

CHAPTER 328

**ENVIRONMENTAL IMPACT
ASSESSMENT REGULATIONS**

ARRANGEMENT OF REGULATIONS

1. Short title.
2. Interpretation.
3. Criteria for environmental impact.
4. Identification etc., of significant environmental issues.
5. Minimum content of environmental impact assessments.
6. Environmental assessment process.
7. Undertakings requiring an EIA.
8. Undertakings where an EIA is discretionary.
9. Excluded projects.
10. Statement not required.
11. Notification.
12. Schedule 1 projects.
13. Reports.
14. Examination.
15. Draft terms of reference.
16. Examination of draft.
17. Assessment commenced.
18. Public Participation.
19. Report of environmental impact assessment.
20. Publication.
21. Action after receipt of EIA.
22. Advice to Developer.
23. Statement deficient.
24. Public hearings.
25. National Environmental Appraisal Committee.
26. Factors for consideration of National Environmental Appraisal Committee.

- 27. Appeal process.
- 28. Offences and penalties.

SCHEDULE I

SCHEDULE II

SCHEDULE III

SCHEDULE IV

SCHEDULE V

SCHEDULE VI

SCHEDULE VII

SCHEDULE VIII

SCHEDULE IX

SCHEDULE X

CHAPTER 328

**ENVIRONMENTAL IMPACT
ASSESSMENT REGULATIONS**
(Section 21)

107 of 1995.
Act 22 of 1992.

[30th September, 1995.]

1. These Regulations may be cited as the Short title.
- ENVIRONMENTAL IMPACT
ASSESSMENT REGULATIONS.**
2. In these Regulations, unless the context otherwise requires - Interpretation.
- “the Act” means the Environmental Protection Act; No. 22/1992.
- “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;
- “EIA” denotes environmental impact assessment;
- “guidelines” means any procedures approved by the Minister for the preparation of environmental impact assessments;
- “Minister” means the Minister charged with responsibility for the environment;

“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.

Criteria for environmental impact.

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.

(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.

Identification etc., of significant environmental issues.

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.

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

Minimum content of Environmental Impact Assessments.

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

- (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;
- (f) an indication of gaps in knowledge and uncertainty which may be encountered in computing the required information.

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:

Environmental assessment process.

- (a) a screening of the project;
- (b) a review by the National Environmental Appraisal Committee as provided in Regulation 25 of these Regulations;
- (c) the design and implementation of a follow-up program.

Categories of Projects

- Undertakings requiring an EIA. Schedule I. 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 where an EIA is discretionary. Schedule II. 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.
- Excluded projects. 9. An environment impact assessment shall not be required in respect of :
- (a) educational projects (except building construction);
 - (b) computer processing projects;
 - (c) projects within a commercial Free Zone or an Export Processing Zone where:
 - (i) the commercial Free Zone or Export Processing Zone has already been the subject of an approved environmental impact assessment and the project is not within the category of projects excluded by the environmental impact assessment, and
 - (ii) the project will not result in air or water pollution or effluent discharge or otherwise adversely affect the environment provided that the Department may attach conditions to any such exemption;

- (d) projects to be carried out during national emergency for which temporary measures have been taken by the Government.

10. Where pursuant to Regulation 8 the Department decides that an environmental impact assessment is not required, the developer may proceed with the undertaking, subject to any other Act or regulation or guidelines or conditions laid down by the Department. Statement not required.

11. Every developer shall, before proceeding with the final design of an undertaking, notify the Department in writing, on a prescribed form concerning the proposed undertaking. Notification.

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. Schedule I projects.

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

(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 nominal fee.

(3) The developer shall:

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

Screening of Undertakings

- Examination. 14. The Department shall, within thirty days of the receipt of the form 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 9, an environmental impact assessment may be required; or
 - (c) an environmental impact assessment is not required.
- Draft terms of reference. 15. (1) The developer shall submit draft terms of reference in writing to the Department for the purposes of an environmental impact assessment.
- (2) The draft terms of reference referred to in subsection (1) shall contain such information as may be required by the Department.
- Examination of draft. 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.
- (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.
- Assessment commenced. 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.

18. (1) During the course of an environmental impact assessment, the developer shall provide an opportunity for meetings between the developer and interested members of the public, especially within or immediately adjacent to the geographical area of the proposed undertaking, in order:

Public participation.

- (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 (1) 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:

Report of environmental impact assessment.

- (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 and a one-paragraph abstract of the EIA report;
- (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 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:

human beings;
flora;
fauna;
soil;
water;
air;
climate;
material assets, including the cultural heritage and landscape;
natural resources;
the ecological balance; and
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 (if any);
- (o) A summary in non-technical terms of the language specified above.

Publication.

20. (1) 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:

- (a) stating the name of the applicant;
- (b) the location of the land or address in respect of which the environmental impact assessment relates;
- (c) stating that application has been made and indicating the location and nature of the proposal to which the application relates;
- (d) stating that an environmental impact assessment has been prepared in respect of the proposal;
- (e) naming 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) stating 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.

(2) An environmental impact assessment submitted by a developer shall be accompanied by a copy of a newspaper in which there has been published a notice in accordance with sub-regulation (1).

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

Action after receipt of EIA.

- (a) may direct that copies 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.

Advice to the Developer.

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.

(2) Until the developer is advised under sub-regulation (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.

Statement deficient.

23. Where the environmental impact assessment is deficient in any respect, the Department may on the recommendation of the National Environmental Appraisal Committee require the developer:

(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.

Public hearings.

24. (1) The Department, on the recommendation of the National Environmental Appraisal Committee, may require a public hearing in respect

of any undertaking, project or activity in respect of which an environmental impact assessment is required pursuant to these regulations.

(2) In order to determine whether an undertaking, project or activity requires a public hearing, 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, 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;
- (c) the complexity of the problem and the possibility that information presented at a public hearing may assist the developer to comply with its responsibilities regarding the proposed undertaking, project or activity.

25. (1) There shall be appointed a National Environmental Appraisal Committee whose function shall be to:

National Environmental Appraisal Committee.

- (a) review all environmental impact assessments;
- (b) advise the Department of the adequacy or otherwise of environmental impact assessment;
- (c) advise the Department of circumstances where a

public hearing is desirable or necessary.

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

- (a) the Chief Environmental Officer or his nominee;
- (b) the Commissioner of Lands or his nominee;
- (c) the Housing and Planning Officer or his nominee;
- (d) the Chief Forest Officer or his nominee;
- (e) the Fisheries Administrator or his nominee;
- (f) the Chief Hydrologist or his nominee;
- (g) the Archaeological Commissioner or his nominee;
- (h) the Director of Geology and Petroleum or his nominee;
- (i) the Chief Agricultural Officer or his nominee;
- (j) two non-governmental representatives appointed by the Minister on the recommendation of the Department.

(3) Six members shall constitute a quorum for meetings of the committee. The Chief Environmental Officer shall be Chairman of the Committee and in his absence, the members present may elect a Chairman for that meeting.

26. (1) Every screening of a project and every assessment by the National Environmental Appraisal Committee shall include a consideration of the following factors, that is:

Factors for consideration of National Environmental Appraisal Committee.

- (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 sub-regulation (1) of this Regulation, every environmental impact assessment of a project, program or activity and every assessment by the National Environmental Appraisal 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; and
- (e) any other matter that the Committee at the request of the Department may require.

Appeal process.

27. (1) Where the Department has decided that an undertaking, project or activity shall not proceed, the developer may, within thirty days after the Department's decision, appeal to the Minister against the decision of the Department.

(2) The Minister may appoint a Tribunal to hear and determine the appeal and to report their findings to the Minister.

(3) The Minister may allow the appeal and permit the project to proceed or may dismiss the appeal.

(4) The Minister's decision shall be final.

Offences and penalties.

28. (1) Any person who willfully supplies false and misleading information on any prescribed form commits an offence.

(2) Any person who contravenes the provisions of these Regulations commits an offence, and shall be liable on summary conviction to a fine not exceeding two 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 41 of this Act.

No. 22/1992.

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

(HENRY YOUNG)

Minister of Tourism and the Environment

SCHEDULE I**[Regulation 7]**

The following shall be considered as Schedule I projects:

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

- (a) A trading port, an inland waterway which permits the passage of vessels or a port for inland waterway traffic capable of handling such vessels.
- (b) A waste-disposal installation for the incineration or chemical treatment or final disposal of waste.
- (c) An installation designed solely for the permanent storage or final disposal of any waste.
- (d) 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.
- (e) Any airport having an airstrip of 2,500 metres or longer.
- (f) Lease of more than five hundred (500) acres of National Lands.
- (g) Major waterworks: dam, impoundments, alteration of river banks and shoreline, alteration of ground water, diversion of water courses, modification of stream flows.

Infrastructure Projects

- (a) Construction of hospitals with outfall into beach fronts used for recreational purposes.
- (b) Industrial estate developments for medium and heavy industries.
- (c) Construction of national highways and other roads of more than 10 miles in length.
- (d) Construction of new townships.

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) Industrial carbon.
- (d) Alkalis.
- (e) Electrochemical (metallic sodium, potassium and magnesium, chlorides, perchlorates and peroxides).
- (f) Electrothermal products (artificial abrasive, calcium carbides).
- (g) Phosphorous and its compounds.
- (h) Nitrogenous compounds (cyanide, cyanamide and other nitrogenous compounds).

- (i) Halogens and halogenated compounds (chlorine, fluorine, bromine and iodine).
- (j) Explosives (including industrial explosives, detonators and fuses).
- CAP. 328. (k) Any hazardous substances listed in Part I of the Schedule to the Act.

Petroleum

- (a) Oil exploration
- (b) Oil production
- (c) Oil refining

Cement

- (a) Production of cement
- (b) Asbestos cement products

Drugs and Pharmaceuticals

Manufacturing of drugs and pharmaceuticals including vitamins (antibiotics and indigenous systems of medicines covered)

Energy Projects

- (a) Any large installation for the production of electricity, steam or hot water
- (b) An industrial installation for carrying gas, steam or hot water, or

the transmission of electrical energy by overhead or underwater cables

Industrial Processing of Metals

- (a) An installation for the production (including smelting, electro-plating, refining, drawing or rolling) of non-ferrous metals, other than precious metals
- (b) Boiler making or manufacturing reservoirs, tanks and other sheet-metal containers
- (c) An installation for the roasting of metallic ores.

Other Projects

- (a) Establishment of mines and quarries
- (b) Installation for the disposal of solid waste or waste from mines and quarries
- (c) A site for depositing sludge
- (d) The manufacturing, packing, loading or placing in cartridges of gunpowder or other explosives

SCHEDULE II**[Regulation 8]**

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

1. Land Reclamation
coastal reclamation involving an area of more than 10 acres
2. Fisheries
 - (a) construction of fishing harbours
 - (b) harbour expansion involving 50 percent or more in fish landing capacity per annum
 - (c) land based aquaculture projects accompanied by the clearing of mangrove forests
 - (d) all large scale aquaculture projects
3. Forestry
 - (a) conversion of hill forest land 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 hydropower generation or in areas adjacent to national parks or protected areas
 - (c) logging covering an area of 300 acres or more

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- (d) conversion of mangrove forest for industrial, housing or agricultural use
 - (e) clearing of mangrove forest on islands adjacent to marine reserves
4. Housing
- large scale housing developments
5. Resort and Recreational Development
- (a) construction of coastal resort facilities or hotels
 - (b) development of tourist or recreational development in national parks
 - (c) development of tourist or recreational facilities on small islands
6. Agriculture
- (a) Poultry-rearing
 - (b) Pig-rearing
 - (c) Aquaculture activities
 - (d) The reclamation of land from the sea
7. Extractive Industry
- (a) Extracting peat

- (b) Deep drilling, including in particular:
 - (i) drilling for water supplies
- (c) Extracting minerals such as marble, sand, gravel, shale, salt, phosphates and potash
- (d) Extracting ores

8. Energy Industry

- (a) The surface and storage of natural gas, peat, coal or lignite
- (b) The underground storage of combustible gases
- (c) The surface storage of fossil fuels
- (d) The industrial briquetting of coal or lignite
- (e) An installation for hydro-electric energy production
- (f) Any installation for the production of electricity, steam and hot water

9. Industrial Processing of Metals

The surface treatment and coating of metals

10. Glass Making

The manufacture of glass

11. Chemical Industry

The storage-of petroleum, petrochemical or chemical products

12. Fertilizers

- (a) Nitrogenous
- (b) Phosphatic
- (c) Mixed

13. 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 diary products
- (d) Brewing or malting
- (e) Confectionery or syrup manufacture
- (f) An installation for the slaughter of animals
- (g) An industrial starch manufacturing installation
- (h) Any fish processing installation
- (i) Any sugar processing installation
- (j) Any citrus processing installation

14. 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-dyeing factory
- (d) A leather tanning or leather dressing factory

15. Paper and Pulp) (including Paper Products)

- (a) Paper for writing, printing and wrapping
- (b) Newsprint
- (c) Paper board
- (d) Paper for packaging (corrugated papers, craft paper, paper bags, paper containers and the like)
- (e) Wood pulp, mechanical, chemical, (including dissolving pulp)
- (f) Sanitary paper
- (g) Cigarette paper
- (h) Other paper products

16. Rubber Industry (natural and synthetic)

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

- (b) natural and synthetic rubber
- (c) Tyres and tubes
- (d) Surgical and medical products including prophylactics and latex products
- (e) Footwear
- (f) other rubber goods

17. Infrastructure Projects

- (a) An urban development project
- (b) The construction of a road, or a harbour, or an airport
- (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
- (f) A long-distance aqueduct
- (g) A yacht marina
- (h) The establishment of Commercial Free Zones and Export Processing Zones
- (i) The lease of under 500 acres of National Land

18. Other Projects

- (a) A resort facility or hotel complex
- (b) A permanent race track or test track for cars or motor cycles
- (c) A waste water treatment plant
- (d) The storage of scrap iron
- (e) The manufacture of artificial mineral fibres
- (f) Landfill
- (g) Rural water supply and sanitation
- (h) Agro industries
- (i) Rural electrification

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

Guidelines

The following points may act as **guidelines** to indicate when to refer such applications to the Department:

1. All applications for building in coastal areas.