

BELIZE:

STATUTORY INSTRUMENT

No. 24 of 2007

REGULATIONS made by the Minister responsible for the Environment in exercise of the powers conferred upon him by Sections 21 and 44 of the Environmental Protection Act (Cap. 328 of the Revised Laws of Belize 2000), and all other powers thereunto him enabling.

(Gazetted 24th March, 2007.)

1. These Regulations may be cited as the

Short title.

ENVIRONMENTAL IMPACT ASSESSMENT (AMENDMENT) REGULATIONS, 2007

and shall be read and construed as one with the Environmental Impact Assessment Regulations, 1995, hereinafter referred to as the principal Regulations.

S.I. 107/1995.

2. Regulation 2 of the principal Regulations is hereby amended by the addition of the following definitions-

Amendment of regulation 2.

"Committee" means the National Environmental Appraisal Committee established under regulation 25 of these Regulations;

"Environment" means the surroundings that all living things interact with, and for the purpose herein it focuses on the natural vegetation, fish and wildlife, and also water, coasts, seas, air and land, and the interrelationship which

exists among and between water, air, and land, and human beings, other living creatures, plants, micro-organisms and property;

“Environmental Compliance Plan (ECP)” means a legally binding document developed by the Department of Environment as defined in Regulation 6 (c) consisting of a set of legally binding environmental conditions, guidelines, policies and restrictions which the developer or his representative agrees to in writing to abide by as conditions for project approval.

“Environmental Clearance” means approval of a proposed undertaking, project, programme, policy or activity granted by the Department of Environment, stipulated in the form of a letter.

“Environmental Impact Assessment (EIA)” means studies needed in identifying, predicting, evaluating, mitigating and managing the environmental, and key social and economic impacts of development projects, undertakings, programmes, policies or activities, the report of which is presented in a written document called the Environmental Impact Assessment report.

“Limited Level Environmental Study” means a study used for the prediction, evaluation, estimation and communication of the possible environmental effects of some proposed projects, undertakings, or activities, where it is the opinion of the Department that the project, undertaking or activity could have some negative impacts on the environment. The Terms of Reference for a Limited Level Environmental Study can be limited in nature and should not be as comprehensive as that for an EIA.

“Public Consultation” for the purpose of this Regulation means a two-way flow of information from the project proponents and the EIA team, to the general public and

vice versa, with the objective of deliberating together, allowing the general public, especially local communities close to the project site, opportunities to express their opinions, advise or point of view, while simultaneously ensuring that the project proponents or the EIA team provide details and explanations of the proposed undertaking, project, program or activity for which an Environmental Impact Assessment is being prepared. This process should be open and accessible to the general public.

“Public Hearing” means the convening of a meeting for the purpose of giving the general public the opportunity to be heard, to present their arguments, testimony or opinions regarding a specific undertaking, project, programme or activity for which an Environmental Impact Assessment is being prepared. Participation in this process is governed by rules of procedures established by the Department prior to holding the hearing. A public hearing will be presided over by an impartial moderator appointed by the Department. This process should be accessible to the general public and is convened by the Department.

“Suitably Qualified Person” means a person possessing academic training, technical expertise obtained in the field, and/or knowledge obtained as a result of formal and informal education and training in the field of Natural Sciences, with a background in Natural Resources Management, Environmental Studies, Environmental Impact Assessments, or similar related fields deemed relevant to the preparation of an Environmental Impact Assessment report.

“Tribunal” means the tribunal constituted by regulation 27A;

3. Regulation 6 (a) of the principal Regulations is hereby amended by deleting the words “a screening of the project” and substituting therefore “the preparation of the terms of reference”.

Amendment
of regulation
6.

Regulation 6 (c) of the principal Regulations is hereby replaced with “where approval is recommended, the development and implementation of an Environmental Compliance Plan (ECP).”

Amendment
of regulation
8.

4. Regulation 8 of the principal Regulations is hereby amended by adding immediately after the word “assessment” the words “or a limited level environmental study”.

Amendment
of regulation
9.

5. Regulation 9 (a) of the principal Regulations is hereby amended by adding immediately after the word “educational” the words “and health.”

Regulation 9 (c) of the principal Regulation is hereby deleted.

Regulation 9 (d) of the principal Regulation is hereby amended by renaming it “9 (c)” and adding after the word “during” the word “declared.”

Amendment
of regulation
10.

6. Regulation 10 of the principal Regulations is hereby repealed and replaced with the following:

10 (1) Where pursuant to regulation 8 the Department decides that an environmental impact assessment is not required but that a limited level environmental study is required, then the developer may proceed with the drafting and subsequent approval by the Department, of the terms of reference for that undertaking or project.

10 (2) Where pursuant to regulation 8 the Department decides that neither an environmental impact assessment nor a limited level environmental study is required, then the developer may proceed with the developmental project or undertaking, subsequent to the granting of environmental clearance by the Department, subject to any other Act or regulation or guidelines or conditions laid down by the Department, and the payment of an environmental monitoring fee.

7. Regulation 11 is amended by deleting the words “on a prescribed form” and substituting therefore “and providing such details and information as the Department may require.”

Amendment
of regulation
11.

8. Regulation 13 (2) is amended by deleting the word “nominal” therein.

Amendment
of regulation
13.

Regulation 13 (3) (*a*) is amended by adding after the word “assessment” the following: “or a limited level environmental study.”

Regulation 13 (3) (*b*) is amended by adding after the word “assessment” the following: “or a limited level environmental study.”

9. Regulation 14 of the principal Regulations is hereby amended by deleting the word “form” appearing there and substituting therefore “details or information.”

Amendment
of regulation
14.

Regulation 14 (*b*) of the principal Regulations is hereby amended by deleting the number “9” and substituting therefore “8”, and by adding after the word “assessment” the following: “or a limited level environmental study.”

10. Regulation 18(1) of the principal regulations is hereby amended to replace “meetings” with “public consultations.”

Amendment
of regulation
18.

Regulation 18(3) of the principal Regulations is hereby amended by deleting the number “(1)” and substituting therefore “(2)”.

11. Regulation 19 (*a*) is amended by deleting the words “.. and a one paragraph abstract of the EIA report.”

Amendment
of regulation
19.

Regulation 19 (*n*) is amended by adding after the words “public hearing” the words “or public consultations (if any).”

Regulation 19 is amended by adding a new 19 (p) as follows: "a list, accompanied by a summary of the resume, of all those persons that participated in the development of the environmental impact assessment report."

Amendment
of regulation
20.

12. Regulation 20 (1) of the principal Regulations is hereby amended by deleting the words "A person who has submitted an environmental impact assessment shall, as soon as may be, publish in one or more newspapers circulating in Belize a notice:" and substituting therefore:

20.(1) "A person who has submitted an environmental impact assessment which fulfills Regulation 21 (1)(b), shall publish a notice, vetted and approved by the DOE, in at least two widely circulated newspapers for two consecutive weeks. This notice shall contain or be:"

Regulation 20 (2) of the principal Regulations is hereby amended by deleting the words "a copy of a newspaper in which there has been published a notice in accordance with sub-regulation (1)" and substituting therefore "a copy of the published newspaper advertisement submitted to the Department within one week of the submission of the EIA report."

Addition of
regulation
22A.

13. The principal Regulations are amended by adding immediately after regulation 22 the following:

22A (1) The Department may approve an environmental impact assessment or a limited level environmental study subject to such conditions as may be specified by the Department, including a requirement for the Developer to sign an Environmental Compliance Plan (ECP) containing the conditions specified by the Department, and the payment of an environmental monitoring fee.

(2) The Developer shall, notwithstanding any other legal obligation, not proceed with the undertaking, project, programme or activity until and unless the Developer has signed an environmental compliance plan and received environmental clearance from the Department.

(3) Any person who carries out an undertaking, programme, project or activity in breach of any condition laid out under regulation 22A (1) commits an offence, and apart from the Department revoking the ECP, is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(4) Any person who carries out an undertaking, programme, project or activity in breach of regulation 22A (2) commits an offence and is liable on summary conviction to a fine not less than five thousand dollars and not exceeding twenty five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

14. Regulation 24 (2) (c) of the principal Regulations is hereby amended by adding after the word "hearing" the words "or public consultation."

Amendment
of regulation
24.

15. Regulation 25 of the principal Regulations is hereby amended –

Amendment
of regulation
25.

(a) by adding a new subsection 25 (1) (d) as follows:

25 (1) (d) "make recommendations to the Department on ways to improve the efficiency and effectiveness of the environmental impact assessment process."

(b) by repeal and replacement of regulation 25(2) as follows:

25 (2) The National Environmental Appraisal Committee shall comprise the following members:

- (a) the Chief Environmental Officer or his nominee;
- (b) the Commissioner of Lands and Surveys or his nominee;
- (c) the **Director of Health Services** or his nominee;
- (d) the Chief Forest Officer or his nominee;
- (e) the Fisheries Administrator or his nominee;
- (f) the Chief Meteorologist or his nominee;
- (g) the Director of Geology & Petroleum or his nominee;
- (h) the **Chief Engineer** or his nominee;
- (i) a suitably qualified **person trained in Coastal Zone or Marine Resources Management or related field**, on the recommendation of the Department,
- (j) a suitably qualified **person trained in Human Development or Social Services**, on the recommendation of the Department,
- (k) a suitably qualified **person representing a Tertiary Level Institution in Belize**, on the recommendation of the Department; and
- (l) two registered non-governmental or private sector representatives appointed by the Minister on the recommendation of the Department, who shall serve for a period not exceeding two years.

- (c) by repeal and replacement of regulation 25(3) as follow:

“25(3). Seven members shall constitute a quorum for meetings of the committee. The Chief Environmental Officer shall be Chairman of the Committee.”

- (d) by adding a new sub regulation as follows:

“25 (4). The Department can co-opt, from time to time, non-voting members to the National Environmental Appraisal Committee in order to strengthen technical expertise required in the review of an environmental impact assessment.

16. Regulation 27 of the principal Regulations is hereby repealed and replaced as follows:

Amendment
of regulation
27.

“27. Where the Department has decided that a project, programme, undertaking or activity shall not proceed, the developer may, within twenty-one days after the Department’s decision appeal, in writing, to the Minister against the decision of the Department.

27A (1) Upon the making of an appeal under Regulation 27, the Minister shall cause to be appointed a Tribunal to hear and determine all appeals made pursuant to this Act to the Tribunal.

Appointment
of Tribunal.

(2) A Tribunal for the purposes of this Act shall be constituted of:-

- (a) a Magistrate appointed by the Chief Magistrate or Judge nominated by the Chief Justice, who shall be the Chairman of the Tribunal;

- (b) one member appointed by the Minister from among persons who have academic knowledge or training in environment, natural resource management or other related disciplines;
- (c) the Senator representing Private Sector.

... Provided that no serving member of the Department or member of the Committee or an individual involved or associated with the project in question shall be appointed as a member of the Tribunal.

Procedure for hearing appeals.

27B (1) The Tribunal shall make rules to regulate its procedure for hearing appeals (provided that such procedure shall comply with the rules of natural justice).

(2) In the event of any doubt or dispute arising from any question of practice and procedure, it may be settled by the Chairman of the Tribunal, whose decision shall be final.

(3) The decisions of the Tribunal shall be by a majority.

(4) The Tribunal shall not be bound by rules of evidence and shall admit as evidence any matter, which in its opinion shall assist it to arrive at a just and equitable decision in accordance with the Environmental Protection Act and these Regulations.

(5) The Tribunal shall have power to confirm, vary, amend or alter a decision made by the Department or reverse or substitute such decision for any decision which is just and equitable and which is in the interest of the protection and management of the environment or the conservation and sustainable use of Belize's natural resources.

(6) In the event that the Tribunal shall vary, amend or alter or reverse a decision of the Department, the Tribunal shall provide this decision in writing, and refer the matter back to the Department for the preparation of an environmental compliance plan and other requirements necessary under these regulations.

27C. All members of the Tribunal shall be present at all hearings of the Appeal.

Quorum.

27D. An appeal under regulation 27 against a decision of the Department shall not have the effect of suspending the execution of such decision.

Effect of appeal.

16. Regulation 28(1) of the principal Regulations is amended by repealing the words "prescribed form" and replace them with the words "application as per Regulation 11."

Amendment of regulation 28.

Regulation 28(2) of the principal Regulations is hereby repealed and replaced as follows:

(2) Any person who contravenes the provisions of these Regulations commits an offence, and shall be liable on summary conviction to a fine not less than five thousand dollars and not exceeding twenty five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

Regulation 28(3) of the principal Regulations is amended by deleting the words "section 41 of this Act" and replacing them with the words "section 42 of the principal Act."

17. The principal Regulations are hereby amended by adding a new regulation 29 as follows:

Addition of regulation 29.

"29. (1) In accordance with Regulation 11, the developer shall submit a non refundable application fee of up to \$1,000 for the notification and submission of a proposal for environmental clearance.

(2) Where an undertaking, project or activity falls within Schedule 1, the developer shall submit to the Department a non-refundable application fee of \$5,000, along with the notification and information required by Regulation 11.

(3) Where an undertaking, project or activity falls within Schedule II or where the Department determines that a Limited Level Environmental Study is required, as per regulation 3 (2), the developer shall submit to the Department a non-refundable application fee of \$2,500; and, in cases where the Department determines that an EIA is necessary, the developer shall submit an additional non-refundable application fee of \$2,500."

Addition of
regulation 30.

18. The principal Regulations are hereby amended by adding a new Regulation 30 as follows:

"30. The Department may, from time to time, make such arrangements as appear appropriate to secure that the developer complies with the terms and conditions of environmental compliance plan under the Regulation made under the principal Act, and in particular may require performance bonds or guarantees at an appropriate level in respect of that compliance."

Amendment
of Schedules.

19. The Schedules I and II to the principal Regulations are hereby repealed and the following substituted therefor:

SCHEDULE I

The following shall be considered as Schedule I projects:

An Environmental Impact Assessment shall be completed for any project, program, undertaking or activity with the following purposes:

1. Aquaculture Projects

- (a) Any research or commercial scale aquaculture project within wetland and floodplain areas.
- (b) Construction or expansion of an aquaculture research or commercial facility with production capacities of 75 Tons Per Annum or more of unprocessed aquaculture produce.
- (c) Any seabed-based marine culture or fresh water cage culture aquaculture facility to be established within 15 acres of production area for the purpose of producing any aquaculture produce.
- (d) Any marine aquaculture facility to be established within 5 miles radius of the Belize Barrier Reef or any major coral reef system.
- (e) Any aquaculture facility or operation involving the culture of any aquatic flora or fauna not native or not commercially cultured in Belize.
- (f) Any freshwater aquaculture facility either utilizing a total pond production area of 50 acres or more, or a total daily water abstraction rate greater than 5 million gallons per day.

2. Cement

- (a) Production of cement.

3. Chemical Industry

- (a) The treatment of intermediate products and production of chemicals (insecticides, fungicides, herbicides and other pesticides).
- (b) The production of pesticides or pharmaceutical products, paints, varnishes, elastomers or peroxides.
- (c) The production of industrial carbon.
- (d) The production of alkalis.
- (e) The installation of electrochemical (metallic sodium, potassium and magnesium chlorides, perchlorates and peroxides) plant.
- (f) The production of electro-thermal products (artificial abrasive, calcium carbides).
- (g) The production of phosphorous and its compounds.
- (h) The production of nitrogenous compounds (cyanide, cyanamide and other nitrogenous compounds).
- (i) The production of halogens and halogenated compounds (chlorine, fluorine, bromine and iodine).
- (j) The production or storage depots of explosives (including industrial explosives, detonators and fuses).
- (k) The production of any hazardous substances listed in Part I of the Schedule to the Act.

4. Dams and Waterworks

- (a) Major waterworks: alteration of river banks and shoreline, alteration of ground water, diversion of water courses, modification of stream flows.

- (b) Construction of large dams, impoundments or other installation designed to hold water or store it on a long-term basis.
- (c) Large irrigation works.
- (d) Construction of Large drainage canals.

5. Drugs and Pharmaceuticals

- (a) Manufacturing of drugs and pharmaceuticals including vitamins and antibiotics.

6. Energy Generation and Distribution Projects

- (a) Any large installation for the production of 15 megawatts of electricity or other forms of energy.
- (b) A large industrial installation for the storage of natural gas, or more than 10,000 barrels of fuel/petroleum products.
- (c) Any major project involving the transmission or distribution of energy by overhead or underwater project outside of an existing corridor.

7. Housing/Subdivisions

- (a) Large scale housing developments or a subdivision on mainland involving the proposed construction of more than 300 houses.
- (b) Housing developments of more than 50 houses on the Cayes or Islands.

8. Infrastructure Projects

- (a) The construction of industrial estate developments for heavy industries.

- (b) The construction of new national highways, and other roads of more than 10 miles in length.
- (c) The construction of new townships.
- (d) The construction of a large harbour, a marina, shipping port, trading port, an inland waterway which permits the passage of vessels or a port for inland waterway traffic capable of handling such vessels.
- (e) A waste-disposal installation for the incineration or chemical treatment or disposal of waste, or installation designed solely for the temporary storage of waste.
- (f) Any airport having an airstrip of 2,000 metres or longer.
- (g) Any major installation of transmission lines by overhead, underground, or underwater cables or other methods of installation.
- (h) Construction of hotels, resort facilities and golf courses within or in close proximity of the boundaries of a protected area or a World Heritage Site.

9. Land Reclamation and/or land Creation

- (a). Dredging for land reclamation and/or creation of projects utilizing a volume of material of more than 50,000 cubic yards along the coast, cays and ecologically sensitive waterways.
- (b) Any land reclamation or creation project in excess of ten (10) acres along the coast or within a wetland.

10. Mining and Industrial Processing of Ores

- (a) Any large installation for the processing of mineral ores.
- (b) An installation for the processing of metallic ores (including smelting, electro-plating, refining, drawing or rolling).

(c) Any large- scale mining of minerals.

11. Paper Industry

(a) The manufacturing of paper for writing, printing and wrapping.

(b) The manufacture of newsprint paper.

(c) The manufacture of wood pulp (mechanical, chemical including dissolving pulp).

12. Petroleum

(a) Petroleum development and production.

(b) Petroleum refining.

13. Rubber Industry (natural and synthetic)

(a) The manufacture and treatment of elastomer-based products.

(b) Production of natural and synthetic rubber.

(c) Production of tires and tubes.

(d) Production of surgical and medical products including prophylactics and latex products.

(e) The manufacturing of Footwear, and other rubber goods.

14. Other Projects

(a) An integrated chemical installation, that is to say, an industrial installation or group of installations where two or more linked chemical or physical processes are employed.

(b) Lease or sale of more than five hundred (500) acres of National Lands.

- (c) Any logging operation within a forest reserve.
- (d) Logging or conversion of forest land, employing the clear fell method covering more than 300 acres.
- (e) Logging operations of more than 100 acres adjacent to any protected area declared under the National Parks Systems Act.
- (f) Any Large - scale agro-processing plant.
- (g) Clearing of more than 300 acres of land.
- (h) Clearing of more than 10 acres of mangroves in ecologically sensitive areas.
- (i) Ground water abstraction works of more than 5 million gallons per day.
- (j) The establishment of Commercial Free Zones (CFZ)
- (k) The establishment of an Export Processing Zones (EPZ).
- (l) Any proposed development project, undertaking or activity within any protected area (terrestrial and marine).

SCHEDULE II

The following projects may require an environmental impact assessment or limited level environmental study depending on the location and size of the project:

1. Aquaculture

- (a) Construction or expansion of a marine aquaculture research or commercial facility with production capacities of less than 75 Ton Per Annum of unprocessed aquaculture produce.

- (b) Any seabed-based marine aquaculture facility which will utilize less than 15 acres of production area for the purpose of producing any aquaculture produce.
- (c) Any aquaculture facility or operation involving the culture of any aquatic flora or fauna already under commercial production in Belize.
- (d) The establishment of any processing facility in Belize for the processing of any aquaculture commodity.
- (e) The establishment of any hatchery facility in Belize for the purpose of producing freshwater and marine seedstocks either for aquaculture or restocking purposes.

2. Agriculture

- (a) Commercial poultry-rearing.
- (b) Commercial pig-rearing of more than 10 sow breeding herd.
- (c) Planting and cultivation of agriculture plots of more than 200 acres (e.g. citrus, banana, sugar cane, vegetable).
- (d) Cultivation of cotton (*Gossypium* spp) in a plot larger than 50 acres.
- (e) Cultivation of high agrochemical input commodity (e.g., bananas for export) on plots larger than 50 acres or near to sensitive water resources.
- (f) Post-harvest treatment utilizing radiation energy.

3. Chemical Industry

- (a) The storage of any petroleum, petrochemical or chemical products.

4. Dredging and Land Reclamation schemes

(a) Dredging for land reclamation and/or creation for projects utilizing a volume of material of less than 50,000 cubic yards along the coast, cayes and ecologically sensitive areas.

5. Energy Industry

(a) The surface storage of natural gas, coal or lignite on a large scale commercial basis.

(b) The underground storage of combustible gases.

(c) The storage of fossil fuels of 5,000 gallons or more.

(d) The industrial briquetting of coal or lignite.

(e) Any installation for the production of electricity, steam and hot water.

6. Fertilizers

(a) Production of Nitrogenous fertilizer.

(b) Production of Phosphatic fertilizer.

7. Fisheries

(a) Construction of fishing harbours or large fishing piers.

(b) Expansion and restoration works for fish processing plants, harbour or large piers involving 50 percent or more in fish landing capacity per annum.

8. Food Industry

(a) The manufacture of vegetable or animal oils or fats.

(b) The packing or canning of animal or vegetable products.

- (c) The manufacture of dairy products.
- (d) Brewing or malting.
- (e) Confectionery or syrup manufacture.
- (f) An installation for the slaughter of animals and/or subsequent processing activities related thereto.
- (g) An industrial starch manufacturing installation.
- (h) Any citrus processing installation.

9. Forestry

- (a) Conversion of hill forest land (with slopes greater than 25 degrees) to other land use.
- (b) Logging or conversion of forest land use within the catchment area of reservoirs used for municipal water supply, irrigation or hydro-power generation or in areas adjacent to national parks or protected areas.
- (c) Logging or conversion of forest land adjacent to national parks, nature reserve, wildlife sanctuary, archeological sites or any protected area declared under the National Park Systems Act.

- (d) Logging or conversion of forest land, employing the clear fell method, covering areas between 100 and 300 acres.
- (e) Clearing of fringing mangrove vegetation on islands or adjacent to marine or forest reserves for industrial, housing or agricultural use.

10. Glass or Ceramic Making

- (a) The manufacture of glass or ceramics.

11. Housing

- (a) Large scale housing developments or subdivisions involving the proposed construction of more than 100 houses but less than 300 houses.
- (b) Housing developments, subdivisions, agricultural developments or any other type of developmental project that could affect established biological corridors.

12. Infrastructure Projects

- (a) An urban development project of less than 300 acres.
- (b) The construction of a road, or airstrip or an airport of less than 2000 meters in length.
- (c) Canalization or flood relief works.

- (d) A dam or other installation designed to hold water or store it on a long-term basis.
- (e) An oil or gas pipeline installation of less than 5 miles in length.
- (f) A long-distance aqueduct.
- (g) The lease or sale of less than 500 acres of National Land.
- (h) Any activity involving stream alterations or diversions.

13. Medical Facilities

- (a) The construction of hospitals.

14. Mining and Processing of Minerals

- (a) Any small scale mining and processing of minerals
- (b) Extracting minerals such as marble, sand, gravel, shale, salt, phosphates and potash.
- (c) Mining of river sand and gravel of volumes greater than 15,000 cubic yards.

15. Paper and Pulp (including Paper Products)

- (a) Paper board.
- (b) Paper for packaging (corrugated papers, craft paper, paper bags, paper containers and the like).
- (c) Sanitary paper.
- (d) Cigarette paper.
- (e) Other paper products.

16. Petroleum

- (a) Petroleum exploration activities such as seismic surveys.

17. Resort and Recreational Development

- (a) Construction of hotels, golf courses or large scale coastal resort facilities.
- (b) Development of tourist or recreational facilities in or adjacent to national parks or protected areas.
- (c) Development of tourist or recreational facilities on cayes or islands.

18. Textile, Leather, and Wood Industries

- (a) A wool scouring, de-greasing and bleaching factory.
- (b) The manufacture of fiber board, particle board for plywood.
- (c) A fibre-dyeing factory.
- (d) A leather tanning or leather dressing factory.

19. Water Abstraction (Ground and Surface Water)

(a) Deep drilling, including in particular: drilling for water supplies.

20. Other Projects

(a) A resort facility or hotel complex.

(b) Operation of activities of a Cruise Ship and Live Aboard vessel.

(c) A permanent race track or test track for cars or motor cycles.

(d) A waste water treatment plant.

(e) The storage of scrap iron.

(f) The manufacture of artificial mineral fibers.

(g) Rural water supply and sanitation projects or programmes.

(h) Agro industries.

(i) Rural electrification.

(j) Installation of Printing establishments.

(k) Hospital and medical laboratories (other than those specified in Schedule I).

(l) Any project mentioned in schedule I and II where there is an expansion of more than 50% over and above the existing project.

(m) The modification of a development which has been carried out, where that development is within a description mentioned above.

SCHEDULE III

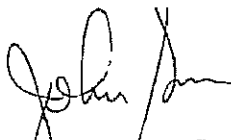
The following are Guidelines to be used by permitting and/or licensing agencies to determine when a project, programme, undertaking or activity is to be sent to the Department of the Environment for Environmental Clearance.

The following **guidelines** shall apply to all Schedule II project, programme, undertaking or activity, and shall be strictly followed by all government agencies in considering whether the project, programme, undertaking or activity shall be referred to the Department:

1. All applications for development in coastal areas or offshore cays or island.
2. All applications for development near or in ecologically sensitive areas such as but not limited to swamps, marshes, mangrove forest, lagoons, barrier reef, flood plain etc.).
3. All applications for development within or in close proximity to the following areas:
 - (a) Any protected area.
 - (b) Critical habitats for protected, threatened or endangered species of flora and fauna.
 - (c) Primary Biological Corridors.
4. All developments which discharge industrial effluent unto soil or water, including air emissions.
5. All applications involving the building of sewage treatment and disposal systems. This includes all plants which have an initial projected output of more than fifty thousand (50,000) gallons per day of sewage.
6. Applications with proposed sites located in the primary flood plain of a major river or stream.

7. Proposals at sites which are in close proximity to vulnerable areas (unstable soils, gully, stream banks or steep slopes more than 25 degrees).
8. All applications for development in major watershed areas.
9. Proposals which necessitate the clearing of large areas (more than 500 acres) of vegetation.
10. All applications for small scale extraction and processing of minerals.
11. All activities related to the petroleum sector.
12. Any desalination plant proposing to extract more than 5 million gallons per day.

MADE by the Minister responsible for the Environment this 15th day of March, 2007.



(JOHN BRICEÑO)
*Minister of Natural Resources
and the Environment*