

BELIZE:

**ENVIRONMENTAL IMPACT ASSESSMENT (AMENDMENT)
REGULATIONS, 2020**

ARRANGEMENT OF REGULATIONS

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BELIZE:

STATUTORY INSTRUMENT

NO. OF 2020

for

REGULATIONS made by the Minister responsible for the environment in exercise of the powers conferred upon him by sections 6, 7, 21 and 44 of the Environmental Protection Act, Chapter 328 of the Substantive Laws of Belize, Revised Edition 2011, and all other powers thereunto him enabling.

(Gazetted, 2020)

Citation.

1. These Regulations may be cited as the

**ENVIRONMENTAL IMPACT ASSESSMENT (AMENDMENT)
REGULATIONS, 2020,**

S.I. 107 of 1995.
24 of 2007.

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

Substitution of a term.

2. The principal Regulations is amended by deleting the term “National Environmental Appraisal Committee” wherever it appears, other than in regulation 2, and substituting the term “Committee”.

Amendment of regulation 6.

3. Regulation 6 of the principal Regulations is amended by repealing paragraph (c) and substituting the following—

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

Amendment of regulation 19.

4. Regulation 19 of the principal Regulations is amended by repealing paragraph (h) and substituting the following—

“(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;
- (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.”.

5. Regulation 21 of the principal Regulation is amended by inserting the following new sub-regulation–

Amendment of regulation 21.

“(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, it.”.

6. Regulation 22A of the principal Regulation is amended–

Amendment of regulation 22A.

- (a) in sub-regulation (1) by–

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- (i) deleting the word “approve” and substituting the word “accept”; and
- (ii) inserting the following words immediately after the phrase Environmental Compliance Plan (ECP)—
“that meets the approval of the Committee,”; and
- (b) inserting the following new sub-regulation—
 - (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.”.

Amendment of
regulation 24.

7. Regulation 24 of the principal Regulations is amended—
- (a) by inserting the words “or public consultation” after the word “hearing” wherever it occurs therein; and
 - (b) in sub-regulation (2)(a) by inserting the words “including Outstanding Universal Values ascribed to the area under a World Heritage Site designation,” immediately after the words “the nature of the geographical area”.

Repeal and
replacement of
regulation 25.

8. Regulation 25 of the principal Regulations is repealed and replaced with the following—

“25.—(1) There shall be appointed by the Minister a Committee whose function shall be to—

- (a) review and approve 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

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- (e) examine the information submitted in environmental impact assessments on the basis of scientific evidence and facts concerning social, economic and ecological considerations.

(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.

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(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 sub-regulation (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 principal 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.

Amendment of
regulation 26.

9. Regulation 26(2) of the principal Regulations is amended—

- (a) in paragraph (d), by deleting the word “and”;
- (b) in paragraph (e), by deleting the full stop and substituting a semi colon; and
- (c) by inserting the following new paragraph—
 - “(f) the proposed net benefit to the local economy, impact on local communities, and any conflicts with any existing natural resource management plans or programmes in the area.”.

Amendment of
regulation 29.

10. Regulation 29 of the principal Regulations is amended—

- (a) in sub-regulation (1) by deleting the phrase “up to \$1,000” and substituting “\$500”;
- (b) in sub-regulation (2) by deleting the words “shall submit to the Department a non-refundable” and substituting the words “shall pay to the Department an additional non-refundable”;

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(c) repealing sub-regulation (3) and replacing it with the following—

“(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.”; and

(d) by inserting the following new sub-regulation—

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

11. Schedule I of the principal Regulations is amended by—

Amendment of
Schedule I.

(a) repealing item 14(b);

(b) deleting item 14(d) and substituting the following—

“(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;” and

(c) inserting the words “or World Heritage Site” after the words “protected area” in item 14(l).

12. Schedule II of the principal Regulations is amended in item 4 by—

Amendment of
Schedule II.

(a) deleting the full stop at the end of paragraph (a) and substituting a semicolon; and

(b) inserting the following new paragraph—

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

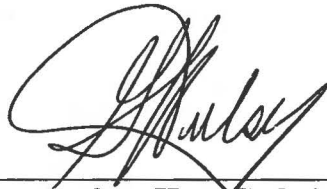
13. Schedule III of the principal Regulation is amended—

Amendment of
Schedule III.

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- (a) in item 1, by inserting the words “or World Heritage Site” after the word “island”; and
- (b) in item 3 by inserting the following new paragraph—
“(d) World Heritage Sites.”.

MADE by the Minister responsible for environment this 3rd day
of February 2020.



Sen. Hon. Godwin Hulse
Minister of Agriculture, Fisheries, Forestry, the
Environment, Sustainable Development and Immigration
(Minister responsible for environment)