



GOVERNMENT OF BELIZE

STATE PARTY REPORT

ON THE STATE OF CONSERVATION

OF THE

BELIZE BARRIER REEF RESERVE SYSTEM (BELIZE) (N 764)

February 2017

**WHC Decision 40 COM 7A.32**  
**Fortieth Session**

**Istanbul, Turkey**

**July 10-20, 2016**

**Belize Barrier Reef System (Belize) (N 764)**

**Decision: 40 COM 7A.32**

The World Heritage Committee,

1. Having examined Document WHC/16/40.COM/7A.Add,
2. Recalling Decision **39 COM 7A.18**, adopted at its 39th session (Bonn, 2015),
3. Welcoming the efforts undertaken by the State Party towards the implementation of the Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), including the announcement of a ban on offshore petroleum exploration within all seven components of the property and within one kilometre on either side of the Barrier Reef, notes that this policy announcement still needs to be translated into a legislative instrument and that the adequacy of the one-kilometre buffer zone needs revision to secure the protection of the property's Outstanding Universal Value (OUV) and the full implementation of the indicator under the DSOCR;
4. Also notes that the Petroleum Exploration Framework is currently being revised and that this document will define further areas that would be excluded from offshore petroleum exploration, as well as other restrictions, and requests the State Party to ensure that the protection of the property's OUV is fully integrated into the revision of the Framework in line with the requirements under the DSOCR;
5. Also welcomes the adoption of the Integrated Coastal Zone Management Plan (ICZMP) and the provision of funding for its initial implementation and strongly encourages the State Party to ensure that the resources required for the long term implementation of the Plan are secured;
6. Takes note of the confirmation made by the State Party that a voluntary moratorium on sale and lease of lands within the property remains in place and reiterates its request to the State Party to develop a legally binding instrument to ensure a permanent cessation of all sales and leases of state owned land throughout the property;
7. Urges the State Party to finalize and adopt the Mangrove Regulations in order to ensure that the mangrove areas within the property are effectively protected and requirements under the DSOCR are fully met;
8. Also strongly encourages the State Party to invite a joint World Heritage Centre/IUCN Advisory mission to provide the necessary assistance in the elaboration of the abovementioned legislative instruments related to offshore petroleum exploration as well as the overall implementation of the indicators of the DSOCR;

9. Further welcomes the revision of the Environmental Impact Assessment system and also urges the State Party to fully integrate the protection of the property's OUV into this process to ensure that the revised regulations guarantee that no areas within the property and in its immediate vicinity can be developed in ways that would negatively impact on the property's OUV, consistent with the requirements under the DSOCR;
10. Also requests the State Party to submit to the World Heritage Centre, by **1 February 2017**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017;
11. **Decides to retain Belize Barrier Reef Reserve System (Belize) on the List of World Heritage in Danger.**

## Executive Summary

Since the listing of the Belize Barrier Reef System on the 'List of World Heritage in Danger' in 2009, there has been continued implementation of measures to address key areas negatively impacting the Property, as identified by the World Heritage Committee (WHC) in 2009 and the indicators of the Desired State of Conservation (DSCOR) as adopted by the World Heritage Committee in 2015.

During the past year, progress was made in implementing the corrective measures and the DSCOR with the expectation that the Belize Barrier Reef Reserve System - World Heritage Site (the property) will be removed from the List of World Heritage in Danger in 2018.

The necessary steps have been taken to lay the ground work for the passing of legislation to ban offshore petroleum exploration in and around the Belize Barrier Reef Reserve System and the World Heritage Sites. Legal briefing notes for the revision of Mangrove and Environmental regulations have been submitted to the Attorney General's ministry for subsequent legal drafting. The draft revised Fisheries Bill has been prepared. Having officially started as well, it is expected that the review process for the petroleum regulatory framework will be concluded in 2017 with the aid of OLADE.

Progress made on other current initiatives such as expanding the replenishment zones within the marine environment, updating and finalizing marine reserve management plans, invasive species control, managed access, coral restoration, and conserving mangrove coverage continues to illustrate the country's commitment to protecting and conserving the BBRRS through more informed management while maintaining the integrity of the World Heritage Site and surrounding areas.

## **INTRODUCTION**

The 40<sup>th</sup> meeting of the World Heritage Committee in Istanbul, Turkey July 10-20, 2016 upheld the decision to retain the property on the List of World Heritage Sites in Danger – this is a function of the 2009 decision made in Seville, Spain by the World Heritage Committee.

During the 40<sup>th</sup> meeting of the World Heritage Committee, progress was acknowledged on the indicators set for the Desired State of Conservation for the Removal of the property from the List of World Heritage in Danger (DSOCR) which was adopted in 2016. This report details the commitment in moving forward to protect the Belize Barrier Reef Reserve System through the implementation of the corrective measures and the recommendations and targets of the DSOCR.

This report represents the State of Conservation of the Property for the year 2016-2017 and is inclusive of Belize's progress to address the recommendations of the World Heritage Committee upheld at the 40<sup>th</sup> Session. The report also includes the implementation and progress of the adopted Desired State of Conservation (DSOC) for the removal of the Belize Barrier Reef Reserve System from the List of World Heritage in Danger.

The response to Decision **40 COM 7A.32** is now being presented for examination by the World Heritage Committee at its upcoming 41<sup>st</sup> session in 2017.

## **Response from the State Party to the World Heritage Committee's Decision 2016**

1. *Having examined Document WHC/16/40.COM/7A.Add,*
2. *Recalling Decision 39 COM 7A.18, adopted at its 39th session (Bonn, 2015),*
3. *Welcoming the efforts undertaken by the State Party towards the implementation of the Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), including the announcement of a ban on offshore petroleum exploration within all seven components of the property and within one kilometre on either side of the Barrier Reef, notes that this policy announcement still needs to be translated into a legislative instrument and that the adequacy of the one-kilometre buffer zone needs revision to secure the protection of the property's Outstanding Universal Value (OUV) and the full implementation of the indicator under the DSOCR;*
4. *Also notes that the Petroleum Exploration Framework is currently being revised and that this document will define further areas that would be excluded from offshore petroleum exploration, as well as other restrictions, and requests the State Party to ensure that the*

*protection of the property's OUV is fully integrated into the revision of the Framework in line with the requirements under the DSOCR;*

In November 2016, a task force was organized comprised of various Ministries and Departments to develop the map showing the areas to be banned from petroleum exploration and the legal description, to protect the barrier reef through legislating the ban on offshore petroleum exploration within the seven (7) sites which form the Belize Barrier Reef Reserve System - World Heritage property, the barrier reef and the three (3) atolls with an additional one (1) kilometre buffer around them. This was based on the decision in December 2015 taken by the Government of Belize, through the Cabinet of Ministers, to implement a ban on petroleum exploration in these mentioned areas. The task force has finalized the map of the banned areas and is near completion of the cartographic description that comprises the banned areas. This description lists the bearings, coordinates and distances of the boundary of the area comprising the ban and will form an integral part of the legislation enacting the ban. Of course, the latter depends on the former; as soon as the description of the area is complete, the process of legislating the ban can progress. Included in the taskforce's recommendations, is the inclusion of areas of high coral density especially those directly associated with the main barrier reef, which will surpass the previously approved 842,714 acres. Once the cartographic description is completed the map and description will be submitted to the Cabinet of Ministers for approval.

In September 2016, the Ministry of Economic Development and Petroleum officially initiated the revision process of the Petroleum Regulatory Framework to enhance and strengthen the regulatory framework for petroleum exploration both on land and offshore in Belize's territorial waters. In 2016, the Government of Belize and the Latin American and Caribbean Energy Organization (OLADE) contracted the firm 'Canales Auty' to carry out the exercise; the firm conducted its first meeting in November 2016. It is expected that the revision of the petroleum regulatory framework will be finalized in June 2017 for subsequent approval by Cabinet. The revision of the petroleum regulatory framework will modernize, enhance and strengthen the Petroleum and the Environmental Legislation for the regulation of the petroleum industry. In February 2017 a meeting was held between the World Heritage Center and the Government of Belize to update the Center on the progress of the drafting of the map and the description of the areas to be banned from petroleum exploration and the completion of the petroleum exploration planning framework.

Finally, it should be noted that the moratorium on oil concessions in the offshore areas of Belize still stands.

5. *Also welcomes the adoption of the Integrated Coastal Zone Management Plan (ICZMP) and the provision of funding for its initial implementation and strongly encourages the State Party to ensure that the resources required for the long term implementation of the Plan are secured;*

Since the adoption of the Integrated Coastal Zone Management (ICZM) Plan on February 9<sup>th</sup>, 2016 and having met one of the targets of the Desired State of Conservation, implementation of this plan has commenced due to the funding under the current project “Marine Conservation and Climate Adaptation Project- MCCAP” which falls under the Ministry of Agriculture, Fisheries, Forestry, the Environment and Sustainable Development. In 2016, the Coastal Zone Management Authority reconvened the Coastal Zone Advisory Council to provide technical advice on the implementation of the activities under Coastal Zone Management Authority which includes the ICZM implementation plan and its integration into the all the relevant laws and regulation, especially the environmental clearance process.

In late 2016, under the MCCAP project, a consultant was hired to review the Coastal Zone Management Act. This old legislation from 1998 will be reviewed with the aim of making it complementary to the approved ICZM Plan (2016) which will strengthen its framework and address key gaps, challenges and opportunities for improvements to the process for integrated management of the coastal zone.

6. *Takes note of the confirmation made by the State Party that a voluntary moratorium on sale and lease of lands within the property remains in place and reiterates its request to the State Party to develop a legally binding instrument to ensure a permanent cessation of all sales and leases of state owned land throughout the property;*

The Government of Belize continues to hold a voluntary moratorium on the sale and lease of state owned lands throughout the property. As requested by the World Heritage Centre, maps of the World Heritage Site(s) were provided in 2016 showing land tenureship.

7. *Urges the State Party to finalize and adopt the Mangrove Regulations in order to ensure that the mangrove areas within the property are effectively protected and requirements under the DSOCR are fully met;*

The process for the revision of the existing mangrove regulations commenced in late 2016. The review of the mangrove regulations is being funded under the 1<sup>st</sup> component of the Marine Conservation and Climate Adaptation Project- MCCAP (a World Bank project); Since its commencement in November 2016 it has progressed expeditiously in order to finalize the Draft Forests (Protection of Mangroves) Regulations to improve management of mangroves in an effort to ensure sustainable coastal development throughout Belize including the World Heritage Site and other eco-sensitive areas. A task force was established in 2016 for this review purpose and is comprised of Government agencies and stakeholders such as the Forest Department, the Fisheries Department, the Department of the Environment, Attorney General's Ministry, Coastal Zone Management Authority and a few NGOs such as World Wildlife Fund and Fragments of Hope. Of note, within the final legal briefing notes, is the special protection of mangroves within sensitive areas such as the World Heritage Site, reinforcement of the use of relevant regulations and guides to control mangrove alteration on private lands through the EIA process and the ICZM Plan, and the increase of fees, fines and penalties to effectively monitor and deter mangrove infractions. The final briefing notes to guide the drafting of the revised Mangroves Regulation have been submitted to the Attorney General's Ministry for legal drafting of the regulations followed by submission to the Cabinet of Ministers for approval. (**Annex 1- Draft Briefing Notes for Mangrove regulations**).

In order to accommodate the increase of fines and penalties for the proposed mangrove regulations, in February 2017 the Government of Belize amended the Forest Act (parent Act) to increase fines and penalties for forest offences in an overall effort to reduce illegal forest activities, deforestation and degradation of Belize's forest resources. (**Annex 2- Press release- Forest Department**)

In addition to the revision of the mangrove regulations, the Belize Audubon Society in collaboration with various Government agencies and NGOs has received funding under the GEF Small Grants Programme for better monitoring, management and awareness of the Belize Barrier Reef Reserve System. One of the components of the project is to conduct an exercise to develop a current baseline of the mangrove and littoral forest within the BBRRS. This exercise in

comparison to the mangrove coverage in 2009 will meet indicator #1 of the DSOCR in maintaining the mangrove coverage.

9. *Further welcomes the revision of the Environmental Impact Assessment system and also urges the State Party to fully integrate the protection of the property's OUV into this process to ensure that the revised regulations guarantee that no areas within the property and in its immediate vicinity can be developed in ways that would negatively impact on the property's OUV, consistent with the requirements under the DSOCR;*

In following up with the revision of the environmental clearance process, there has been significant progress. The Ministry of Agriculture, Forestry, Fisheries, the Environment and Sustainable Development, through the Department of the Environment, is one of the beneficiaries of a Global Environmental Facility (GEF) project entitled "Management and Protection of Key Biodiversity Areas". Through one of its component, funding was allocated to review the entire environmental clearance process to address all the legislative and enforcement gaps which would allow for improved management of developments in Belize especially within Protected Areas. This activity is currently being concluded as the consultant firm has finalized the legal briefing notes to be submitted to the Attorney General's Ministry tentatively in April 2017 for the drafting of revised environmental regulations.

This current review exercise is a result of a number of stakeholder consultations and validation workshop which were conducted within the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2016. (**Annex 3- final briefing notes – revision of the environmental clearance process**).

8. *Also strongly encourages the State Party to invite a joint World Heritage Centre/IUCN Advisory mission to provide the necessary assistance in the elaboration of the abovementioned legislative instruments related to offshore petroleum exploration as well as the overall implementation of the indicators of the DSOCR.*

## Belize Barrier Reef Reserve System (Belize) (N 764)

The World Heritage Centre/IUCN has stated its availability to provide technical assistance to the Government of Belize in particularly to the development of the offshore petroleum exploration framework.

Since the adoption of the DSOCR by the World Heritage Committee, the Government of Belize continues to work closely with the World Heritage Centre and IUCN. The following table details the progress made on the targets/indicators set under the Desired State of Conservation.

**Table 1** below shows the implementation progress of the DSOCR:

Indicators	Method of Verification	Timeframe	Progress
<p>1. The area of mangrove coverage in the property is maintained at least at the same level as when the property was inscribed on the List of World Heritage in Danger in 2009. There is no further loss of mangrove cover within the entire property, including all mangrove types that are unique and irreplaceable, measured against the 2009 baseline.</p>	<ul style="list-style-type: none"> <li>▪ Strengthening, adoption, implementation, and effective enforcement, of the currently proposed Mangrove Regulations</li> <li>▪ Satellite imagery/aerial photography of the property indicating the current mangrove coverage, measured against the 2009 baseline</li> <li>▪ Maps showing the distribution of the different categories of land ownership within the property and cadastral data of land tenure compared against the 2009 base year (the date when the site was inscribed on the List of World Heritage in Danger)</li> <li>▪ Adoption by law of a permanent cessation of all sales and leases of state owned land throughout the property, measured against the 2009 baseline</li> <li>▪ Adoption by law of a zoning plan covering the entire property that specifies clearly defined regulation for allowed development and use for each zone, based on scientific, ecological and biological information about the property's OUV and its attributes.</li> </ul>	<p>Completed by 31 December 2016</p>	<p>Consultant has finalized the legal briefing notes and it has been submitted to the Attorney General's Ministry in late February 2017 for the drafting of the Mangrove regulations. Under regulations, there will be special protection of mangroves within eco-sensitive coastal areas including the WHS.</p> <p>GEF-SGP project will look at baselines of mangrove and littoral forest within BBRRS and other areas.</p> <p>The government maintains a voluntary moratorium on the sale of nationally held lands.</p> <p>Land ownership maps have been submitted to the World Heritage Centre.</p> <p>Adoption of Integrated Coastal Zone Management Plan in 2016. Plan defines what types of developments are suitable for the various coastal areas.</p>
<p>2. No areas within the property and in its immediate vicinity are developed in ways that affect the property's natural outstanding</p>	<ul style="list-style-type: none"> <li>▪ Adoption by law, implementation and adequate enforcement regulations that specify the type, scale and density of coastal development consistent with the requirements to maintain the property's natural outstanding beauty and that of its</li> </ul>	<p>Completed by 31 December 2016</p>	<p>Revision of EIA regulations is being carried out under the GEF-KBA Project. The final briefing notes for the revision of the environmental clearance process is finalized and will be tentatively submitted to the</p>

<p>beauty and status as a globally significant natural phenomenon of Outstanding Universal Value</p>	<p>immediate surroundings, including establishment of areas where no development should be permitted</p> <ul style="list-style-type: none"> <li>▪ Satellite imagery/aerial photography of the property measured against the 1996 and 2009 baselines</li> </ul>		<p>Attorney General's Ministry in April-May 2017.</p>
<p>3. All areas within the property and the surrounding areas that support the ecological functioning of the system are excluded from oil exploration and exploitation</p>	<ul style="list-style-type: none"> <li>▪ A map that defines, on the basis of oceanographic, ecological and other scientific information, the property's surrounding areas where no oil exploration and exploitation can be permitted</li> <li>▪ Legal adoption of a permanent exclusion of the entire property and the defined surrounding areas from oil exploration and exploitation</li> </ul>	<p>Completed by 31 January 2016</p>	<p>Government of Belize adopted a policy decision on permanent ban on offshore oil exploration in and around the barrier reef, the three atolls and the seven World Heritage Sites with a one (1) kilometre buffer around them.</p> <p>Current mapping and legislative exercise for ban stated above is ongoing. It will include areas of high coral density.</p> <p>In 2017, the offshore petroleum exploration framework should be completed.</p>
<p>4. The property is managed effectively and in an integrated way that will ensure the protection of its Outstanding Universal Value, and appropriately allows for achieving both sustainable socio-economic and environmental goals</p>	<ul style="list-style-type: none"> <li>▪ Adoption, implementation and effective enforcement of the Integrated Coastal Zone Management Plan, reflecting the World Heritage status of the property and its conservation and sustainable use requirements and consistent with the plan's draft version of January 2015</li> </ul>	<p>Completed by 31 December 2016</p>	<p>ICZM plan approved on Feb. 9<sup>th</sup>, 2016.</p> <p>The ICZM plan is being implemented through funding under the Marine Conservation and Climate Adaptation Project (MCCAP).</p>

**Updates on other conservation initiatives/issues identified by State Party**

- I. In addressing the corrective measure 6(g) of DEC 33 COM 7B.33, the "National Replenishment Zone Expansion" initiative continues to be implemented along with its NGO and private sector partners. In 2016, funding from MCCAP complemented this ongoing initiative focusing on the South Water Caye Marine Reserve (BBRRS) and two other Marine Protected Areas. A consultant was hired in May 2016 to develop maps illustrating the revised zones which were ground truthed with the aid of the key stakeholders including but not limited to: the Fisheries Department, the Forest Department, Lands and Survey Department and the University of Belize. Currently, a task force has been established to further provide technical guidance to verify zones. The project seeks to increase the current functional 'NO TAKE' areas in Belize from the current 3.15% (58,699.4 ha) to 10% (186,541.7 ha) of the territorial seas taking into consideration both near shore and deep sea areas deemed critical for the overall ecosystems functioning of Belize's coastal systems and safeguarding of marine biodiversity.
- II. The draft revised Fisheries Bill has been prepared and submitted to the Attorney General's Ministry for legal review before its submission to Cabinet for approval. The exercise will be conducted on the draft bill which was developed through the Asia, Caribbean and Pacific Fish II Project and which was reviewed by the FAO Legal Office in 2014.
- III. As previously mentioned, the management plans for the Glover's Reef Marine Reserve and South Water Caye Marine Reserve, two of the seven sites with World Heritage status will be updated in 2017. In February 2017, the consultation meetings for the revision of the Glover's Reef Marine Reserve has commenced under funding provided by the Wildlife Conservation Society. It is expected in the next couple months that consultations will also commence for the updating of the South Water Caye Marine Reserve. It is envisioned that the new 5-year management plan will include amendments and improvements to reflect more detailed development guidelines such as the Integrated Coastal Zone Management Plan and take on board the recommendations from both reserves' Advisory committees as it relate to activities within these protected areas.
- IV. Currently under the Meso American Reef Fund (MARFund), a national initiative for the long-term control of the Lionfish population (*Pterois spp.*) commenced in 2016 to address

mechanisms to manage the lionfish population in no-take zones, determining density and population size and the marketing of lionfish to control the population. Recently, the consultant has drafted the National Lionfish Management Strategy (2016-2021) and a draft report on managing invasive lionfish within Belize's marine protected areas in an effort to control this invasive species. Both documents will be reviewed and validated by the relevant agencies and stakeholders before its implementation in latter 2017. To date, eradication of lionfish continues to be done by marine reserve staff, tour guide companies, fisher folks and other communities/groups.

V. The Belize Audubon Society, the co-manager for the Blue Hole and Halfmoon Caye National Monuments (WHS), recently received approval for a project under the GEF Small Grants Programme named "Highlighting 20 years of World Heritage designation, BBRRS: Working toward better monitoring, management, and awareness". The primary objectives of this project include:

- Build and increase public awareness of the BBRRS-WHS; its economic value and actions needed to be taken off the WHS " In Danger" list.
- Establish Monitoring baselines for digital assessments of mangrove and littoral forest coverage within the BBRRS-WHS; and baseline plant inventory for Half Moon Caye Natural Monument in light of the recent rat eradication initiative, and South Water Caye Marine Reserve as one of the hot spots for development within the WHS.
- Improve biosafety management of Half Moon Caye Natural Monument through establishment of measures within the site conducted a Feasibility Study in 2015 for the eradication of the invasive rats on the island. Working with regional experts, the Belize Audubon Society proposed a pilot project which the organization will receive funding from OAK.

Component 2 of the project will met the 1<sup>st</sup> indicator of the Desired State of Conservation in an effort to maintain and/or manage mangrove coverage within the World Heritage Site.

VI. In addition, the Belize Audubon Society has made great progress in the eradication of invasive rats *Rattus rattus* on the Halfmoon Caye National Monument (WHS). After the eradication exercise in 2016, so far for the past six (6) months, there has been no sighting of rats on the island. Currently a monitoring program is being implemented for two years and biosecurity measures are being implemented to prevent any rats or other invasive

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species from entering the island. This activity has addressed corrective measure 6(e) of the DEC 33 COM 7B.33.

**Measures/Efforts to maintain and improve OUV of the Property:**

- I. The National Climate Change Office under the Ministry of Agriculture, Forestry, Fisheries, Environment, Sustainable Development and Immigration finalized the National Climate Change Policy and Strategy which Cabinet approved in March 2015. The Unit continues with the implementation of the Technical Needs Assessment Project which focuses on three sectors: Water, Coastal/Marine ecosystems and Agriculture. Under the coastal and marine sector, a concept note was developed for the establishment of a National Water Quality program which will aid the various agencies in monitoring their respective sectors in comparison to the changes in water quality as a result of a changing climate.
- II. The Fisheries Department began implementation of the national roll-out of managed access, through its licensing program with the renewal of fisher folk license for the year 2017. Each fisher applying for a license was assigned specific fishing areas which were placed on their licenses. This rights-based approach to managing Belize's fisheries with the goal of growing Belize's economy helps to improve the livelihoods of fishers and fishing communities and protect the ecology of Belize's barrier reef. It is focussed on ending open access fishing in Belizean waters and empowering fishers and managers to collaborate as stewards of the resource.
- III. Coral restoration efforts in Southern Belize are still ongoing from its inception nine years ago. Fragments of Hope Limited continues their research and restoration efforts through an Inter-American Development Bank Project for coral reef restoration. The project is being carried out in the Laughing Bird Caye Natural Park (one of the seven sites which make up the WHS Property). Under the MCCAP, these have now been extended to the South Water Cay Marine Reserve- BBRRS where Fragments of Hope have already begun placing coral nurseries in various areas of the marine reserve. In early 2017, with funding from MCCAP, Fragments of Hope has begun training of coral restoration techniques with Fisheries Department staff and fishers.

## **Conclusion**

In conclusion, this report reiterates the commitment in implementing the DSOCR and the corrective measures as well as other concerns of the World Heritage Committee in maintaining the inscription of the Belize Barrier Reef Reserve System as a World Heritage Site. In achieving the indicators of the Desired State of Conservation, it is anticipated that the property could be removed from World Heritage List in Danger in 2018.

**P131408-BZ/CS-3:**

**A Consultancy to Review and Revise the  
Forests (Protection of Mangroves)  
Regulations 2014: Final Notes on Mangrove  
Regulations**



**TECHNICAL  
REPORT**

**20** 17



**A Consultancy to Review and Revise the Forests  
(Protection of Mangroves) Regulations 2014:  
Final Notes on Mangrove Regulations**

**Contract No.: MCCAP/SER/009  
Reference No.: P131408-BZ/CS-3**

**Country: Belize**



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# **DRAFT FORESTS (PROTECTION OF MANGROVES) REGULATIONS<sup>1</sup>**

## **Primary Consideration**

In considering these Regulations, primary among the considerations are the requirements of the World Heritage Site (WHS) Action Plan to ensure that they are provided for and in particular, to protect against further loss of mangroves on public lands within marine protected areas that make up the World Heritage Site. It is therefore critical to ensure the protection and restoration of the mangroves, and this must be comprehensively provided for.

These Notes are to serve as guidance in the redrafting of the draft 2014 Regulations by the Attorney General's Ministry as directed by the Deputy Solicitor General, Legislative Drafting.

## **Generally**

The intention of the draft regulations is to regulate the alteration of mangroves by the requirement of a permit. Therefore, whether alteration of mangroves is by selective trimming or otherwise, inclusive of alteration of mangrove, for maintenance of existing lines or facilities or for construction of new lines or facilities, or by a licensed surveyor under the Land Surveyors Act (as intended under Regulation 15) a person is required to apply for a permit.

Further, there shall be no discretion for waiver of fees imposed under the Regulations. Additionally, there is to be provided a standard administrative fee to be applied for the application of permits under the Regulations.

The arrangement of the draft provisions may require reconsideration for coherence and flow of subject matter.

## **THE DRAFT REGULATIONS ("the Regulations")**

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<sup>1</sup> Submission prepared in response to comments and guidance by the Attorney General's Ministry per Ref 34/F/1/2014 and per guidance of R. Sheppard at November 7, 2016 meeting.

1. Regulation 2 - definition of “alter”

It is recommended that the definition of “alter” be amended to include the word “trim” and to replace the word “damage” with “affect the functionality of mangroves”, as follows

“alter” means to trim, cut, remove, defoliate, bury, block or restrict the required water flow or otherwise affect the functionality of mangroves by any means, mechanical or otherwise, but does not include “selective trimming”;

2. Regulation 2 – to include the term and definition of “ecologically sensitive area” in its proper alphabetical order.

It is recommended that the term “ecologically sensitive area” be included to mean an area officially designated as containing landscapes, seascapes or unique ecological features that maintain fauna or flora that would be threatened by development. It is an area that is vulnerable to any environmental impact. It is an area such as flood plains, wetlands, bird sanctuaries, marine reserves, national parks, wildlife sanctuaries, forest reserves and World Heritage Sites and may also include natural features and critical habitats for rare or endangered species.

3. Regulation 2 – Definitions - “mangroves”

It is recommended that paragraph (d) be renumbered (e) and the new paragraph (d) read “the mangrove associated species, buttonwood (*Conocarpus erectus*).

It is recommended that the new paragraph (e) be amended by deleting the words “other species of mangrove” and replacing it with “other mangrove associated species”.

4. Regulation 2 – Definitions - “mangrove community”

It is recommended that the word “marine” be deleted.

5. Regulation 2 – Definitions - “priority areas”

It is recommended that this term be deleted.

6. Regulation 2 – to include the term and definition of “public good” in its proper alphabetical order.

It is recommended that the term “public good” be included to mean a good that is both non-excludable and non-rivalrous in that individuals cannot be effectively excluded from use and where use by one individual does not reduce availability to others.

7. Regulation 3 – Selective trimming

It is recommended that this draft provision be redrafted to provide for the regulation of selective trimming of mangroves by the requirement of a permit. In other words, every alteration of mangrove, by selective trimming requires a permit.

In respect of paragraph (b), selective trimming of red mangroves shall be limited to trees between six and ten feet, inclusive, in height.

Further, it must be provided in the draft regulations that in relation to red mangroves, a property with a shoreline of 100 feet or less is exempted from requiring a permit. Owners of property within a shoreline of more than 100 feet may not trim more than 65% of the mangroves along the shoreline without a permit.

An application shall be made to the Forest Department for processing which shall include an inspection. The Forest Department is to respond within 10 days of the receipt of an application and inform the applicant whether or not he may proceed and whether or not permission is subject to any special condition of the Forest Department. The Form for the application shall be standard and shall be similar to that in Form A.

8. Regulation 4 – Prohibition on alteration of mangroves

It is recommended that (i) “not selectively trim” be deleted and replaced with “require a permit; (ii) “and territories” be inserted after the words “jurisdictional waters” and (iii) the words “and territories without first obtaining a permit from the Department pursuant to regulation 4<sup>2</sup>” be deleted.

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<sup>2</sup> Occurring at the end of line 3 and the beginning of line 4.

A provision is required whereby the size of the area for mangrove alteration will be in accordance with the provisions under the Environmental Protection Act (EIA Regulations).

9. Regulation 5 – Permit application procedure

It is recommended that “selectively trim” be inserted in sub-regulation (1) after the word “alter” and that “or selectively trimmed” be inserted after the words “altered” in line 1.

It is recommended that sub regulations (2) and (3) be deleted.

It is further recommended an additional requirement to permit application is explicit authorization from the property owner in instances where the applicant is not the property owner.

Form of permit application is as attached to draft “Application for Permit to alter mangroves”.

10. Regulation 6 – Appointment of review panel

In sub regulation (1), it is recommended that “Department” be deleted and “Minister” be retained.

In sub regulation (2), it is recommended that “advisory” be deleted and replaced with the word “review”; that the panel comprise ex officio membership from the following

- (a) Chief Forest Officer, who shall be Chairperson or his representative;
- (b) Fisheries Administrator, or his representative;
- (c) Chief Environmental Officer, or his representative;
- (d) Commissioner of Lands and Surveys or his representative;
- (e) Inspector of Mines or his representative;
- (f) Director of Coastal Zone Management Authority and Institute or his representative.

It is further recommended that a provision be made

- (a) allowing the review panel the ability to invite other external experts in marine, coastal or mangrove ecology as required in specific cases and at the panel’s discretion;
- (b) providing for quorum of four members, inclusive of the Chair.

11. Regulation 7 – Fees

It is recommended that the word “application” be inserted before the word “fees” and that the words “an application” be deleted and replaced with “a permit”.

It was further recommended that paragraphs (a) to (d) be deleted and replaced by the following:

<b><u>Mangrove Alteration</u></b>			
<b><u>Application Fees</u></b>			
		<b><i>Offshore</i></b>	
	<b><i>Mainland</i></b>	<b><i>Within Reef</i></b>	<b><i>Outside Reef</i></b>
<b>Residential</b>	Less than <b><i>1/4</i></b> acre <b><u>\$50.00</u></b>	Less than <b><i>1/4</i></b> acre <b><u>\$50.00</u></b>	<b><u>\$2,500</u></b>
	More than <b><i>1/4</i></b> acre <b><u>\$200</u></b>	More than <b><i>1/4</i></b> acre <b><u>\$200</u></b>	
<b>Commercial</b>	<b><u>\$500</u></b>	<b><u>\$500</u></b>	<b><u>\$2,500</u></b>
<b><u>Permit Fees</u></b>			
		<b><i>Offshore</i></b>	
	<b><i>Mainland</i></b>	<b><i>Within Reef</i></b>	<b><i>Outside Reef</i></b>
<b>Residential</b>	Less than <b><i>1/4</i></b> acres <b><u>(N/A)</u></b>	Less than <b><i>1/4</i></b> acre <b><u>(N/A)</u></b>	<b><u>\$5,000</u></b>
	More than <b><i>1/4</i></b> acres <b><u>\$200</u></b>	More than <b><i>1/4</i></b> acre <b><u>\$200</u></b>	
<b>Commercial</b>	Less than <b><i>1/2</i></b> acre <b><u>\$500</u></b>	Less than <b><i>1/2</i></b> acre <b><u>\$500</u></b>	<b><u>\$5,000</u></b>
	<b><i>1/2</i></b> acre to <b><i>5</i></b> acres <b><u>\$1,000</u></b>	<b><i>1/2</i></b> acre to <b><i>5</i></b> acres <b><u>\$1,000</u></b>	

	<b>More than 5 acres <u>\$2,500</u></b>	<b>More than 5 acres <u>\$2,500</u></b>	
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There shall be no avenue for waiver of fees under this Regulation.

12. Regulation 8 – Procedure on receipt of application

It is recommended that this provision be redrafted. The idea behind permit applications is that every person desiring to alter mangroves, needs to apply for a permit. There are no exemptions to application, no exemptions on fees and no automatic approval for clearance.

The provisions of Regulation 15 are to be subsumed here.

In sub regulation (1), it is recommended that the word “Department” be replaced with the term “Chief Forest Officer”.

In sub regulation (2), it is recommended that the word “Department” be replaced with the term “Chief Forest Officer”.

In sub regulation (3), it is recommended that the word “Department” be replaced with the term “Chief Forest Officer” and that the words “require the applicant to publish” be inserted after the words “the application” in line 3, and that the words “within ten working days of doing so and that the words “a specified period of time” be deleted.

It is recommended that a new sub regulation be inserted providing that where a person is required to publish a notice in a local newspaper of his intention to alter mangroves, that the notice contain

- (a) Name of applicant;
- (b) Name of land owner if different from applicant;
- (c) Location of the land or address where the mangrove alteration will be made;
- (d) A location map;
- (e) The proposed development;
- (f) Times and periods when the alteration of mangroves will be made;
- (g) Any other relevant info.

It is recommended that new sub regulations (5) to (9) be inserted.

New sub regulation (5) is to provide for objections to be made by any person who objects to the approval of the grant of a permit to alter mangroves.

New sub regulation (6) is to provide that an objection is to be made in writing within 10 working days of the date on which the application was last published in the newspaper and it is to be addressed to the CFO giving reasons for such objection.

New sub regulation (7) is to provide that an objection must be made in duplicate and accompanied by a non-refundable fee of \$100.00 in respect of each application in respect of which an objection is made.

New sub regulation (8) is to provide that a person who files an objection shall serve a copy of the objection at the registered address of the applicant within three days after filing the objection and that the procedure to be followed shall be in accordance with \_\_\_\_.

13. Regulation 9 is to be deleted.

14. Draft will be renumbered and cross-referencing to be checked.

15. Regulation 10 – Approval or refusal of applications

It is recommended that this provision consider a time frame for the processing of these applications.

In sub regulation (1), it is recommended that the word “Department” be deleted and replaced by the words “Chief Forest Officer”.

In sub regulation (2), it is recommended that the word “Department” be deleted and replaced by the words “Chief Forest Officer” and that the draft provide for the application of general and special conditions by the Chief Forest Officer.

In sub regulation (3), it is recommended that where the Chief Forest Officer refuses an application, reasons shall be given therefor. It is recommended that the issue of a notice of intent to refuse approval be deleted.

It is recommended that sub regulations (4) and (5) be deleted as it is intended that the decision of the Chief Forest Officer be final. Recourse therefore would be to the courts.

16. Regulation 11 – Security bond

It is recommended that this Regulation be renamed “Permit Fee” and all references herein to security bond are to be changed to permit fee.

In sub regulation (1), it is recommended that the word “Department” be deleted and replaced by the words “Chief Forest Officer”. Further, it is recommended that the words “security bond sufficient” be deleted and replaced by the words “permit fee”.

It is recommended that provisions for a security bond be provided in sub regulation (2). The security bond shall be an insurance and be in addition to the permit fee and shall be applied where there is a breach of condition. A security bond shall not be required for all permits but only those alterations deemed to have some possible significant effect such as in ecologically sensitive areas.

A condition of the permit is requiring the permit holder to install a 4’x8’ sign with the specifications of his permit and a copy of the permit is to be exhibited on the sign. Consider size of signs in respect of acreages, whether multiple signs required.

Provisions for a security bond are required. The security bond shall be an insurance and be in addition to the permit fee and shall be applied where there is a breach of condition. A security bond shall not be required for all permits but only those alterations deemed to have some possible significant effect and based on the time frame of the project. Additionally, a security bond is required for areas greater than and equal to 10 acres and in ecologically sensitive areas.

The security bond shall be in the amount of \$5000.00 per acre.

Applicant is to pay a permit fee which considers monitoring, and capturing the loss in value of the mangroves.

In sub regulation (3), delete “days” and replace with “weeks”. This sub regulation is to provide that only decisions and assessment reports on approvals will be posted

by the Department and it is to be done within 2 weeks of the decision. The disclosure shall detail the size of the area and extent of alteration.

17. Regulation 12 – Considerations for application review

It is recommended that sub-regulation (1) only, be deleted.

It is recommended that paragraph (a) of sub regulation (1) be included in the paragraphs in (2), which shall be renumbered as advised by the drafter. In that paragraph (a), it is recommended that the word “negatively” be deleted and be replaced by the word “significantly”. It is recommended that the information herein be tied to the DOE Regulations.

In sub regulation (2), it is recommended the words “and balance” be deleted.

In sub regulation (2) (h), it is recommended that the words “including World Heritage Sites” be inserted at the end of that provision.

In sub regulation (2) (i), it is recommended that the words “including the National Integrated Coastal Zone Management Plan” be inserted at the end of that provision.

It is recommended to add new paragraphs (m) and (n) to sub regulation (2) as follows

“ (m) need for enhancing resilience to climate change and not result in increased vulnerability;

(n) overwash mangroves.”

It is recommended that sub regulation (3) be redrafted and the words “or panel may suggest” be deleted and replaced with “shall determine”.

In sub regulation (3)(a), it is recommended to insert in parenthesis “sixty-six feet reserve” after the word “zones”.

In sub regulation (3) (b), it is recommended that the words “and reforestation” be included after the word restoration.

In respect of sub regulation (3) (d), it is to be considered that a time frame of 3 years or more is required to know whether the restored and reforested mangroves survive and this needs to be factored into monitoring fees.

It is recommended that the words “and reforestation” be included throughout the draft Regulations.

18. Regulation 13 – Assessment report

In respect of sub regulation (1), it is recommended that the provision be redrafted to provide that the panel shall prepare an assessment report (minutes of meeting) based on review of applications. This shall be done as part of the normal procedure of the panel. It shall not only be in exceptional circumstances, but as a standard procedure.

19. Regulation 14 – Circumstances where permit shall not be issued

In respect of sub regulation (1), it is recommended that this provision be moved and placed under Regulation 17 as a prohibition.

In respect of sub regulation (2), it is recommended that the provision clarify that classification is based on predetermined listing of sites and established protocols.

In respect of sub regulation (3), it is recommended that the provision be redrafted for clarity to prohibit the alteration of mangroves in national lands with the exception of public good and essential service. It is also recommended that in respect of privately owned lands, regulation should be guided by the Integrated Coastal Management Plan.

It is recommended that the words “protected areas” be used instead of referring to individual classifications and that the words “including within World Heritage Sites” be added at the end of the provision.

It is also recommended that the term “protected areas” be defined to mean that in the National Protected Areas System Act, 2015.

In respect of sub regulation (4), it is recommended that it be moved to ecologically sensitive areas under Schedule 1.

20. Regulation 15 –Exemptions

No exemptions are to be allowed. The idea is that every alteration of mangrove whether for maintenance of existing lines or facilities or for construction of new lines or facilities, or by a licensed surveyor under the Land Surveyors Act (as intended under Regulation 15) requires a permit.

21. Regulation 16 – Manner of disposal of materials by selective trimming  
It is recommended that this Regulation be deleted in its entirety since the provisions will be included under the conditions of permit for all types of alterations including selective trimming.
22. Regulation 17 – Prohibition on use of pruning paint and other inconsistent method  
In respect of sub regulation (1), it is recommended that the provision include that a permit shall not be issued for the alteration of mangroves by means of chemical defoliant or herbicides.
23. Regulation 18 – Offences  
It is recommended that this provision requires reconsideration particularly in light of fines under the Forests (Amendment) Bill, 2017.  
The Bill proposes an amendment to section 18 by replacing the maximum fine for breach or non-observance of regulations made under the Act from one thousand dollars to twenty-five thousand dollars (see Clause 3)<sup>3</sup>.
24. Regulation 19 – Rehabilitation and restoration of mangrove  
It is recommended that sub regulations (1) and (2) be deleted and sub regulation (3) be moved to Regulation 18 and the Regulation 35 of the EIA is to be considered.
25. Regulation 20 – Mangrove Fund  
It is recommended that this provision be deleted in its entirety and guidance be obtained from the Attorney General's Ministry.  
It is recommended that a framework be set up for the fund and it could be considered when the parent Act is revised.
26. Regulation 21 – Appeals  
It is the recommendation of the CFO that his decision is final.  
It is recommended that sub regulation (2) be deleted.
27. Schedule 1 – Priority Areas, Top Priority Areas

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<sup>3</sup> Reliance is on Bill introduced at House on January 13, 2017 as disclosed by CFO.

It is recommended that Schedule 1 be renamed Ecologically Sensitive Areas and that the words “permits would rarely be issued in these areas” be deleted and replaced with the words “only for overwhelming public benefit.”

It is recommended that new paragraphs 7 and 8 be inserted to include all protected areas and World Heritage Sites (based on outstanding universal value), respectively.

28. Schedule 2 - Form A

\_\_\_\_\_\*\*\*\*\*\_\_\_\_\_



## FOREST DEPARTMENT

MINISTRY OF AGRICULTURE, FISHERIES, FORESTRY, THE  
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

FOREST DRIVE  
BELMOPAN CITY

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## PRESS RELEASE

### NEW AMENDMENTS IMPOSE STIFFER PENALTIES FOR FOREST OFFENCES

Belmopan – 6<sup>th</sup> February 2017

Belize's new amendments to the Forest Act replace outmoded sections of the forest legislation and impose increased fines and stiffer penalties for forest offences. The changes are part of the Forest Department's on-going efforts to strengthen law enforcement capacity to reduce increasing illegal forest activities, deforestation and degradation of our forest resources.

Illegal and unsustainable timber and non-timber extractions undermine Belize's on-going efforts to curb deforestation and biodiversity loss. In light of this, the new amendments act as deterrents and help to strengthen the department's legal capacity to tackle illegal logging and other related crimes. The Amendments specifically impose the following changes:

1. A Second Schedule to the Forest Act prescribes a new penalty formula that is dependent on the species ecological value and scarcity, volume, and market price. In light of this, any person in possession of specific timber species, such as Mahogany, Cedar, Rosewood, Santa Maria, Pine and others listed, may be fined up to three times the amount based on the calculations in the Second Schedule.
2. Fines for the unlawful possession of any forest produce not included in the Second Schedule of the Forest Act have also increased to a maximum of \$10,000 and 12 months imprisonment, (*Section 19, Forest Act*)
3. Under Section 19 of the Forest Act, any vehicle, vessel or equipment used in the commission of a forest offence will now be confiscated.
4. In relation to counterfeit Forest Department stamps, licenses or the altering of stamps or licenses, the maximum fines have increased to a maximum of \$5,000. (*Section 20, Forest Act*)
5. Any person found committing the offence of damaging forest roads or waterways, now faces a maximum fine of \$10,000. Prior to the amendment to this section, the maximum fine was only \$500 even though the cost of damages proved to be far greater. (*Section 36, Forest Act*)
6. Any person, who obstructs an authorized officer under the Forest Act from carrying out duties, can now face a maximum fine of \$2,000, four times the previous penalty fee. (*Section 35, Forest Act*)

An amnesty period of two weeks (ending 20<sup>th</sup> February 2017), has been given, during which time anyone in possession of forest produce acquired illegally would have the opportunity to forfeit the material to the Forest Department without fear of being fined or prosecuted. Following the amnesty period, the Department will enforce the forest regulations under the new amended laws.

The Department is in the process of completely revising the forest legislations as part of its wider forest reform effort to strengthen legal framework, improve forest management and increase monitoring and enforcement of forest activities.

For more information regarding the new amendments, please contact the Forest Department at 822-2079 or email at [info@forest.gov.bz](mailto:info@forest.gov.bz). [END]



**RFP No.: KBA/SER/CS-15**

**Consulting Services for an Analysis of the Environmental  
Clearance Process of the Department of the Environment**

**For**

**Ministry of Agriculture, Fisheries, Forestry, the Environment and  
Sustainable Development (MFFSD), Belize**

**Project: Management and Protection of Key Biodiversity Areas in Belize**

**Project Code: PE15082**

# **Assessment of the Environmental Clearance Process**

**Date: 24<sup>th</sup> January 2017**

Version: 3

EnvClearanceAssessment\_20170116

Imanol Martín

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## Appendices

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Appendix 1. Additional recommendations

## List of Abbreviations and definitions

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### Abbreviations

**DOE:** Department of Environment

**ECP:** Environmental Compliance Plan

<b>EIA:</b>	Environmental Impact Assessment
<b>IAP:</b>	Interested and Affected Parties
<b>LLES:</b>	Limited Level Environmental Study
<b>NGO:</b>	Non-Governmental Organization
<b>NEAC:</b>	National Environmental Appraisal Committee
<b>MPKBAB:</b>	Management and Protection of Key Biodiversity Areas in Belize
<b>PIAG:</b>	Project Implementation Agency Group
<b>PACT:</b>	Protected Areas Conservation Trust

## Definitions

**Competent authority:** means the Department of the Environment (DOE)

**Developer/ Applicant:** means a person intending or planning to undertake a new activity, or extend an existing activity.

**Department:** Department of the Environment

**Environmental license:** means any license primarily established to protect the environment, such as the pollution license, the effluent license, the waste license, etc.

**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 (EIA Regulations 2007<sup>1</sup>).

**Environmental Compliance Plan (ECP):** means a legally binding document developed by the Department of the Environment, 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 (EIA Regulations 2007).

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<sup>1</sup> Environmental Impact Assessment (Amendment) Regulations, 2007. Statutory Instrument No. 24 of 2007.

**Environmental consultant (preparer):** Expert in environmental matters capable of conducting environmental impact assessment studies.

**Environmental Impact Assessment:** 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 (EIA Regulations 2007).

**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 (EIA Regulations 2007).

**Minister:** means the Minister charged with responsibility for the environment (Environmental Protection Act, 2000<sup>2</sup>).

**Ministry:** means the Ministry responsible for the Environment .

**Mitigation measures:** means the measures to reduce or control the adverse environmental impact of an activity and includes restitution for any damage to the environment caused by such activity, through engineering works, technological improvements, management measures or compensation to ameliorate any loss suffered by a person.

**Project:** includes a project, programme, plan or policy.

**Screening:** The process by which a decision is taken on the type of environmental assessment required for a particular Project, for example, on whether an EIA is required (see Section 6.3 for a fuller description).

**Terms of Reference (TOR):** means a document which details the main environmental issues which must be addressed in an environmental impact study.

**Scoping:** means the process of identifying the content and extent of the environmental information to be submitted to the competent authority under the EIA procedure.

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<sup>2</sup> Environmental Protection Act, Revised edition 2000.

**Stakeholder:** means any person, public or private, implicated in or with an interest in the project.

**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 (EIA Regulations 2003<sup>3</sup>). In this report, the words “undertaking” and “project” are used as synonyms.

## Documents reviewed and other sources of information

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### Legislation/Regulations

#### *Legislation from Belize*

Commercial Free Zone Act (Revised Edition 2003)

Coastal Zone Management Act (Revised Edition 2000)

EIA Regulations (Revised Edition 2003)

EIA (Amendment) Regulations, Statutory Instrument No. 24 of 2007

Environmental Protection Act (Revised Edition 2000)

Environmental Protection (Amendment) Act, Statutory Instrument No 5 of 2009

Pollution Regulations (Revised Edition 2003)

Environmental Protection (Effluent Limitations) Regulations 2003

Environmental Protection (Effluent Limitations) (Amendment) Regulations, Statutory Instrument No. 102 of 2009

Fisheries Act (Revised Edition 2003)

Hazardous Waste Regulations, 2009, Statutory instrument No 100 of 2009

Hotels and Tourist Accommodation Act (Revised Edition 2003)

Housing and Town Planning Act (Revised Edition 2000)

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<sup>3</sup> Environmental Impact Assessment Regulations, Revised Edition 2003.

Mines and Minerals Act (Revised Edition 2000)

Solid Waste Management Authority Act (Revised Edition 2000)

Solid Waste Management Authority Act (Revised Edition 2003)

**Other documents**

Analysis of EIA reports

Analysis of Scope and TOR documents

Analysis of ECPs

Analysis of records of the environmental clearance process

Analysis of records of files processed

Belize Integrated Coastal Zone Management Plan and guidelines

Institutional development plan for the Environmental Division of the Ministry of Tourism and the Environment

DOE Manual

DOE Annual Report 2014-2015

National Environmental Policy and Strategy 2014-2024

National Environmental Action Plan 2015-2020

DOE internal policies as of the year 2010

DOE-NEAC FFI report review

DOE: Institutional Analysis & Capacity Development Plan, 2015-2019

Priority Training Needs for DOE: 2013

Environmental guidelines for fiberglass industry

UICN\_Guide

LUA\_Guidelines. Guidelines for subdivision and consolidation of land

Project Evaluation/Environmental Impact Assessment Unit Annual Report 2015-2016.

Belize EIA review system. Fauna & Flora International

Procedures Manual for the preparation of an Environmental Impact Assessment (EIA) in Belize

DOE staff workplans

Summary of Review of Environmental Impact Assessment (EIA) Regulations and Amendments by DOE staff

Environmental Impact Assessment and Sustainable Development in Africa: A Critical Review (Campion Benjamin Betey & Essel Godfred, 2013)

Cristina Rebelo and José Guerreiro. Comparing EIA procedures and contents in Kenya, Tanzania, Mozambique and EU

### **Web pages**

Department of Environment, Government of Belize: [www.doe.gov.bz](http://www.doe.gov.bz)

Government of Belize: [www.belize.gov.bz](http://www.belize.gov.bz)

Netherland Commission for Environmental Assessment: [www.eia.nl/en/countries](http://www.eia.nl/en/countries)

Canadian Environmental Assessment Agency. [www.ceaa.gc.ca](http://www.ceaa.gc.ca)

Planning Practice Guidance. [planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/preparing-an-environmental-statement/](http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/preparing-an-environmental-statement/)

Legal Office Faolex: [faolex.fao.org](http://faolex.fao.org)

Belize Trade and Investment Development Service (BELTRAIDE): [www.belizeinvest.org.bz](http://www.belizeinvest.org.bz)

World Bank: [www.worldbank.org](http://www.worldbank.org)

International Association for Impact Assessment IAIA: [www.iaia.org](http://www.iaia.org)

Coastal Zone Management Authority and Institute of Belize: [www.coastalzonebelize.org](http://www.coastalzonebelize.org)

### **Other sources of information**

In addition to the above mentioned sources of information, different web pages were analyzed, interviews were held with different officials and personnel of various organizations including the Department of the Environment, Environmental Consultants, Non-Governmental Organizations -NGOs (Belize Audubon Society), different Government Departments (Fisheries, Belize Port Authority, Forest Department, Climate Change Office, Mining Unit, National Integrated Water Resources Management (NIRWA), Belize Trade and Investment Development Service (BELTRAIDE), Commissioner of Lands, Ministry of Agriculture, Fisheries, Forestry, the Environment and Sustainable Development, National Environmental Appraisal Committee (NEAC), Office of the Solicitor General, several private developers. Also, additional written comments were kindly provided by Peninsula Citizens for Sustainable Development (PCSD), Wildlife Conservation Society (WCS), and Fauna & Flora International.

## 1. Executive summary

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The environmental clearance of undertakings (enterprise, activity, project, structure, work, policy, proposal, plan or program) is required under legislation in Belize for any undertaking that might lead to a significant environmental impact. This requires an environmental clearance process that efficiently takes into account and balances the needs for sustainable growth, employment and environmental protection. However, the current environmental clearance process is perceived by developers as lengthy and cumbersome, and by certain IAPs as lacking adequate public consultation, transparency and having excessive discretion by the DOE. A number of more detailed deficiencies and opportunities for improvement have been identified by public officials, developers and IAPs. In the present report, an analysis has been made of the different proposals, as well as of practices existing in similar environmental clearance processes in other countries, such as Costa Rica, Canada, the UK and, others including Spain.

This report presents a first diagnosis of the environmental clearance process in Belize, ending in a first set of recommendations intended to improve the process, particularly in relation to its effectiveness, efficiency, and transparency. It has been prepared on the basis of the information collected during two missions of the consultants to Belize, one by Imanol Martin and Iñigo Esnaola from April 18<sup>th</sup> to April 29<sup>th</sup>, 2016, and another one by Imanol Martin from the 6<sup>th</sup> to the 10<sup>th</sup> of June, 2016 and additional information obtained from internet sources (see section “Documents reviewed and other sources of information”). The analysis of the proposals and comments made by different stakeholders and IAPs has been made considering conflicting objectives, in the sense that what might be a good proposal to improve one aspect of the process (like transparency, or public involvement in the screening phase) might go against another objective (like effectiveness, efficiency). Also, two limiting and related factors have been considered: the scarce resources available both at the DOE and NEAC, and the size of the country and its environmental market.

The primary purpose of this document is not to provide a comprehensive description of the environmental clearance process, but rather to point out the gaps or possibilities for improvement identified by different persons interviewed during the project or by the consulting team, and propose specific measures for improvement. When analyzing possibilities for improvement, and considering how ambitious the recommendations made here should be, two general aspects have been taken into account: the costs of pursuing a recommended action in terms of public and private resources for a small country like Belize, and the benefit of pursuing that action, including the uncertainty associated to that benefit, for example, the costs, benefits and uncertainties of considering ecosystem services. Also, the recommendations have been made from the perspective of what would be good to create a good environment for development while maintaining the desired level of environmental protection, not

from the point of view of considering only what would be good for the environmental clearance process in isolation of everything else, or what would be good to protect the environment.

The recommendations made here with the highest potential to change the environmental clearance process are related to the following ideas:

- Change the Schedules I, II and III so that the activities subject to environmental clearance are grouped in four types following publicly known and clearly defined criteria (like size thresholds). These four types correspond to: a) Very small projects to which a no objection letter is sent; b) small projects to which an environmental clearance with conditions is issued; c) medium sized projects to which an LLES is required and an environmental clearance with conditions together with an ECP is issued; large projects requiring a full EIA study. Allow the smallest size project to register, without the need to obtain the environmental clearance. This need not involve a great workload as it only requires maintaining a register.
- Establish publicly known criteria on what are protected environmentally sensitive zones, declare these zones as protected, and define a specific and more conservative treatment of projects to be located in these zones; subject projects to be located in the rest of the country to the normal environmental clearance process described in the previous point. The Coastal Zone Management Guidelines prepared by the Belize Coastal Zone Management Authority and Institute provide a basis for the declaration of sensitive zones. Protected environmentally sensitive zones may be more than the currently declared Protected Areas, for example: the land fringe adjacent to a river up to, say, 50 m distance from the water may be defined as a protected environmentally sensitive zone. Still, they should be declared by a political decision (including pieces of legislation).
- In zones planned for non-sensitive uses reduce the requirements for environmental assessment<sup>4</sup>, that is, allow a simpler environmental clearance for projects that, given their size would require a longer process in other areas. For example, allow medium sized projects an environmental clearance with conditions rather than requiring an ECP. Promote land and urban planning by the competent authorities in planning to assign zones for non sensitive uses to promote development while maintaining an adequate level of environmental protection.
- Develop guidelines as to how to conduct the different steps of the process from a methodological and technical point of view in a way that is suitable to the conditions in Belize. While these guidelines are being developed, use those designed in other countries and regions (European guidelines, USEPA guidelines).

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<sup>4</sup> Environmental assessment here means EIA, LLES, or even the decision that none of these are needed and an ECP or a no objection letter may suffice.

- Establish in guidelines clear and publicly known detailed requirements for the content of EIA studies and LLES (See European or USEPA guidelines). Define on the basis of an informed political decision the scope of those aspects that are currently more controversial, for example, the socio-economic analysis, the cumulative impacts and the required extent of public consultations.
- Improve transparency of the process mostly through a more certain definition of the different paths projects subject to environmental clearance should follow (EIA/LLES/clearance with conditions/no objection), a more certain dealing with sensitive zones (as mentioned above, they should be publicly known and declared, this is, protected areas), through providing information on the most relevant documents produced during the process, while maintaining confidentiality of the information that should be treated as confidential and through facilitating information on the reasons for the decisions taken by the DOE, particularly about those aspects when the decision is related to some controversial issue. These documents are the public consultation report, the Scope and TOR, the EIA and LLES study, the recommendations of NEAC, the basis for the decision taken by the DOE and the ECP.
- Develop internal criteria and make them public, so that decisions made at DOE are consistent. This will also serve to help training of new DOE staff.

A number of recommendations are made throughout the report. Also, additional more detailed recommendations have been included in an Appendix.

Chapters 1 to 3 of the report provide a summary, an introduction, and background information on Belize. Chapter 4 of the report presents an analysis of the institutional setup in Belize. An analysis of the existing legal and regulatory framework is presented in Chapter 5. Chapters 6 and 7 describe the environmental clearance process and analyses the various options for improvement. Chapter 8 analyses the EIA consultants (preparers) in Belize. Chapter 9 benchmarks practices in Belize with international practices with a view to identifying those best practices that may be of interest to Belize. Chapter 10 analyses the DOE and the Project Evaluation and EIA Unit within the DOE. Each chapter from 4 to 9 includes a section on the main findings or conclusions of the analysis made and another one with recommendations; recommendations are numbered for ease of reference.

Throughout the report, findings are ordered with letters and recommendations are numbered for ease of reference. In order to provide guidance as to the type of action needed, recommendations have been qualified according to the following types: change in legislation/regulations, change in guidelines and change in practices.

## 2. Introduction

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### 2.1. Background<sup>5</sup>

The Government of Belize, with the assistance of the World Bank is implementing the project entitled “Management and Protection of Key Biodiversity Areas in Belize” with funding from the Global Environment Facility “GEF.” The project development objective is to strengthen natural resource management and biodiversity conservation in Key Biodiversity Areas (KBAs) of Belize. Implementation of the KBAs project will be over a five (5) year period. The project has four components:

- o Component 1- Supporting Forest Protection and Sustainable Forest Management Activities in Key Biodiversity Areas,
- o Component 2- Promoting Effective Management of Key Biodiversity Areas (KBAs),
- o Component 3- Institutional Strengthening & Capacity Building for Enhanced Enforcement of Environmental Regulations,
- o Component 4- Project management, monitoring and assessment.

Belize is heavily forested, and the poorest people in Belize are predominantly rural. Sustainable livelihoods and green development depend on forested areas having income generating and employment options that are not destructive to the forest. Also, a significant portion of Belize's economy is based on other natural resources. Therefore, effective and improved management of the environment and natural resources is necessary for environmental, economic and social reasons.

This requires an environmental clearance process that efficiently takes into account and balances the needs for employment, sustainable growth, and environmental protection.

EIAs are currently required under the Environmental Protection Act, the National Lands Act, and the Mines and Mineral Act. Under the National Lands Act every person who applies to lease 500 acres or more of national land shall be required to carry out an EIA before the determination of his lease application, and where the lease of national land is for less than 500 acres, the Minister, may require that an EIA be provided by the person applying to lease national lands. Under the Mines and Mineral

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This section has been drafted partly based on information from the TOR of the project.

Act, in considering an application for a mining license the Minister may require Environmental Impact Assessment from the applicant.

The Environmental Protection Act (EPA) (Act 22 of 1992) assigns the Department of the Environment (DOE) responsibility to administer the environmental impact assessment (EIA). One of the DOE's key mechanisms for environmental protection under the EPA is the EIA Regulations number 107 of 1995, amended in 2007. The Act requires that all persons, organizations or entities prepare an EIA if their proposed programme or project will have significant impacts on the environment.

Once a project proposal is submitted to the DOE, a screening exercise is undertaken to determine the necessary level of environmental assessment. The DOE categorizes projects in two schedules: Schedule I (full EIA), Schedule II (requiring a full EIA or a Limited Level Environmental Study (LLES) depending on the location and size of the project). Depending on the nature, scale and size of the project, some may not require going through the EIA or LLES process but may be granted clearance through the signing of an ECP or through an environmental clearance letter with conditions. Schedule III provides guidelines for licensing authority to decide when a project is to be sent to the Department of Environment for environmental clearance.

If a project requires a study, applicants follow the procedures outlined in the EIA regulations and guidelines (Department of the Environment Belize, 2011). In the case of an EIA, a public consultation is mandatory, while currently, there is no need for LLES to conduct a public consultation nor is it specified in the regulations.

If the DOE determines that an EIA or LLES is required, then a screening phase is followed by a scoping phase which determines the focus area of the study in conformity with guidelines set out in the regulations. Following this, the preparer is given permission to conduct the EIA or LLES.

Upon acceptance of an EIA or LLES by the DOE, the report can proceed to full submission to DOE. A National Environmental Appraisal Committee (NEAC), made up of a cross section of technical professionals, reviews the reports and makes recommendations to the DOE. DOE is responsible for issuing a final approval or rejection based on the recommendations of the NEAC. Once the studies are approved by DOE, an Environmental Compliance Plan (ECP) is developed by the DOE. The ECP is a legally binding agreement between the DOE and the developer. It outlines what should be done in terms of mitigation and monitoring after the environmental clearance is issued. Breach of the ECP or EPA/ regulations can lead to penalties that include revoking of the development's environmental clearance, fines, and/or prison-time.

The DOE unit responsible for administering the EIA regulations and for reviewing EIA reports is the Project Evaluation/EIA Unit.

The DOE carries out scheduled and random monitoring and enforcement activities, placing emphasis on the most sensitive sites. The Environmental Enforcement and Compliance Monitoring Unit is responsible for the compliance monitoring of projects that have received environmental clearance and for enforcement with all environmental laws.

The Environmental Protection Act (EPA) was legislated in 1992. In implementing the legislated environmental clearance process, several challenges have been experienced which indicate that there exists the opportunity for improvement. It is necessary to identify ways to strengthen the environmental impact assessment process and promote more vigorous and consistent processes, comparable with international standards and which also meet the ever growing developmental needs of Belize.

Additionally, the DOE has a heavy workload which can put pressure on its monitoring and enforcement activities, in spite of receiving additional support for monitoring and enforcement from other departments, such as Fisheries, Forest Department, Lands and Surveys, and Mining Unit of the Ministry of Natural Resources.

## 2.2. Objective of the assignment

The overall objective of the consultancy was to carry out an in-depth analysis of the Environmental Clearance Process within the Department of the Environment, with the aim of identifying weaknesses and proposing recommendations for strengthening.

This involved meetings with key stakeholders including the staff of the Department of the Environment, the National Environmental Appraisal Committee, the private sector, non-governmental organizations, and community representatives, among others.

## 2.3. Scope of work

The work primarily focuses on the following activities:

1. Initiation meeting and regular meetings with the Project Implementation Agency Group (PIAG).
2. Inception Report.
3. Consultation meetings with key agencies to obtain their views and ideas on the environmental clearance process and stakeholder participation, and ways to improve.
4. An assessment of the present Environmental Clearance Processes.

5. A desktop review of other regional and international Environmental Clearance Processes for purposes of comparison.
6. Design and development of a national public involvement plan, consistent with the relevant legislation and recommendations of this Consultancy, to enhance stakeholder participation in the environmental clearance process.
7. Proposal of recommendations for amendments to the EIA regulations, taking into account all relevant legislation including but not limited to the EPA, the Environmental Impact Assessment Regulations as amended by S.I. 24 of 2007, other environmental regulations and other regulations in order to address the gaps identified in the assessment of the present Environmental Clearance Processes.
8. Proposal of necessary adjustments to the organizational structure of the Project Evaluation and EIA Unit, in order to improve its efficiency and effectiveness.
9. Draft Legislation to address identified gaps.
10. Validation workshop with stakeholders on draft legislation.

#### 2.4. Expectations of the project

In the first visit of two consultants to Belize, in some of the meetings with DOE officials, an attempt was made to identify their expectations of the project. The ideas raised by different officials provide an approximation to these expectations:

- A more streamlined, efficient process is required (both for the private sector and the public sector) and a transparent process. The components of the process need to be identified and how to speed them up, areas that could be expedited, rendering a more efficient and effective process.
- This consultancy should identify areas that need to be filled in, standards that need to be developed. Particularly, comments are needed on social and economic dimensions, public participation, cumulative impacts
- An assessment of the organizational structure and effectiveness of the current Project Evaluation and EIA Unit within the DOE. For example: relevant qualifications of the people and whether they match the needs of the process, what tools are available to assist in the

evaluation, how effective the projects are being followed to ensure compliance, capacity needs.

- Proposals on cumulative impacts, socio-economic assessment, small activities to be removed from the list of projects subject to environmental clearance

This report attempts to focus on those findings and recommendations related to the expectations mentioned above. It does not include all the suggestions made by the different people interviewed or collected in some of the documents analysed, but includes only those findings and recommendations related to these expectations outlined above.

### 3. Situation of Belize<sup>6</sup>

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Belize is a small, upper-middle income country with a population of about 350,000 and a GDP per capita (PPP) of US\$8,029 in 2014. Over the last two decades, Belize has undergone a significant economic transformation, mainly due to the growing tourism industry and to the commercial oil discovery in 2005. Tourism and Agriculture are the main sources of income and employment.

In the context of adverse shocks that affected Belize and other countries in the region, poverty and shared prosperity in Belize is likely to have worsened. The latest available Country Poverty Assessment showed that during the 2002-2009 period, the overall poverty rate increased from 34% to 42%, while extreme poverty increased from 11% to 16%. These ratios might have worsened more recently, especially because income per capita has stagnated since the early 2000s. Poverty rates across the country are very diverse, with the highest economic inequality being observed among Maya communities.

Belize was adversely impacted by the global economic crisis, which came on the heels of the 2008 food and fuel price increases, leading to a slowdown in growth and an increase in poverty. Recently, the country has begun its recovery with growth rates above 2.5%. Belize's growth path appears to be characterized by volatility. It's small-size economy, its high dependence on exports and imports, and its exposure to natural disasters make the country vulnerable to terms of trade shocks and create output volatility that can affect long-term growth. The economy decelerated to 1.7% in 2015, down from 4.1 in 2014, driven by the weather-related poor agriculture output.

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<sup>6</sup> World Bank web page (July 2016).

#### 4. Institutional setup in Belize

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- a) In 1989, the Government of Belize established the Ministry of Tourism and Environment with the responsibility of dealing with environmental matters.
- b) In 1990, the Ministry of Tourism and the Environment through the Department of the Environment prepared and produced its first National Policy and Strategy Statement.
- c) This policy and strategy statement guided the development and passage of the Environmental Protection Act (EPA) in 1992. The EPA provided for the establishment of the Department of Environment, giving it the legal mandate to address modern environmental pollution issues and responsibility for coordinating matters related to ensuring the prudent use and proper management of Belize's resources and the protection of the environment.
- d) The Environment Protection Act assigns to the Department of the Environment some responsibilities related to the environmental assessment of projects and activities in Section 4:
  - a. (e) issue the necessary licences, with or without conditions, for use for the exercise of activities that may cause pollution;
  - b. (m) examine and evaluate and if necessary carry out environmental impact assessments and risk analysis and to make suitable recommendations to mitigate against harmful effects of any proposed action on the environment;
- e) Other Departments and interested and affected parties do have a very important role in controlling the environmental impact of activities of projects, particularly through their participation in NEAC and in the public consultation process.
- f) The Environmental Impact Assessment regulations created the National Environmental Appraisal Committee (NEAC). The composition of NEAC as in the EIA regulations (as modified by Statutory Instrument No 47 of 2007) includes representatives of different defined Departments, as well as representatives from NGOs and the private sector, and may also include co-opt members to help analyzing specialized aspects of the reports.
- g) The functions of NEAC are: review all environmental impact assessments; advise the Department on the adequacy or otherwise of environmental impact assessment; advise the Department of circumstances where a public hearing is desirable or necessary; and make recommendations to the DOE on ways to improve the efficiency and effectiveness of the EIA process.

h) The Government of Belize has established a systematic way to analyze large investment projects through the Cabinet Sub Committee on Investment (CSCI), which takes into consideration 5 major aspects:

I. Investment should be socially and economically acceptable and legally doable.

II. Bring revenue to Government.

III. Bring meaningful employment to the country.

IV. Bring foreign exchange.

V. Preserve and possibly enhance the environment and respect the cultural heritage of Belize.

i) The following table presents a summary of the institutional framework of Belize that has some relation to the environmental clearance process either as participants or as developers<sup>7</sup>.

Table 1. Summary Institutional Framework related to the environmental clearance process in Belize		
Portfolio Responsibility	Departments & Statutory Bodies	Legislation
Environmental Protection and Natural Resources Management (Pollution prevention and control, EIA, Climate Change, Biodiversity, Fisheries, Forestry, Protected Areas and Coastal Zone Management), <i>Agriculture</i> , Agro Aquaculture, Animal and Plant Health, Quarantine, Bio-safety, Agriculture and Fishing Cooperatives	Department Of the Environment	Environmental Protection Act Cap 328
	Belize High Seas Fisheries Unit	Fisheries Act Cap 210 and 210S, High Seas Fishing Act Cap.210.01
	Forest Department	Forest Act Cap 213, Forest Fire Protection Cap 212 Act, Private Forest (Conservation) Act Cap 217, Wildlife Protection Act Cap. 220, National Parks System Act Cap 215
	Coastal Zone Management Authority and Institute	Coastal Zone Management Act Cap 329
	Protected Areas Conservation Trust*	Protected Areas Conservation Trust Act Cap 218 Protected Areas Conservation Trust (Amendment) Act 2015
	National Protected Areas System	National Parks System Act, Cap 215
	Agriculture Department	Veterinary Surgeons Act 326Agriculture Fires Act Cap 204
	Pesticides Control Board	Pesticides Control Act Cap 216

<sup>7</sup> Institutional Analysis & Capacity Development Plan, 2015-2019

**Table 1. Summary Institutional Framework related to the environmental clearance process in Belize**

<b>Portfolio Responsibility</b>	<b>Departments &amp; Statutory Bodies</b>	<b>Legislation</b>
Land Administration & Land Management, Land Use Planning, Mining, Integrated Water Resources Management, Solid Waste Management  Industry,	Lands and Surveys Department	National Lands Act Cap 191, Land Tax Act Cap 58, Aliens Landholding Act Cap 179, Land Acquisition (Promoters) Act Cap183, Land Acquisition (Public Purposes) Act Cap184, <u>Land Adjudication Act Cap 185</u> , Land Reform (Security of Tenure) Act Cap 186, Land Surveyors Act Cap187, Land Utilization Act Cap188, Registered Land Act Cap194, Strata Titles Act Cap 196, General Registry Ac
	Mining Unit	Mines and Minerals Act Cap 226
	BAHA ( Belize Agricultural Health Authority)*	Belize Agricultural Health Authority Act Cap 211
	Solid Waste Management Authority	Solid Waste Management Authority Act Cap 224
	National Integrated Water Resources Authority	National Integrated Water Resources Act No. 19, 2010
Petroleum, Energy. Public Utilities ( water, electricity, telecommunications, postal service) Science and Technology	Petroleum Department	Petroleum Act Cap 225
	Post Office Department	Post Office Act Cap 228
	Public Utilities Commission	Public Utilities Commission Act Cap 223
potable water quality monitoring, sanitation and environmental health, registration of pharmaceuticals, public clinics and medical facilities	Health Department	Public Health Act Cap 40, Chemists and Druggists Act Cap 311, Food and Drugs Act Cap 291, Medical Services and Institutions Acts Cap 39. Medical Practitioners' Registration Act Cap 318 Slaughter of Animals Act Cap 154
Occupational health and safety, disaster prevention, emergency management[ oil and chemical spill, rural water supply	Labour Department	Labour Act Cap 297
	National Emergency Management Organization	Disaster Preparedness and Response Act Cap 145
	National Meteorological Services	-----
	National Fire Service	Fire Brigades Act Cap137 Fire ( Negligent Use Of ) Act Cap 117
	Immigration Department	Immigration Act Cap 156
	Local Government Department	Town Councils Act Cap 87, Intoxicating Liquor Licensing Act Cap 150

Table 1. Summary Institutional Framework related to the environmental clearance process in Belize		
Portfolio Responsibility	Departments & Statutory Bodies	Legislation
	RECONDEV	Reconstruction and Development Corporation Act
	Rural Government Office	---
	NAVCO	
<u>TOURISM</u> Hotels Tax  Tourism Development	Belize Tourism Board	Belize Tourism Board Act Cap 275; Hotels and Tourist Accommodation Act Cap 285
	Belize National Tourism Council	National Tourism Council Act, Cap 276
	Border Management Agency	Border Management Agency Act Cap 144
<u>CULTURE</u> Archaeology, Abandoned Wrecks, Archives,  Ancient Monuments	National Institute of Culture and History (NICH)*	National Institute Of Culture and History Act Cap 331
	Institute for the Research and Management of Material Culture	
	Abandoned Wreck Authority	Abandon Wrecks Act Cap 235

## 5. Existing legal and regulatory framework

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### 5.1. Environmental legislation

#### 5.1.1. Findings regarding environmental legislation

- j) The Environmental Protection Act (EPA) of Belize was enacted in 1992, its last amendment being in 2009. Sections 20 – 22 of the EPA establish that projects, programs or activities require an EIA. The EIA regulations were enacted in 1995 and were amended in 2003 and 2007. EIAs are also required under the National Lands Act and the Mines and Minerals Act.
- k) Section 3(2) of the Environmental Regulations requires that "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".
- l) Activities that require an environmental clearance are included in the environmental impact assessment regulations (2007) in different Schedules: Schedule I includes activities requiring EIA, Schedule II presents activities that may require EIA or a Limited Level Environmental Study. Schedule III provides criteria to be used by permitting agencies to decide whether an activity requires environmental clearance, although these criteria are also used by the DOE to decide whether an activity requires an EIA study or a LLES.
- m) Consulted NGOs requested that public consultations should be made before any change is made in the Schedules of the regulations or in the regulations themselves, since some of these changes may have a very big impact in how the projects are later managed through the environmental clearance process. However, this should be related to the customary practice of developing legislation in Belize.
- n) Both NGOs and environmental consultants remark that current fines in the regulations are too low to be a deterrent.
- o) Recently the Government of Belize approved a 2014-2024 National Environmental Policy and Strategy Action Plan. Some of the targets defined in the strategy are directly related to the objectives of this project:
  - Target 3.1.1 Effective implementation of land use plan, mandates and responsibilities.

- Target 5.1.3 Increased stakeholder engagement;
  - Target 5.1.4 Promoting environmental standards;
  - Target 12.1.1: Effective inter-agency planning and coordination mechanism defined, implemented and sustained;
  - Target 12.1.2: Decentralization of DOE's management model for effective policy coordination and implementation;
  - Target 12.1.3: Reduce the functional and technical capacity gaps of environmental protection and management agencies and staff by 80%.
- p) Several of the issues and concerns identified in the 2006 National Environmental Policy and Strategy Document inclusive of the older 1990 and 1999 versions remain relevant today. These include the following:
- Insufficient public awareness;
  - Insufficient resources to formulate standards and regulations and ensure compliance with environmental law;
  - Lack of planning to meet the resource needs for a growing population;
  - Limited data bases to inform decision making;
  - Inadequate inter and intra ministerial cooperation.
- q) Legislation in Belize that imposes requirements on the project is considered through the EIA process since one of the requirements for EIA studies is to review the legislation applicable to the particular project being analysed. Also, in the ECP for projects defined at the end of the EIA process, DOE usually includes some requirements belonging to legislation other than the EIA legislation.

## 5.2. Zoning, land use and coastal use planning

### 5.2.1. Findings regarding zoning, land use and coastal planning

- r) Currently, in Belize there is no implemented policy for land planning, although the country is taking steps in that direction. Land planning is done in a segregated way, with several agencies

involved with different responsibilities: for example, the Land and Surveys Department responsible for land use, or the Land Utilization Authority who deals with subdivision of land. However, the existing legislation does not provide enough power to the initiatives of these agencies, and these cannot be enforced since the owner has priority over land use to the planning. Towns do not have their own planning legislation they can enforce, but town plans developed by local Authorities can have legal status when they are approved by the Central Housing and Planning Authority and, subsequently, by the Minister<sup>8</sup> (see also below). Some towns in Belize have developed their town plans (San Pedro). Also, Belize is in the process of developing an integrated planning strategy for the country, and in about two years a national plan should be commenced<sup>9</sup>.

- s) The Housing and Town Planning Act (as of 2000) defines that: *“scheme” means a scheme under this Act and includes a housing scheme, a slum-clearance scheme, a re-development scheme, a town planning scheme, a regional scheme, a supplementary scheme and a scheme varying or revoking an existing scheme”.*
- t) Also, this Act defines the duties of the Central Authority as *“The duties of carrying out the provisions of this Act, the acquisition, reconstruction and management of slum-clearance areas and re-development areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings, **the due execution and enforcement of any scheme** in accordance with this Act and for other purposes connected with the matters aforesaid, as provided by this Act”.*
- u) In Part III of the Act on Town and Country Planning, Section 41 establishes that the Central Authority may prepare a scheme with respect to any land, adopt the scheme proposed by the owners of a land, or adopt a scheme proposed by one or more local authorities.
- v) Also, in its Third Schedule, the act provides a list of matters relating to Part III of the Act (Town and Country Planning) to be dealt with by Schemes, including: *Amenities: Providing for the zoning of land in town and country areas, whether public or private, whether built on or unbuilt on, and for reserving such land for specific purposes, including agriculture, forestry, industry, commerce, housing and recreation.*
- w) Also, Section 42 states that the Central Authority may propose a draft scheme to the Minister, and the Minister may approve such scheme.

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<sup>8</sup> Housing and Town Planning Act, Chapter 182, Revised Edition 2000.

<sup>9</sup> Commissioner of Lands.

- x) Adding to what has been mentioned, in relation to land use planning, the National Environmental Policy and strategy reflects: *“LMP Project developed and implemented. However issues related with land use planning continue to be identified as a priority issue. While the legislations are in place, the focus of the institutions in land use planning and zoning is very limited. This remains one of the relevant issues impacting the lives of our people”.*
- y) The Coastal Zone Management Authority and Institute developed and published in 2016 the “Belize Integrated Coastal Zone Management Plan”. Based on this plan, coastal zone management guidelines have been developed for 9 planning regions comprising the whole coast of Belize and covering a terrestrial zone within a 3 km range from the coast line as well as the territorial sea of Belize. These guidelines provide criteria for the allocation, sustainable use and planned development of Belize’s coastal resources. For example, they provide a zoning scheme for coastal development identifying suitable areas that could be developed by potential interested parties and contain development standards intended to support the EIA process. The zoning scheme allocates suitable zones for productive activities (such as aquaculture or agriculture). However, it is not clear to which extent the zones defined will be enforceable. This plan and guidelines have been recently endorsed by the government. They require being approved at the House of Representatives and published in the Government Gazette to come into effect.

#### 5.2.2. Recommendations regarding zoning and land use planning

1. ***Conjunctive use of planning and environmental clearance process.*** *Even if there is no legal mechanism to prohibit any given land use in any given area, the planning process can still be used in conjunction with the environmental clearance process to streamline the environmental clearance process for certain activities in certain areas. For example, if an area will be planned for tourism, then an EIA could be carried out for that whole area based on the activity of tourism, analysing the cumulative impact of all the potential touristic activity as if the whole area were dedicated to tourism. On the basis of this EIA, mitigation measures or model ECPs could be defined for individual touristic activities. Thereafter, each new tourist activity would not need to carry out its own EIA, but would receive an Environmental Clearance with the predefined ECP that corresponds to its characteristics. In this way, each new tourism activity establishing in the area would only have to face a very simple and streamlined environmental clearance process. On the other hand, any activity other than tourism would have to undergo the full environmental clearance process. It is also likely that if this other activity has significant impact, it would have to implement more stringent mitigation measures than if it were in a different site, as the surrounding area is planned for tourism. The result of this would be that the activities compatible with the planned use (tourism activities) would face a streamlined environmental clearance process,*

*whereas activities not compatible with the planned use (other activities) would have to undergo the full process, and, probably, apply more stringent mitigation measures. [Note: It will be necessary to make clear who will conduct the EIA and who will pay for the EIA and the cumulative impacts study. The final decision will depend on factors outside the scope of this assignment, but the consultants' initial proposal would be that the authority promoting and approving the planning would be the "promoter" and so this authority would have the responsibility for conducting and paying for the EIA, including the cumulative impacts study]. For this purpose, include a provision in Section 9 of the EIA Regulations excluding projects to be established in a planned zone from the requirement to conduct an EIA, a LLES or a public consultation exercise, provided that:: (Change in legislation/regulations).*

- Prior to approval of the planning<sup>10</sup>, an EIA has been carried out for the planned use for the land and the type of projects to be established (including an analysis of the cumulative effects of all the projects that might be located in the planned zone),
- the acceptable total area for that land-use has been decided, as well as the number and size of projects that can be allowed in each zone, and the type of activities allowed (or excluded)<sup>11</sup>, and
- the appropriate mitigation measures and ECP have been specified for each type of project.

Legislative review will improve the strength of planning as a tool for sustainable development. The cost of this tool must be weighed against its benefits in terms of sustainable development

*From the point of view of how the environmental clearance process can contribute to development that is compatible with plans and policies, the following proposals are made:*

- exclude from the need to conduct LLES and, in some cases even EIA, projects that are compatible with Schemes approved by the Minister (local planning and zoning, schemes approved by the Central Authority) and with the activities allowed in the plan, to quickly obtain environmental clearance with (previously defined or agreed) ECP, without the need to undergo EIA/LLES studies. Projects exempted from EIA or LLES could be defined in the regulations (as proposed in this paragraph) and in the proposed plans as "compatible activities" within certain zones before they are approved. (Change in legislation/regulations).

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<sup>10</sup> According to legislation reviewed. approval of plans depends on the type of plans. For planning schemes it is first the Central Planning Authority and then the Minister of Housing and Urban development.

<sup>11</sup> For example, in a zone for industrial use, some industries included in Schedule I could be excluded, maybe because the zone is close to inhabited areas and the excluded industries are perceived to have a large impact.

This will not weaken the current program since the environmental impact of these projects (even considering cumulative effects) would have been assessed as part of the EIA of the plan (see above), and the relevant mitigation measures for them would have been defined. (It is important to remember that the projects considered will be all of a similar type, and it is precisely for this reason that this approach has been suggested). Rather, this approach will allow resources to be focused on the priority projects rather than on non-priority ones.

- request in the TOR of the EIA/LLES study (if required) an analysis of the existing governmental plans and policies<sup>12</sup>, including spatial plans, and, when designing the ECP, consider whether more stringent than usual mitigation or compensation measures need to be applied, for example, for those projects that are not compatible with approved spatial plans (Change in practices).
- currently, legislation in Belize allows land owners the freedom to initiate a project that entails some environmental impact even in an area planned for a more sensitive use (because of lack of or inadequate enforcement legislation on planning). In these situations, EIA legislation could allow DOE to require a more demanding environmental assessment (for example, a LLES when none is normally required according to Schedules I or II), or an EIA when a LLES is normally required) for projects to be established in areas planned for uses more sensitive than that of the intended project. This will encourage developers to start projects preferably in areas in which the intended project is compatible with the planned use. During the definition of the plan, the EIA for the plan should develop mitigation measures for each planned use, for example including for example measures on dredging if the plan is for Caye Caulker. These might be different in Belmopan. (Change in legislation/regulations).
- In the future, develop legislation that forbids projects that may cause a significant impact on the environment from establishing in an area when that area is planned for a more sensitive use. Thus, the future objective would be to evolve from the approach suggested above (streamlining the environmental clearance process for certain planned activities) towards a framework in which decisions would be enforceable once planning has been approved (with the planning process directly excluding the possibility of certain activities establishing in certain areas).

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<sup>12</sup> For example, plans on biodiversity, protected areas, climate change or plans for the coastal zone.

### 5.3. Other environmental legislation

#### 5.3.1. Findings regarding other environmental legislation

- z) The Pollution Regulations in Belize require that no emission of contaminants is made unless it is authorised by the Department (DOE) (Art 3.1.). This applies to several types of emissions, including emissions to air, noise, or wastes. In industrial activities, the permit is required to initiate an activity and also to increase it, if it appears that this will result in an emission, deposit, issuance or discharge of contaminants into the environment resulting in a change in the quality of the environment.
  
- aa) Environmental legislation in Belize has developed effluent limits for different substances and types of activities (1st and 2nd Schedules of the Environmental Protection (Effluent Limitations) Amendment Regulations 2009. These may serve to establish conditions in licenses, even for projects that do not require an EIA or a LLES. These Regulations define in what cases these limitations do not apply (sewage effluent into any inland waters from any housing development of less than 5 units), where minimal pollution is expected, implying that in all other cases they do apply.
  
- bb) Any new source of effluent discharge or any change in the quantity or quality of the discharges from an existing source requires written permission of the Department (DOE). Existing sources of effluents are required to comply with the limitations, but do not require a license to emit contaminants.
  
- cc) These regulations allow control of relevant activities without having to resort to the environmental clearance process.
  
- dd) In Belize, environmental legislation has been approved defining a number of elements that serve to protect the environment. For example:
  - Air quality values
  
  - Limits for concentrations of pollutants in emissions to air
  
  - Effluent limit values for pollutants
  
  - Noise levels

- ee) The country has the one stop shop objective, but it has not been able to implement it. According to different people interviewed, developers find it difficult to know what licenses need to be obtained. Some of the requirements needed are presented in certain web pages (BELTRAIDE).
- ff) In larger activities, in some cases, the ECP accompanying the environmental clearance contained a request for a license to discharge effluents because the licence to discharge effluent was not part of the environmental clearance, even though it is the same Department that issues the licence to discharge effluents. This is because these are two different regulations with their own requirements, thus there is still a need to apply for this as required by legislation.

#### 5.4. Recommendations regarding other environmental legislation

2. *If possible through regulatory change, allow a developer that needs to obtain the environmental clearance to obtain all required environmental licenses with the environmental clearance. Coordinate the environmental clearance process with the issuing of other environmental licenses, particularly regarding the conditions imposed<sup>13</sup>. What is proposed here is to insert the conditions of the environmental licenses in the conditions of the environmental clearance in order to have a single verification document. (Change in legislation/regulations).*
3. *If possible through regulatory change, exonerate activities<sup>14</sup> whose significant impacts are related to environmental licenses, particularly for activities of small and medium size, from the need to obtain the environmental clearance. (Change in legislation/regulations).*
  - Small activities<sup>15</sup>: Use other environmental licenses to control the environmental impact of activities by imposing operating and monitoring conditions in these licenses, and remove the need to obtain the environmental clearance, or, for the very small activities require them only to register through a communication to the DOE. Subsequent monitoring of intermediate activities may be done by including in the license conditions the request to conduct self monitoring, to maintain records of this control, and to send periodic reports to DOE on the

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<sup>13</sup> In many other regions, projects whose impacts derive from waste generation, emissions to air or waste waters are regulated through licenses to generate waste, issue air pollutants or issue waste water, with their conditions. Consequent monitoring is made through controlling permit conditions during inspections or by requesting periodic reports.

<sup>14</sup> For example, the packing or canning of animal or vegetable products (Schedule II, activity 8.b); the manufacture of glass or ceramics (Schedule II, activity 10.a); Installation of printing establishments (Schedule II, activity 20.j),.

<sup>15</sup> Here, small activities refers to the lower range of sizes of some projects or activities in Schedule I of the Environmental Impact Assessment (Amendment) Regulations (2007) that do not have a minimum size threshold defined (for example, activities of sections 3.e), or projects or activities in Schedule II below the threshold defined (for example, activities of section 2, b)),. Thresholds will be defined later in the project.

results of this self monitoring, or through inspections. The smallest activities requiring only registering would be controlled if and when they enlarge to a size requiring another type of permit, by including this requirement in regulations. The cultural and political situation in Belize may mean some obstacles have to be overcome in order to implement this approach. (Change in legislation/regulations). (It is however recognized that for the most part, the DOE does not get involved with “small” operators, just providing input to Trade Licence).

## 5.5. Other licenses

### 5.5.1. Findings regarding other licenses

- gg) Other licenses and permits<sup>16</sup> are required in Belize, depending on the type of business. The time required to obtain other licenses is usually a month, except for the mining license which takes 3 months.
- hh) Investors need clear information as to the time required to obtain the different licenses. This information is dependent on actions by other Departments, and some Departments do not have timeframes for issuance of licenses. Also it should be mentioned that this time depends on the quality of information provided by the developer.

### 5.5.2. Recommendations regarding other licenses

- 4. *Allow developers to apply for other licenses even before the environmental clearance is obtained, and allow public officials to analyse the documents provided by the developer, but under the condition that the final issuing of any other license will only take place after obtaining the environmental clearance. This could be allowed once public consultations have been carried out and it is clear that no major issue arises with the project. This should streamline the overall licensing process, specially in licenses where no major construction is required, like in the mining license or in forestry projects. (Change in practices). This is beyond the scope of DOE, and it depends on the legislative requirements for other permitting agencies, so will only be possible if the legislative requirements for other permitting agencies accommodate this recommendation.*

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<sup>16</sup> For example, mining license, dredging permit, permit to erect a new factory.

## 6. The environmental clearance process

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### 6.1. General

#### 6.1.1. Findings

- ii) Environmental clearance is the approval of a proposed undertaking (a project, program, policy or activity) granted by the DOE. An Environmental Compliance Plan (ECP) is often required based on the project type/nature, size, location, proximity to protected areas and other criteria. For example, projects that undergo the EIA or LLES process are frequently required to sign an ECP. The ECP is a legally binding document consisting of a set of legally binding environmental conditions, guidelines, policies and restrictions which the developer agrees to in writing to abide by as conditions for project approval. For low environmental impact and low risk project developments only an Environmental Clearance letter is provided sometimes containing terms and conditions for the development. Those activities evaluated as of insignificant negative impact to the environment receive a No Objection letter which serves as environmental clearance. Notwithstanding this, conditions to safeguard the environment are still recommended for inclusion in the granting of the relevant permits/licences by permitting agencies.
  
- jj) The major drawbacks in the process relate to being perceived as not transparent by many participants and IAPs<sup>17</sup>, it does not sufficiently work in favour of environmental protection (it is perceived by some stakeholders as a "rubber stamp") and that the DOE is biased on the side of facilitating development.

#### 6.1.2. Recommendations regarding general aspects of the environmental clearance process

In all sections on recommendations in Section 6, see also additional recommendations Section 7 and Appendix I.

- 5. *Develop and document the internal criteria used at DOE to make decisions and make them public. Explicit definition and recording of criteria will help EIA preparers, developers and IAPs to better perform their respective tasks. They will also allow new DOE staff to become familiar with these criteria and therefore this will improve the training of the new staff. (Change in practices)*

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<sup>17</sup> For example, minutes of the NEAC meetings are not publicly available.

## 6.2. Projects and activities subject to environmental clearance

### 6.2.1. Findings regarding definition of undertakings requiring environmental clearance and level of assessment

- kk) The undertakings requiring environmental clearance are specified in Schedules I and II of the EIA Regulations, and Schedule III provides guidelines for the licensing agencies in Belize to determine whether a particular project is to be sent to the DOE for environmental clearance. Some of the guidelines are not specific and this may lead to uncertainties to both developers and interested and affected parties.
- ll) Section 8 of the Environmental Impact Assessment Regulations stipulates that the Department will determine whether the projects included in Schedule II require an EIA. According to DOE officials, the decision of what is the requirement for each project is often carried out in consultation with members of NEAC, but the criteria used are not publicly known, and this adds uncertainty to the to developers and IAPs, who do not know in advance, or at least not in all projects, whether the project will require an EIA or not. This is a very important issue in relation to transparency of the environmental clearance process. DOE's view is that the EIA Regulations are currently the bench marks, and it is necessary to amend the Schedules, which are the weakest part of the legislation.
- mm) Part of the reason for this degree of discretion may be that some departments prefer to have a certain amount of flexibility when it comes to deciding whether a project requires a LLES or an EIA. Also, there is a large variety of projects and the legislation cannot contemplate every possible scenario, so some degree of interpretation is needed. A combination of well defined categories of projects with well mapped zones of concern should simplify and facilitate the screening phase of the environmental clearance process for public officials, remove uncertainty for developers and provide transparency for the interested and affected parties.
- nn) Some activities included in Schedule II of the environmental impact assessment regulations do not have a minimum threshold below which the project would be excluded even from the need to conduct a LLES. For example: activities 1(a), 1(b), 4(a), and 5(a), but also others. The decision is made by the DOE, often in consultation with NEAC.
- oo) There are no publicly available documented criteria to decide when an activity included in Schedule II of the environmental impact assessment regulations (as amended by S.I. 24 of 2007) requires an EIA or a LLES or a direct with ECP or conditions.

pp) Some activities of Schedules I and II are described using concepts that are not clearly defined, such as 8(g), 8(h), 10(a) of Schedule I. Again, according to interviews with different officials the actual criteria used to make decisions in these and other cases are not publicly established and known to developers. In this line, certain terms used in Schedules I and II lead to uncertainty for the developer and should be defined or clarified. Examples include "major", "large", "small" and "adjacent".

qq) Below are a number of additional suggestions for improvement and comments noted by NGOs and other interviewees:

- The DOE to develop a map of intensive development areas, to be used to determine whether further developments are allowed in these areas. However, the consultants believe it would be difficult in practice for the DOE to reject a project on the argument that too much development has already taken place in a given area unless accepted methodologies to assess cumulative environmental impacts are developed or adopted by the DOE or NEAC and the appropriate legal backing for such a decision is provided. DOE notes that a protected areas map is already in existence, but it is not clear who should develop it, and that the NEAC should provide the DOE with the various plans and policies which should govern development from each regulatory body to assist in this (although these are not always complementary).
- There should be an analysis of the financial capacity of the developer and a check for criminal records, or criteria developed to remove speculators. There might be cases when a developer starts developing an area and later, after some environmental damage has already been done (for example, clearance of vegetation) the project is stopped due to lack of resources. DOE points out that this should not be a function of DOE, but possibly of Beltraide or MED.
- Experts should be consulted on the sensitivity of certain areas, and their knowledge should be taken into account in screening decisions or in EIA/LLES. The existence of a comprehensive list of organizations, experts and working groups would help to identify the available knowledge for decision making at the screening phase. In this line, NGOs request more participation of other organizations in the screening process, particularly that experts should be consulted for sensitive areas. However, the consultants believe, as mentioned above in this report, that this consultation may increase the cost and time needed for environmental clearance in general. It would be more efficient to use the available knowledge in the country to draw up a map of sensitive areas of the country, to define legally what level of sensitivity may lead to a difference in the decision taken on a project, and then

to use the available map to make decisions. Information on sensitivity should be as complete and objective as the available information allows at each moment. As suggested elsewhere in this report, the decision on which areas are to be protected should be politically made, based on the recommendations of DOE. The screening phase should be straightforward in the majority of situations, especially if in the future, planning and zoning is conducted and used to make decisions, and should be kept as simple as possible.

- Oil exploration should require an EIA in the view of NGOs. One reason is that some exploration techniques have produced fires in the past. Also, NGOs mention that some developers, once they found oil, started exploitation without any consideration of environmental impact, even to the extent of the developers willing to pay any penalty included in the law. A third argument raised is that once exploration has been permitted, the baseline information is compromised, even if later a project is upgraded to EIA.
- rr) In general, very few project types are exempted from the need to obtain the environmental clearance.

#### 6.2.2. Findings regarding split projects

- ss) Interested parties noted that a weakness in the EIA regulations is that they cannot stop certain developers from increasing the size of their projects by pieces to avoid conducting EIA studies even if the final size of the project is as large as the size requiring an EIA in Schedule I. This entails two possible scenarios of risks: a) a developer increasing an activity piece by piece up to a size which is over a given threshold (that would have required an LLES/EIA if it would have started with that size in the beginning); and b) a developer or different developers initiating different projects, or increasing them, that considered jointly, reach the size where an EIA would have been requested.
- tt) To avoid this, some NGOs propose to use more than one criteria to define the magnitude of the undertaking, to decide whether an EIA is required (for example, in an airstrip, not only the length of the airstrip but also if the project has a control tower). However, this method would lead to a complicated set of criteria that may be difficult to define and to maintain or update.
- uu) One specific issue raised in the interviews carried out in the project related to who would pay for the EIA if different promoters have small projects and eventually the cumulative size grows to a level that would require an EIA according to Schedule I. However, the opinion of the consultants is that, even before considering who should pay for the environmental assessment, it should be considered that in the situation mentioned the current legislation makes it very difficult to request

a LLES or an EIA from a single project or to several projects jointly if the individual projects are smaller than those included in Schedules I or II, whatever their cumulative size.

### 6.2.3. Findings regarding industries existing before the EIA regulations

- v) The environmental clearance process is not applied to existing industries, so existing industries cannot be controlled through instruments like ECPs which derive from the Environmental Impact Assessment Regulations. The DOE has been trying to incorporate environmental control and monitoring of these activities. Other tools are used, for example environmental audits for industries; this is a tool stipulated in the Pollution Regulation and has been used before as a means of identifying impacts and corrective measures. The DOE also has regularization activities to streamline processes.

### 6.2.4. Recommendations regarding the projects and activities subject to the environmental clearance

6. *Define clearly the undertakings that require either EIA, LLES, ECP or No objection. This means removing the current degree of discretion from section 8 of the EIA regulations and Schedule II, so that it is clear to the developer from the beginning what project types and sizes will require an EIA and which ones a LLES. This way, developers will have far more certainty as to the time and cost of obtaining the environmental clearance and will be able to assess better the viability of their initiatives. Transform Schedule II into a list of projects and sizes requiring a LLES. (Change in legislation).*
7. *The change needed to achieve the above is to establish a clear model based on thresholds for the size or capacity of activities on the following basis:*
  - (a) Large projects, over a given size/capacity threshold, likely to have significant adverse environmental impacts: require EIA and, subsequently ECP
  - (b) Medium projects, defined as: projects over a second threshold but smaller than (a) Large projects, which are likely to have known, but not significant, impacts, and for which corrective or mitigation measures need to be tailored to the particular case or are not properly addressed through existing environmental permits: these projects should require a LLES and ECP
  - (c) small projects, defined as: projects over a third threshold, and smaller than (b) Medium projects, with known but not significant impacts, manageable through known measures or

existing environmental permits: issue a straightforward environmental clearance with conditions (likely a standard ECP, specific for each type of project), or environmental permits. Exclude activities from the need to conduct EIA or LLES and define environmental obligations as a standard list of operating conditions, this is, a model ECP (for example, typically on waste management). For this, Schedules should be changed, but Section 10 of the environmental regulations 2007 already provides the legal basis of this.

- (d) very small projects, below the third threshold mentioned above. Require only registering, through a communication to DOE that they will start operating, they will have no specific conditions. Registering these projects<sup>18</sup> will allow DOE to keep track of them and to follow their development and, if they grow to the corresponding size, to request a LLES or an EIA. This is important because otherwise small (unregistered) projects might increase their size through small increases to a size that requires a LLES or an EIA. But if unregistered, this will go undetected. As a reference to identify these projects, they could be those not requiring effluent license and have negligible emissions to air and waste generation.
8. *Define clearly and make publicly available the criteria to consider an area environmentally sensitive from the environmental point of view. At its most simple level this could simply be a question of using the protected areas declared by the Ministry responsible for protected areas. If it were necessary to go beyond the procedure applied by this Ministry then the new criteria should be clearly stated or described. Prepare a map of sensitive zones based on well reasoned environmental considerations (protection of reservoirs, underground waters used for human consumption, special habitats, coastal zones, others). Use the advice of experts to identify additional areas to be declared as protected areas. Promote a governmental decision on which sensitive zones require an official declaration protecting them. This would be a political decision that may leave other sensitive areas not protected and available for development, on the basis of an informed and conscious decision taken by the Government. Then treat these protected sensitive areas in the environmental clearance process more carefully than other sensitive areas: use this protection figure to make more protective decisions on the required level of environmental assessment (EIA/LLES/ECP/ No objection) for projects in protected areas (for example, by requesting a full EIA for projects of Schedule II), and use the standard system to require a given level of environmental assessment (EIA/LLES/ECP/No objection) in all areas not officially declared as protected, even if they are regarded as sensitive. (Change in legislation/regulations).*

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This only requires the maintenance of a register

9. *In order to avoid the problem or incremental development of projects without environmental assessment (EIA or LLES), establish in regulations the following: (Change in legislation/regulations)*

- Any expansion of a project mentioned in Schedules I and II requires environmental clearance
- any cumulative expansion of more than 50% over an existing project mentioned in Schedule I, requires a LLES.
- any cumulative expansion of more than 100% over an existing project mentioned in Schedule I, requires an EIA.
- any cumulative expansion of any project to the size mentioned in Schedule II requires an LLES
- any cumulative expansion of any project to the size mentioned in Schedule I requires an EIA
- an expansion is an increase in the size or capacity of a project in the variable used in Schedules I, II and (the new) III to define the thresholds used to determine whether a type of activity belong to a particular Schedule.

10. *Remove from the guidelines of Schedule III and from the description of activities in Schedules I and II certain vague terms, to reduce uncertainties to developers and discretion of the DOE: For example “near”, “adjacent”, “large”, “coastal zone”, “close proximity”. Substitute them for precise terms and specific zones mapped in an official map of areas protected by legislation mentioned elsewhere in this document or by specific terms. The table below provides some examples (Change in legislation/regulations)*

<b>Table 2. Examples to remove vague terms in the schedules of the Environmental Impact Assessment (Amendment) Regulations, 2007</b>	
<b>Current term</b>	<b>Examples</b>
Near	Remove the term and substitute it by “within”
Adjacent	Remove the term and substitute it by “within”
Large	Define size thresholds: for example, dams with a capacity of more than 50.000 m <sup>3</sup> , or wall higher than 5 m.
Coastal zone	Substitute by land within 3 km from the coastline <sup>19</sup> or define the meaning of coastal zone
Close proximity, adjacent	Remove the term and substitute it by “within the boundaries”.

<sup>19</sup> As defined in the Belize Integrated Coastal Zone Management Plan

## 6.3. Screening

### 6.3.1. Findings regarding screening

ww) Here screening means the phase in the environmental clearance process when the DOE decides what is the course or type of environmental assessment that a certain project or activity needs to follow (EIA/LLES/environmental clearance with conditions/no objection). To do this, the DOE uses: a) the information on the project characteristics provided by the developer following certain check-lists<sup>20</sup> developed by DOE for a number of sectors; b) I, II and III in the EIA regulations (as of Statutory Instrument No 24 of 2007); c) consultations with a small number of NEAC members and, if required by the type of project, d) a site visit<sup>21</sup>. The information collected in the screening phase is also used in the scoping phase (see below).

xx) Insufficiently standardised guidelines for the developer on the site visit. The DOE and other departments do provide guidance to the developer. However, members of departments participating in site visits consider that the methodology to carry out these visits should be further standardized for each sector to help in evaluating the project, unless adequate methodology already exists within the relevant departments and units.

yy) Depending on the type of projects, the DOE engages other departments or certain members of NEAC in making the decision about whether a project requires a LLES or an EIA. These consultations are not made with all NEAC members, but only with a small group of relevant members selected on the basis of the type of project. It should be communicated with the entire NEAC that consultations were made with some members. The recommendations of the consulted NEAC members are taken into consideration when making decisions. .

zz) In certain cases, the criteria followed by DOE to decide what is the course a project needs to follow in the environmental clearance process are not known to the developers, or the interested and affected parties.

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<sup>20</sup> The DOE has prepared a number of checklists to guide developers of several types of activities to prepare an initial description of the intended project, so that the DOE can make a decision of the requirements of the environmental clearance process on the basis of this information.

<sup>21</sup> A site visit is conducted by DOE officials and NEAC members to obtain information on the intended location of the project and on the concept for the project. This information is then used by DOE and NEAC to decide which process needs to be followed by the project and the TOR of the EIA/LLES study if needed.

aaa) There is no involvement of Interested and Affected Parties at screening stage. Some IAPS proposed earlier involvement of IAPs in the screening process (for example, through consultation with experts in certain fields) to strengthen it and to provide critical insight into concerns and key issues. However, in the future, the screening process should be quite straightforward in the great majority of cases if Schedules I and II were defined on the basis of thresholds and if sensitive areas were defined with political support. Adding more public scrutiny of the process at this stage will make it much slower which goes against the objectives of efficiency and effectiveness. The effect of this public participation would only be seen in those few projects that are in the grey area where it is not clear what is the decision to be made, and for those few cases, the public authorities can be relied on. DOE also agrees that consultation requires time and the purpose of this assignment is to make the process more efficient, but that regarding sensitive areas/protected areas, the managers of the Forest or Fisheries Department would be consulted in these types of projects.

bbb) A more structured definition of the schedules (as proposed above, if pursued) and the definition of sensitive areas (again as proposed above) should be clear enough to make the screening decision relatively easy in most cases for the DOE. Also it would provide developers with certainty as to the expected time and cost implications of the environmental clearance process and about the investment made, for example, when buying the land. For that level of clarity, implication of interested and affected parties is not so necessary.

ccc) In the meantime decisions, under the current definition of Schedules and sensitive areas, even if less structured, can still be made by the DOE and NEAC and, if required, using additional consultations to experts in certain fields, and participation of interested and affected parties in the screening decision would only increase the time and cost burden of the process. Again, this will be different in the scoping phase (see below).

ddd) Safeguards against any unlikely wrong decision taken in the process should be: the increase in size of the project (which, if it occurred, would lead to requirements for subsequent environmental clearances), the environmental licenses in existing legislation and the ECPs, as well as enforcement activities and the oversight of the public.

### 6.3.2. Recommendations regarding screening

See recommendations in Section 7 and Appendix I.

## 6.4. Scoping

eee) Here, scoping refers to the phase of the environmental clearance process where the Scope and Terms of Reference of the EIA/LLES studies are defined.

### 6.4.1. Findings regarding the scoping process

fff) In Belize, the scoping phase starts with the analysis by the DOE of the information provided by the developer when applying for the environmental clearance, and uses additional information obtained during site visits and, in certain cases, inputs from Departments or members of NEAC.

ggg) According to EIA Regulations (revised edition 2003), the developer shall submit terms of reference for the environmental impact study. In very large projects, once the developers have the project well designed, they prepare a report describing the project and a proposal of Scope and TOR for the EIA study. The DOE analyzes the proposal and may make adjustments, eventually DOE agrees the Scope and TOR with the developer and sends a letter with the final Scope and TOR. The whole process might take 1-2 months, although in some projects it might take more.

hhh) More often, in small projects, the DOE prepares the Scope and TOR and then discusses them with the EIA consultants (preparers). This actually takes less time than if the preparer designed a set of TOR and then the DOE discussed changes with the consultant. DOE officials work about a week per project to define the Scope and TOR for the developers and the whole process takes 2 weeks until the final agreed version is finished.

iii) When the DOE is considering the TOR for the EIA/LLES studies, the relevant departments according to the type of project are consulted.

### 6.4.2. Findings regarding the contents of the Scope and TOR

jjj) Some Scope and TOR documents analyzed were very detailed in some aspects<sup>22</sup> while in others they were very generic and not defined in sufficient detail<sup>23</sup>. In general they explicitly requested

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<sup>22</sup> "Definition of the spatial scope of the environmental analysis (4 Km on each side of a road project)"; "Soils: Soil profile, fertility, permeability, and the potential for erosion of soil on the project area"; "Water Quality; both ground and surface water. Parameters to be tested should include but are not limited to: Turbidity, Total Suspended Solids, Dissolved Oxygen, Nitrates and Phosphates, Faecal Coliform (E. coli), pH, Temperature, and salinity"

the developer to: “identify and evaluate indirect, direct and cumulative impacts” and “characterization of the potential impacts on the biophysical, biological, ecosystems and social components”. A general methodology to assess the significance of impacts was provided<sup>24</sup>. They requested the EIA preparer to consult stakeholders to assess environmental liability, but provided no guidance as to what are the minimum requirements for this exercise. They also required developers to “classify the environmental and social liabilities as critical and non-critical in accordance with the definitions proposed by the consultant and accepted by the DOE/MOWT”, but no methodology was proposed for that assessment.

#### 6.4.3. Recommendations on scoping

11. *Describe in the EIA regulations the procedure to prepare the Scope and TOR of the LLES/EIA study, stipulating the minimum and required actions and responsibilities (change in legislation/regulations) - for example, by establishing that Sections 15 to 17 of the Environmental Impact Assessment Regulations (2003) apply also to LLES*
12. *Modify the EIA Regulations to authorize the DOE to establish the Scope and TOR of the EIA/LLES<sup>25</sup> (on the basis of the proposal made by the developer) because the developer might be tempted to reduce or skip some aspects of the study. Still, the scoping exercise (initial studies of the project and the characteristics of its intended location and the consultation with IAPs) should be conducted by the developer, who should prepare a proposal for Scope and TORs for*

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<sup>23</sup> "Other representative physical, biotic, socio-economic and cultural features should also be included"; "the evaluation must include the processes of analyzing, monitoring and managing the intended and unintended environmental and social consequences, both positive and negative, of the proposed Project and any environmental and social changes invoked by the implementation of the Project"; "Air quality, environmental noise, etc. must also be captured in the report."; "Some issues to be examined include change in aesthetics of the surrounding environment, waste management issues (both liquid and solid waste), including construction waste"; "the evaluation should examine the extent of social disruption during each phase of the Project from mobilization through operation phase and provide appropriate mitigation measures to reduce these impacts to acceptable levels. Impacts to be considered include socio-economic, health and safety including risk of accident to workers and the surrounding communities, introduction of diseases to the community, community culture and values, and potential implications on the residence. The general implications on the changes of land-use and social-community resources should also be examined".

<sup>24</sup> "The Consultant must quantify and assign priorities to the impacts and classify them according to their importance, magnitude and extent, the permanence of the impact (temporary, permanent), the sphere of influence (local, regional, etc.), 'mitigability', reversibility, probability of occurrence and other appropriate characteristics."

<sup>25</sup> Current regulations do not state specifically that DOE has the authority to define ToR, but that ToR must be agreed between the developer and DOE: Section 17 of the Environmental regulations 2003

*the EIA/LLES, (Change in legislation/regulations). This change is required in order to make DOE's decisions on this matter binding, so that the developer has no opportunity to change those decisions by challenging them in court.*

13. *Allow the project alternatives that will be considered in the EIA study to be proposed by the developer when he/she proposes the scope and TOR of the EIA study. Establish that, at a minimum, the no option alternative shall be analyzed. (Change in legislation/regulations). This change is required because the existing EIA Regulations do not define who should propose the number of alternatives to consider in the EIA study, and because allowing the developers to decide makes sense, given that they will probably know better than anyone else which alternatives make technical and economic sense in their activity.*

## 6.5. Environmental Impact Assessment

### 6.5.1. Findings regarding the process

kkk) The developer is responsible for conducting the EIA study, which is usually carried out by the EIA consultant or preparer on the basis of the Scope and TOR issued by the DOE.

lll) Once the EIA report is received at the DOE, it is subject to a first review by DOE officials before being sent to NEAC members. If DOE officials are of the view that modifications to the report are required, a request is made to the developer to revise the report. When a new version of the report is received at the DOE, it may be sent back for further revision to the developer. Eventually, it is sent to NEAC members for review<sup>26</sup>. NEAC meets regularly to comment on the EIA reports received and may request additional revision to the EIA report by the developer. Comments by NEAC are collected in meeting's minutes, although they are not being made publicly available.

mmm) After a number of revisions, the report may be accepted by NEAC, and the DOE prepares an ECP on the basis of the EIA report. Sometimes, the comments by NEAC and those obtained at public consultations are incorporated by the DOE directly into the ECP at this stage, rather than requiring the developer to further revise the EIA report.

nnn) After the developer sends the revised version of the EIA report to the DOE for its review by NEAC, the developer communicates the intention to start the project to IAPs and the general

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<sup>26</sup> This first review by DOE takes place in order to reduce the workload of NEAC members and it is the consultants team understanding that this review was introduced after a request from NEAC members

public following the requirements of the EIA regulations, and conducts public consultation meetings. The outcome of the meetings are gathered by the developer and sent to the DOE and the DOE distributes them to NEAC members for consideration at the NEAC meeting.

#### 6.5.2. Findings regarding baseline information

ooo) Although there is a lack of comprehensive baseline data in Belize, some data sets are available (for example, on water quality or forest cover). On this matter, some IAPs interviewed suggested that mapping of resources should be done and geographical information contained in certain government plans (coastal zone plan, sustainable tourism plan) should be collected in GIS platforms and made accessible to developers.

#### 6.5.3. Findings regarding analysis of alternatives

ppp) IAPs mentioned that analysis of reasonable alternatives is not included in most EIA reports. This was also concluded from the consultant's analysis of some EIA reports.

qqq) Guidance on the level of detail or depth of the analysis of each alternative would help to standardize the EIA studies<sup>27</sup>. The consultants consider that, in general, the difficulty with defining requirements for analysis of alternatives is that there may be potentially many alternatives to a given project depending of the point of view taken to consider an alternative. For example, alternatives to the technologies used, the design of the project, the intended output or purpose, the size, the location, the design. Also, the depth of the analysis of each alternative may be subject to discussion. Defining the adequate analysis of alternatives may potentially be an endless process, and very controversial, and may lead to increasing the cost of the EIA study. This in turn may diminish the quality of the assessment of the impact of the preferred alternative or lead to an unsustainable cost of the EIA study.

#### 6.5.4. Findings regarding delays in the EIA phase

rrr) Analysis of records in DOE files showed that very important delays occur in the environmental clearance due to clearly insufficient EIA reports, as well as due to other causes.

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<sup>27</sup> Technical guidelines are better included in technical documents rather than in regulations for several reasons: they are usually very technical; they can be much more detailed; and they can evolve and be updated more easily than legislation as knowledge and science progresses.

#### 6.5.5. Findings regarding the summary of the EIA report

sss) The summary of the EIA report is perceived by IAPs as not fulfilling its communicative purpose, being more a selling document of the developer's case than a document that presents the impacts of the intended project in a neutral manner. Also, the language used in the summary report is not always understandable to the layman. IAPs consider desirable that the summary of the EIA report be published in local media.

#### 6.5.6. Findings regarding the ECP

ttt) Interviewed IAPs requested that the ECP be made publicly available, for example, by making it available at DOE's web page once it is signed.

#### 6.5.7. Recommendations regarding the EIA

##### 14. *Include in the regulations: (Change in legislation/regulations)*

- The specific requirement to assess environmental impacts in the EIA studies, and
- The methodology for assessing environmental impacts (for example, magnitude, extension, duration,...). This could be included in a guideline, but the basic criteria to assess impacts could also be in legislation

15. *Make provisions in the regulations that define in more detail the required characteristics of the executive summary, its purpose and expected content. The executive summary should allow the public to understand the environmental consequences of the project and the mitigation measures proposed. This recommendation implies that the Regulations should explicitly require that the Executive Summary should be written in a language understandable by the lay person, and that it should describe, for example, the main characteristics of the project, the alternatives considered and the conclusions reached, the main impacts of the project and the mitigation measures and monitoring program for the project. (Change in legislation). The objective is for the regulations to define the required characteristics of the executive summary, its purpose and expected content, in a way that obliges the author to consider that their audience is lay people.*

16. *Facilitate access, as far as possible, to the information currently existing in Belize regarding resources, geographical information contained in certain government plans (coastal zone plan, sustainable tourism plan), environmental information in the hands of ministries and others, in a common data base of existing baseline information (change in practices) . The consultant is*

*aware that this is an issue that touches on many different agencies and stakeholders, and that many efforts have been made to share and streamline data.*

## 6.6. Limited Level Environmental Study (LLES)

### 6.6.1. Findings regarding the LLES

uuu) The Scope and TOR for a LLES is typically developed by the DOE with limited external inputs. Selected NEAC members or other permitting agencies may be consulted in the preparation of this document.

vvv) The regulations do not indicate the procedure to be followed in case a LLES is required; in practice, the procedure for the EIA is used, but only pertinent members that constitute the review panel participate. Also, LLES reports are not accessible to the public.

www) In the Scope and TOR for LLES reviewed, some of the requirements were very detailed and clear, while in others were very general. However, some requirements may be excessive for a LLES. An example is cited in the footnote<sup>28</sup>.

xxx) The consultants understand that the LLES has been included in regulations because the legislator wanted to establish a distinctly different and less costly way of analysing impact than the EIA study. The consultants understand that the objective of creating the LLES was not simply to reduce the scope of the EIA (as this could be done simply by requesting a reduced-scope EIA). If it is true that at the political level there is a desire to establish two clearly different processes, the LLES should be different in scope, extent and depth to the analysis requested of the EIA study, and it should be made clear in the EIA regulations.

### 6.6.2. Recommendations regarding the LLES

17. *Describe in regulations the process to be followed when a LLES is required. Require that notice to the public of proposed developments requiring a LLES be published in one widely circulating newspaper in Belize, making the LLES available in publicly accessible locations<sup>29</sup> and on the*

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<sup>28</sup> "Provide land use history of the project site; "A general description of the marine environment, including bathymetric profiles and water quality parameters, including: dissolved oxygen, Biological Oxygen Demand, salinity, turbidity, temperature, pH, macro-nutrients, Escherichia coli Count, as well as sediment characteristics including origin, distribution and composition, including stratigraphy or sub-bottom profiles; and meteorological features"; "Conduct a benthic survey of the area which includes but is not limited to coral reef diversity, species richness, health, mortality (% dead, % live), and photographs of reef structures (if any) within the proposed project site (inclusive of dredging locations) and zone of influence".

<sup>29</sup> Publicly accessible locations are meant to be those that will work in the particular case of Belize. For example, they may be public libraries, community centres, government offices or others.

*internet, and publish the resulting ECP in its full content if the project is approved. In all cases, sensitive/private information should be blocked in ECP. Limit public consultation in this project to making the projects available to the local public (people living close to the project location) at certain locations and allowing the local public to make written comments at the location where they are being made available, or to send them to a given e-mail address (DOE). With this option, these comments should be answered by the developer and copies of comments and answers by the developer should be sent to the DOE and NEAC for consideration<sup>30</sup>. (Change in regulations).*

## 6.7. Review of EIA/LLES reports

### 6.7.1. Findings regarding the review of EIA/LLES reports

yyy) Current legislation provides for the creation of a National Environmental Appraisal Committee which reviews EIA and LLES reports. The NEAC is a technical advisory body comprising 13 legally defined permanent members, plus currently several additional co-opted members up to about 20. The majority of the 13 members are from government. Different public departments, the private sector and the civil society (two NGOs) are members or regularly attend NEAC meetings, which take place approximately every month. Co-opted members can also be invited by the DOE to participate in NEAC in order to strengthen technical expertise of the Committee. The multidisciplinary composition of NEAC allows provision of inputs from experts in different disciplines. NEAC strengthens the environmental clearance process in Belize. However, attendants at NEAC do not always have enough experience to provide relevant contributions. Also, NEAC meetings are a very costly exercise in terms of the time of valuable human resources that probably will be difficult to maintain when many projects requiring EIAs accumulate in a short period of time.

zzz) EIA reports are reviewed by DOE officials and by members of NEAC. LLES reports are reviewed by DOE officials and selected members of NEAC. DOE officials review the EIA report in 1-1,5 weeks to check for completeness. They highlight the sections of the EIA that have not been completed. After the project is reviewed by the DOE and changes have been made by the developer, the DOE requests a final copy with the changes made highlighted. Then each

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<sup>30</sup> The aim of this proposal is to simplify the public consultation assuming that projects requiring LLES would have relatively minor environmental impacts and do not justify even the active consultation of Article 18.1, which requires meetings between the developer and interested members of the public. The difference with the consultation in EIA and that proposed here is that consultation in EIA requires meetings with IAPs, (twice: during the course of the EIA study –Art 18-and after it is finished –Art 20). It is proposed that these

department member of NEAC reviews the report, and they meet as NEAC to provide comments. Comments are verbal and are included in minutes. On the basis of these comments, the DOE prepares a report to the developer. After this, the developer prepares a response document. Sometimes this process was repeated 3-4 times, lengthening the process very much, and becoming the main problem in the process in relation to the time it takes. Usually the first review is done within 60 days, including public consultation, inspection visit, public comments, and the meeting of NEAC. If there is a second review, the DOE would give a 2 week timeline to the developer. If additional information is needed from the developer, this waiting time is not counted in the DOE's target timelines, although the DOE uses 60 days as a general reference.

- aaaa) Certain interviewees think that NEAC is already a large group, difficult to convene, and maybe a core of 5 people may serve NEAC better.
- bbbb) NEAC's recommendations are usually adopted by the DOE. When the opinion of the DOE differs from NEAC's recommendations, the DOE consults with the public departments responsible to issue the licenses needed by the particular project on whether they agree to DOE's view. Finally, the DOE informs NEAC of the reasons for adopting the final decision. The ECP for the project is distributed to the departments responsible for issuing the licenses required by the project.
- cccc) During the review of the EIA/LLES reports, developers are given the possibility to interact in person with NEAC or DOE members to get an explanation of the reasons for the revisions requested. This direct contact has been very favorably taken by interviewed developers because it allows them to clarify how these requirements should be interpreted.
- dddd) IAPs consulted noted that anything that seems to be lacking in the EIA is addressed by considering it in the ECP, rather than finishing the EIA first and then designing the ECP on the basis of the new results obtained
- eeee) Also, IAPs noted that justifications for the decisions made to require amendments to the EIA or LLES reports, including their eventual approval, are not fully accessible to the public.
- ffff) When the DOE requests the developer to review and revise the EIA study, usually no timelines are established.
- gggg) Several complaints have been made by different stakeholders and interested and affected parties regarding the quality of reports, expressing concerns regarding the content, language used, information used and level of up to date information used, as well as the whether the summary will be understood by laypeople.

### 6.7.2. Recommendations regarding the review of EIA/LLES reports

*See recommendations in Section 7 and Appendix I.*

## 6.8. Public review

### 6.8.1. Findings

hhhh) The final version of the EIA report is uploaded in the webpage of the DOE for public review, and copies of the report are also lodged at locations where they can be accessed by interested and affected parties. Public comments can be sent to the DOE, or they can be raised at public consultation meetings (see below).

iiij) Some IAPs think the time frame for public review of EIA is sometimes very short<sup>31</sup>, especially given that EIA reports are usually very long and technical documents. Also, public access is not available for LLES. DOE published LLES documents on-line, but this practice was stopped after a short time.

## 6.9. Environmental clearance

### 6.9.1. Findings

jjjj) The environmental clearance is issued, by letter, by the DOE to the developer once the whole review process has been satisfactorily finished. Also, most projects are issued an environmental clearance with an ECP on the basis of Article 10(2) of the environmental regulations, as amended by Statutory Instrument 24 of 2007, which allows for this without needing to prepare an EIA or a LLES.

kkkk) The environmental clearance includes a specific prohibition to carry out any additional development in the site without prior written permission of the DOE. The environmental clearance is issued for the life of the project, although other licenses need to be renewed by the developer yearly. As the ECP takes the form of a contract between the developer and the DOE, the DOE includes in the clearance a 1 year timeframe to start the project, even if this requirement is not in the legislation. This requirement is not included in the environmental clearance letter, but in the ECP.

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<sup>31</sup> For example, in Spain IAPs have one month to analyze the information and make comments.

lll) The letter issuing the environmental clearance says: "Disregard of any of the terms and conditions stipulated in the ECP may result in the revocation of the Environmental Clearance".

mmmm) Some environmental consultants proposed that, at least for large, controversial projects, the approval of a project should be a cabinet decision, rather than one by the DOE. However, the consultant team assumed that decisions in the government are taken officially by each ministry, and within the Ministry, the EIA regulations assign the responsibility of deciding on projects to the DOE, which is the competent authority on environmental clearance.

nnnn) The decision of the DOE can be appealed by the developer.

#### 6.9.2. Recommendations regarding the environmental clearance

18. *The environmental clearance and the ECPs should continue to be easily accessible public documents, accessible to the general public (for example, in the web page of DOE). In order to achieve this, confidential information or personal data should continue to be removed from the publicly available document. (Change in practices)*

19. *For the smallest category of activities (requiring only communication to the competent authority) send a letter informing the developer that if the activity grows until the threshold size that requires conditions, the developer should apply for a new license. For activities whose category requires an environmental clearance with conditions, include a condition in the environmental clearance stating that if the activity grows to the size requiring a LLES or an EIA, the developer should apply for a new environmental clearance. Monitoring of these activities would not need to be constant. If an activity were found to have overgrown its authorised size, it would be fined. There may be concerns that this will promote a piece meal approach, but this could be prevented through other recommendations of this report. (Change in legislation/regulations)*

### 6.10. Environmental Compliance Plan

#### 6.10.1. Findings

oooo) The ECP is prepared by the DOE and presented to the developer, and must be signed by the Chief Environmental Officer of the DOE and the developer (Section 22A(1) and (2) in EIA Regulations 2007).

pppp) In general, environmental requirements included in the ECPs analyzed during this project are relevant to the type of activity for which they are designed. A majority of the ECPs are issued

on the basis of article 10(2) of the EIA regulations (2007), this is, not requiring an EIA or a LLES, while projects requiring LLES or EIA also require ECPs. ECPs include a fee to cover the costs of monitoring and enforcement by the DOE.

qqqq) The DOE does not provide the NEAC with an explanation or justification for decisions taken when drafting the ECP. This is relevant when the DOE does not follow NEAC recommendations.

rrrr) An analysis of several ECPs showed some aspects that may be considered for improvement:

- Projects are described in detail, with information on capacity, but at least in some cases the specific location in a map is lacking and should be included.
- Some requirements included in the ECP correspond to requirements belonging to another licensing authority<sup>32</sup>.
- Some large projects are required to conduct periodic audits and to send the report to the DOE, but this is not applied on a regular basis. The developer is also required to send periodic monitoring reports during the construction phase and, sometimes, during operation, but not in all ECPs.
- Requirements of the Environmental Compliance Plan are sometimes very general and could have been defined without an EIA or a LLES. Some other requirements of the Environmental Compliance Plan are vague, not objective, and make it difficult to assess via future inspection or monitoring of activities whether there is a breach of the requirement<sup>33</sup>.
- Some requirements of the ECP could have been requested in the Scope and TOR, so that they should have been part of the EIA report<sup>34</sup>, at least for projects requiring an EIA (see footnote).

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<sup>32</sup> "The overall layout of the airstrip will be carried out in accordance with the final approval from the civil aviation department"; "the developer will ensure that the aerodrome design meets requirements set by the civil aviation department".

<sup>33</sup> "Buildings will be designed to allow as much natural light as possible"; "Road network will have adequate number of culverts that are strategically located within the subdivision to mitigate against water logging and reduce any potential negative impacts to the hydrological dynamics of the area"; "Consideration shall be given to the demand for water for fire protection purposes"; "The developer will be responsible to conduct proper maintenance to ensure safe, clean, healthy and environmentally friendly operations".

<sup>34</sup> Environmental Risk and Emergency Management Plan, Hurricane Preparedness Plan, Fire Protection Plan

- The ECP for an activity mentioned size aspects of the project in terms of minimum value rather than a maximum capacity (minimum surface of sugar cane), or without mentioning size or capacity (petroleum storage capacity without mentioning size limit, electricity transmission lines without defining voltage or a descriptor of power).

ssss) Some IAPs requested that ECP be published, although it was mentioned that this may result in risks of intimidation for DOE personnel or developers.

#### 6.10.2. Recommendations regarding the Environmental Compliance Plan

20. *In the event that the ECP deviates from NEAC recommendations, the DOE should prepare a document justifying the decisions made. (Change in practices)*

21. *Continue developing standard requirements by environmental aspect (wastewater, air emissions, waste management) and sector (tourism, agriculture, construction, residential). Use them to establish ECPs for most projects except for the very large ones or those located in sensitive areas, and in most projects issue a straightforward environmental clearance (this is, without LLES or EIA and with a simple public information process involving providing information on the project in publicly accessible places, but not meetings with IAPs) with an ECP. If certain projects in sensitive areas could also be dealt with through standard ECPs, follow the same practice. In projects where ECP conditions are generic and could have been defined without any EIA or LLES, include them in standard ECPs. In sectors where this practice is feasible, consider increasing the maximum size threshold for the projects requiring an EIA/LLES, reducing the scope of TOR, or removing completely the need to conduct EIA or LLES, in the latter case issuing an environmental clearance with the conditions defined. (Change in practices, change in legislation/regulations)*

22. *Include the need to conduct environmental audits periodically for all projects requiring an EIA or a LLES. Adapt the periodicity of the audit to the potential environmental impact of the project (for example, yearly for large projects requiring EIA, and every 3 years for project requiring LLES (although even within these categories it would be useful to distinguish between projects based on potential impacts). Require registering of consultants to carry out audits of activities. Promote standardization of methodologies to conduct environmental audits and, meanwhile, use or adopt methods or even private schemes developed in other countries<sup>35</sup>. This would greatly facilitate and reduce DOE's monitoring and enforcement work by providing additional information and tools whose cost would be born by the developer. (Change in practices).*

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Guidelines for audits have been prepared by the ISO, USEPA, or South Africa.

## 6.11. Operation/monitoring

### 6.11.1. Findings

- ttt) The current weakness in the wording of ECPs allows developers a certain amount of leeway in the requirements and creates challenges for public officials to identify whether there is a breach in the ECP during monitoring.
- uuuu) The departments do joint inspections, especially for large projects. The information provided by the developer presented to an agency is forwarded to other agencies. NEAC members do site visits twice per year, all members participating in the visits to check for compliance with requirements of EIA. In each visit more than one site is visited, for example during the last visit, 4 sites were inspected. The total cost was 4000 BLZ \$. This seems to be a very expensive way to conduct monitoring for public authorities.
- vvvv) There is a perception amongst DOE officials that current legislation does not provide enough grades of sanctions in case of non compliance with the conditions in the environmental clearance to adjust sanctions to the level or degree of non compliance. A similar opinion was held by environmental consultants and some IAPs, who thought that penalties included in the legislation are not high enough to discourage performance that damages the environment. Also, since sampling is poor due to limited resources, projects are not properly monitored.
- wwww) An alternative tool proposed by certain IAPs is the environmental audit which could be used to monitor activities. Currently, the DOE is requesting audits of existing industries in a few projects, all of them new and big activities. Certain IAPs suggested that the DOE could also promote cooperation by protected area co-managers, citizens, communities and other stakeholders for supporting compliance monitoring. They suggested that effective involvement of IAPs in the environmental clearance of projects would help to promote a collaborative attitude from the public and other IAPs. Also, the possibility of the public or interested and affected parties taking legal action against the developer also helps in enforcing the ECPs.
- xxxx) In relation to this, some IAPs noted that there is not enough transparency as to the level of compliance of developers with the ECP. They suggested that making the requirements of the ECPs public will help to give the general public a more active role in monitoring projects and detecting possible non compliance of the ECPs, contributing to a reduction in the level of effort required at the DOE to conduct monitoring activities.

yyyy) Some IAPs also proposed that monitoring of cumulative impacts must also be addressed. For example the loss of forest cover in a watershed and its correlation with declines in water quality.

#### 6.11.2. Recommendations regarding operation/monitoring

23. *Develop a grading of infractions and penalties to provide for more flexibility for enforcement. The sanctions should be progressive, according to the gravity of the breach in the ECP or regulations, and applicable to repetitive violations. For example, in Spain there is a list of infractions graded according to three levels (very serious, serious and minor). Increase some of the economic penalties and allow the possibility for the DOE to impose sanctions, including the option to stop an activity temporarily. They may include economic sanctions, stopping the activity temporarily, stopping the activity permanently, or penal sanctions for the responsible person. (Change in legislation/regulations)*

## 7. Cross-cutting issues

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This section deals with issues that arise at different stages of the environmental clearance process (ie are not limited to any one phase of the process) and require a coordinated approach.

### 7.1. Public engagement and consultation

#### 7.1.1. Findings regarding screening

zzzz) The web page of DOE contains information on the legislation on the EIA process, the projects issued for approval in the last few years and the stage in the process at which they currently are. It also contains the EIA studies of the projects that have applied for clearance. There is a guide for developers on legislation in Belize, including reference to the legislation on environmental clearance and a specific guide on the methodology for preparation of EIA studies.

aaaaa) Interested and affected parties requested the explicit identification of and engagement with Interested and Affected Parties (IAPs) throughout the EIA process, from screening and scoping through to assessment and review. However, requiring the participation of interested and affected parties in the screening process would likely lead to increasing the cost and time required for the process unnecessarily, since in the great majority of cases, the DOE and, if needed, NEAC should be capable of making the right screening decision.

#### 7.1.2. Findings regarding scoping

bbbb) Local communities or IAPs do not have access to the TOR at this stage. NGOs expressed their concern that there are no local representatives in the preparation of the TOR, depriving DOE of local knowledge that could be critical in identifying and assessing environmental risks. They would like to get earlier notice of a project, and not only when the EIA report is announced in the public media. They requested some mechanism for IAPs to know earlier about the process, at the TOR phase. This concern was also expressed by DOE officials, who see the need to get public involvement in the project at the scoping phase. This would help developers in identifying the concerns of the public early in the process, so that those concerns can be incorporated in the Scope and TOR and then adequately addressed in the EIA study.

cccc) In some Scoping and TOR documents reviewed there is a detailed description of some of the characteristics of the public involvement and consultation exercise to be carried out by the developer, some of them being very specific. However, there is no clear definition of what are the

minimum compulsory requirements that must be fulfilled for the exercise to be acceptable to the DOE or NEAC.

### 7.1.3. Findings regarding the LLES

dddd) The reason for conducting a LLES as opposed to a full EIA is assumed to be that projects requiring a LLES are smaller than those requiring an EIA, and the likelihood of them having a significant environmental impact is limited, or, alternatively, that the environmental aspects where a significant environmental impact may occur (say, air, water) may be fewer and therefore a LLES will suffice to address them. For these reasons, the likelihood of projects requiring a LLES having a significant impact on the public must also be limited. In the opinion of the consultant team, a public consultation exercise should only be requested when this likelihood is expected to be high. On the other hand, in EIA regulations, public consultation is only required for EIA studies (see definition of public consultation in the EIA –Amended- Regulation, 2007), not for a LLES.

eeee) In the view of some NGOs, the fact that public notice and public consultation are not required for proposed developments subject to an LLES provides an incentive for developers to manipulate the development and implementation of their projects in subsequent steps to avoid EIA requirements. However, the appropriate ways to avoid this problem are: to use planning to assess cumulative effects of projects, and to require EIA for projects when they reach the size for which an EIA study is required, even if this size is reached cumulatively by subsequent increases of a project as recommended elsewhere in this report.

### 7.1.4. Finding regarding public consultation after the EIA report

ffff) The public consultation generally involves a meeting organized by the developer and takes place between the developer, or his/her representative, the EIA consultants or preparers and members of the public, including IAPs. The developer or his/her representative presents the project and the EIA report and the members of the public are allowed to ask questions or make comments. DOE and NEAC officials attend the meetings and present the environmental clearance process. A report of the meeting is prepared by the EIA consultant and sent to DOE and NEAC for review. This report is not made available to attendees to the meeting or to the general public.

gggg) The report is analyzed by NEAC together with the EIA report. Recommendations by NEAC for changes in the EIA report or for matters to be included in the ECP are directed to the EIA preparer by the DOE, but currently there is no feedback to the public on the changes made or on the underlying reasons for the position adopted by NEAC.

hhhhh) A number of issues on public consultations were mentioned by different stakeholders and IAPs during the interviews made:

- When dealing with certain communities like the Maya, developers find problems identifying with whom they should consult, and how to consult because there may be several groups.
- In the opinion of some stakeholders, the language of the affected communities should be taken into account when preparing the public consultation exercise. The cost of adapting the communication should be borne by the developer
- No public meetings are conducted after EIA reports are amended to address recommendations made by NEAC. Also, when EIA/LLES reports are changed as a consequence of comments made at public consultations or by NEAC, the public has no access to the new versions. Some IAPs requested that the version presented at public consultations were treated as the first version of the report, with an option for the public to review the second version in additional consultations. However, if this was extended to all projects, the practice may extend the time required to obtain the environmental clearance by weeks. An alternative may be to make the new versions available to the public through a widely accessible media (like the web page of DOE), so that the public is kept informed. Also, for very controversial projects, EIA regulations open the possibility for the DOE to conduct a public hearing.
- There are concerns about information being made available only through the internet because this limits the capability of people without access to the internet to access that information.
- Other not purely environmental interests are the root reason for opposition to some projects. In these cases environmental protection arguments are sought and used to oppose projects.
- There is a perception that public comments are given little acknowledgment. Some IAPs requested that the developer responds in writing to all comments, within a specific timeline.
- Zone of Impact: According to some NGOs, developers have sometimes sought to contain public comment and possible opposition to projects by either limiting or vastly increasing the geographic area for communities included in the primary consultation process. The Zone of Impact definition becomes even more complicated for projects located in remote areas where nearby local communities may not exist, such as at the Turneffe Atoll and the Blackadore Caye.

- The public consultation exercise is perceived by certain NGOs as having no value.

iiiii) In consultation with IAPs, some proposals to improve public participation were made:

- earlier notice of projects (at the Scoping phase).
- methods to promote assistance at public participation meetings, including advertising projects in television, not limiting the number of media to use, and considering which is the most appropriate media bearing in mind the intended location of the project. DOE points out that the current restriction is the Regulations, because the developer is encouraged to use local media and the DOE uses facebook and the webpage, so this requires a change in legislation.
- ensuring participants in the public consultation meeting are from the area where the project will be located. Locating the public consultation close to where the project will be located can help with this. Solutions proposed include developing criteria in the Regulations on which to base the definition of Zone of Impact to prevent the decision from being politically manipulated as much as possible or requiring a public consultation component on the Zone of Impact issues (maybe through on-line comments). However, the consulting team is of the opinion that the definition of the zone of impact may be difficult and open to debate in certain projects, and a thorough identification of possible alternative zones may be very expensive to derive, and still be open to debate. DOE however consider that this is already done, as the public consultation is done in the nearest community.
- allow ample time for questions and allow ballot questions. DOE however consider that this is already done.
- hold an informational forum prior to the public consultation process to allow people to understand the project. However, DOE's view is that this is the responsibility of the developer, not of the DOE, as the TOR require that they present views of the public in the EIA study. DOE concede however that it would be useful to review and update this requirement in more specific terms.
- a mechanism to promote participation of certain communities like the Maya, because they have their own way to build consensus, for example by having some representative attending the meeting. For example, guidance may be necessary on how to identify those individuals or subgroups whose views may truly represent those of the communities and may be willing to participate in public consultations. DOE informs that the government is working on a mechanism to engage with these communities on matters different to the EIA process

and it is understood that the same principles developed in these matters should be used to promote the participation of these communities within the EIA process.

- assess significance of contributions made at public consultation meetings to evaluate the level of support of IAPs to each contribution. This would be to avoid comments that only reflect the opinion of few people to be regarded with the same value as other shared by many. Ideas to achieve this pointed out by IAPs were getting signatures from people to contributions made at public consultations, or even for example, from political representatives. DOE points out that the floor is open to all and there is a comment box, copies of the EIAs are left with a comment box at libraries and comments can also be emailed.
- promote the use of other means such as Facebook or other social networks for public consultations and comments for LLES studies

#### 7.1.5. Recommendations on public engagement and consultations

24. *Make the report of the public consultation meeting available to the attendees to the meeting as well as the general public. Assign the responsibility of summarising the consultation, collating, assessing and communicating inputs made through the public comment box to the developer (EIA preparer). Make publicly available the public consultation report and the response to the developer by NEAC. A way to do this while maintaining confidentiality of contributions to NEAC's meeting might be to prepare a short report with the recommendations of NEAC. (Change in legislation/regulations, if it is deemed to be necessary))*
25. *Make clear to participants in the public consultation process how public consultation has affected the EIA report. This could be in the form of a short report. I.e. if a particular contribution by a stakeholder had a particular impact on the EIA report, this would be made clear (Changes in practices).*
26. *The report of the public consultation should be made available to the people who attended the public consultation if they wish so. (Change in practices).*
27. *In projects needing EIA, the developer should: (Changes in legislation/regulations):*
  - engage IAPs (in the prescribed form) before preparing a proposal for Scope and TOR, to present the project to the public and capture their concerns. The concerns of the IAPs should be considered when designing the proposal for Scope and TOR of the EIA. At this stage, the description of the project could be made in general terms, because the detailed design could

even be modified to address the concerns of the people consulted. The developer should provide the DOE with a description of the engagement of the IAPs carried out and a list of the IAPs involved, the issues or concerns of the IAPs identified. And the proposal for Scope and TOR. In this way the IAPs will not be helping to design the project, rather their concerns will be considered when designing the scope and TOR, so that issues can be identified early.

- carry out public consultations after the EIA study has been completed, and the measures to prevent, reduce or compensate impacts have been designed, to communicate the assessment made and measures designed to IAPs. This does not mean that the IAPs will decide on which measures should be implemented, but that their views will be collected so that they can be considered first by the developer and later by NEAC and the DOE. The final decision on the measures that should be implemented is the responsibility of DOE as the competent authority on environmental protection.

*This should apply only to projects requiring an EIA study to avoid adding too much weight to the LLES, because projects requiring LLES would be relatively small (see also recommendation on public participation in LLES). Also, in order to avoid three exercises of public engagement and consultations during the environmental clearance process for projects requiring EIA, consultations should be required at two stages only: one during the scoping phase, in order to identify the concerns of IAPs and to consider them in the Terms of Reference for the EIA study, and again once the EIA study has been finished and the mitigation measures defined, to assess the level of acceptance by the IAPs of the project and of the mitigation measures defined. This would be more fruitful because this two consultations approach would ensure that the concerns of the IAPs are adequately identified and managed. If this is properly carried out, it would remove the need to conduct consultations during the EIA study itself, although the developer could still conduct them with certain relevant members of IAPs, if he wanted, to make sure the mitigation measures he is considering in the project are going to be acceptable to IAPs (Change in legislation/regulations).*

## 7.2. Guidelines

### 7.2.1. General findings regarding guidelines

- jjjjj) The DOE has prepared the "Procedures Manual for the preparation of an environmental impact assessment (EIA) in Belize", a document providing a general guidance for developers and environmental consultants (preparers) on the environmental clearance process and various technical matters related to this process. However, this guidance is very brief. There are

additional guiding materials on EIA studies used by DOE officials, prepared internationally, but there is no additional guidance to aid EIA consultants (preparers) in what are the minimum requirements to EIA studies. For example:

- There is not a specific requirement to assess the environmental impacts of the project and identify significant environmental impacts (the manual only mentions the data necessary to identify and assess the main effects of the project and a description of the likely significant effects).
- There is no definition of the accepted methodology to assess environmental impacts in order to determine their level of significance and, on that basis, to identify which are the significant ones. However, in some Scope and TOR documents, some guidance was provided on the aspects to be considered for that purpose, but there is no standardized methodology.
- The minimum requirements of EIA studies are not defined (although the Regulations Section 19 lists the sections that must appear, these are not defined in detail sufficient to ensure that EIAs carried out by different consultants will be comparable) and this can lead to many discrepancies between the different participants in the environmental clearance process as to the adequacy of EIA reports (EIA consultants or preparers, DOE and NEAC officials, IAPs). As mentioned above, although there are internationally prepared guidelines on how to conduct EIA studies and how to prepare EIA reports, what is needed in Belize is a clear definition of what are the minimum requirements that, if not met, will lead to a rejection of the report. Many of the complaints about the quality of EIA reports mentioned in this report are due to this lack of guidance on these minimum requirements.

#### 7.2.2. Content of EIA reports

kkkkk) According to IAPs, the most frequent issues related to the EIA studies are lack of standard methodologies to identify and assess environmental impacts, description of alternatives and the no option, and assessment of cumulative impacts. These issues are dealt with in this Section of the report and in Sections 6.5.3. and 7.5. These and other issues mentioned in the interviews carried out are:

- Inadequate baseline analysis, lack of good baseline information in Belize and insufficient use of the existing baseline data as well as insufficient collection of ground data. Data and knowledge available in experts, NGOs and certain thematic working groups could be used to somewhat compensate for this deficiency in available baseline information. Particularly, a frequent concern was that the reports were using pieces of previous reports, although EIA

consultants argue that some information in previous EIA is still relevant because there is no newer information available, or because the aspect being analyzed has not changed since the previous report. However, the DOE should exercise its discretion as to whether the information used in the EIA or LLES report is appropriate and relevant, or outdated and must be revised.

- Inadequate analysis or lack of analysis of cumulative effects of projects, and of the carrying capacity of the environment.
- Insufficient analysis of socio-economic impacts of the project.
- Poor analysis of alternatives to the project, and few alternatives analyzed.
- Inadequate language, errors, inadequate maps, misreporting of consultations.
- The EIA document being more a selling document for the developer, pointing out the benefits of the project, often focusing on aspects that are not significant and not stressing enough the significant ones. (Opinion of some IAPs).

IIII) According to some NGOs, there is a need for guidance to improve EIA reports. Some specific examples mentioned are the following:

- proper citation and referencing, standardized use of recognized scientific methodology in sampling methods,
- improved summaries, focused on presenting the contents of the EIA in the best way possible. For example, by referencing to the part of the report that tackles each environmental aspect.

mmmmm) Some developers request a more proactive attitude from DOE, for example, by providing more guidance on accepted technologies to protect the environment. For example, on practices related to mangroves or, in general, advice on best practices. This idea is shared by DOE officials who favor working in the guidelines series already developed on certain types of projects. The DOE has prepared guidelines for several sectors defining good environmental practices. They cover issues related to environmental protection, but also requirements for worker's health protection. Examples are:

- Environmental guidelines for fiberglass industry
- Environmental guidelines for service stations

- Environmental guidelines for depots and distribution outlets for liquefied petroleum gases (LPG)
- National environmental guidelines for marinas and berthing facilities
- Environmental code of best practices for the sawmill and furniture manufacturing workshops in Belize
- National Environmental Guidelines on Overwater Structures,
- Code of Practice for Automotive Spray Painting
- Environmental Guidelines for Chlorine Bleach Factories
- Crop Protection Product Packaging Recovery/Disposal.
- A guide published by the International Union for Conservation of Nature (IUCN) to carry out EIA of infrastructure projects, provides methodology to identify and assess impacts and mitigation measures in these projects. There is also another guide on Tourism.

nnnnn) The Lands and Surveys Department of the Ministry of Natural Resources and the Environment have prepared guidelines to conduct subdivision and consolidation of land. They provide technical criteria, but also others that serve for environmental protection.

#### 7.2.3. Findings regarding guidelines on scoping

ooooo) The EIA Regulations (2003) provide guidance on the content of the EIA report (Art 19), but there are no detailed guidelines as to the content of the scope and TOR for the EIA study and the LLES, or the affected parties that should be consulted in the process. Still, when analyzing real Scoping and TOR documents developed in Belize, much of what is included could form the basis of a guideline for Belize, for example, on public consultations.

#### 7.2.4. LLES

ppppp) There are no guidelines on the required content of a LLES. As a consequence, in the view of DOE officials, these studies tend to be more thorough and complete than necessary. According to some interviewees, LLES are focused on aspects such as solid waste, waste water and water availability, sampling of water bodies, basic social issues like working conditions, dislocation of population, cultural effects, physical layout, etc.

#### 7.2.5. Methodology to review reports

qqqqq) Some NGOs requested that better use be made of existing expert knowledge in individual experts or in working groups, in addition to the experts in the NEAC. They requested a comprehensive list of experts and working groups was prepared to help in specific areas

rrrrr) NEAC does not have written procedures to help define the way NEAC should perform its activities. People interviewed mentioned that there have been attempts to define confidentiality requirements for members of NEAC. DOE officials suggested a confidentiality regulation on communications or discussions at NEAC (minutes, emails, private conversations) until such time as a final decision is made, approved, and published to the general public. This would allow NEAC to review and discuss technical topics without having to worry about persecution or targeting from the public and private sectors. Documents (EIA, reports, and consultation meetings) are released to the public according to the law; however, the premature release of minutes, emails, memos, before a final decision (approval) by NEAC is made creates challenges for the review process and makes it more difficult. Additionally, the NEAC's final decision is available to the public once it has been made. This request is based on actual events – in which comments, discussion, and written memos of NEAC members were released before a final unified decision was made. As a consequence of this release, members were targeted regarding their individual positions. For this reason, NEAC members do not submit written comments freely for circulation among the review body prior to the meetings to avoid similar issues.

sssss) There are no clear criteria on how EIA study reports should be reviewed by the DOE and NEAC. Some interviewed persons claim that there is a lack of consistency as to how different officials of DOE treat certain matters, with differences arising between officials.

#### 7.2.6. Public consultations

ttttt) The guidelines provided in the "Procedures Manual for the preparation of an Environmental Impact Assessment (EIA) in Belize" do not provide enough guidance on several aspects, some of them identified as important by DOE officials and interested and affected parties, for example on the following aspects:

- The type of consultations to be carried out at each stage of the process.
- A detailed list of potentially affected parties, to help designing the list of IAPs to consult in each project.

- Minimum requirements (for interested and affected parties consulted, for media and methods to use to inform affected parties)
- Feed-back to provide to affected parties on their comments.

#### 7.2.7. Recommendations regarding guidelines

28. *Define different checklists for the screening and the scoping phase. The checklists for screening should only aim at helping to decide what is the environmental assessment course required for the project (EIA/LLES/environmental clearance with conditions/no objection). The checklists in the scoping phase could be sector specific and must be detailed to help define the scope, depth, scale and TOR of the LLES or EIA study. Developers should provide the DOE with enough information for the DOE to understand the project and be able to assess the required Scope and TOR. Still, allow the developer to provide a full set of information if it is clear that an EIA will be required and use it to define the TOR. (Change in guidelines)*

29. *In the interest of the transparency and consistency of the process, the DOE and NEAC should draw up criteria to follow in screening decisions (particularly on the application of the criteria included in current Schedule III in the screening phase) and make them public. Also, make public the criteria followed to request an EIA or a LLES in the particular projects for which they are requested. (Change in guidelines and in practices).*

30. *In relation to the content of the Scope and TOR document from the point of view of how to address the problem of deciding case by case what to include, two levels of definition can be defined:*

- Technical guidance describing the information required for each aspect to be analyzed.<sup>36</sup>. (Change in guidelines).
- The particular Scope and TOR document designed for each project. This would not need to describe any technical aspect already described in the technical guidelines, but would focus on identifying what are the particular aspects relevant for each project, discarding irrelevant ones, and the minimum requirements for the work to be carried out. For example, are underground waters or soil erosion relevant in this project? Is relocation of people an aspect to analyze? This would help both EIA preparers and EIA reviewers to focus their efforts on what is relevant for the particular project. (Change in practices)

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In the absence of which, technical guidelines developed in other countries could be used.

31. DOE should develop technical guidelines on how the developer should conduct the scoping, including the detailed and technical content of the Scope and TOR documents. The guidelines should provide standardized accepted criteria on the aspects to analyze, the minimum requirements for information to collect, the accepted methodologies to analyze the information, the preferred measures to prevent, reduce or compensate impacts and any other technical aspect to be standardized. These guidelines will serve both for the developer to prepare the Scope and TOR and for the DOE and NEAC to review them. The developer should prepare a proposal and the DOE should finalise the TOR and make the final decision on their content. Focus the guidelines on the minimum requirements to be fulfilled by the EIA studies because that will avoid disputes between the developer and the reviewers of the studies on whether a particular aspect should have been covered in the EIA/LLES studies and also because of the limited resources existing in the country (baseline data, EIA preparers, DOE and NEAC officials, guidelines themselves). In each particular project, the DOE should still have the option, after considering its specific characteristics, to increase or reduce the minimum requirements in certain environmental aspects or potential impacts, to help focus the EIA study even more. Provide detailed examples for each aspect to consider. For example, the request for content of the regulatory chapter could be: list of applicable regulations, list of authorisations required in these regulations, list of specific requirements to the project included in this regulations, environmental monitoring required, environmental quality standards, list of sanctions and fines in case of noncompliance. This approach will help to reduce the deviation between the expected content and the actual reports produced by environmental consultants. Examples of aspects that need guidance are (not a comprehensive list): (Change in guidelines)

- Standardized checklists or guidelines for site visits (for DOE and NEAC officials) so that projects belonging to the same sector are assessed in a standardized way. Guidelines on site visits for developers so they know how to organize them: participants, how site visits are conducted, which aspects to take into account. It would help the developer if participants would come together, for example, in a charter bus, rather than each one on their own<sup>37</sup>.
- Minimum content of the Scoping and TOR document for an EIA and for a LLES. For example, remove the following requirements from LLES: a socio-economic analysis, the requirement to consult IAPs and governmental agencies, the analysis of cumulative impacts and the analysis of alternatives for development

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In the consultants experience, even with very highly trained and experienced staff it is useful to standardise because it aids storage, checking and comparison of data and also aids the training of new staff.

- Public participation and stakeholder engagement: Minimum IAPs to engage in the scoping phase (a comprehensive list should be provided including, for example, local, regional and national authorities, academics, NGOs, communities etc.), guidance as to how to assess inputs or concerns from IAPs (for example, on the basis of the level of representativeness of the person who transmits each concern or the level of acceptance of each proposal amongst IAPs).
- Minimum content of the Scoping and TOR document for an EIA and for a LLES. Some aspects should be removed from requirements of LLES, under the assumption that LLES will be requested for projects of known and not very significant environmental impacts, for example: socio-economic analysis, the requirement to consult IAPs, and governmental agencies in relation to the project, the analysis of cumulative impacts, and the analysis of alternatives for development.
- Guidance on the minimum scope, extent and depth of the analysis to be carried out in each environmental impact to consider
- Method to use to assess cumulative impacts. Environmental aspects where cumulative effects should be analyzed (for example, removal of vegetation, habitat destruction, use of water), method to analyze cumulative effects, geographical area for the analysis of cumulative effects
- Socio-economic aspects to analyze and methods or information to use in the analysis, if these aspects are to be included in EIA studies.
- Number or types of alternatives to be analyzed and depth of the analysis required for each alternative. Allow the developer to make a proposal of the number of alternatives that will be analyzed and the level of analysis to carry out.
- Mitigation: criteria on what is not acceptable in terms of mitigation measures or technologies.
- Aspects that are sometimes later requested as part of the ECP, such as: Emergency Management Plan, Requirements for periodic reports to the DOE and content of the reports.

*Generic guidelines on how to define Scoping documents or how to conduct EIA studies are available internationally, but they usually focus on good or best practice, not so much on the minimum requirements of the studies (See references at the end of this section).*

*When considering methodologies or guidelines, adopt a pragmatic approach of using simple methodologies preferably, since any methodology requiring a lot of basic or additional information to what is already available will likely be too difficult or expensive to implement in the country.*

While the guidelines for Belize are being prepared, use guidelines prepared in other countries or regions or by some international organizations such those prepared by the European Union, USEPA, UK, the United Nations, the IAIA or the World Bank.(see references at the end of this section).

32. *Prepare a guide on **stakeholder engagement and consultation**. Particular reference should be given in the guideline to: (Change in guidelines)*

- How to compile the list of potentially relevant interested and affected parties. Involvement of minority/disadvantaged communities.
- Minimum media to use to ensure sufficient awareness of the project by the general public. Although Section 20 of the EIA regulations (2003) define the minimum media to use these are generic and do not consider alternative media like internet.
- Minimum time available for contributions from the public
- Minimum required number of occasions in which the public must be engaged in the process by the developer (scoping, EIA study).
- Scope of the public consultation, this is, whether it should be focused on environmental impacts only or also on other socio-economic impacts and, if so, which socio-economic aspects should be considered.
- Guidance on how to conduct public meetings (documentation to provide, how to act when few members of the public attend meetings, minimum number of attendees required, minimum information that should be provided).
- The minimum content of the report of the public meeting.
- Guidance on how to assess and consider comments from the public.
- Feed-back to provide to IAPs on their comments.
- From the consultant's side, guidance on what consultation means are accepted, such as individual meetings, or focal group discussions, whether only major stakeholders or also

secondary stakeholders must be identified and what means or criteria to use to identify them, including relevant persons that may know well the local communities and their worries. Also, on how to deal with personal information, like names being included in reports that will later appear online.

- In particular, minimum requirements without which the public consultation exercise will be considered insufficient, and make them available to EIA consultants or preparers and developers.

*In each Scope and TOR, refer to the guideline and include the minimum requirements for the particular project, like list of minimum stakeholders to consult, methods to communicate information to IAPs, minimum meetings to carry out...*

*While the guidelines are approved, adopt guidelines used in other countries (see references at the end of this section).*

33. *Develop detailed checklists to guide reviewing LLES and EIA reports to be used by the DOE and NEAC. While these checklists are being developed or adapted, adopt those developed in other countries (see references at the end of this section). Make these checklists publicly available to developers, environmental consultants or EIA preparers and interested and affected parties. (Change in guidelines)*

34. *Transfer to the developer work that the DOE is currently doing. This will save time for DOE officials (Change in guidelines):*

- Proposal of Scope and TOR in all projects, including information and data to be used, detailed analysis proposed, detailed content of the EIA report and justification for any matter requested by the current legislation that might not require a detailed analysis. This way, the workload for DOE officials will be reduced, even at the expense of a potentially longer process, given that the resources of the DOE are very limited.
- Proposed IAPs to be contacted and consulted
- Proposed ECP, including monitoring of the activity and periodic reporting. This would have the additional consequence of allowing the public to have access to this proposal during the public review phase. In order to facilitate this, in guidelines describe the expected content of ECPs. The DOE then would review and modify it as necessary, but probably taking less time, particularly if ECP models are available to the developer. (Change in regulations).

35. Prepare a protocol to guide the work of NEAC. It should deal with, for example: (Changes in guidelines)

- Requirements for members of NEAC (experience, academic requirements, others)
- Expected professional behaviour in relation to assistance to meetings, reviewing reports, providing comments, confidentiality
- Criteria on confidential treatment of information contained in the reports and of contributions made by NEAC members
- Accessibility of the general public to NEAC recommendations and others
- Guidance on how to review reports<sup>38</sup>
- Guidance on to which level the general public has access to recommendations of NEAC and their basis<sup>39</sup>.
- Content of the meeting's minutes
- Procedures to deal with reports considered of insufficient quality and the consultants who prepared them (including the possibility of removing them from registers),
- Practices in relation to transparency
- Role of NGO representatives at NEAC both in relation to NEAC and to other NGOs

Below are some guidelines for different aspects of the EIA process that could be taken into account to develop specific guidelines and checklists for Belize:

- European Commission. 2001a. Guidance on EIA. Screening. ERM.
- European Commission. 2001b. Guidance on EIA. Scoping. ERM.
- European Commission. 2001c. Guidance on EIA. EIS Review. ERM.
- UK Environment Agency 2002. Environmental Impact Assessment. A handbook for scoping projects.

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<sup>38</sup> The consultants' experience is that even with very highly trained and experienced staff it is useful to standardise because it aids the uniform application of criteria and also aids the training of new staff

- UNEP 2002. Environmental Impact Assessment Training Resource Manual, Second Edition.
- USEPA 1998a. Student text for principles of environmental impact assessment review. EPA Publication 315B98012 600. US EPA Washington D.C.
- USEPA 1998b. Resource manual for Environmental impact Assessment review. U.S. Environmental Protection Agency. Office of Federal Activities. 1200 Pennsylvania Avenue, MC-2251-A. Washington, D.C. 20460
- USEPA 1998c. Principles of environmental impact assessment. United States Environmental Protection Agency. EPA: 315-13-98-001
- World Bank 1999. Environmental Assessment Sourcebook.
- Croal, P et al. 2012. Respecting Indigenous peoples and traditional knowledge. Special Publication Series No. 9. Fargo, USA: International Association for Impact Assessment.

### 7.3. Timelines

#### 7.3.1. Findings regarding timelines

uuuu) In the EIA regulations, some steps in the process have timelines to limit the time available for certain decisions or actions. For example, the DOE has 30 days to respond to the developer as to the type of environmental assessment required when receiving a notification from the developer on the intention to develop a project, or the timeline for the whole analysis of the EIA report is 60 days, including the public consultation exercise and the NEAC review. Other steps do not, for example, there is no time limit for the developer to submit an EIA study once the TOR have been defined.<sup>40</sup>

vvvv) Neither the EIA regulations nor the DOE define a timeline for the EIA study to be completed and submitted to the DOE, so it may happen that an EIA report is submitted at a time well after the Scoping and TOR were defined, when they may not be representative of the existing conditions.

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<sup>39</sup> The (detailed) minutes could be confidential, but a suitable summary of NEAC conclusions and recommendations could be available to the public. This would however be a political decision to make

<sup>40</sup> The consultant team is of the view that timelines should bind both the developer and the government. In order to improve the business environment, Government should try to abide by the timelines and, to do that, should provide the required resources.

### 7.3.2. Recommendations regarding timelines

36. *Include provisions in the Environmental Impact Assessment Regulations to define timelines in certain aspects: (Change in legislation/regulations).*

- Establish a shorter period (15 days) for the screening decision. If Schedules I and II were defined using quantitative thresholds and non-ambiguous terms to segregate projects between both schedules a short timeline could be established.
- Define in regulations an initial short period of, say 10-15 days, in which the DOE will review the EIA and LLES reports for completeness<sup>41</sup>. (Change in legislation/regulations)
- Establish a timeline for the developer to present the EIA/LLES study after the TOR have been defined (Section 13.3.b allows the DOE to establish a timeline for the developer to provide the EIA, or the LLES). This means establishing a validity period for the TOR, for example, 3 years. (Change in legislation/regulations)
- Include an initial period to check that the documents of the EIA study include all items they should contain (for example, major chapters if the EIA study, records of consultations).
- For projects requiring EIA, define a timeline for the developer to start a project once the environmental clearance has been obtained, otherwise requiring a new environmental clearance to be obtained. Make this timeline relatively long (4 years) because some projects may take long to develop. The criteria should be that the project starts operating, that is, producing, functioning (providing its service) or its construction being finished, depending on the particular case. This timeline and that included in the ECP should coincide (Change in legislation/regulations)
- Establish timelines for the developer to review and eventually revise the EIA study and resubmit it to the DOE after receiving comments from the DOE. The timeline could vary depending on the type of review demanded. It should start counting from the day the developer receives the communication from the DOE. (Changes in practices)
- Allow 30 calendar days for public review of EIA reports (Change in legislation/regulations). Either these 30 days would be included in the 60 day DOE review period, or the review of EIA reports by the public would be conducted before the report is sent to DOE for analysis.

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<sup>41</sup> Checking for completeness should be made quickly, because at this stage it is not a detailed review, but still may save a lot of time to the developer and the DOE.

## 7.4. Socio-economic aspects

### 7.4.1. Findings regarding socio-economic aspects

wwwww) The environmental impact assessment regulations of 2003 require that the projects be subject to an analysis of their environmental effects. In the EIA regulations of 2007, environment is defined in terms that relate to the physical and biological surroundings of a project, but only marginally, if at all, in terms of social or economic aspects. The Environmental Protection (amendment) Act (2009) defines environmental damage in terms of damage to the natural environment that reduces or threatens its ability to maintain the processes essential to life and/or which reduces its aesthetic appeal. From this definition, it appears that the Environmental Protection Act focuses on protecting nature. However, in the modification to the EIA regulations made in 2007, the EIA study is required to include socio-economic aspects: it defines the EIA as "...studies needed in identifying, predicting, evaluating, mitigating and managing the environmental and key social and economic impacts of development projects...". In other sections of the regulations and the guidelines to conduct EIA studies, the mention to socio-economic studies is minor or does not appear.

xxxxx) In interviews with different stakeholders, it was clear that there is a will among NGOs and some members of NEAC (public officials) to include socio-economic impact analysis in the EIA studies. Aspects mentioned included impacts on the people directly affected by the project, for example in the traditional use of the land in the area where the project is to be located, analysis of costs and benefits, impact of the project on the culture of the people in the location of the project (particularly on certain communities like the Maya or others); effects on the size of the police force needed, the size of the schools, the fire department; consideration of effects on gender matters; pressure on roads; sewage systems (or lack thereof) and, when jobs created by the project are considered, a demand for information provided by the developer to be in specific terms: number of jobs, duration, type of jobs, salaries. For this, it was proposed that socio-economic studies done elsewhere in the world could be used to define requirements for this type of analysis. Some people even requested that at some point, an assessment of the merits of the project in economic terms was provided. Some requests also referred to inclusion of considerations of the socio-economic aspects in the ECP, even if the measures defined were within the mandate of a department different to the DOE. Finally, a separate socio-economic assessment made by specialized consultants is proposed for large projects as a possible measure.

yyyyy) Some members of departments suggested that social and economic aspects of projects were reviewed based on national development agenda. According to this proposal, plans in the country may serve as guidance or reference to assess socio-economic aspects of projects.

zzzzz) However, the regulations are not very specific as to the depth and the scope of the analysis that socio-economic aspects require. In fact, the driver for these studies is the limited references to them in the existing legislation and, maybe more importantly, the feeling within some stakeholders that they socio-economic aspects should be addressed in the environmental clearance process.

aaaaa) Taking into account the difficulties of conducting socio-economic studies it seems that requiring some of the assessments mentioned above might be too heavy a burden for EIA studies in Belize. On the other hand, several people consulted noted that knowledge of these matters is limited in the DOE and NEAC. They suggested that this knowledge needs to be incorporated in several aspects of the environmental process: in the definition of guidelines, the EIA regulations, the EIA studies and their review. Partly, this may be done using the possibility to co-opt members to NEAC without necessarily having to incorporate this knowledge within DOE or NEAC members. However, if social and economic aspects are going to become a part of EIA studies, and one that may condition the acceptability of projects and may introduce new operating conditions or mitigation measures in projects, DOE staff may need experts in these areas, since the responsibility of issuing the environmental clearance is in the DOE and the DOE should therefore be able to develop internally a view on these aspects.

#### 7.4.2. Recommendations regarding socio-economic aspects

37. *Given that the reference to the need to include socio-economic studies is very limited in the environmental regulations, seek political guidance from political representatives as to whether this aspect should be included in EIA studies and to which extent<sup>42</sup>. When considering a political decision on this matter, it should be taken into account that much of the criticism and technical difficulties associated to the assessment of environmental impact is likely to appear also in the analysis of socio-economic aspects as well. In that decision, the following aspects should be taken into account: (Change in legislation/regulations)*

- The different alternatives as to what are the aspects to be considered in socio-economic analysis.

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<sup>42</sup> The comments made here on socio-economic analysis are also applicable to a great extent to economic evaluation of natural resources, cost-benefit analysis.

- The availability of knowledgeable people in Belize, particularly in the public sector, with knowledge of the existing methodologies to analyze these aspects.
  - The degree of uncertainty in the existing methodologies of analysis of the different aspects to consider.
  - The level and amount of data and information required for the analysis, including the baseline information, and the cost of obtaining these data.
  - The required guidance materials to be prepared to guide the work of the consultants engaged in preparing socio-economic studies, and in reviewing reports, on what is required and acceptable in these studies.
38. *If the decision is to include socio-economic aspects in EIA studies, provide guidance defined by the Ministry on the required content of socio-economic studies within the EIA studies. Require the definition of a policy on the way the regulations should be interpreted in relation to some aspects to be included in the environmental clearance process, such as "key social and economic impacts" and "the interrelationship which exist among and between water, air and land and human beings, other living creatures, plants, micro-organisms and property". (Change in guidelines).*
39. *If socio-economic aspects are going to be included in the EIA studies, their analysis should be restricted to those that are simple, specific and relatively easy to identify and assess from a methodological point of view, and do not require a large budget or sophisticated methodologies. Also, on those areas that, in the past, have been identified as problematic. Examples of socio-economic aspects that may be considered are: (Change in guidelines)*
- Property rights.
  - Number and type of jobs to be created (permanent-temporary, part time-full time, range of wages, level of professional qualification).
  - Estimated revenues for the state (taxes).
  - Number of people to be contracted outside the region (if possible) where the project will be located and people to be contracted from the region.
  - Displacement of people

## 7.5. Cumulative effects

### 7.5.1. Findings regarding cumulative effects

bbbbbb) Assessment of cumulative impacts of projects has been identified as a weakness of the environmental clearance process by NGOs and DOE officials, and by the analysis of a few EIA studies. IAPs consulted proposed that consideration of the carrying capacity of the environment should be included in the EIA studies. Guidance is needed as to the acceptable methodology to assess cumulative effects, both to environmental consultants (preparers), and to NEAC members.

### 7.5.2. Recommendations regarding cumulative effects

40. *In relation to assessment of cumulative effects, it should be taken into account that given the lack of comprehensive baseline information in the country there are two alternatives. The first one is to request each EIA conducts enough baseline studies to thoroughly assess the cumulative impacts. The second one is to take into account the impacts of the project (which will have to be assessed in any case) and use that information to assess the cumulative impacts of similar projects in a given area (say 5 Km) around the intended location of the project, on the basis of the relative size of the new project and the existing similar projects. If assessment of cumulative effects were carried out during planning or zoning of geographical areas by the respective competent authorities, the exercise would be more efficient. (Change in guidelines). Also, DOE could seek expert advice on the existence of available datasets and baseline information (maybe from the Environmental Research Institute at University of Belize).*

## 8. EIA consultants (preparers)

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### 8.1.1. Findings

ccccc) Currently in Belize there is no regulated system to register or license environmental consultants who are permitted to prepare EIA or LLES reports or to remove consultants from the register in case of poor professional performance. That is, anyone is permitted to prepare an EIA. A few years back, the DOE started trying to define a certification model, but it was a very demanding scheme. Then moved to a register in which they included consultants that conducted good EIA reports. Currently, the DOE has a list of consultants with information on their experience including all consultants that previously sent EIA reports to DOE. This list is provided to BELTRAIDE to make it available to developers, but the DOE also advises developers that they can hire consultants not included in the list.

ddddd) Registering consultants has a positive influence in improving the quality of reports because consultants who lack the required knowledge or the experience would not be allowed to prepare (poor quality) reports. Maybe more importantly, the possibility of deregistering consultants also ensures that consultants that do have the knowledge are not pressed by the developer or by poor budgets to prepare bad quality reports, because they will fear more the possibility of losing the registration.

eeeeee) There is a wide acceptance of the idea of registering environmental consultants, by NGOs and by various consultants interviewed. However, if a system is to be put in place, it should be simple, given the small size of the market for EIA studies in Belize and the scarce resources in the public sector to conduct training exercises. Also, other difficulties may arise: some NEAC members saw potential problems in registering consultants, because in a small country, where many people act under different responsibilities in different posts, there might be problems of transparency or conflicts of interest.

ffffff) The knowledge of the technical capacity required to complete EIA study reports and on the technical content they should have, as well as on the final quality of the EIA reports, lies with the DOE and in NEAC.

gggggg) Still, the benefits in terms of time saved for the developer and the public officers of having reports of acceptable quality probably outweigh the cost of a registration scheme provided it is kept simple.

### 8.1.2. Recommendations regarding EIA consultants (preparers)

41. *Develop a scheme to register environmental consultants (preparers). Define the requirements for registration and request that only a registered consultant or company conducts EIA or LLES studies. Assign NEAC with the task of maintaining the register and deciding when a consultant or a company must be removed from the register for professional malpractice or other reasons. Allow easy entrance to the register, but conduct strict quality control and be prepared for removing consultants from the register following a predefined process and criteria. Allow the Chair to accept non-registered consultants in special cases, like when specialised knowledge, not available in the country, is required for a certain study<sup>43</sup>. This scheme should have the following characteristics: (Change in legislation)*

- Public, because the private sector is too small to sustain a private system and because the Belize government could thus adjust the requirements to the technical capacity available in Belize
- Transparent, so that criteria for registration and deregistration are publicly available, and accountable, this is, there should be an appeal mechanism against refusal to register or against a decision to deregister a consultant. The appeal organization should be independent from that which makes the decision. For example, if the decision is made by NEAC, the appeal group may be a group representing developers (Belize Chamber of Commerce) or, in case technical background needs to be included in the process, help from an independent body of specialists may be requested (like the International Association for Impact Assessment).
- It should not require any training responsibilities from the part of the registering body, to make the system easy to manage
- May register individuals as well as companies: to register individuals, it may require academic training plus specialized courses or experience. Companies would be registered on the basis of a number of registered individuals.
- Registering should be for EIA, LLES or audits, because there is no specific academic career for these subjects (although there might be master courses in some countries). Specialized studies (on archaeological matters, fauna, flora, social studies, economic analysis), would

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<sup>43</sup> For example, in a highly specialist area (eg. specialist in a particular species), there be so few specialists available that none of them meet all the requirements for registration. However, one of these specialists would still be the most suitable person and a valuable addition to the team.

not require registering, but only academic training, since this training is already specialized enough. The quality of the work of specialists would be checked by the registered consultant who would hire them in the EIA studies. The registered consultant would risk being removed from the register if the specialized study did not meet the required standard.

- Registration requirements for consultants need to be previously defined and publicly known. Deregistration of consultants for poor professional practice requires clear guidelines as to the contents of the reports, the methodologies accepted for EIA/LLES studies, and the format of the reports.

## 9. Benchmark with international practices

The objective of this section is to identify best practices in other countries that may be of interest for Belize. This review focused on Costa Rica, Canada and the UK, but will also give examples of best practices from other countries, including Spain, Guatemala, Honduras, Nicaragua and Colombia. The review has covered legislation related to EIA in the different countries analyzed.

This section also includes a table comparing Central American and Caribbean countries with respect to timelines, and requirements regarding public participation and accreditation of EIA consultants, in order to situate the Belizean situation in the regional context.

A list of best practices has been prepared with examples found in these countries, for consideration in Belize. They have been grouped in several areas: access to information, activities subject to EIA or LLES, appeal, confidentiality, EIA study, environmental clearance, government, guidelines, guidelines, monitoring and control, private sector, professionals, proportionality, public consultations, public IAPs, and scoping. These practices are shown in the Table below.

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
<b>Guidelines</b>	Detailed Procedural Guides on specific areas including: Cumulative Effects Assessment Practitioners Guide; Addressing Cumulative Environmental Effects; Incorporating Climate Change Considerations in Environmental Assessment; Determining Whether A Project is Likely to Cause Significant Adverse Environmental Effects; Assessing Environmental Effects on Physical and Cultural Heritage Resources	See recommendations regarding guidelines in section 7.2.7
<b>Guidelines</b>	Prioritisation: Guidance specifies that the Environmental Statement should focus on the “main” or “significant” environmental effects to which a development is likely to give rise. Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. (UK)	See recommendations regarding guidelines in section 7.2.7
<b>Guidelines</b>	Proportionality: Guidance specifies that the Environmental Statement should be proportionate and not be any longer than is necessary to assess properly the relevant effects. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered. (UK)	Applicable in Belize
<b>Guidelines</b>	In 2007 the Office of the Inspector General prepared public participation guidelines. (Colombia)	Applicable in Belize
<b>Government - screening</b>	Clear guidance on which projects need EIA, publicly available on website <a href="http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/establishing-whether-a-proposed-development-requires-an-environmental-impact-assessment/">http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/establishing-whether-a-proposed-development-requires-an-environmental-impact-assessment/</a>	Applied in Belize
<b>Government - screening</b>	Other parties that may assist in reviewing the report are technical specialists and interested and affected parties (S Africa)	See recommendations in section 7.1.5
<b>Government - screening</b>	- technical specialists (South Africa)	Applied in Belize
<b>Government -</b>	- interested and affected parties (South Africa).	See recommendations in

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
screening		section 7.1.5
<b>Government - screening</b>	special committees: depending on the case, a technical advisory team or special committees may be established to advise the competent authority on the quality and content of the report (Kenya)[1]; in case of extensive and far reaching effects on the environment, the competent authority appoints a panel of three to five persons to gather information on the public concerns and how these should be addressed (Ghana)[2]; in Uganda, a Technical Committee on Environmental Impact Assessment advises the Board of directors of the Competent Authority on technical matters related to EIA.	Applied in Belize
<b>Government - screening</b>	Hold a public hearing if there are outstanding issues (Botswana, Kenya)	Applied in Belize
<b>Government - screening</b>	The competent authority shall substantively examine the comments and observations received from the public concerned and from other participants in the procedure (Botswana, Hungary, others),	Applied in Belize
<b>Government - screening</b>	The competent authority shall include the factual, professional and legal evaluations of comments and observations into the reasoning of their decisions (Hungary)[3].	Applicable in Belize
<b>Government - screening</b>	Decisions on projects (rejections or approvals, and operating conditions) are made by the Environment Minister [4](Western Australia). The competent authority in the EIA process is responsible for providing independent advice to decision-makers and it is independent from the Minister since neither the Authority nor its Chairman shall be subject to the direction of the Environment Minister.	Applied in Belize
<b>Government - screening</b>	In Western Australia, the Environment Minister's statement of approval conditions and procedures established under the EP Act is legally binding on the proponent. The Admin Procedures 2010 (s15) states that: 'A proponent who does not ensure that any implementation of the statement is carried out in accordance with the implementation conditions and procedures, commits an offence'.	Applied in Belize
<b>Government - screening</b>	Keep a public record of each proposal referred to the competent authority (Western Australia). The competent authority should cause any information or report generated during the EIA process to be made available for public review (Western Australia).	Applied in Belize
<b>Government - screening</b>	To make environmental information as freely available as possible. Open Data Euskadi is the result of the Basque Government's commitment to make publically available, on Internet, in easily useable form, the public data it holds (Spain – Basque Country).	Applied in Belize (a fee is often charged)
<b>Government - screening</b>	Timeline is fifteen (15) working days. From filing of the request, the environmental authority shall take a decision of the need to submit an analysis of the alternatives, enclosing the terms of reference for elaboration of the analysis and/or EIA according to the case within 15 days. (Colombia)	See recommendations in section 7.3.2
<b>Appeal</b>	Appeals are addressed to:	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	The National Environmental Tribunal (Kenya): Comprised of a judge, an advocate of the high court, an environmental lawyer and two academics, its functions are to hear disputes of a technical nature on the administration of the EMCA as well as appeals against the administrative decision taken by NEMA and other organisations responsible for enforcement of the EMCA and the regulations issued under the EMCA (Kenya).	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	The Minister in charge of Environmental Affairs (South Africa, Ghana, Zambia) or the MEC for the provincial department charged with the Environment responsible for authorising or rejecting the proposed activity (South Africa).	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	In Kenya, a Public Complaints Committee is an autonomous and environmental ombudsman that receives and investigates complaints against the competent authority or any person.	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	An Environmental Appeal Tribunal (Mauritius)	Applied in Belize (Belize admits appeal)

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
<b>Appeal</b>	The High Court (Uganda)	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	Review of appeals: The High Court: Is the highest appeal authority that receives, analyzes, approves or rejects appeals on decisions made by the National Environmental Tribunal. (Kenya). In Zambia, appeals against the decision of the Minister can also be made to the high court.	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	Investigating appeals: A Board is appointed by the Minister responsible for environmental affairs to hear the appeal and to take a final decision on the proposed undertaking (Ghana)	Applied in Belize (Belize admits appeal)
<b>Appeal</b>	Decisions that can be appealed against:	
<b>Appeal</b>	In South Africa, decisions that can be appealed against are defined as: (a) decision to grant or refuse environmental authorisation (b) decision on exemption from applying environmental authorisation (c) decision by the Department to withdraw an environmental authorisation (d) decision by the Department to amend an environmental authorisation (e) decision by the Department to disqualify an Environmental Assessment Practitioner	Applied in Belize  Applicable in Belize
<b>Appeal</b>	In other countries, any decision taken by the competent authority may be appealed against (Kenya, Ghana). In Uganda, any decision taken by the Executive Director of NEMA (the competent authority) can be appealed against.	
<b>Monitoring and control</b>	The competent authority in EIA is also in charge of monitoring and control of activities that may cause a negative effect on the environment	Applied in Belize (The departments do joint inspections, especially for small large projects).
<b>Monitoring and control</b>	Follow-up, auditing and enforcement: In Western Australia, Section 48 of the EP Act entitled 'Control of implementation of proposals' establishes provisions for follow-up, auditing and enforcement by enabling the Chief Executive Officer (of the Office of the EPA-the competent authority) to 'monitor the implementation of a proposal, or cause it to be monitored, for the purpose of determining whether the implementation conditions relating to the proposal are being complied with' and goes on to outline procedures to be followed in cases of non-compliance. In practice discrete and specific requirements for follow-up are embedded into the approval conditions for each proposal assessed.	See recommendations in 6.11.2
<b>Monitoring and control</b>	The competent authority in EIA is also responsible for conducting compliance monitoring, evaluations and enforcement of conditions (Botswana, Ghana)	Applied in Belize
<b>Monitoring and control</b>	Obligatory environmental inspections by the competent authority (Costa Rica)	Applied in Belize
<b>Monitoring and control</b>	Obligatory environmental audits in certain projects. (Costa Rica)	Applied in Belize
<b>Monitoring and control</b>	Policy document "Compliance and Enforcement Policy under the Canadian Environmental Assessment Act, 2012" available on internet (Canada)	See recommendations in 6.11.2
<b>Monitoring and control</b>	Policy document "Compliance and Enforcement Policy under the Canadian Environmental Assessment Act, 2012" provides detailed guidance on matters including: - How the Agency Verifies Compliance and Detects Alleged Contraventions - Prosecution - Penalties upon Conviction - What Enforcement Information the Agency Discloses to the Public (Canada)	See recommendations in 6.11.2 regarding penalties. Other aspects mentioned at left are not considered a priority for Belize at present (better cost-benefit attained via other recommendations)
<b>Monitoring and control</b>	Dedicated website for the public to ask questions, submit complaints or report	Not a priority for

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
<b>control</b>	suspected contraventions. (Canada)	Belize (better cost-benefit attained via other recommendations)
<b>Proportionality</b>	Proportionality in licensing conditions and sanctions (UK). In a discussion document[5] the UK Department for Business Innovation and Skills asserts that all regulatory enforcement activity (not just environmental) should be governed by simple principles that ensure it operates fairly and proportionately: - greater accountability: to ensure that businesses have the opportunity to inform and help shape how enforcement is managed - recognising and promoting best practice: to ensure that businesses' own efforts to comply with regulations are taken into account properly by regulators, and positive incentives for good practice are put in place. and - greater transparency: to ensure that businesses know what their regulatory duties are, what compliance support they can expect, and how they can expect the enforcement system as a whole to be reviewed and reformed. For this purpose, the UK has set up the <i>The Better Regulation Delivery Office</i> , a new streamlined independent body to ensure the voice of business is heard in regulation policy	Not a priority for Belize (not appropriate to size and resources of country)
<b>Government - other</b>	Accreditation of professionals - This is carried out by the competent authority (Spain). Companies are accredited for certain tasks[6], and for others, individuals. - Accreditation is by the private sector in some countries (Botswana, South Africa)	See recommendations in 8.1.2
<b>Government - review</b>	Clarifications requested by competent authority of the author of EIA must be presented in the format of official annex (this increases the traceability of documents) (Costa Rica)	See recommendations in 8.1.2
<b>Government - review</b>	Clearly defined channels and procedures of communication between consultants and competent authority (Costa Rica)	Applicable in Belize
<b>Government - review</b>	Exceptions to normal timescales for review admitted in some cases (e.g. megaprojects) but only if adequately justified by the competent authority. (Costa Rica)	Applied in Belize
<b>Government - review</b>	Clear rules on conflict of interest. The legislation lists people who, because of their connection to the project under review, or to people connected to the project, are not allowed to form part of the review team (Costa Rica)	See Additional Recommendations - Review of EIA/LLES
<b>Government - review</b>	For projects in category A, a visit to the field is made before a technical report is issued (Costa Rica)	Applied in Belize
<b>Government - review</b>	The General Methodology for the Presentation of Environmental Studies (1503-2010) has been published. This document is used for the review process. (Colombia)	Applied in Belize. See also recommendations in section 7.2.
<b>Government - review</b>	Timeline for review: 15 days to review projects from category B (moderate potential impact), after the documentation is submitted, and 10 days in the case of category C (low potential impact). (Guatemala)	See recommendations in section 7.3.2
<b>Government - review</b>	Website provides detailed guidance and flow diagram of review process (UK)	Applied in Belize
<b>Government - review</b>	Consideration of trans-boundary affects as considered in the Espoo Convention	Belize's EIA process complies with international requirements
<b>Decision</b>	The environmental license should give a summary of environmental considerations and motivations that have been taken into consideration in the issuing of the license (Colombia)	Applied in Belize
<b>Private sector - rights</b>	Receive a justification of the basis for the decision on the environmental authorization (South Africa, Kenya, Hungary).	Applied in Belize
<b>Private sector - rights</b>	The assessment report prepared by the competent authority for each EIA is a public document and is subject to third party appeals (Western Australia). Decisions of the Minister for the Environment (e.g. EIA approvals and conditions	Applied in Belize See additional

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
	imposed on proponents) are also publicly disclosed.	recommendations in sections 6.9.2 and 6.10.2
<b>Public, interested and affected parties - rights</b>	In Estonia, the EIA Act sets the rule that at least the umbrella organization of environmental NGOs have to be informed of procedural steps in EIA proceedings (public display of scoping results and EIA report[9]).	Applied in Belize
<b>Public, interested and affected parties - rights</b>	In Hungary, if the competent authority makes a decision contrary to the interests of the participants and fails to give reasonable arguments why it disagrees with certain elements of such comments, the individual member or the association of the public can formulate specific counterarguments and submit them in a request for legal remedy[10].	Applied in Belize
<b>Public, interested and affected parties - rights</b>	Use of local languages as well as national languages in certain stages of the process such as consultation (Ghana), dissemination of the intention to carry out the project (Kenya).	Not a priority in Belize - The official language in Belize is English
<b>Public, interested and affected parties - rights</b>	Appeal against the screening process: In Hungary, the competent authority (the decision-making authority in EIA cases is the regional environmental inspectorate) issues a formal resolution at the end of the screening process which can then be appealed against at the superior national environmental authority by those having standing, including environmental NGOs working in the impact area. Then the final administrative resolution can be taken to court for a judicial review process by the same group of parties.	Not a priority for Belize
<b>Public, interested and affected parties - rights</b>	Mechanisms of communication with the competent authority - any person can request a meeting with the competent authority in connection with the EIA process, and according to the legislation will be given a meeting within 15 days (Costa Rica)	Not a priority for Belize (better cost-benefit attained via other recommendations)
<b>Public, interested and affected parties - rights</b>	The online Canadian Environmental Assessment Registry helps the public find information on potential and current environmental assessments of projects subject to the federal environmental assessment process. It is possible to search by keyword, reference number, browse a list of all projects in the Registry, etc, to help you find what you are looking for. (Canada)	Applied in Belize
<b>Public, interested and affected parties - rights</b>	Participant funding application for an environmental assessment. The Canadian Environmental Assessment Agency administers a Participant Funding Program, which supports individuals, non-profit organizations and Aboriginal groups interested in participating in federal environmental assessments. Participating in federal environmental assessments helps to ensure that concerns from the public and Aboriginal groups are taken into consideration during an environmental assessment process. (Canada)	Not a priority for Belize (not appropriate to resources of country)
<b>Public, interested and affected parties - rights</b>	Aboriginal Consultation in Federal Environmental Assessment. The Government of Canada consults with Aboriginal peoples as part of the environmental assessment process for a variety of reasons, including: statutory and contractual obligations, policy and good governance, and the common law duty to consult. This is to ensure that Aboriginal groups are sufficiently consulted when the Crown (federal government) contemplates action(s) that may adversely impact potential or established Aboriginal or Treaty rights. (Canada)	Belize has a participatory process in place
<b>Public, interested and affected parties - rights</b>	Public Comment Opportunities. The Canadian Environmental Assessment Agency asks users of its policy and guidance material to send feedback on this online information through the user feedback webpage. Comments and suggestions help us improve this material. In addition, targeted public comment opportunities are offered on specific documents. All information is on line. (Canada)	Not a priority for Belize (not appropriate to resources of country)
<b>Public, interested and affected parties - rights</b>	Canadian Environmental Assessment Archives. Electronic archive that promotes the access to information relevant to environmental assessments that were undertaken under the former Canadian Environmental Assessment Act. The archive is the main repository of environmental assessments previously registered in the Canadian Environmental Assessment Registry Internet site. (Canada)	Not a priority for Belize (not appropriate to resources of country)
<b>Public, interested and</b>	The main findings of the Environmental Statement must be set out in accessible plain English in a non technical summary to ensure that the findings can more	Not a priority for Belize (it is

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
<b>affected parties - rights</b>	readily be disseminated to the general public, and that the conclusions can be easily understood by non-experts as well as decision makers (UK)	understood that the documents are adequate as they are)
<b>Public, interested and affected parties - rights</b>	Applicants should make copies of the Environmental Statement available to the public, either free of charge or at a reasonable cost reflecting printing and distribution costs. (UK)	Applied in Belize
<b>Public, interested and affected parties - rights</b>	Any person may request information about the status of the environmental assessment of a project, work or activity subject to environmental license. The request can be directed to the competent environmental authority that is involved with the environmental assessment procedure. (Colombia)	Applied in Belize
<b>Self-regulatory bodies - responsibilities</b>	Use of Accreditation bodies: accredit companies to perform inspection activities (Spain). Inspection activities mean the comparison of performance against previously specified rules or (typically technical) conditions. For example, measures concerning fire, storage conditions, pressurized containers.	See recommendations in 8.1.2
<b>Self-regulatory bodies - responsibilities</b>	Use of Certification bodies: they are organizations independent from the interested parties (for example, the private sector or the government) that, after a review, state that an organization, a product a process or a service fulfills the requirements stated in standards or in technical documents.	Not a priority for Belize (not appropriate to resources of country)
<b>Self-regulatory bodies - responsibilities</b>	Use of Standardization body: is an organization that develops and distributes technical standards aiming at describing how a product or a service must work so that it is safe and fulfills the expectations of the consumer. For example, standards on how to take environmental samples, or how to perform physical or chemical analysis, or on environmental management systems.	Not a priority for Belize in environmental matters (not appropriate to resources of country)
<b>Self-regulatory bodies - responsibilities</b>	Environmental Practitioners dealing with the EIA process are also accredited in certain countries	See recommendations in 8.1.2
<b>Self-regulatory bodies - responsibilities</b>	by private associations (Botswana, South Africa)	See recommendations in 8.1.2
<b>Self-regulatory bodies - responsibilities</b>	by the government (certain regions in Spain) (see above)	See recommendations in 8.1.2
<b>Self-regulatory bodies - responsibilities</b>	Raising environmental awareness by promoting, creating and contributing to quality environmental education practices and awareness to enhance protection, conservation and sustainable use of the environment. (Zambia Network for Environmental Educators and Practitioners).	Applied in Belize
<b>Self-regulatory bodies - responsibilities</b>	Advancing innovation and communication of best practices in all forms of Environmental Impact Assessment (EIA) in order to further the development of capacity in impact assessment (Impact Assessment Association of Zambia).	Not a priority for Belize (not appropriate to resources of country)
<b>Activities subject to EIA or LLES</b>	Split projects that cumulatively reach the size or magnitude of Schedule I are subject to EIA. Also, those of Schedule II, when the competent authority so decides according to the criteria included in Schedule III. Also, any modification of an existing project of Schedules I or II when the modification reaches, by itself, the sizes of Schedule I.	See recommendations in 7.5.2
<b>Activities subject to EIA or LLES</b>	In Spain, projects subject to LLES are those that: <ul style="list-style-type: none"> <li>- Are included in Schedule II</li> <li>- Any project that may affect a designated protected area</li> <li>- Any change in an authorized project of Schedule I or II which may have significant adverse effects on the environment, understood as: <ul style="list-style-type: none"> <li>- Significant increase in emissions to air</li> <li>- Significant increase in discharge of wastewater</li> <li>- Significant increase in generation of wastes</li> <li>- Significant increase in the use of natural resources</li> <li>- An effect on declared protected areas</li> <li>- A significant effect on the cultural heritage</li> </ul> </li> <li>- Any splitter project that cumulatively reaches the sizes of Schedule II</li> </ul>	See recommendations in 7.5.2 regarding cumulative effects

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
<b>Activities subject to EIA or LLES</b>	In Spain, excluded projects are: - Those related to objectives of national defense, when the application may compromise those objectives - Project specifically approved by a Law. Those projects must contain the data needed to assess their effects on the environment and when processing the law to approve the project the objectives of the environmental assessment law must be complied with - the cabinet may in exceptional cases and by a motivated agreement, exclude a certain project from the need to go through the environmental assessment process. The agreement to exempt a project and the reasons for this will be published in the official gazette of the government.	Not a priority for Belize
<b>Confidentiality</b>	In Spain, public administrations shall respect the confidentiality of the information provided by the developer which, in agreement with existing regulations, has that character, in all cases taking into account the protection of the public interest. The developer shall indicate which part of the information contained in the documentation submitted should, in his/her view, be treated as confidential. The competent authority will decide on which information is excluded from the commercial or industrial secrecy and about the information protected as confidential.	See recommendations in 6.9. 1 and 7.1.5
<b>Professionals</b>	In Spain, the EIA study report and the LLES report shall identify their author or authors indicating their professional qualifications, the date of completion and shall be signed. The authors shall be responsible for the content of the reports and the reliability of the information provided, except for the information received from the administration in an irrefutable form.	Applied in Belize
<b>Scoping</b>	In Spain, the competent authority to authorise a project shall do the consultations with the different public authorities and shall inform the public. The results of the consultations are valid for one year. The developer may request the public authority competent for environmental clearance to prepare the scope and the TOR of the EIA study.	Applied in Belize
<b>Scoping</b>	In Spain, the time to prepare the scope and TOR is 3 months	See recommendation in 7.3.2
<b>Access to information</b>	In Spain, the public administration shall provide the developer with reports and any other documentation in the hands of the public administration when it were useful to carry out the EIA study.	Applied in Belize
<b>EIA study</b>	In Spain, the project alternatives to be considered are proposed by the developer when he/she requests the scope and TOR of the EIA study. The legislation establishes that, at a minimum, the no option alternative shall be analyzed.	See recommendation in 6.4.3
<b>EIA study</b>	In Spain, the EIA study loses its validity if it is not submitted after one year of its completion.	See recommendation in 7.3.2
<b>Public consultations</b>	In Spain, consultations to public authorities or to interested and affected parties may be done through conventional media, electronic media or any other provided the consultation gets registered. The place where they should submit comments is communicated to them by the competent authority.  Public administrations and interested and affected parties have 30 days since they are notified of the EIA study to issue the relevant reports or comments. After this, the competent authority has 30 days to submit these comments to the developer, so that they can be considered to modify the project and the EIA report.	See recommendation in 7.3.2
<b>Government - review</b>	In Spain, if the competent authority considers that the EIA report has not enough quality, it may reject the report, and it has 20 days to technically review the report. Before rejecting the report, the competent authority must meet with the developer within a 10 days period. If the public consultations have not been carried out in agreement to what the regulations establish (in Spain they are carried out by the authority that issues the authorization to the project), an additional period of 3 months is given to conduct public consultations. If after this period the competent authority does not receive the report, or if it is not adequately corrected, the competent authority will terminate the process.	See recommendation in 7.3.2
<b>Environmental clearance</b>	In Spain, there is an environmental statement made by the competent authority and it is made publicly available (gazetted). This includes:	Applied in Belize

<b>Table 3. Practices in the environmental clearance process in other countries.</b>		
<b>Area</b>	<b>Example of practice</b>	<b>Comment</b>
	<ul style="list-style-type: none"> <li>- Identification of the developer and a description of the project and the department issuing the authorisation to operate</li> <li>- Results of the public consultation and how they were taken into account</li> <li>- summary of the technical analysis made by the competent authority</li> </ul>	
<b>Environmental clearance</b>	<p>The environmental clearance has a validity date of 4 years, but the developer may request an extension of this period.</p> <ul style="list-style-type: none"> <li>- Conditions for the project and preventive, corrective or compensating measures</li> <li>- Monitoring programme</li> <li>- other aspects</li> </ul>	See recommendation in 7.3.2.
<b>Activities subject to EIA or LLES</b>	In Spain, activities subject to LLES may be redirected to a full EIA study if, after conducted the LLES it is found that some impacts are significant.	Applicable in Belize
<p>Notes</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>[1] Also, in Kenya a special committee is to advice the competent authority on standards of water quality, air quality, emissions of noise, pollution and radiation</p> <p>[2] At least two thirds of the panel members must be residents of the geographic area where the activity will be undertaken.</p> <p>[3] Justice and Environment, 2008.</p> <p>[4] See Morrison-Saunders (2011) for a discussion on the advantages of this approach.</p> <p>[5] Transforming Regulatory Enforcement (UK Department for Business Innovation and Skills, December 2011)</p> </div> <div style="width: 45%;"> <p>[6] In some regions accreditation of EIA practitioners exists, but not in others.</p> <p>[7] Here third parties means any decision-making authority, responsible authority, proponent or other person.</p> <p>[8] See above register of interested and affected parties for public consultation under responsibilities of the private sector.</p> <p>[9] Justice and Environment, 2008.</p> <p>[10] Justice and Environment, 2008.</p> </div> </div>		

The table below compares Central American and Caribbean countries with respect to timelines, and requirements regarding public participation and accreditation of EIA consultants, in order to situate the Belizean situation in the regional context.

**Table 4. Comparison of Central American and Caribbean countries with respect to certain aspects of the EIA process**

	<b>Costa Rica</b>	<b>Guatemala</b>	<b>Honduras</b>	<b>Nicaragua</b>	<b>Colombia</b>
Timeline for screening	Not defined.	Not defined.	Timelines are not specified, it is only mentioned that SINEIA indicates that the project effectively belongs in the chosen category and that it fulfills the established requirements for projects in categories 1, 2 and 3. (articles 32.2 and 33.3 of Decree 189-2009).	Not defined at the screening stage but at general level per category	Timeline is fifteen (15) working days. From filing of the request, the environmental authority shall take a decision of the need to submit an analysis of the alternatives, enclosing the terms of reference for elaboration of the analysis and/or EIA according to the case within 15 days.
Timeline scoping	Not specified.	Not specified.	Article 36 (Decree 189-2009), establishes a maximum of 30 administrative working days to establish the Terms of Reference.	Not defined at the scoping stage but at general level according to the category.	15 days upon receipt of the request for an environmental license

**Table 4. Comparison of Central American and Caribbean countries with respect to certain aspects of the EIA process**

	<b>Costa Rica</b>	<b>Guatemala</b>	<b>Honduras</b>	<b>Nicaragua</b>	<b>Colombia</b>
Timeline for review	<p>10 days. Projects in category C or B2 that lay within areas that have a regulatory plan, have a 4 week resolution period starting from the time of presentation of form D2. Four weeks. Projects in category A, B1 or B2 that lay within areas without a regulatory plan have a 4 week resolution period starting from the time of presentation of form D1. This period could be extended to a maximum of 5 months more.</p>	<p>The DIGARN has 15 days to review projects from category B, after the documentation is submitted, and 10 days in the case of category C. The procedure for category A projects requires more time for review. The timeline for the review of the environmental impact assessment study of category A is 2 months and 4 months when the project is considered to be a national mega-project.</p>	<p>The review procedure of the request form and documents will be done in a period of 15 administrative working days for the projects in Category 1, and 30 administrative working days for projects in Categories 2 and 3, after which, the project, construction work or activity in question will be registered, and the respective Environmental License will be issued, when it proceeds. (32.3 and 33.4, Decree 189-2009). The timeline for the review of the presented EsIA is 60 administrative working days for Category 4 if they are not megaprojects and 80 administrative working days for Category 4 if they are megaprojects (Article 35, Decree 189-2009).</p>	<p>Category I - minimum term of one hundred and twenty working days to a maximum term of two hundred forty working days for its technical review and to grant resolution. This can be interrupted by way of a notification until the required information is completed. Category II - maximum term of ten working days to review the preliminary documents received for the projects in environmental category II and, in case of the need for more information, this will be required in accordance with the ToR. Upon reception of this additional information, the ten working day term will be reinstated. Furthermore, MARENA and the regional councils of the autonomous regions have a maximum term of one hundred and twenty working days for its technical review and to grant the corresponding resolution for the projects of environmental category II. This term can be interrupted by way of a notification until the required information is completed. Category III- There is a maximum term of thirty working days for its technical review and to grant the corresponding resolution for the projects of environmental category III.</p>	<p>After the presentation of the EIA by the proponent the competent environmental authority has 5 working days to start the review process. The competent environmental authority can request within 15 working days information from other authorities or entities. The required information should be submitted within 20 working days. If necessary additional documents or information are requested from the applicant. In this case the response time is suspended until the additional information is presented.</p>

**Table 4. Comparison of Central American and Caribbean countries with respect to certain aspects of the EIA process**

	<b>Costa Rica</b>	<b>Guatemala</b>	<b>Honduras</b>	<b>Nicaragua</b>	<b>Colombia</b>
Timeline for decision-making	Not specified.		The review procedure of the request form and documents will last a period of 15 administrative working days for the projects Category 1, and 30 administrative working days for the projects Category 2 and 3. When the timeline has lapsed, the project, work or activity will be registered, and the respective Environmental License will be issued when it proceeds. (32.3 and 33.4, Decree 189-2009). The timeline for the review of the presented EsIA is 60 administrative working days for Category 4 if they are not megaprojects and 80 administrative working days for Category 4 if they are megaprojects (Article 35, Decree 189-2009).	The time period for the decision making corresponds to the time for review. Only in the case of Category II the MARENA and in the autonomous regions the regional councils have a maximum term of one hundred and twenty working days for the technical review and to grant the corresponding resolution for the projects of environmental category II. This term can be interrupted by way of a notification until the required information is completed.	The competent environmental authority shall decide on the license of the project, work or activity, within a maximum period of twenty-five (25) working days.
Timeline for public comments	The Regulation does not establish them. They will be published in a press announcement.	The public can present its observations or opposition in written within 20 days after the publication of environmental assessment document, before the MARN, either the central DIGARN or the MARN delegations where appropriate.	15 administrative working days is the period in which the public can make observations to the SERNA on the terms of reference to elaborate an EsIA (Article 37, Decree 189-2009). 30 working days is the period in which the public can make observations about the EsIA, after being notified on the finalization of the EsIA by making a copy available to the public. (Article 28 and 53, DE-189-2009).	Information not available	Information not available

**Table 4. Comparison of Central American and Caribbean countries with respect to certain aspects of the EIA process**

	<b>Costa Rica</b>	<b>Guatemala</b>	<b>Honduras</b>	<b>Nicaragua</b>	<b>Colombia</b>
Accreditation of consultants	Consulting companies should register with The Registry of Consultants in SETENA.	Consultants and consultant firms must be accredited by the MARN to be able to conduct EIA studies. They should demonstrate experience of at least of 120 hours in environmental assessment. The DIGARN administers a register of accredited consulting firms and consultants.	The Providers of Environmental Services, will have to be accredited and certified by a suitable legal and technical entity, and be inscribed in the Providers' Record of Environmental Services that the SERNA administers, to be able to intervene in an EIA, an EsIA, Environmental Audit or Follow-up and Environmental Control (Article 16 and 86, DE-189-2009).	Information not available	There is no legislation on accreditation of consultants

**Table 4. Comparison of Central American and Caribbean countries with respect to certain aspects of the EIA process**

	<b>Costa Rica</b>	<b>Guatemala</b>	<b>Honduras</b>	<b>Nicaragua</b>	<b>Colombia</b>
Public participation requirements	<p>SETENA, in accordance with Environmental Organic Law (LOA) establishes various mechanisms that manage public participation in the EIA procedures, such as: including opinion polls in the Environmental Impact Study (EsIA) and including in some prognostics – an Environmental Management Plan (P-PGA) ; elaboration of a summary of Environmental Impact Study (EsIA) called Environmental Impact Declaration (EID) that is given to the municipality where the project is located; publication of the resumed information in a daily nationwide newspaper about the entrance of an Environmental Impact Study (EsIA) in the revision procedure of SETENA and the formal period during which the document may be revised and observations presented. Along with these mechanisms, there also exists the possibility of developing public audiences on the subject. On the other hand, through the functioning of COMIMA, an important space for participation is opened during the control and tracing stages of the activity, construction work or project located in Category A with the Environmental Impact Study (EsIA) approved. As far as possible in this commission, there should be one representative from SETENA, one representative of the developer, one representative from the municipality and one representative from the community where the activity, construction work or project will be developed.</p>	<p>The proponent should involve the public in the EIA process as soon as possible after the screening. In the initial environmental assessment ("screening") stage there is no participation of the public.</p>	<p>According to the Article 87 (DE-189-2009), the SERNA encourages public participation during the process of environmental evaluation in all phases of those projects considered significant from the environmental point of view, according to the application of principles of proportionality and gradualism. When the terms of reference indicate it, as early as possible, the proponent must involve the project's neighboring population in the process of elaboration of the EsIA and must propose the mechanisms of consultation during the review stage of the document (Article 88, Decree 189-2009). For the projects of Category 2, 3 and 4, the Proponent must notify the start of the EIA. The public and the Non Governmental Organizations (NGOs) can send their suggestions to the SERNA on the terms of reference for the EsIA (Article 37, Decree 189-2009). Also for projects in Category 4, the Proponent must publish the end of the EsIA and when it is required by the SERNA, the proponent will have to present the results of the EsIA to open discussion meetings, public forums, hearings and to all medias that allow a discussion and exchange of ideas. (Article 52 and 89, DE-189-2009). Any person, natural or juridical, that considers that the EsIA has not addressed important impacts or proposed suitable measures of mitigation, can ask the SERNA to include necessary amendments (Article 54, DE-189-2009).</p>	<p>The System for Environmental Assessment considers that the informed public should participate at all levels. In the autonomous regions the project should be developed taking into account the customs and traditions of the general public. As stipulated in Article 33, in the presidential decree 76-2006 the MARENA should establish special norms that regulate public consultation in the procedures of the environmental assessment based on the following guiding principals: 1. The principle of proactive inclusion, in which all public persons and decision makers are involved in the process; 2. The principle of shared responsibility, where the State and the general public unite forces in a strategic alliance to prevent and alleviate a negative impact on the environment by agreeing on joint decisions.</p>	<p>If the project, work or activity develops within territory of an indigenous community, a consultation is mandatory during the assessment process. A public audience might be performed before the issuance of the administrative act which approves, rejects or modifies the environmental license, but always after the presentation of environmental impact assessment study to the environmental authority.</p>
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## 10. The DOE and the Project Evaluation and EIA Unit

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### 10.1. General findings

hhhhh) The Department of the Environment is presently headed by a Chief Environmental Officer and assisted by several technical staff. To carry out its functions, the Department is currently organized into six units: Environmental Law & Policy Unit; Environmental Enforcement and Compliance Monitoring Unit; Project Evaluation and EIA Unit; Public Awareness and Education Outreach Unit; Project Execution Unit and Environmental Information Management Unit.

iiiiii) The responsibilities of each member of the DOE are clearly defined and documented in the Manual of the Department. Also, the qualifications of the different posts are described in this manual. There are internal policies for the personnel of the DOE which offer (as of 2010) professional guidance and behavioural acceptable practices. They do not deal with details related to the environmental clearance process, other than meetings with developers.

jjjjj) The Heads of the Units meet regularly (fortnightly) to organize the work of the Department guided by senior managers. The Chief Environmental Officer of the DOE joins these meetings to provide additional general guidance and be informed of the development of the different works.

kkkkk) Qualifications of the different officers of the DOE are mainly on Environmental Sciences, Ecology, Environmental Law, Natural Resources Management and other related fields. Some officers may have other academic background, like Information Management or Environmental Education. There are no available academic training in the DOE in matters very important to the environmental impact assessment of projects, but knowledge on matters not known to DOE officials is provided by the NEAC members.

lllll) Staff in different units of the DOE have experience in reviewing EIA/LLES reports, and can support technically the staff of the Project Evaluation/EIA unit in cases where specially difficult projects appear.

mmmmm) The DOE has a 5 year plan based on the strategy defined for the next 10 years (approved in 2014). Since two years ago, the DOE prepares annual plans. Also, The DOE prepares a weekly work plan, including a detailed description of the work of each unit, with the different projects being carried out, the personnel involved and the specific tasks being carried out. These plans also assign the material resources used by the Department.

nnnnn) The major function of the Project Evaluation/EIA Unit is the implementation of the Department's environmental clearance process, with respect to project proposals, programmes, activities and undertakings requiring environmental clearance, to ensure that the environmental implications associated with these activities are adequately addressed. In addition, the unit is also responsible for the development of an ongoing Public Awareness Programme on the EIA Procedures; the coordination of evaluation/assessment studies required improving implementation of the EIA Procedures; and the establishment of close working relationships with other public agencies, the private sector and the non-governmental organizations.

ooooo) In this respect, this unit focuses on the administration of Environmental Protection Act, 1992, the Environmental Protection (Amendment) Act, 1998, and specifically the Environmental Impact Assessment (EIA) Regulations.

ppppp) The complete list of functions of the unit is very ambitious given the short staff assigned to it, and includes some functions that, although indirectly related to issuing the environmental clearance, are not directly related to the time required to issue this clearance. Some of the detailed functions of the Unit only marginally related to the environmental clearance process are:

- To facilitate and provide training on EIAs and on Belize's EIA procedures, aimed at strengthening in-country capacity to carry out and evaluate EIAs;
- To promote environmental planning for key areas of development, such as the Coastal Zone, islands, and proposed tourism, residential and industrial sites;
- To conduct and coordinate investigations, studies, surveys and research on issues related to the state of the environment and issues impacting ecosystems in Belize;
- To assist in compliance monitoring of projects granted environmental clearance;
- To assist in the enforcement of the Environmental Protection Act, 1992/1998 and subsequent regulations.

qqqqq) A recent study of the perceptions of the DOE by stakeholders on several governance attributes found that by some people, the following were poorly rated: transparency, independence and timely response to stakeholders.

rrrrr) The academic background of the staff in the Project Evaluation/EIA unit is mainly in the Environmental Sciences and related fields. Although knowledge on specific matters that may be important in EIA studies is limited, such as archaeological matters, sociology or economics, it is considered that the knowledge available in NEAC either through permanent members or through

co-opted members, may provide enough support to ensure an adequate analysis of the reports and the projects. However, given the importance of the public consultation part of the environmental clearance process, and the important role DOE members play in public consultation exercises, it is considered that training on public consultation will greatly benefit DOE staff.

sssss) There is no register of academic or post-graduate training of DOE staff being regularly maintained at the DOE.

ttttt) Some persons contacted in the project proposed that a focus person at DOE be assigned for each project to deal with the developer, so that all contacts and communications with the developer would be channeled through that focal person. This would help both the developer and the DOE to maintain fluid communication.

## 10.2. Findings regarding staff and workload

uuuuu) In the Environmental Enforcement & Compliance Monitoring Unit there is only an equivalent of 3,5 staff to carry out enforcement, address complaints, issue effluent licenses and react to environmental emergencies, which limits the capability of the DOE to carry out intensive enforcement activities. The Project Evaluation/EIA Unit has 5 members to conduct all its responsibilities, which may sometimes contribute to the delay in processing projects for environmental clearance.

vvvvv) For the fiscal year of 2014/2015, the Department received a total of one hundred and twenty six (126) new project applications for environmental clearance<sup>44</sup>. However, there were thirty two (32) project proposals brought forward from fiscal year 2013/2014. In consideration of this, the actual amount of project proposals received is one hundred and fifty eight (158) projects in fiscal year 2014/2015. In terms of project successfully processed, 83% were successfully processed for fiscal years 2014/2015.

wwwww) In Fiscal Year 2014/2015 the DOE prepared and approved seven (7) Terms of Reference (TOR) for the purpose of conducting EIA studies, one (1) approved TOR for conducting an LLES, and two (2) for the purpose of conducting REA (see Chart 4). In total, ten (10) TOR were approved for the purpose of conducting studies to improve the decision making process. Out of the approved TOR in fiscal year 2014/2015, only one such study completed the process within the same fiscal period. Notwithstanding, the DOE received five (5) other EIAs during the fiscal

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<sup>44</sup> The following data are taken from the DOE Annual Report 2014-2015.

year, whose TOR were approved in the previous fiscal year. Hence, a total of six (6) EIAs were reviewed along with one (1) LLES.

xxxxxx) Of the eighty eight (88) projects that completed the environmental clearance process throughout fiscal year 2014/2015, a total of seventy seven (77) of them signed an ECP with the DOE (refer to Chart 5). In addition, ten (10) Environmental Clearance Letters with conditions were issued, including the approval for the expansion of two existing small scale projects. The Department also issued three (3) letters of no objection to small scale development projects with little or no foreseen impacts to the environment.

yyyyyy) In relation to enforcement actions, in fiscal year 2014/2015, the DOE conducted 171 compliance monitoring inspections, and it issued a total of eight (8) Enforcement Notices and Stop/ Cessation Orders. Also, the DOE with the support of other key partners responded to five (5) grounding incidents in fiscal year 2014/2015, and the NEAC was able to conduct three (3) compliance monitoring inspections.

### 10.3. Findings regarding time frames for environmental clearance and other licenses

zzzzzz) The environmental clearance for projects not requiring EIA or LLES is normally issued in few days (less than 15 in general). An analysis of the type of projects applying for environmental clearance shows that certain activities should not even be applying for the environmental clearance (skills training, call centre).

aaaaaaa) The expected timeframe to obtain the environmental clearance of projects requiring an EIA study is 6 months. For a project requiring a LLES, it rarely exceeds 3 months. Other licenses require about 1 month, except for the mining license which takes about 3 months.

### 10.4. Findings regarding guidelines

bbbbbbb) Allowing developers to provide proposals for certain documents in the environmental clearance process (TOR, methods to consult the public, lists of interested and affected parties to consult), prepared on the basis of guidance provided by the DOE might help to alleviate the work of officials

ccccccc) The Project Evaluation and EIA Unit keeps a database with records of the projects received for analysis and registers, for each project, some information of the decisions made at each stage. However, the reasons for the decision taken are not recorded.

#### 10.5. Recommendations regarding the Project Evaluation and EIA Unit

See Appendix 1. (Recommendations regarding DOE and the Project and EIA Evaluation Unit are not regarded as priority recommendations, and so are included as Additional recommendations in Appendix 1).



# **Appendix 1. Additional recommendations**

## Additional recommendations

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This appendix collects additional recommendations proposed to address some of the findings identified in the project. The recommendations are presented according to the structure of the main body of the report, to easily relate them to the corresponding findings.

## The environmental clearance process

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### 1. Projects and activities subject to environmental clearance

42. *Include in Schedule I, projects requiring an EIA, the following: (Change in legislation/regulations).*
  - Local, urban, regional or national planning or zoning (over a certain size to be defined).
43. *Analyze the option to exclude projects from the environmental clearance process, for specific reasons: security and defense, need to act quickly for reasons of an emergency, others. (Change in legislation/regulations).*
44. *Develop a comprehensive list of organizations, experts and working groups that may help to identify the available knowledge for decision making at the screening phase or during the EIA/LLES studies. (Change in guidelines)*
45. *Monitor industries existing before the EIA regulations were approved through the existing legislation deriving from the Pollution Control Regulations and the Effluent Limitations Regulations, which require emissions of all activities to fulfill the limits established in these regulations, and any new environmental legislation introduced in Belize. (Change in practices).*
46. *Require all increases in size or capacity of projects to be communicated and registered at DOE.. (Change in legislation/regulations).*

### 3. Environmental Impact Assessment

47. *Develop a repository of environmental information accessible to consultants, and NGOs, that could be used in EIA studies, but also during the environmental clearance process (for example, to define the TOR of the EIA study), on matters such as: (Changes in practices).*
  - List of registered consultants.

- List and location of projects with environmental clearance, for cumulative studies.
- Quality data on surface water and groundwater available at DOE.
- Baseline information in general.

#### **4. Review of EIA/LLES reports**

*48. Define clear rules on conflict of interest. Include in legislation lists of people who, because of their connection to the project under review, or to people connected to the project, are not allowed to form part of the review team. Then, when joining the review team, any member should sign a declaration on whether they have any interest in the project (friend/family/commercial). Later, if it transpires that somebody had a non declared interest, that person would suffer a sanction.*

*(Change in legislation/regulations)*

*49. NEAC should establish the experience requirements for its participants. In order to perform their duty properly, NEAC members should be experienced persons, particularly regarding the environmental impact of projects in their area of expertise. Given that not all environmental aspects are relevant in all projects, in each particular project experienced participants are needed in the aspects where significant impacts may arise as a consequence of the particular project being analyzed at NEAC meetings. (Change in practices).*

*50. The DOE should exercise discretion as to what comments may merit additional study and a change in the EIA report and what can be properly addressed through including appropriate requirements in the ECP. (Current practice).*

#### **5. Public consultation**

*51. In projects requiring LLES or EIA, publicize the project in its initial phase before defining the TOR, for example, in a newspaper, so that the local population knows and is aware of the project and can later provide their views. Costs would be covered by the developer (Change in legislation-regulations).*

#### **6. Environmental clearance**

*52. When a project obtains the environmental clearance through an EIA, the developer to send periodic reports to the DOE during the operating phase. Include this requirement in all ECPs. (Change in practices).*

## **7. Environmental Compliance Plan**

53. *Make sure all ECPs include a map indicating clearly the location, the limits of the project and its buildings. The limits of the project should be clearly drawn so that there is no ambiguity later if the project grows to a larger size. Also, in the event of contamination of the soil in the future, knowing the boundaries of the project should help in assigning responsibilities for that contamination.(Change in practices).*
54. *Remove from ECPs aspects that are not environmental<sup>45</sup> and leave them to be addressed by the competent department in the appropriate authorisation. For example, on non environmental requirements for building construction (Change in practices). Remove vague requirements<sup>46</sup> from ECP or describe them in ways that can be enforced, for example, using quantitative values or specific requirements. (Change in practices)*
55. *The Environmental Enforcement and Compliance Monitoring Unit of the DOE to review ECPs before they are sent to the developer to make sure all measures are enforceable. (Change in practices)*
56. *Project descriptions in licenses should mention maximum capacity. Project descriptions should quantify the size or capacity of at least those installations of most relevant environmental significance. (Change in practices).*

## **8. Operation/monitoring**

57. *Inspection visits by NEAC to be conducted by few (two) officials, with appropriate training. Use additional visits by expert officials only to confirm a finding, if required. (Changes in practices). Also, two officials could conduct compliance monitoring visits on all requirements of the ECP and, if the appropriate training was provided to these officials, even on other matters to be inspected by other departments different to DOE. If findings of these visits justified a visit by an expert of another department, that visit would be organized to confirm or reject the possible breach.*

## **9. The DOE and the Project Evaluation and EIA Unit**

58. *Given that the environmental clearance process is very important for the economic development of the country (in the short and medium term), it would be important to focus the work of the officials on the environmental clearance process, and to assign those responsibilities of the*

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<sup>45</sup> See examples in Section 6.10.

<sup>46</sup> Such as “adequate number of culverts in roads”, “proper maintenance to ensure safe, clean, healthy and environmentally friendly operations”.

*Project Evaluation/EIA Unit not directly related to the environmental clearance process to other Units of the DOE. (Change in practices)*

59. *Design a focal person at DOE to deal with each project. (Change in practices).*
60. *Maintain a database of projects received including information on the dates different steps of the environmental clearance process were completed (particularly those that have timelines in the legislation) and the main reasons for the decisions made. Group the decisions and their reasons in categories so they can be analysed quantitatively and options for improvement can be identified. (Change in practices).*
61. *Maintain a register of training records of DOE personnel. This register may be used internally to define training needs and allocation of staff to different posts or responsibilities. (Changes in practices).*
62. *If social and economic aspects are going to become a part of EIA studies, and one that may condition acceptability of projects and may introduce new operating conditions or mitigation measures in projects, both NEAC and DOE staff may need to be completed with experts in these areas. (Change in practices)*
63. *In relation to defining standardized methodologies, particularly internal checklists and procedures, it will be helpful for DOE officials to gain knowledge on internationally developed quality management systems, particularly of the series ISO 9000. These methodologies will provide some interesting concepts and methods that will help to structure conceptually and operationally the work to do. Therefore, the DOE should seek opportunities to train officials from the Project Evaluation/EIA Unit in:*
  - a. *matters that will be of use during public consultation meeting and relations with the public in general: communication skills, managing conflict,*
  - b. *quality management techniques and systems: to take advantage of the techniques and procedures developed internationally on quality management, particularly ISO 9000 and UNE 17.000*