclan, Bokod
Constitution and By-Laws of ONKASKA	January 2007	NCIP Provincial Office, Capitol, La Trinidad

Community Assembly at Ballay Barangay Hall; (4) Minutes of the Second Consultative Community Assembly at Adaoay Barangay Hall; (5) Minutes of the Consensus Building on the Proposed Project; (6) Kabayan IP Elders/Leaders Resolution of Non-Consent; (7) Motion For Reconsideration; (8) Letter of Withdrawal for the Motion of Reconsideration; (9) Terminal Report on the Concluded FPIC for Kabayan1HEPP; and (10) Constitution and By-Laws of ONKASKA.

The data gathered was consolidated in descriptive, narrative, and thematic analysis.

## Results and Discussion

### Status of the Proposed 20MW Kabayan 1 Hydroelectric Power Project (HEPP) During the Conduct of the Study

As stated in the project profile of Hedcor Benguet Inc., the Kabayan 1 Hydroelectric Power Project (HEPP) is a run-of-river type project located in the two ancestral domains of Buguias and Kabayan (Figure 1).

The proposed project starts with its diversion weir intakes located within barangays Amlimay and Natubleng in Buguias and the power station located in Barangay Pacso, Kabayan. The tunnel runs within



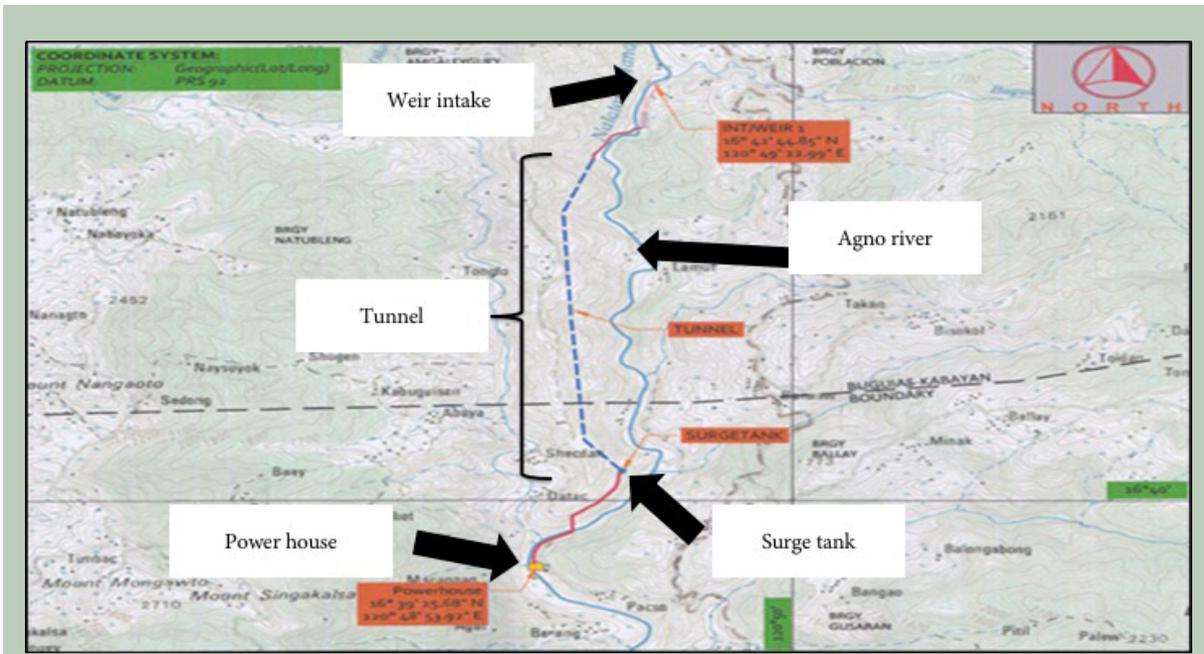


Figure 1. The 20MW Kabayan 1 HEPP Scheme map. Photo retrieved from the FBI report of NCIP (2016)

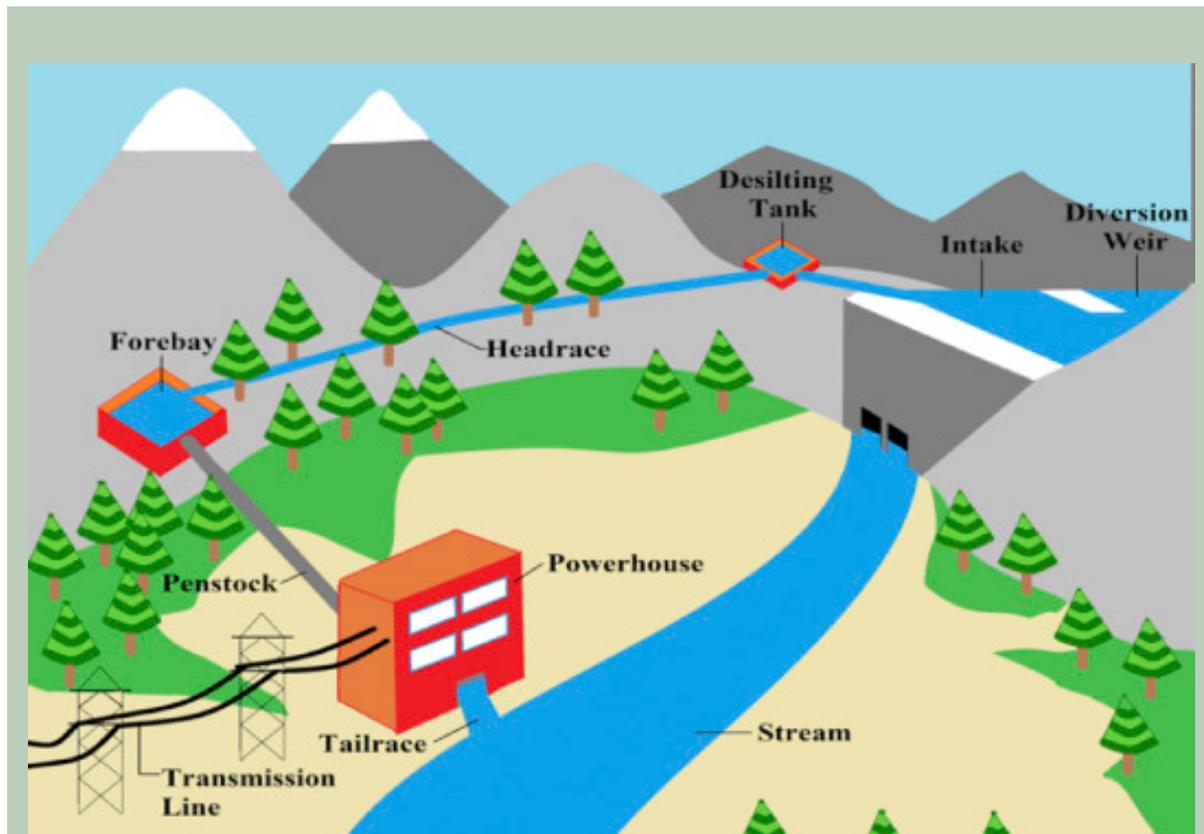


Figure 2. Sample diagram of Run-of-River Hydropower project (Kumar & Katoch, 2016)



two barangays, which are Natubleng, Buguias and Pacso, Kabayan. The tunnels will be located at the right bank of the Agno River, which also feeds the Ambuklao, Binga, and San Roque Dams.

The generated power will be connected to the existing Ambuklao Dam Substation via 230 Kv transmission line running from the powerhouse switch yard. The 28-kilometer long transmission line will be built along the Kabayan-Bokod National Road for easy maintenance.

The NCIP report (2016) stated that the consensus building in the municipality of Buguias on October 18, 2016 yielded a positive result and the first round of negotiation was done on November 8, 2016. However, the FPIC team, the project proponent, and the elders/leaders of Buguias decided to discontinue the negotiation, pending the result of the FPIC process in Kabayan.

The proposed project was rejected in Kabayan after the consensus building of elders/leaders on November 18, 2016.

As noted, Atty. Lumiqued of NCIP explained that as per FPIC guideline, if the proponent requests for a Motion for Reconsideration, it will be addressed to the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) through the regional director. However, according to the NCIP report, on January 5, 2017 the proponent withdrew its request for a Motion for Reconsideration on the account that the proponent plans to revise the project design and if it is finalized, they will again seek a new endorsement from the DOE for FPIC.

Hence, the NCIP stated that the 20MW Kabayan 1 Hydro Electric Power Project (HEPP) is terminated.

In the interview with Mayor Todiano, he mentioned that his stand was let the people decide; thus, after the consensus building that rejected the project, the Local Government Unit (LGU) respected the decision of the community people. Also, as stated in an article released by Philippine Information Agency-Cordillera Administrative Region (PIA-CAR) in 2016, he said that as long as the people are open for the development and improvement of water systems without destruction of the environment and community the LGU will support it.

### **Community Activities Conducted for the 20MW Kabayan 1 HEPP**

Series of activities were conducted in the different barangays in relation to the proposed project. The activities reviewed and presented in Figure 3 were based on NCIP reports from October to November 2016. They are not simple activities because most of the activities conducted involved gathering of the community.

**Endorsement of the project.** It was noted in the Community Consultative Assembly (CCA) II that Elena Salita, the Liaison/Information Officer of Hedcor Benguet Inc., explained the process they had undertaken. Before they applied the project in the DOE, they had permission to enter the Kabayan IP which was done in Barangay Pacso, the directly affected barangay of the proposed project.

The Hedcor Benguet Inc., as the project proponent filed an application for Certification Pre-Condition (CP) to DOE being the regulatory board. On January 20, 2016, the DOE endorsed the proposed 20 MW Kabayan 1 HEPP to the National Commission on Indigenous Peoples (NCIP-CAR) where the Regional office issued work order for the NCIP to conduct FPIC.

The CP application of the project proponent implies that they followed the process for the activities to continue.

**Pre-Field Based Investigation (FBI) conference.** The NCIP-CAR issued work order to NCIP-Benguet to conduct the necessary activities after they receive the CP from the project proponent. As documented, Atty. Lumiqued stated that in the Pre-FBI conference, the FBI team along with the proponent prepared the Work and Financial Plan (WFP).

According to NCIP key informant Ramos, the WFP was done to plan for the activities to be conducted on the FBI proper and also the budget to be used.

WFP also included the tasking of each member of the team. She also added that the FBI team was composed of NCIP employees and two representatives from the ancestral domain.

Charles Beray, key informant from NCIP, stated during the CCA I, that as per guidelines, the elders/



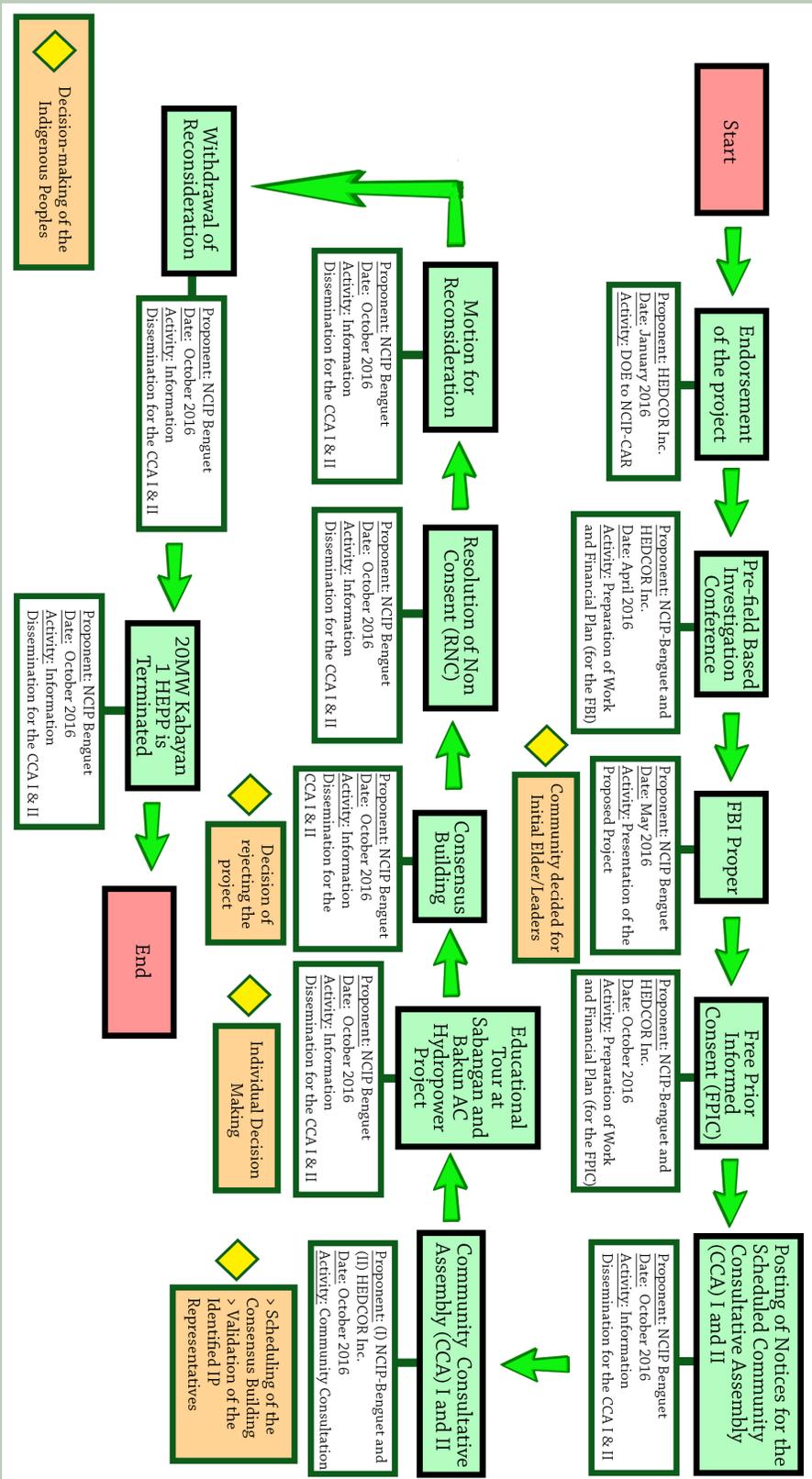


Figure 3. Community activities conducted for the 20MW Kabayan 1 HEPP



leaders of ancestral domain would become a member of the FBI team that would be identified by the Community Service Center (CSC). Thus, as the head of the CSC, Bera identified Prescilla Codiase and Marcelo Senot as representatives of elders/leaders.

**Field Based Investigation (FBI) proper.**

Accordingly, the FBI team will determine the particular area that will be affected, including the projection of the endorsed technical description/geographic coordinates in the ancestral domain. The probable effects of the plan, program, project, or activity, and the number ICCs/IPs that will be affected will also be identified.

Moreover, Ramos stated that the documents were composed of the accurate location of the proposed project, which was presented in the second assembly by the project proponent. She also reiterated to the community members that if possible the elders/leaders present during the FBI will be present in the next activities to be conducted.

In the interview, Ramos said, “*Ada ti daduma nga haan nga ag attend nu next nga meeting, ket sabali manen nga elders ti apan, isunga nu maminsan isu ti makagapu nga ada ti daduma nga haan na nga maawatan nu anya diyay meeting* (There are instances wherein other elders do not attend in the next meeting, instead another elder is sent, which may cause lack of understanding on the said meeting).”

During the FBI, it was the community members selected the initial list of elders/leaders who will participate in the consensus building. According to the report the initial list was submitted to the FBI team and it was presented again in the first CCA for validation.

**Conduct of the Free Prior and Informed Consent (FPIC).** Before the FPIC proceeds, the Pre-FPIC conference was done where another WFP for the FPIC along with the project proponent was made. The WFP was similar to what had been done in the Pre-FBI conference. They prepared and planned for the things to be done and budget for the FPIC proper.

Another team was formed composing of NCIP employees and representatives from the ancestral domain. Just like the FBI, there were two representatives and it was the community that selected during the conduct of the first community assembly. The community members of Kabayan

decided that Prescilla Codiase and Marcelo Senot will remain as their representatives.

**Community Consultative Assembly (CCA)**

**I and II.** The CCA I was purposely for the NCIP to explain the Indigenous Peoples Rights Act (IPRA) Law and their rights as Indigenous Peoples and present the FBI findings on the proposed project of Hedcor Benguet Inc..

Before the first CCA, it was stated that posting of notices and invitations to the Local Chief Executives (LCEs) of provincial, municipality, and barangay was done.

The CCA I was done through clustering of barangays in the municipality for five consecutive days held at different venues. In one assembly, Ramos mentioned that there was a notice that the CCA would be done through clustering barangays forwarded to the following offices: LGUs; the governor; Sangguniang Bayan of Kabayan; and Sangguniang Panlalawigan of Benguet.

NCIP was responsible for the discussion of the salient provisions of the IPRA Law. After the lecture, an open forum for the community people was held to express their opinions, ask queries, and clarifications which were answered by the NCIP.

The open forum was followed by the scheduling of Consensus Building/Decision-Making. Validation of census was also done for the purpose of identifying and determining the IP populations per barangay and the validation of elders/leaders of each barangay who will represent in the decision-making. Thus, the elders/leaders who have wisdom and responsibility to stand for the community represented the community in the decision-making.

Atty. Lumiqued mentioned that being an elder/leader does not necessarily require educational and age qualifications. He also reiterated that the representation is voluntary.

In the statement of Barangay Captain Baucas, they selected their elders/leaders based on their capacity where they can be able to attend meetings, and the population per sitio was considered in the number of elders/leaders who participated in the consensus building.



The community members were also asked if they agreed on those who were listed/nominated. Some were replaced, some were removed, and some volunteered. It should be noted that it was the community members who identified the number of their elders/leaders in their barangay.

Moreover, Beray, NCIP key informant, asked the community members during the CCAs if they knew independent experts in the field of hydro power projects whom they can invite to enlighten them more on hydro development, but all the barangays responded negatively.

The data also showed that the CCA I and II were conducted in the same day since it was the decision of the community.

The CCA II was for the Hedcor Benguet Inc., the project proponent, to introduce and explain the full disclosure of the 20MW Kabayan 1 HEPP using Iloco dialect, which the community can understand. It was Elena Salita, a representative from Hedcor Benguet Inc., who presented the company profile. Engr. Jeffrey Paolo, project supervisor, explained the feature of the project. After the presentation of the project, an open forum with the community and Hedcor Benguet Inc., on the proposed project was held.

The CCA I and II showed the active participation of the community members to understand the proposed project. It was also for the project proponent to explain and answer questions about their proposed project.

**Educational tour at 7.0 MW Bakun AC and 15 MW Sabangan Hydro.** As noted in the report during the CCA II, some of the community members requested for an educational tour for them to see and have additional information about and understanding of the project.

NCIP Legal Officer Lumiqued mentioned that there are no violations of policies under the FPIC guidelines if a tour is done just as long as the project proponent is willing to facilitate it. The project proponent approved the educational tour. Hence, some of the interested community members of different barangays were able to join the tour in Bakun and Sabangan Hydroelectric Power Plant. It can be noted that this is a risk for Hedcor as it may result to the community's opposition to the project.

NCIP key informant Ramos said that there will be no tour if the community did not ask from the proponent. Interested community members per barangay visited the hydro plants in Sabangan and Bakun on October 19 to 20, 2016 before the consensus building, as one community member suggested that the tour would be done before the consensus building for them to see and appreciate the project.

The tour may imply that the community members wanted to visit some existing projects for them to relate and picture the actual project. As mentioned by one community member during the CCA, for them, "To see is to believe."

The community used communication to articulate their need to know more about the project, which is a manifestation of participatory communication. As stated also by Servaes (2002), community members take the lead in using communication tools in taking decision depending on the usage of communication.

**Consensus building /decision-making on the proposed 20MW Kabayan 1 HEPP.** On November 18, 2016, the elders/leaders of Kabayan convened in Kabayan Central School to decide whether to accept or reject the project. Through the *tongtong/tabtabal* system (a cultural practice of coming together of the community to talk on an issue and meet into an agreement or consensus) they unanimously agreed that each validated elder/leader would cast their vote whether "Yes" or "No" to the project through secret balloting.

After all votes had been cast, it was opened and counted in the presence of all the participants with Camilo Alumit and Priscilla Codiase as COMELEC. The result was "No" (62) over "Yes" (58) and abstained (8), totaling to 130 votes with a difference of four votes.

Supposedly, only the elders/leaders and NCIP who were the facilitators would attend the consensus building, but accordingly, there were some who were not members of the validated elders/leaders present during the consensus building. Key informant Ramos said that it was not their duty to prohibit them. It should be the elders/leaders but then, they just let others attend, thus making the activity an open avenue for the community to witness the decision-making.

As part of the FPIC process, the elders/leaders



should state their reasons of rejection to be translated into the Resolution of Non-Consent (RNC) and to be signed by the concerned elders/leaders. Each barangay was called to convey the reasons for rejection and other clarifications.

The elders of Kabayan united and decided to reject the proposed project considering the negative impacts it may brought in the community.

#### **Requesting for a Motion for Reconsideration.**

After the consensus building, Hedcor Benguet Inc., as the project proponent, filed for the Motion for Reconsideration in accordance with AO No. 3 series of 2012, which was submitted on January 05, 2017. In response to the Motion for Reconsideration, the Regional Director of NCIP-CAR issued a Memorandum Order No. OG-PO-17-34 dated January 11, 2017 requiring the FPIC Team to discuss the merits of the request with recommendations. The team complied and submitted its comments/recommendations dated January 17, 2017.

The said Motion for Reconsideration contained six grounds. This includes: (1) the results of the voting do not reflect the pulse of the actual "Area Affected" and or the difference between the Yes and No votes is too close to signify consensus; (2) the benefits and advantages of the proposal of Hedcor Benguet Inc., have not been discussed and should not be denied until fully disclosed; (3) some of the grounds for non-consent point to the involvement and interference of a non-party during the conduct of the FPIC process; (4) the exercise of priority rights of ICCs/IPs of Kabayan, Benguet cannot impair the vested rights of Hedcor Benguet Inc., guaranteed under law and

contract; (5) the fear of the IP leaders and elders regarding the environmental impact of the proposed tunneling is unfounded and Hedcor Benguet Inc., is ready and willing to conduct an extensive education and information campaign on the matter to the whole community; and (6) lastly, Hedcor Inc., an affiliate of Hedcor Benguet Inc., does not have the monopoly of Hydropower generation.

**Withdrawal of the Motion for Reconsideration.** As documented by the NCIP, on August 8, 2017, the Technical Management Services Division (TMSD) of the Regional Office of NCIP received a letter from the proponent's Senior Vice President, Chris Fernando B. Faelnar, stating among other things that the company is withdrawing its Motion for Reconsideration dated January 5, 2017.

As stated in the letter, the company has considered other alternatives to proceed with the Kabayan 1 HEPP and have explored the possibility of having no tunneling in the scheme. Thus, the company will finalize its new scheme with the DOE and thereafter process a new FPIC for the revised Kabayan 1 Hydroelectric Power Project (HEPP) with the NCIP.

Given the situation, the Resolution of Non-Consent by the elders/leaders of Kabayan was given to the project proponent for them to study. One reason cited in the resolution was their deep consideration in the construction of tunnels that would impact on the environment and conveyance, where those tunnels may pose danger to the community because Kabayan is an earthquake-prone area. Hence, Hedcor Benguet Inc., withdrew their Motion for Reconsideration considering that they needed to revise the tunneling

Table 4

#### *Participation of the Elders/Leaders in Relation to the Conducted Activities*

Participation of the elders/leaders	Description
The elders/leaders as the foremost voice of the community.	The community members consider their elders/leaders as their voice because of their wisdom.
There is a unified participation of the elders/leaders	The decision of the majority is respected and accepted by the elders/leaders.
The elders/leaders desire for Information about the Proposed Project	They are willing to learn to understand more the proposed project.
The elders/leaders act as representative of the community	The community send their representatives even the numbers are unequal.



structure of the project.

### **Participation of the Community in Relation to the 20MW Kabayan 1 HEPP**

In relation to the activities conducted on the proposed project, the participation was thematized as shown in Table 4: (1) The participation reflects elders/leaders as the foremost voice of the community; (2) There is a unified participation of the elders/leaders; (3) The elders/leaders desire for information; (4) The elders/leaders act as representatives of the community; and (5) Participation is encouraged by the facilitation role of NCIP.

**The elders/leaders as the foremost voice of the community.** The participation of Kabayan elder/leaders were observed during the activities conducted in relation to the proposed project. Their voices can be reflected in the consensus building where the elders/leaders of each barangays stated their reasons on rejecting the proposed project.

As documented by the NCIP, during the first CCA at Barangay Pacso on October 11, 2016,

Atty. Lumiqued stated: “*Agyaman tayo ta adda dagiti makunkuna nga elders/leaders yo, dagiti talken yo, dagiti makita yo nga nanakem, dagiti responsabli nga mabalin nga mangibagi kada kayo* (We should be thankful since there are elders/leaders of Kabayan whom you believe, trust and find responsible standing for the community).”

During the CCA I and II, all the participants served as audience wherein they listened and observed in the presentations of the NCIP about the IPRA Law and FPIC Process and of the Hedcor Benguet Inc., regarding their proposed project.

After the presentation, an open forum was done whereas the selected elders/leaders, were given the opportunity to ask questions, clarifications, and suggestions on the project.

Participant 29 clarified if there would be two memorandum of agreements (MOAs): one for Buguias and one for Kabayan. Atty. Lumiqued confirmed that this would be the case.

As noted in the NCIP report, a community member said: “*Aliven saludsud enak, piyan ko jen man tour say*

*ma-on-an ka it shaha ikuwakuwan, ingadngadniin tunnel ono nganto project ni Hedcor, say maukat eh otek ni toon emin, to see is to believe kuwan sha ngarud* (I want the tour to see the tunnels and other projects of Hedcor instead of merely asking questions about it to be able to fully understand how it works).”

In contrast, there were some elders/leaders who did not clarify and ask questions during the CCAs. “*Ayche ekak nan question tep naka pa-anay ma hota question ni kait ko era, kasta met e answers* (I did not ask any question because some elders/leaders already asked the question that I wanted ask and whose answer I am satisfied with answers),” said Participant 26.

It can be noted that the elders/leaders participated in almost all the activities. As the elders/leaders they were the one who spoke especially during the open forum in the conducted CCAs for the concerns of the community as to the positive and negative effects of the proposed project.

**There is a unified participation of the elders/leaders.** It can be manifested that even though the elders/leaders have different opinions and ideas, they still decided as one community and respected the decision to reject the proposed project. In this participation of the elders/leaders, the community value respect is observed.

The NCIP inquired from the elders/leaders if the *tongtongan/ tabtabal* system would be used to make a decision during the consensus building.

Participant 10 mentioned that they had their barangay assembly meeting to make a decision on the said proposed project. It was not just the elders/leaders who decided but they considered the decision of the majority in the community.

Further, Participant 39 underscored: “*Angken nan ke-kelase opinyon ni sakey tan sakey pangkep nema project, nansak-sakey kame ladta tan inakceptar me angken ipa-ay kme ne resulta to* (Even though we have different opinions on the said project, we still remain to be united and respectful of the result of the decision-making).”

Given the statement, it corresponds with the study of Bessette (2006) that by participating in the decision-making process, the public will realize the importance of their involvement in deciding their



future.

**The elders/leaders desire for information about the proposed project.** The desire of information by the participants was portrayed wherein they interviewed some residents and officials in the area on their opinions and experiences on the same project.

Participant 4 mentioned that during the CCA, she requested a tour of the hydroelectric power plants currently operating for additional information as it was also requested in Barangay Pacso.

*“Hanak napnek ti explanation, kunayo no ancestral land, awanti bayad, pay nga ag register? (I am not satisfied with the explanation; I wanted to clarify if registration is necessary, since what you have said there will be no payment for ancestral domain),”* an elder/leader clarified during the first CCA.

The elders/leaders are not satisfied with the information about the project that was explained in the CCAs and they requested for the educational tour.

Also, during the consultations, the community members were also confident by asking questions about the benefits, effects of the tunnels, and shares on the revenues from the project.

**The elders/leaders as representative of the community.** On the consensus building, the elders/leaders represented their barangays and cast their votes whether to accept or reject the project through secret balloting. After the counting of votes, which yielded No, statement of reasons behind the rejection of the project by the elders/leaders from different barangays was done. This may imply that even if unequal numbers of elders/leaders cast their votes, all the barangays are still represented in the decision-making.

As noted in the NCIP report, the community members sacrificed their time to attend and have a representative in the meetings for the said project. One member said that it is difficult to gather people and, being farmers, they are always in their farms most of the day; thus, their time in the farm is sacrificed.

A representative from a barangay stated:

*Shahel inparang sha nonta FPIC ja projects shan minihydro, isunga say kuwkuwanen ngo ni eshum, already declared partnership with others say kukuwa tayo para ni anak tayo, sota offer ni Hedcor mandatory benefits bengat inparang sha sota wared dinteg, ayshe eshum (During the FPIC, the Hedcor mentioned their other project; thus, we already partnered with other companies, and since they already presented the mandatory benefits which is in the law).*

On the other hand, the said FPIC process was followed because accordingly, if it was not followed, the IPs of Kabayan would have protested to stop the activities. Instead, they continue until the consensus building.

Given the above statements, it coincides with the statement of Besette (2006) that public participation convey individual and society's personal interests and concerns about development plans, especially that the public will be directly affected.

**Facilitation role of NCIP that encouraged participation.** NCIP holds the responsibility to facilitate the activities conducted in relation to the project highlighting the role of the NCIP in stirring the participation of the community. In the interview with Ramos, she mentioned that their role is to facilitate the activities and always on the neutral side.

Ramos stated:

*Ited mo kanyada didyay nga panagdecide and as much as possible, we do not suggest, sikayo ti agdecide, nu ada ti kasla nga dapat nga pagdesisyonan yu, agsasao kayu nga per community, ket isu ti ibaga yu nu consensus building (We give them the decision, if they need to talk as a community before they state during the consensus building, we do not suggest on the things they should do). Dagidyay tattao ti agdesisyon tapno awan ti mapabasol, talaga nga dyai final decision ket magapu dyai tatao, it's not us (It is the community who will finally decide so that no one is to blame, it is not us).*



In the activities, they let the community decide. The community asked suggestion from the NCIP, but they reiterated that it is the community will decide for them to practice self-reliant.

### **Factors Associated in the Decision-Making of the Community Towards the Proposed Project**

During the conduct of the study, the participants were given the freedom to state their reason/s why they cast their either yes, no, or abstain votes during the consensus building. The answers of the participants were coded and thematized into six. Table 5 shows the factors associated with the decision-making which includes the positive and negative past experiences of other IP communities; anecdotal influences of other people; lack of understanding of the project; perceived negative impacts of the project; perceived positive impacts of the project; and organizational biases to other proponent.

**Positive and negative past experiences of other IP communities.** According to some of the participants their decision was affected through their observation and stories of the same project in other IP places. The participants mentioned the positive and negative experiences of other IP communities such as the Ambuclao Dam, the hydro projects in Bakun in Benguet and Sabangan in Mountain Province.

Further, Participant 14 mentioned that if the project will push through, siltation might also happen like what happen in the Ambuclao. She also added that they fear that people may also be displaced if the time comes.

Meanwhile, Participant 13 underscored that she does not want her farm to be destroyed like what happened in Bokod even though the proponent mentioned in their presentation that they will lease the lots to be affected. For her, they depend only in farming since her children do not have work for they did not finish their education.

This agrees with the statement of Meeler (n.d.) that each individual develops personal beliefs and values, including those relating to their environment, through different life experiences, and hence bringing a different perspective to a decision situation.

**Anecdotal influences of other people.** Anecdotal evidences may prove to be a harmless base for decision-making in many cases, but it can

actually take a turn for the worse in others. According to some respondents in their decision-making, they considered what other people have told them in relation to the project.

As reflected to the accounts of Participant 26: “*Wara e nan storya sun sikak, ya datin eman ubda xe sakey project, nunta pelmiro mayat kunu nem edi binmayag, wara egsha nan inawatan yet nan resign kunu et ngu sikato* (mentioned that he heard a story from someone who had worked before in one project of the proponent and after sometime, she resigned because of some misunderstanding).”

Also, Participant 13 affirmed, “*Wara engekuwan sun sikak ye delikaro nu metungpal ema project ket baka enges toy nangyarid Ambuclao ya siltation* (Someone told me that siltation might also occur just like in Ambuclao if the project will be developed).”

Another participant imparted that before the consensus building some residents of a barangay encouraged him to tell to his companions that they will support and follow their decision in return they will also support their barangay if they will need help.

According to studies in cognitive psychology, mass communication have often shown the opposite pattern—base rare information or statistical evidence was neglected in favor of individual acting information or anecdotal evidence. Nevertheless, the participants were given the freedom to decide for their community as elders/leaders.

**Lack of understanding of the project.** It could be noted that not attending the conducted meetings affected their lack of understanding of the project even though, the NCIP repeated that if possible the elders/leaders should be present in every meeting. It is in contrast to most of the participants who stated that they understood the project because they attended all the meetings and explanation on the project was clear.

Some of the participants did not fully understand the project and was not able to clarify during the CCAs even though the NCIP reiterated that they could ask question on the project proponent.

Participant 8 said that he did not understand the project especially on the benefits that will be given to the direct and indirect affected areas.



Table 5

*Factors Associated in the Decision-Making in the Proposed Project*

Factors	Description
Positive and negative past experiences of other IP communities	The respondents considered the positive and negative experiences of IP community which have hydro power electric project.
Anecdotal influences of other people	Some respondents rely on what others told to them in relation to the proposed project.
Lack of understanding to the project	Some respondents did not understand the proposed benefits of the project to the direct and indirect affected barangay.
Perceived negative impacts of the project	The respondents have fear on the harmful effect of the project especially on the environment.
Perceived positive impacts of the project	The respondents wanted the benefits presented like employment, scholarships, and sharing for the barangay and municipality.
Organizational biases to other proponent	Some respondents prefer other company to develop the water-system in the municipality.

Also, Participant 9 mentioned that he did not understand the project as to the structure and sharing since he was not able to attend some meetings and did not ask or clarify during the open forum in the meetings he attended.

Moreover, as noted during the CCA I in the different barangays, the NCIP verified from the community members if they knew someone who is an independent expert from Non-Government Organization (NGO) on hydro projects for them to invite and enlighten them on hydro power projects, but all barangays responded negatively.

Given this situation, it may have affected their lack of understood, since if they had invited NGO they could have understand and related on the proposed project.

**Perceived negative impacts of the project.**

One of the reasons of rejection of the community on the proposed project was the negative impact to the environment which is the tunneling as structure of the proposed project.

Participant 1 said that one reason in their decision-making was they do not want the tunneling

for it will damage especially the mountains. He added that they value their environment and wanted to preserve it for the next generation.

This was supported by Participant 35 mentioning that: *“Entakot kame ya ma-te chanum nu me tunnel ema chontog, tan singa delikaru ta ebebadeg hota tunnel ta mebedin kunu unsekep e truck* (We, fear that the river will dry up since it is the source of irrigation in our farms, if big tunnels will be constructed).”

Further, Participant 10 added that they wanted development in the community like the hydro power project but they do not want to sacrifice the environment. Participant 1 said during the interview that the environment will surely be affected, damages to the environment will be inflicted since cutting of trees will not be avoided even with the project’s environmental intervention.

Another bearing factor that affected the decision of the participants is that they do not want to be blamed in the future especially if the project turned out to be a failure.

Participant 11 claimed: *“Singa nan alanganen ak, tep nu unan ko ket ensekchal e community members ni*



*project, nakulne sikata ale panbesulan cha ta sikatay nan botos* (I observed that the community have doubts in the project, and I am afraid that I would be blamed in the future since I made a vote).”

On the contrary, the letter of the project proponent submitted in the NCIP stated that, in almost 30 years of experience, they are also considered as the leading run-of-river developer in the Philippines. Based on their experience and track record and considering that they have existing hydropower plants with tunnel scheme, namely Bakun AC Hydro and the Sabangan Hydropower Plant, there is no record of adverse environmental effect due to tunneling.

The community do not want to sacrifice the environment for development.

#### **Perceived positive impacts of the project.**

On the other hand, some of participants wanted the proposed project to push through since they are interested in the proposed benefits of the project that were presented during the CCAs.

One participant said: “*Sipa e egmaka piyan ni development, say at least man upgrade enegesto nu unngato e salary grade* (We wanted development and to increase at least the income of the barangay and municipality through the taxes and shares to be given).”

This was supported by Participant 25 claims that, “*Mayat e benefits ya en offer cha say at least wara ma pan ubdaan ni kaet ya ikabayan kasta met nu man graduate ali anak, menbedin eran may employ tan mebedin man skuida ta wara e scholarship* (The offered benefits are good since the community will have the chance to be employ and study because of the scholarships).”

#### **Organizational biases to other proponent.**

Other participants affirmed that they wanted another company to develop the water-system in the municipality. As it was observed during the conduct of the study, the respondents who belong to an organization prefer another company to develop the hydroelectric project.

Participant 4 said, “*Para son sikak, mayat nu may aknan ne chance e echom company ya mandika ni project, say egman dominate bengat e sesakey ya kompanya nu pangkep ni enges niyay ya project* (For me it is better to give chance to other company to develop such project so that it would not only one company will

dominate).”

Another content of their Resolution of Non-Consent was they declared their exercise of priority rights to develop their water resources in their ancestral domain wherein their proposed projects and developers or investors will only be accepted as partners.

Some community members wanted another company who will propose to build, operate, and transfer them to the community. This is in contrast to the proposed 20MW Kabayan1 HEPP, which does not give the community the right to operate the project in the future.

#### **Community Values Manifested in the Decision Making**

During the conduct of the study, some community values were derived. Table 6 shows the community values manifested in the decision-making. These include collectivism, unity, freedom of opinions, volunteerism, respect, trust, and love for the environment.

**Collectivism.** Community decision-making was shown through the *Tongtong* System wherein the elders/leaders converged that their decision-making on the proposed project will be through secret balloting.

According to Participant 6, before the consensus, they had talked together as one community in their barangay on their decision. The said value was also shown in every meeting/assembly wherein, as community, they gathered in one venue to talk about the said project.

Participant 14 said, “*Nu wara e meeting, nu ngane pantatab-tabalan ni karakdan sikato e mesuchot, enges to nu pigan e penge-set ni next ya meeting* (During meeting, if the majority agreed will be the one to be followed as to scheduling of the next meeting).”

This is in consonance with the manner of decision-making of IP in accordance either with the customary laws and practice of the ethnic group or raising of hands; however, secret balloting was done as alternative option in the project’s consensus building.

**Unity.** Kabayan is known for *ulnos* or orderly as



Table 6

*Community Values Manifested in the Decision-Making Process*

Community Values	Description
Collectivism	It is when the elders/leaders conveyed their decisions to do the secret balloting after discussion with the members.
Unity	The elders/leaders maintain reconciliation after the decision-making.
Freedom of Opinion	The elders/leaders were given the freedom to express their opinions, suggestions, and decide either to accept or reject the project.
Volunteerism	The elders/leaders participated in the activities without receiving any incentives. They sacrificed their time to represent their barangay in the decision-making.
Respect	The respondents respected each other's decision and accepted the result of the election.
Trust	The IPs of Kabayan entrusted the elders/leaders to decide for development project in the municipality.
Love for the Environment	The IPs opposed the proposed tunneling for the project, which may destroy their land and environment.

stated by Alunit, IP of Kabayan, during the consensus building. He added that their decision should be done for the community people of Kabayan especially for the next generation.

*"Angken kelase e naging decision ni elders/leaders ni barangay ket nansaksakey ladta era ya mandecide nu metudong uno ayshe ema project (The different barangays may have different decision at the end we decided as one, whether to accept or reject the project),"* said Participant 1.

The unity of the elders/leaders can also be shown in the consensus building wherein they decided to release a Resolution of Non-Consent, which summarized the reasons of the whole municipality in rejecting the project.

**Freedom of opinion.** It can be observed from the start of the process that the members of the community are to express their ideas and suggestions in relation to the project. An example is open forum on the conducted activities, which leads them to exercise their right as individuals and as a group.

"I want further verification that we will not have to fear for a flash flood to happen similar to the one in the 1970s will happen again because of the diversion

of water to the tunnel, it might not go back to the river," said by a community member during the open forum as documented by NCIP.

Another situation where freedom was observed is that the community members were not forced to attend the meetings.

In the process of validation of elders/leaders, it was the community that decided; thus, there were some barangays who that added, removed, and volunteered their elders/leaders who will represent the community in the consensus building.

**Volunteerism.** It was shown because as elders/leaders, they were not given any incentives but they still sacrificed their time to attend the assembly and meetings.

As noted Atty. Lumiqued reiterated: *"Haan tayo piliten mga mangikarga ti nagan na idyay ta daytoy ket volunteerism eh, awan ti expektaren tayo nga suweldo ti agbalin nga elders/leaders (We should not force to list the name of the elders/leaders because there is no salary to be expected. Besides, it is volunteerism)."*

The participants also volunteered to join in the



educational tour despite their time to work in their farms. Some of the participants also volunteered themselves to be one of the elders/leaders in their community.

**Respect.** It can be noted that respect to each other was shown from the start up to the consensus building. Accordingly to Tyler (1999) respect helps promote group-oriented behavior, especially when the outcome is not positive for the individuals involved. To respect is to avoid misunderstanding although maybe some of the community members are satisfied while others are dismayed of the result.

*“Meka respektara sakey tan sakey tep kilase e opinion ne sakey to-o enges to nu man suggest ono mengi bingay eran amtara (We respect each other’s opinion like if they have suggestions),”* stated Participant 30.

**Trust.** Moreover, trust was also shown through the community members wherein they rely on the elders/leaders on the decision-making of the project.

*“Inpiyal me son sikayo a kas elders/leaders e decision ta amta mi e takderan jo e community (We entrusted to the elders/leaders the decision because we know that they have the wisdom and can stand for us),”* said Participant 32.

Another situation is that the community members trusted the project proponent and the NCIP in the information they presented. Although there were doubts, some were able to clarify.

**Love for the environment.** Some participants mentioned that their love for the environment was considered during the decision making. This was shown by the opposition of the elders/leaders to the tunneling to be done in the project They did not want their mountains to be destroyed just for development.

Environmentalism was also shown in the seventh reason on rejecting the project “That we the ICCs/IPs of Kabayan fear that the source of water like spring and rivers will dry up because of the construction of tunnel,” said most of the participant elder/leaders.

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## Conclusions

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The elders/leaders who participated in the decision-making are respected and trusted by the

community members. They also served as the voices of the community in relation to the proposed project.

The community people of Kabayan wanted development as long as the project proponent will consider the demand of the majority community members as to the enough adequacy of information on the project and the benefits they will acquire.

The FPIC process served as the guide for the project proponent and the community members to know and understand the whole project before deciding. The FPIC process was followed and the community might have protested if FPIC violations are observed.

Despite the unequal number of validated elders/leaders during the consensus building they were able to represent their own barangay from the start of the process until the decision making.

In decision-making, a person considers the external factors like the past and present experiences of other Indigenous Peoples (IP) communities that have undergone the same process and their opinions, influence from opinions of other communities, and internal factors like the values of the Kabayan community, which includes unity, trust, respect, volunteerism, freedom of opinions, and environmentalism.

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## Recommendations

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The community may continue to respect and value their elders/leaders for they have the wisdom that they can share and be applied for the improvement of community. The indigenous communities similar to Kabayan may strengthen their community relations and decision making patterns as portrayed by the Kabayan indigenous peoples to collectively decide development projects.

Also, the NCIP and other concerned agencies may intensify the implementation of the FPIC process for development projects. The community members may strengthen their relationship with one another to maintain peace and harmony among themselves especially in community decision-making.



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