

CHAPTER 328

**ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS**

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CHAPTER 328**ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS***(Section 21)**[30th September, 1995.]*

107 of 1995.
22 of 1992.
CAP.328.
R.E.2020.
24 of 2007.
15 of 2020.
105 of 2020.

Short title.

1. These Regulations may be cited as the**ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS.**

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Act” means the Environmental Protection Act;

24 of 2007.

“Committee” means the National Environmental Appraisal Committee established under regulation 26 of these Regulations;

22 of 1992.

“Department” means the Department of the Environment established under section 3 of the Act;

“developer” means a person who—

(i) carries out or proposes to carry out an undertaking; or

(ii) is the owner or person having charge, management or control of an undertaking;

24 of 2007.

“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” or “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; 24 of 2007.

“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; 24 of 2007.

“Environmental Impact Assessment” or “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; 24 of 2007.

“guidelines” means any procedures approved by the Minister for the preparation of environmental impact assessments;

“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; 24 of 2007.

“Minister” means the Minister charged with responsibility for the environment;

- 24 of 2007. “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;
- 24 of 2007. “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;
- 24 of 2007. “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;
- 24 of 2007. “Tribunal” means the tribunal constituted by regulation 29;
- “undertaking” means any enterprise, activity, project, structure, work, policy, proposal, plan or program that may, in the opinion of the Department, have a significant environmental impact, and includes a modification, an extension, an abandonment, a demolition and a rehabilitation thereof.

3.–(1) The criteria and procedure under these Regulations and any procedures approved by the Minister, shall be used to determine whether an activity is likely to significantly affect the environment and is therefore subject to an environmental impact assessment.

Criteria for environmental impact.

(2) All persons, agencies, institutions (whether public or private), unless exempted pursuant to these Regulations, shall, before embarking on a proposed project or activity, apply to the Department for a determination whether such project or activity would require an environmental impact assessment.

4.–(1) In identifying the environmental impact assessment process under these Regulations, the relevant significant environmental issues shall be identified and examined before commencing and embarking on any such project or activity.

Identification etc., of significant environmental issues.

(2) Where appropriate, every effort shall be made to identify all environmental issues at an early stage in the environmental impact assessment process.

5. An environmental impact assessment shall include at least the following minimum requirements–

Minimum content of Environmental Impact Assessments.

- (a) a description of the proposed activities;
- (b) a description of the potentially affected environment, including specific information necessary to identify and assess the environmental effect of the proposed activities;
- (c) a description of the practical activities, as appropriate;
- (d) an assessment of the likely or potential environmental impacts of the proposed activities and the alternatives, including the

direct and indirect, cumulative, short-term and long-term effects;

- (e) an identification and description of measures available to mitigate the adverse environmental impacts of proposed activity or activities and assessment of those mitigative measures; and
- (f) an indication of gaps in knowledge and uncertainty which may be encountered in computing the required information.

Environmental
assessment
process.

6. Whenever the Department determines that there is a need for an environmental impact assessment on a project, the environmental impact assessment process shall include—

24 of 2007.

- (a) the preparation of the terms of reference;
- (b) a review by the Committee as provided in Regulation 26 of these Regulations;

24 of 2007.
15 of 2020.

- (c) where approval is recommended by the Committee, the development and implementation of an Environmental Compliance Plan that meets the approval of the Committee.

Categories of Projects

7. All undertakings, projects or activities specified in Schedule I shall require an environmental impact assessment. The scope and extent of the environmental impact assessment shall be determined by the Department. Undertakings requiring an EIA. Schedule I.
8. The Departments shall determine or cause to be determined whether any of the undertakings, projects or activities specified in Schedule II require an environmental impact assessment or a limited level environmental study. Undertakings where an EIA is discretionary. Schedule II. 24 of 2007.
9. An environment impact assessment shall not be required in respect of— Excluded projects.
- (a) educational and health projects (except building construction); 24 of 2007.
 - (b) computer processing projects;
 - (c) projects to be carried out during declared national emergency for which temporary measures have been taken by the Government. 24 of 2007.
- 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. Statement not required. 24 of 2007.
- (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.

Notification.
24 of 2007.

11. Every developer shall, before proceeding with the final design of an undertaking, notify the Department in writing, and providing such details and information as the Department may require concerning the proposed undertaking.

Projects.
Schedule I.

12. The Department shall not consider or decide upon a scheme of the types detailed in Schedule I unless an environmental impact assessment has been prepared in respect of such undertaking.

Report.

13.–(1) Where, pursuant to regulation 8, the Department decides that an environmental impact assessment is required, it shall order an environmental impact assessment.

24 of 2007.

(2) The Department may at the request of the developer provide the developer with guidelines for the preparation of an environmental impact assessment for a fee.

(3) The developer shall–

- (a) undertake the necessary study for the preparation of an environmental impact assessment or a limited level environmental study; and
- (b) submit the environmental impact assessment or a limited level environmental study to the Department by the prescribed date.

SCREENING OF UNDERTAKINGS

Examination.
24 of 2007.

14. The Department shall, within thirty days of the receipt of the details or information referred to in regulation 11, examine or cause to be examined the information contained therein to determine whether–

- (a) an environmental impact assessment is required;
- (b) subject to regulation 8, an environmental impact assessment or a limited level environmental study may be required; or
- (c) an environmental impact assessment is not required.

24 of 2007.

15.—(1) The developer shall submit draft terms of reference in writing to the Department for the purposes of an environmental impact assessment.

Draft terms of reference.

(2) The draft terms of reference referred to in subsection (1) shall contain such information as may be required by the Department.

16.—(1) The Department shall examine or cause to be examined the draft terms of reference submitted pursuant to Regulation 15 to determine whether they are adequate to form the terms of reference for the environmental impact assessment.

Examination of draft.

(2) The Department shall advise the developer as to whether the draft terms of reference are satisfactory and adequate.

(3) Where the draft terms of reference are unsatisfactory, the Department shall direct the developer to modify the draft in such manner as the Department deems necessary.

17. Where the terms of reference for the environmental impact assessment have been agreed between the developer and the Department, and approved in writing by the Department, the developer shall commence the environmental impact assessment and submit the same to the Department by the specified date.

Assessment commenced.

18.—(1) During the course of an environmental impact assessment, the developer shall provide an opportunity for

Public participation.
24 of 2007.

public consultations between the developer and interested members of the public, especially within or immediately adjacent to the geographical area of the proposed undertaking, in order—

- (a) to provide information concerning the proposed undertaking to the people whose environment may be affected by the undertaking; and
- (b) to record the concerns of the local community regarding the environmental impact of the proposed undertaking.

(2) At any time during an environmental impact assessment of a proposed undertaking the Department may invite written comments from interested persons concerning the environmental impact of an undertaking.

(3) The Department may forward the written comments under subsection (2) to the developer who shall answer any pertinent questions raised in such written comments.

(4) The procedure for public contact and involvement shall be determined by the Department.

19. A report of an environmental impact assessment shall include the following—

- (a) Cover Page. A single page listing the title of the proposed project and its location; the name, address, and telephone number of a contact person, a designation of the report as draft or final;
- (b) Summary. A summary of the proposed project, preferably not exceeding 15 pages in length, accurately and adequately describing the contents of the EIA report. The summary

Report of
environmental
impact
assessment.
24 of 2007.

should highlight the conclusions, areas of controversy and issues remaining to be resolved;

- (c) Table of Contents. A list and page number index of the chapters, sections and subsections in the EIA report, including a list of tables and a list of figures and appendices;
- (d) Policy, Legal and administrative Framework. Any policy, legal or administrative issues that may have an impact on the proposed development;
- (e) A description of the development proposed, comprising information about the site, the design and size and scale of the development, and its immediate surroundings;
- (f) A description of the environment (local and regional);
- (g) Significant Environmental Impacts. The data necessary to identify and assess the main effects which the proposed development is likely to have on the environment;
- (h) A description of the likely significant effects, direct and indirect, on the environment of the development, explained by reference to its possible impact on—
 - (i) human beings;
 - (ii) flora;
 - (iii) fauna;
 - (iv) soil;

15 of 2020.

- (v) water;
 - (vi) air;
 - (vii) climate;
 - (viii) material assets, including the natural heritage and landscape;
 - (ix) natural resources;
 - (x) the ecological balance;
 - (xi) the Outstanding Universal Values ascribed under the World Heritage Site Designation to the area under development; and
 - (xii) any other environmental factors which need to be taken into account.
- (i) A presentation of all reasonable alternatives in comparative form, exploring each alternative, including the no-action alternative, and the reason why certain alternatives were recommended or eliminated. The object is to identify the least environmentally damaging alternative that satisfies the basic purpose and the need for the proposed action;
- (j) Environmental consequences of the project as proposed, and the alternatives, identifying any adverse effects that cannot be avoided if the action is implemented, all mitigation measures to be employed to reduce adverse effects, the relationship between short-term uses of the environment and the enhancement of long-term productivity, and any irretrievable or irreversible commitments of resources that

would occur if the action were implemented as proposed;

- (k) A mitigation plan;
- (l) A monitoring plan;
- (m) Inter-agency and public/non-governmental organisations involvement;
- (n) Report on public hearings or public consultations (if any); 24 of 2007.
- (o) A summary in non-technical terms of the language specified above;
- (p) A list, accompanied by a summary of the resume, of all those persons that participated in the development of the environmental impact assessment report.

20.—(1) A person who has submitted an environmental impact assessment which fulfils 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— Publication.
24 of 2007.

- (a) the name of the applicant;
- (b) the location of the land or address in respect of which the environmental impact assessment relates;
- (c) a statement that application has been made and indicate the location and nature of the proposal to which the application relates;

- (d) a statement that an environmental impact assessment has been prepared in respect of the proposal;
- (e) the name of a place where a copy of the environmental impact assessment may be inspected free of charge;
- (f) specifying the times and the period (being the prescribed period) during which the environmental impact assessment can be so inspected;
- (g) a statement that any person may during the prescribed period make objections and representations to the Department in relation to the effects of the proposed project activity on the environment;
- (h) the date on which the environmental impact assessment shall be available to the public;
- (i) the deadline and address for filing comments on the conclusions and recommendations of the environmental impact assessment.

24 of 2007.

(2) An environmental impact assessment submitted by a developer shall be accompanied by a copy of the published newspaper advertisement submitted to the Department within one week of the submission of the EIA report.

Action after receipt of EIA.

15 of 2020.

21.—(1) Upon receiving the environmental impact assessment, the Department—

- (a) may direct that copy of the environmental impact assessment be made available for inspection by interested persons;

- (b) shall examine the environmental impact assessment or cause the same to be examined to determine whether it complies with the previously agreed terms of reference; and
- (c) shall examine the environmental impact assessment or cause it to be examined to determine whether—
 - (i) further environmental assessment is required; or
 - (ii) any significant harmful impact is indicated.

(2) The Department shall cause the environmental impact assessment and its summary report to be placed before the Committee for approval or otherwise if the Department—

- (a) is satisfied in its checks for completeness with the previously-agreed terms of reference; and
- (b) has prepared its summary report as to whether further environmental assessment is required or whether any significant harmful impact is indicated in it.

22.—(1) The Department shall advise the developer of its decision within sixty days after the completed environmental impact assessment has been received by the Department.

Advice to the Developer.

(2) Until the developer is advised under subregulation (1), the developer shall not commence or proceed with the undertaking.

(3) Where a developer is required to supply further or additional information in respect of environmental impact assessment then the environmental impact assessment shall not be deemed to have been completed until the developer has

supplied such further or additional information to the satisfaction of the Department.

Conditions to be set by Department. 24 of 2007. 15 of 2020. 105 of 2020.

23.—(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) that meets the approval of the Committee, 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 subregulation (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 subregulation (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.

15 of 2020.

(5) The payment of an environmental monitoring fee shall not be required if—

- (a) the developer is a public agency; or
- (b) where the project is for the public good.

24. Where the environmental impact assessment is deficient in any respect, the Department may on the recommendation of the Committee require the developer—

Statement
deficient.
15 of 2020.

- (a) to conduct further work or studies;
- (a) to supply further information;
- (c) to amend the environmental impact assessment accordingly; and
- (d) to resubmit the environmental impact assessment by a later mutually agreeable date.

25.—(1) The Department, on the recommendation of the Committee, may require a public hearing or public consultation in respect of any undertaking, project or activity in respect of which an environmental impact assessment is required pursuant to these regulations.

Public hearings.
15 of 2020.

(2) In order to determine whether an undertaking, project or activity requires a public hearing or public consultation, the Department shall take into account the following factors—

- (a) the magnitude and type of the environmental impact, the amount of investment, the nature of the geographical area, including Outstanding Universal Values ascribed to the area under a World Heritage Site designation, and the commitment of the natural resources involved in the proposed undertaking, project or activity;
- (b) the degree of interest in the proposed undertaking, project or activity by the public, the Department and other government agencies, as evidenced by the public participation in the proposed undertaking, project or activity;

15 of 2020.

24 of 2007.

- (c) the complexity of the problem and the possibility that information presented at a public hearing or public consultation may assist the developer to comply with its responsibilities regarding the proposed undertaking, project or activity.

Appointment and
composition of
the Committee.
24 of 2007.
15 of 2020.
105 of 2020.

26.–(1) There shall be appointed by the Minister a Committee whose function shall be to–

- (a) review and recommend approval or otherwise of the environmental impact assessments;
- (b) advise during the review stage, the Department of the adequacy or otherwise of environmental impact assessments;
- (c) advise during the review stage, the Department of circumstances where a public hearing or public consultation is desirable or necessary;
- (d) make recommendations to the Department on ways to improve the efficiency and effectiveness of the environmental impact assessment process; and
- (e) examine the information submitted in environmental impact assessments on the basis of scientific evidence and facts concerning social, economic and ecological considerations.

24 of 2007.
15 of 2020.

(2) The Committee shall comprise the following sixteen suitably qualified persons–

- (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 and Petroleum or his nominee;
- (h) the Chief Engineer or his nominee;
- (i) the Chief Executive Officer of the ministry responsible for environment;
- (j) the Financial Secretary or his nominee;
- (k) the Chief Executive Officer of the ministry responsible for trade or his nominee;
- (l) a suitably qualified person trained in coastal zone or marine resources management or related field;
- (m) a suitably qualified person trained in human ' development or social services;
- (n) a suitably qualified person representing a tertiary level institution; and
- (o) two registered non-governmental or private sector Representatives who shall serve for a period not exceeding two years.

(3) Nine members shall constitute a quorum for meetings of the Committee.

(4) The Chief Executive Officer of the ministry responsible for environment shall be the Chairperson of the Committee.

(5) Every member of the Committee shall have a right to vote.

(6) The Chairperson may co-opt persons to the Committee in order to strengthen technical expertise required in the review of an environmental impact assessment.

(7) A person co-opted under subregulation (6) shall not have the right to vote.

(8) The Chief Environmental Officer shall act as the Secretary of the Committee.

(9) Subject to the Act and these Regulations, the Committee may regulate its own proceedings.

(10) Every question before a meeting of the Committee shall be decided by a majority of the votes of the members present at the meeting.

(11) On every question before a meeting, the Chairperson shall have a deliberative vote and in the case of an equality of votes, he shall also have a casting vote.

Factors for consideration of the Committee.

27.—(1) Every screening of a project and every assessment by the Committee shall include a consideration of the following factors, that is—

- (a) the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are

likely to result from the project by taking into consideration other projects or proposed projects that have been or will be carried out;

- (b) the significance or the seriousness of those effects;
- (c) comments concerning those effects received from the public in accordance with the provisions of these Regulations;
- (d) measures that are technically and economically feasible and that would mitigate or prevent any significant or serious adverse environmental effects of the project.

(2) In addition to the factors set out in subregulation (1) of this Regulation, every environmental impact assessment of a project, program or activity and every assessment by the Committee shall include a consideration of the following factors, that is—

- (a) the purpose of the project;
- (b) alternative means of carrying out the projects that are technically and economically feasible and the environmental effects of any such alternative means;
- (c) the need for and the requirements of any follow up program in respect of the project;
- (d) the short-term or long-term capacity for regeneration of renewable resources that are likely to be significantly or seriously affected by the project; 15 of 2020.
- (e) the proposed net benefit to the local economy, impact on local communities, and any 15 of 2020.

conflicts with any existing natural resource management plans or programmes in the area;

15 of 2020.

- (e) any other matter that the Committee at the request of the Department may require.

Appeal process.
24 of 2007.

28. 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.

Appointment of
Tribunal.
24 of 2007.

29.—(1) Upon the making of an appeal under regulation 28, the Minister shall cause to be appointed a Tribunal to hear and determine all appeals made pursuant to the Act to the Tribunal.

(2) A Tribunal for the purposes of the 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.

30.—(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).

Procedure for hearing appeals.

(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 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.

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

Quorum.

32. An appeal under regulation 28 against a decision of the Department shall not have the effect of suspending the execution of such decision.

Effect of appeal.

33.—(1) Any person who wilfully supplies false and misleading information on any application as *per* regulation 11 commits an offence.

Offences and penalties.
24 of 2007.

Repeal and
replace.
24 of 2007.

(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.

(3) No prosecution for an offence under these Regulations shall be instituted except with the leave of the Department or of the Director of Public Prosecutions, as provided in section 42 of the Act.

Non-refundable
application fee.

24 of 2007.
15 of 2020.

34.—(1) In accordance with regulation 11, the developer shall submit a non-refundable application fee of \$500 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 pay to the Department an additional non-refundable application fee of \$5,000, along with the notification and information required by regulation 11.

Schedule II.

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

15 of 2020.

(4) Where the developer is a public agency or where the project is for the public good, there shall be no application fee.

Compliance
inspection.

24 of 2007.

35. The Department may, from time to time, make such arrangements as appear appropriate to ensure that the developer complies with the terms and conditions of the 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.

MADE by the Minister responsible for the Environment this
11th day of August, 1995.

(HENRY YOUNG)
Minister of Tourism and the Environment

SCHEDULE I¹

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 a 5 mile 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

¹ This Schedule was inserted by S.I. 24 of 2007.

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, cayes and ecologically sensitive waterways.
 - (b) Any land reclamation or creation project in excess of ten 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) *Repealed by S.I. No. 15 of 2020.*
- (c) Any logging operation within a forest reserve.
- (d) Logging or conversion of forest land, employing the clear fell method utilizing a chain, cable or other device pulled between two bulldozers or other vehicle. 15 of 2020.

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- (e) Logging operations of more than 100 acres adjacent to any protected area or World Heritage Site declared under the National Protected Areas System 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 Designated Processing Areas (DPA).
- (l) Any proposed development project, undertaking or activity within any protected area or World Heritage Site (terrestrial and marine).

SCHEDULE II¹

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.

¹ This Schedule was inserted by S.I. 24 of 2007.

- (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; and
- (b) Any land reclamation or creation project in excess of 1 acre up to 10 acres along the coast, cayes, ecologically sensitive waterways, or within a wetland.

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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, archaeological sites or any protected area declared under the National Protected Areas System 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.

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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.

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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 fibre board, particle board for plywood.
- (c) A fibre-dying 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 wastewater treatment plant.
- (e) The storage of scrap iron
- (f) The manufacture of artificial mineral fibres.
- (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 III¹

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 cayes or island or World Heritage Site. 15 of 2020.
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.
 - (d) World Heritage Sites. 15 of 2020.
4. All developments which discharge industrial effluent unto soil or water, including air emissions.

¹ This Schedule was inserted by S.I. 24 of 2007.

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