CHAPTER 213

FORESTS (PROTECTION OF MANGROVES) REGULATIONS

ARRANGEMENT OF REGULATIONS

1. Short title.

2. Interpretation.

3. Prohibition on alteration of mangroves.

4. Permit procedure.

5. Factors to be considered for issuing or denying permits.

6. Circumstances where permit may not be issued.

7. Exemptions.

8. Manner of disposal of materials by selective trimming.

9. Prohibition on use of pruning paint.

10. Variance Relief.

11. Offences.

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

CHAPTER 213

52/1989.
86/1992.
Ch. 176.

FORESTS (PROTECTION OF MANGROVES) REGULATIONS

(Section 5)

[6th May, 1989]

WHEREAS-

(a) mangroves border much of the coastline and cayes of Belize and form an important component of the natural vegetation of the country;

(b) mangroves are well-known for their protective functions and mitigate the destructive forces of hurricanes and other natural disasters;

(c) each species of mangrove provides habitat for a diverse community of plants and animals, including fish and other species;

(d) mangroves play a crucial role in the ecology of coastal areas, coral reefs and estuaries and produce and trap concentrations or organic matter which are used by marine organisms in coastal food webs;

(e) many of Belize's commercial fish species depend upon the nursery functions of mangrove communities;

(f) mangrove communities in Belize provide a dependable water resting ground for a host of species of migratory birds and wildlife;

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

(g) mangrove communities, besides being environmentally protective, are esthetically attractive and can be incorporated into the landscaping of waterfront residences and communities;

AND WHEREAS it is desirable in the national interest to establish rules and regulations to protect mangrove communities;

NOW, THEREFORE, the following regulations shall have effect:

1. These Regulations may be cited as the **FORESTS (PROTECTION OF MANGROVES) REGULATIONS.** Short title.

2. In these Regulations- Interpretation.

"alter" or "alteration" means to cut, remove, defoliate, or otherwise destroy by any means, mechanical or otherwise, but does not include "selective trimming";

"canopy" means the leafy portion of a tree near the top of the tree, or which extends from near ground and water level to the top of the tree;

"Department" means the Department of Forestry in the Ministry for the time being charged with the responsibility for forests;

"Form" means the form annexed to these Regulations;

"jurisdictional waters" means the waters, wetlands, and shoreline areas within the territory of Belize;

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

"lateral limbs and other branches" means limbs or other branches situated on or coming from the side of the main trunk of a tree;

"mangrove" means any specimen of the following species:

Black Mangrove	Avicennia germinans
Red Mangrove	Rhizophora mangle
White Mangrove	Laguncularia racemosa:

Provided that the Minister may, by order published in the *Gazette,* add any other species;

"prop roots" means the structure originating below the lowest limbs of red mangrove, which are also known as stilt roots;

"selective trimming" means-

(a) removal of not more than twenty-five per cent. of the lateral limbs or other lateral branches of any black or white mangrove:

Provided that no tree under six feet in height is cut;

(b) reduction in height of any black or white mangrove by twenty five per cent or less of the height of the untrimmed tree:

Provided that no tree under six feet in height is cut; and

(c) removal of not more than twenty-five per cent. of the plant material in the lower half of the canopy of any red mangrove:

Provided that the upper half of the canopy and the prop roots are not

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

cut;

"permit" means a permit for alteration of mangroves issued under these Regulations.

Prohibition on alteration of mangroves.

3. Unless specifically exempted under these Regulations, no person shall alter, allow or cause to be altered any mangrove in jurisdictional waters without first obtaining a permit from the Department. This prohibition applies both to privately-owned lands and public lands.

Permit procedure.

4. (1) A person desiring to alter mangroves in jurisdictional waters shall apply for a permit in Form "A".

(2) The alteration of mangroves which causes the disturbance or excavation of the sediments in jurisdictional waters or the deposition of materials in jurisdictional waters may be considered dredging or filling, and shall be permitted only under exceptional circumstances.

(3) The following non-refundable fee shall be payable in respect of an application for a permit for alteration of mangroves:

(a)	less than 1/10th of an acre	$25.00
(b)	between 1/10th of an acre but not more than one acre	$50.00
(c)	more than one acre	$300.00

(4) As soon as practicable but not later than forty-five (45) days of the receipt of an application for a permit, the Department shall examine the application and notify the applicant of any apparent errors or omissions and require such additional information as may be necessary for the processing of the application.

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

(5) For applications to alter mangroves in an area larger than one acre, the Department shall publish in a local newspaper notice of the applicant's intent to alter mangroves within a specified period of time. For smaller areas of mangrove alteration, the Department may not publish such a notice.

(6) The Department shall notify the applicant if the proposed activity is exempt under these Regulations or qualifies for a permit.

(7) Where the Department refuses to grant the permit, or issues a notice of its intent so to do, it shall give the reasons for such refusal in general terms and may require any amendments in the application for a permit.

(8) A permit issued by the Department may contain specific conditions considered reasonable and necessary to ensure compliance with the general spirit and intent of these Regulations.

(9) The Department may refuse a permit if the applicant, after receiving written notice of intent to refuse the permit, fails to provide required information or fails to correct errors or omissions or does not furnish the additional information within the time specified in the notice.

Factors to be considered for issuing or denying permits.

5. (1) No permit for the alteration of mangroves shall be issued unless the Department is satisfied that-

(a) water quality shall not be significantly lowered or changed as a result of the proposed alteration; and

(b) the proposed mangrove alteration is not contrary to the public interest, or if the alteration significantly degrades or changes the environment that such action is, on the whole, beneficial and in the larger and long-term interest of the people of Belize.

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

(2) In determining whether a project is not contrary to the public interest or is clearly in the public interest despite environmental damage, the Department shall consider and balance the following factors –

(a) whether the project shall affect the public health, safety, welfare or property of others;

(b) whether the project shall affect the conservation of fish and other wildlife species and endangered or threatened species or their habitats;

(c) whether the project shall adversely affect navigation or the flow of water or cause harmful erosion, silt deposition or shoaling;

(d) whether the project shall adversely affect the fishing or recreational values or marine productivity in the vicinity of the project, or more generally along the Belize coast;

(e) whether the project will be of a temporary or permanent nature;

(f) whether the proposed project shall adversely affect the significant historical or archaeological resources of the country;

(g) the current condition and relative value of the functions being performed by or in the areas affected by the proposed activity;

(h) the proximity of the project to a designated park or other type of protected area, wildlife sanctuary or natural monument;

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

(i) the proximity of the proposed project to coastal and reef areas known to be of outstandingly high ecological value.

(3) If the applicant is unable to meet the criteria set out in subregulation (2), the Department, in deciding whether to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the proposed project. Such mitigation specifically may include restoration of mangrove communities in other or adjacent areas, and the planting of mangrove trees in coastal areas already altered or deteriorating by erosion.

(4) The Department, in deciding whether or not the permit should be granted, shall also consider-

(a) the economic and environmental impacts of the project for which the permit is sought;

(b) the impact of projects which exist or are under construction, or for which permits are already being sought;

(c) existing or proposed national, regional and local land-use plans, such as, barrier reef regional management and development plans, Ambergris Caye land-use plan, etc.

Circumstances where permit may not be issued.

6. (1) No permit shall be issued for alteration of mangroves by means of chemical defoliants or herbicides.

(2) No permit shall be issued for the alteration of any mangrove issued. which is formally classified by the Department as an active nesting site or as a resting or breeding area for a colony or conspicuous concentration of birds, including but not limited to pelicans, spoonbills, herons, storks, boobies,

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

frigatebirds, and egrets.

(3) No permit shall be issued for mangrove alteration within an existing national park, nature reserve, wildlife sanctuary, or natural monument as defined and described in the National Parks System Act. CAP. 215.

Exemptions.

7. (1) No permit under these Regulations is required for the alteration of mangroves-

(a) by duly constituted communication, water, sewer, electrical or other utility companies in, or adjacent to, a public or private easement or right-of-way:

Provided such alteration is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities to provide utility service to the public, and that such alteration is conducted so as to avoid or minimise any unnecessary alteration of mangroves;

(b) by a licensed land surveyor in the performance of his duties:

Provided such alteration is limited to a swath for survey sighting three feet or less in width;

(c) for selective trimming by the owner of a parcel of property on the property which he owns.

Manner of disposal of materials by selective trimming.

8. Plant material removed by selective trimming of mangroves shall be disposed of in an orderly and inconspicuous manner. Small trunks and limbs (less than one inch in diameter) may be left in the mangroves habitat, but larger trunks and limbs (greater than one inch in diameter) shall be disposed of in an upland location so as not to impede or restrict water movement or create a hazard to navigation:

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

Provided that the bark on the remaining trunks, limbs or other branches is not damaged.

Prohibition on use of pruning paint.

9. Pruning paint shall not be used on mangroves; such method being inconsistent with the general policy of minimising environmental pollution.

Variance Relief.

10. Upon receiving an application for mangrove alteration, the Department may grant a variance from the provisions of these Regulations if the compliance therewith is likely to result in unnecessary hardship on the owner or any other person in control of the affected property. Relief from such hardship may be granted only upon demonstration by the landowner or affected party that the hardship is peculiar to the affected property and not self-imposed, and that the grant of a variance shall be consistent with the general intent and purpose of these Regulations, e.g., the protection and maintenance of healthy mangrove communities all along the coasts and cayes of Belize. In keeping with the spirit and intent of these Regulations, the Department shall grant variances only under exceptional circumstances.

Offences.

86 of 1992.

11. Every person who contravenes any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both.

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]

FORESTS (PROTECTION OF MANGROVES) REGULATIONS

FORM A

Application for Permit

(Regulation 4 (1))

1. Name of the applicant.

2. Description of the property on which mangroves are to be altered.

3. Description of the mangroves.

4. Nature of proposed alteration.

5. Whether the property belongs to the applicant or to another person.

6. The manner in which alteration is to be effected.

7. Prescribed fee of $ ..... has been deposited in the Treasury vide Receipt No. ..... dated ..... .

I ....., owner/occupier of ..... do hereby declare that the particulars furnished hereinbefore are true to the best of my knowledge and belief.

....

Date .....

.....

Signature and Address of the Applicant

[Printed by the Government Printer, No. 1 Power Lane, Belmopan, by the authority of the Government of Belize.]