



Reference number and submission name (assigned by the Secretariat):
SEM-23-001 (Residential Development in San Cristóbal de las Casas)

About this form

This form guides you on how to prepare a Submission on Enforcement Matters (SEM) under Article 24.27 of the new [USMCA/CUSMA](#) Trade Agreement, effective July 1, 2020. The SEM procedures are similar to the procedures contained in the North American Agreement for Environmental Cooperation (NAAEC), but there are some differences of which Submitters should be aware. The NAAEC procedures in Articles 14 and 15 no longer apply to new submissions filed on or after July 1, 2020.

To prepare your submission, **read carefully the instructions** on how to fill-out this form. Once completed, send it by email to sem@cec.org along with any attachments or links to download them.

You may also send your submission and attachments without using this form via email or to the following postal address:

CEC Secretariat, Legal Affairs and SEM
700, rue de la Gauchetière, Bureau 1620
Montreal, Quebec Canada H3B 5M2

Submission Form Part I-Identification

Important: If your submission is incomplete, you will receive a determination according to Article 24.27(3) of the Agreement detailing the missing information, in which case, you will need to resubmit your submission. You may use this form again as well.

- You may disclose my personal information. If you are an individual, your email and postal addresses will not be made public.
 I want my personal information to remain confidential.

Identification of the [Person of a Party](#) filing the submission.

A. Submitter(s) (individual). Fill this section if you are an individual. If you are an enterprise, use **section B**.

1. Last name:

[REDACTED]

2. First name:

[REDACTED]

3. Citizenship (or country of permanent residency):

Citizen USA, Permanent Resident Mexico

4. Address:

[REDACTED]

5. Telephone:

[REDACTED]

6. E-mail:

[REDACTED]

B. Submitter(s) (enterprise). Fill this section if you are an enterprise of a Party, including a NGO.

7. Name of the entity:

8. Represented by:

9. Place of incorporation, date and/or registration number:

10. Address:

11. Telephone:

12. E-mail:

If there are more submitters, [click here](#) to download another Part I form.

Part II-Representative(s)

If the Submitter(s) has no representative or no leading organization, please go to Part III.

C. Leading organization. Fill below if the Submission is led by one or more organizations.	D. Representative of the Submitter(s). Fill below if you have a legal representative
13. Name: 14. Represented by: 15. Place of Incorporation, date and or registration: 16. Address: 17. Telephone: 18. E-mail:	19. Is the representative also one of the Submitters? <input type="checkbox"/> Yes <input type="checkbox"/> No 20. Last name: 21. First name: 22. Citizenship (or country of permanent residency): 23. Address: 24. Telephone: 25. E-mail:

If there is more than one leading organization, [click here](#) to download Part II of this form.

Part III-Your Submission

E. Party of Concern. Please identify the location of the issues and environmental laws raised in your submission. Your submission could address more than one party and its environmental laws.

26. To which Party(s) are you addressing your submission?

- Canada.
- Mexico.
- United States.

F. Environmental law.

27. The Submitter must identify the applicable provision of the statute or regulation, as defined in [Article 24.1](#) of the Agreement. Prepare a numbered list of the statute(s) or regulation(s) and include the applicable provisions.

1. Artículo 1º, de la Constitución de México TEXTO VIGENTE Última reforma publicada DOF 18-11-2022
2. Artículo 2 de la Constitución de México **Hago referencia a todo las partes del articulo que corresponde con las responsabilidades del gobierno a la educación, capacitación, colaboración, acompañamiento etc. a las comunidades Indigenas en todo el país y en Chiapas específicamente.**
3. **Artículo 3º ... y el cuidado al medio ambiente, entre otras.**
4. Artículo 4 de la Constitución México **Toda persona tiene derecho a un medio ambiente sano para su desarrollo y bienestar. El Estado garantizará el respeto a este derecho. El daño y deterioro ambiental generará responsabilidad para quien lo provoque en términos de lo dispuesto por la ley.**
5. **Artículo 24 ...** Bajo criterios de equidad social, productividad y sustentabilidad se apoyará e impulsará a las empresas de los sectores social y privado de la economía, sujetándolos a las modalidades que dicte el interés público y al uso, en beneficio general, de los recursos productivos, **cuidando su conservación y el medio ambiente.**
6. Artículo 133. Esta Constitución, las leyes del **Congreso de la Unión que emanen de ella y todos los tratados que estén de acuerdo con la misma**, celebrados y que se celebren por el Presidente de la República, con aprobación del Senado, **serán la Ley Suprema de toda la Unión.** Los jueces de cada entidad federativa se arreglarán a dicha Constitución, leyes y tratados, a pesar de las disposiciones en contrario que pueda haber en las Constituciones o leyes de las entidades federativas.
7. COP15 complete
8. COP27 complete
9. Tratado de Aves Migratorias
 - a. US FWS site.. **hummingbird list.** Several are present in San Cristobal including our property.
[https://www.fws.gov/species/search?\\$keywords=%22hummingbirds%22](https://www.fws.gov/species/search?$keywords=%22hummingbirds%22)
10. Tratado de Aves Neo Tropicales
 - a. <https://www.fws.gov/program/neotropical-migratory-bird-conservation>
 - b. **Parece Mexico ni tiene info publicado en la red sobre este tratado aun es firmante. Puedo ser equivocado pero no encontré nada.**
11. UNO Convention on the Conservation of Migratory Species of Wild Animals
 - a. **The list of Mexican Hummingbirds included in the treaty.** Several are present in San Cristobal including our property.
https://speciesplus.net/species#/taxon_concepts?taxonomy=cites_eu&taxon_concept_query=hummingbird&geo_entities_ids=138&geo_entity_scope=cites&page=1
12. Decreto Presidencial para la Reforestacion en Chiapas, 1 Octubre, 1990 (relevante porque se parece en escrituras en la zona)
 - a. https://www.dof.gob.mx/nota_detalle.php?codigo=4680557&fecha=01/10/1990
 - b. Existe un gran falta de cumplimiento en este decreto

13. Programa de Ordenamiento Ecologico Territorial- UGA30

http://dsiappsdev.semarnat.gob.mx/datos/portal/poet/2020/decreto_scc_180814.pdf

Todo que esta alistado aqui es relevante. Si esta en ROJO es de primera importancia en mi opinion.

14. LGEEPA

Capitulo 1

- a. Artículo 1, 1,7,8,10
- b. Artículo 2, 1,2,3,4,5
- c. Artículo 3, 3,4,5 bis, 5 ter, 8,9,10,11,12,13,14,16,18,19,
- d. Artículo 3, 20, fracción a, b, c, d, e
- e. Artículo 3, 21,23,25,26,27,30,31,34,36,37,38,39,

LGEEPA Capitulo 2,

- f. Artículo 4
- g. Artículo 5, 9,10 (ref. Artículo 28, Inciso 5,7,10,)
- h. Artículo 5, 6,15,16,18,19,21
- i. Artículo 7, 1,2,6,7,8,9,10,11,13,16,17,18,19,20,21
- j. Artículo 8, 1-17
- k. Artículo 10
- l. Artículo 11, 3, fracciones e, f, h
- m. Artículo 11, 4,6,7,8,9
- n. Artículo 12, 1-12
- o. Artículo 13 bis
- p. Artículo 14 bis

Capítulo 3,

- q. Artículo 15, 1 – 20
- r. Artículo 16

Capítulo 4

Sección 1 Planeación Ambiental

- s. Artículo 17, 17 bis
- t. Artículo 18

SECCIÓN II

Ordenamiento Ecológico del Territorio

- a. Artículo 19, 1-7
- b. Artículo 19 Bis, 1,2,3
- c. Artículo 20, 1,2,3
- d. Artículo 20 Bis, Bis 1-6, 8

SECCIÓN III

Instrumentos Económicos

- e. ARTÍCULO 21, 1-5
- f. ARTÍCULO 22
- g. ARTÍCULO 22 bis, 1-3, 5

SECCIÓN IV

Regulación Ambiental de los Asentamientos Humanos

- a. ARTÍCULO 23, 1-10

SECCION V

Evaluación del Impacto Ambiental

- b. Artículo 28, 5, 7, 10
- c. Artículo 29
- d. Artículo 30

- e. Artículo 31, 1,2
- f. Artículo 32
- g. Artículo 33
- h. Artículo 34, 1-5
- i. Artículo 35, 1 ,2, 3 abc
- j. Artículo 35 bis 1, 2, 3
- k.

SECCIÓN VI

Normas Oficiales Mexicanas en Materia Ambiental

- l. Artículo 36, 1, 2, 3, 4, 5

SECCIÓN VII

Autorregulación y Auditorías Ambientales

- a. Artículo 38, 1-4
- b. Artículo 38 bis, 1, 2, 3, 4, 5, 6
- c. Artículo 38 bis 1

SECCION VIII

Investigación y Educación Ecológicas

- a. Artículo 39
- b. Artículo 40
- c. Artículo 41

TÍTULO SEGUNDO

Biodiversidad

CAPÍTULO I

Áreas Naturales Protegidas

SECCIÓN I

Disposiciones Generales

- d. Artículo 44
- e. Artículo 45, 1-7
- f. Artículo 45 bis

SECCIÓN II

Tipos y Características de las Áreas Naturales Protegidas

- a. Artículo 46, 1 – 10, 11
- b. Artículo 53
- c. Artículo 54
- d. Artículo 55 (relacionado con Artículo 76 de la Ley General de la Vida Silvestre)
- e. Artículo 55 bis

Declaratorias para el Establecimiento, Administración y Vigilancia de Áreas Naturales Protegidas

- f. Artículo 59
- g. Artículo 60, 1 – 5, 6
- h. Artículo 75

SECCIÓN V

Establecimiento, Administración y Manejo de Áreas Destinadas Voluntariamente a la Conservación

- a. Artículo 77 bis, 1, A-H, 2 – 6

CAPÍTULO II

Zonas de Restauración

- a. Artículo 78
- b. Artículo 78 bis, 1 - 5

CAPÍTULO III

Flora y Fauna Silvestre

- a. Artículo 79, 1 – 10
- b. Artículo 80, 1 – 10
- c. Artículo 83
- d. Artículo 87, 5

TÍTULO TERCERO

Aprovechamiento Sustentable de los Elementos Naturales

CAPÍTULO I

Aprovechamiento Sustentable del Agua y los Ecosistemas Acuáticos

- a. Artículo 88, 1 – 4
- b. Artículo 92

TÍTULO CUARTO

Protección al Ambiente

CAPÍTULO I

Preservación y Aprovechamiento Sustentable del Suelo y sus Recursos

- a. Artículo 98, 1-5
- b. Artículo 99, 1 – 12
- c. Artículo 100, (Ley de Desarrollo forestal Sustentable, Artículo 42”
- d. Artículo 101, 5
- e. Artículo 105

CAPÍTULO II

Prevención y Control de la Contaminación de la Atmósfera

- a. Artículo 110 bis, a, b, c, d
- b. Artículo 111, 15, 16
- c. **Artículo 112, 5, 6, 7, 10,**

CAPÍTULO III

Prevención y Control de la Contaminación del Agua y de los Ecosistemas Acuáticos

- a. Artículo 120, 6
- b. Artículo 121
- c. Artículo 124

CAPÍTULO IV

Prevención y Control de la Contaminación del Suelo

- a. Artículo 135, 1, 2,
- b. Artículo 136, 4

CAPÍTULO VIII

RUIDO, VIBRACIONES, ENERGÍA TÉRMICA, LUZ INTRUSA, OLORES Y CONTAMINACIÓN VISUAL

- a. Artículo 155
- b. Artículo 156
- c. Artículo 156 bis

TÍTULO QUINTO

CAPÍTULO I

Participación Social e Información Ambiental

- a. Artículo 158, 1-6

CAPÍTULO II

Derecho a la Información Ambiental

- a. Artículo 159bis, 1-6

TITULO SEXTO

Medidas de Control y de Seguridad y Sanciones

CAPITULO II

Inspección y Vigilancia

- a. Artículo 161
- b. Artículo 162
- c. Artículo 163
- d. Artículo 164
- e. Artículo 165
- f. Artículo 166
- g. Artículo 167
- h. Artículo 167bis, 1-4
- i. Artículo 167bis1
- j. Artículo 167bis2
- k. Artículo 167bis3
- l. Artículo 167bis4
- m. Artículo 168
- n. Artículo 168, 1-4

CAPITULO IV

Sanciones Administrativas

- o. Artículo 171, 1, 2, a, b, c, 3, 4, 5
- p. Artículo 173, 1-5
- q. Artículo 174
- r. Artículo 174bis 1, 2, 3

CAPITULO VI

De los Delitos del Orden Federal

- a. Artículo 182

CAPITULO VII

Denuncia Popular

- a. 189
- b. 190, 1, 2, 3, 4
- c. 191
- d. 192
- e. 193
- f. 194
- g. 195
- h. 196
- i. 197
- j. 198
- k. 199, 1, 2, 3, 4,
- l. 200
- m. 202
- n. 203
- o. 204

15. Ley General de la Vida Silvestre

a. **Artículo 76**

16. Ley General de Desarrollo Forestal Sustentable

a. Artículos, 2, 3, 7

b. **Artículo 42**

17. Ley Federal de Responsabilidad Ambiental

a. En su totalidad en las partes que se aplica.

G. Statement of facts.

28. Make sure that you make reference to the elements listed in this [checklist](#).

Please ensure that the information you enter in this section does **not exceed the 15-page limit**. Review your text accordingly. Use the space below to include a succinct account of facts. Please number each paragraph for ease of reference. You may use hyperlinks to reference supporting information.

Introducion:

In the years 2013-2021 there have been a variety of environmental infractions and crimes committed and denounced without reaching the desirable outcome of enforcement, prevention and restoration. The narration of those events can be found in the annex titled "annexo a la denuncia del CEC..." Here is the list. I will get the actual case number sent in an annex as soon as possible if they are needed. Please let me know.

2014 – Filed with SEMAHN for burning of waste materials.

2018- Filed with PGR for illegal use of explosives.

2018 – Filed with PROFEPA to protect the lagoon.

2018 – Filed with PROFEPA against ecocide in the canyon on the back side.

2018 – Filed with Proteccion Civil for a fire on the upper part of the adjacent mountain.

2019 – Filed with FEPADA to protect the lagoon.

2019 – Filed with CONAFOR who transferred to PROFEPA for an intentionally set fire below the canyon on the backside

2019 – Filed with PGR for illegal use of explosives. Turned to FEPADA by PGR for ecocide.

2020 – Filed with FGE for use of illegal use of explosives.

2021 – Filed with PROFEPA and FEPADA for toxic waste burning in front of our home. (included in this submission)

2021 – Filed with PROFEPA and FEPADA for illegal urban development in the Conservation Area. (included in this document)

Not one of the cases has been correctly understood nor have there been adequate inspections.

This Statement of Facts is dedicated to the last two situations that were denounced and correspond with all previous efforts in the essence of the problems and that the omissions, manipulations and falsification of all levels of environmental authority continues without shame or remorse for the damage it has caused to the environment nor to the Indigenous communities in the region where the problems are occurring and especially to me personally. I ask that the events narrated below are considered in that tenor to prevent the misinterpretation of my intent.

I am denouncing the unmanaged and irregular urban expansion into the southern mountains of San Cristobal de las Casas, due to the discovery of the Presidential Decree of 1 October, 1990 for the Reforestation of Chiapas that can be reviewed at https://www.dof.gob.mx/nota_detalle.php?codigo=4680557&fecha=01/10/1990

The decree is an article in the public title of our land and exists in all legal titles in the area that were issued since 1990. Our understanding from investigation with many notaries in San Cristobal is that this status is well known and the area has been known publically as a Federal Forest Reserve since the

decree and required property of approximately half a hectare to acquire title. It should be noted that I have never been able to acquire or view the full map of Chiapas that pertains to the decree; however, I do understand that the current project of Sembrando Vidas appears to have origin in the decree. Unfortunately Sembrando Vidas is not in function in this part of Chiapas.

Subsequently, the state of Chiapas the Program of Ecological Zoning of Territory was implemented, as ordered by the LGEEPA and other Federal laws, and the version for San Cristobal approved by State Congress on 14 October, 2018 and which decrees that UGA30 (Unidad Gestional Ambiental #30) in which the problems are occurring, as a Conservation Area for recharge of the regional aquifer and to protect forest resources, which I interpret to mean not only the trees but all forms of life that exist within the forest.

Nevertheless unregulated and irregular real estate speculation is the force behind urban expansion that is causing irreparable damage to the ecosystem, violates state and federal law and numerous environmental treaties. It is very disheartening to witness and be a victim of the disinterest and incapacity for PROFEPA, SEMAHN, FEPADA and the Municipal Ecology Department to dissuade, control, sanction and or eliminate these unregulated, out of control and illegal impacts especially in the context of the long list of other environmental problems in San Cristobal such as the decreasing wetlands, the toxic rivers, the contamination of the underground aquifers, solid waste disposal and especially the incoming and increasingly extreme impacts of climate change caused locally by the gigantic increase in the number of petroleum using vehicles.

1. 2021- November-December. I was committed to trying once again to be onsite at our property in San Cristobal for the purpose of continuing the ongoing artistic documentation of the hummingbird and general avian migration.

a. Initially the bird count was down but on one morning in early December the first Ruby Throat appeared onsite, I got a photo of him from the window of my cabin and was happy and started to head down the 250 steps in the mountain to the road to run errands. But, on the way down I saw what I thought was fog, but, when I entered I realized it was toxic white smoke with the strong odor of burnt plastic. I rushed to the bottom and discovered the workers constructing a house, on landfill on part of the lagoon, were burning construction residue creating a big toxic canopy of smoke going straight up our property. I asked them to put the fire out and they made fun of me just put more stuff on the flames. I shot some pictures and changed my plans. I went directly, by bus, to Tuxtla Gutierrez, the capitol of Chiapas, and walked from the bus stop to the offices of the Procuraduria Ambiental in the Torre Chiapas where I was told, "this isn't our problem, we are administrative nothing more." But, they helped me write the complaint and then I literally walked for three hours on the side of the road to the offices of PROFEPA where I filed the new complaint against the burning and also the following. I also suffered three days of debilitating headaches caused by breathing the toxic smoke. Burns of this type are constant and increasing with the increasing number of construction sites in the area.

b. Bosques del Sur is a real estate development that has sprung up in the middle of the UGA30 since I first noticed it on GoogleMaps in 2018. They claim to have sold over 2000 10 x 20 meter building lots and thousands more available. There is no zoning change, no environmental impact statement and because of the 1990 decree and the POET the lots cannot be titled. It is a massive real estate scam that is causing ecocide and violates federal, state law as well as the essence of the three treaties, as well as placing a variety of endemic species that are on the endangered list, NOM059, in danger of imminent regional extinction.

c. After PROFEPA I walked another hour at the side of the freeway to the offices of FEPADA the state environmental prosecutor and left the same document with them.

i. I walked because of two reasons.

1. Personal economic disaster due to the nearly five years since the problems started and not being able to stay in our home because of the danger

provoked by the authorities and then the economic problems were exacerbated by the pandemic.

2. I was so upset that I had to breathe toxic air in the middle of the forest that I had achieved a new level of indignation and frustration and anger. All of these environmental impacts are totally avoidable and I am well aware that had these things happened in the USA or Canada they would have been addressed with little delay. Now, we are nearly five years since this DISASTER began and I am still searching for environmental justice! Walking helped calm my soul.

ii. Results of the filing: NULO!

iii. PROFEPA never opened a file regarding the burning of toxic waste.

a. After reviewing the expedients you will see that in this case, PROFEPA "tried" to look into Bosque del Sur and terminated the "investigation" because the inspector, Ines Arredondo, claims, he could not find the entrance. However, it is very clear where the entrance is using google satellite, additionally, the real estate agency selling the property has two facebook pages and a large presence on the general internet. In the case of the burning of construction waste and toxic materials PROFEPA did not even investigate, however, FEPADA did and after a significant time lapse they gave me a copy of the investigation. You will see that there is nothing of much use in it and the notifications they sent to the Municipal Government of San Cristobal have been ignored completely.

b. In the two oficios received from PROFEPA although they cite article 190 the conditions of the situation were far too extreme for me to be able to answer them within five days as I had to leave Mexico because of the constant threats and did not have access to the thousands of documents I have accumulated. Furthermore, the area of UGA30 was stated very clearly to the inspector of PROFEPA in Chiapas Furthermore, he told me he lives not far from there and know the area well. He was in the correct area looking for the entrance and for some unknown reason could not find it. The other areas of irregular colonias is also well know and have been previously published. **If the inspector had a problem why did he not contact me directly at the moment of or prior to the inspection?**

c. I believe he knows exactly where what and how and proceeded in this fashion to avoid having to do the work.

d. There are other instances published in the internet of articles naming the same inspector using the same excuses for not applying the law.

i. <https://lasillarota.com/estados/2022/8/13/ni-la-guardia-nacional-entra-alli-grupos-armados-complican-frenar-tala-ilegal-en-chiapas-profepa-388084.html>

ii. <https://diariodechiapas.com/metropoli/combater-la-tala-ilegal/>

1. I would like to know if there is so much concern about entering Indigenous areas, why hasn't PROFEPA found an Indigenous language and customs interpreter to aid in the education and application of environmental law in Chiapas?

b. I believe there doesn't exist the will to investigate.

c. See the list of internet links below.

e. There are multiple instances of publicity all over the regular internet.

f. See title documents of Bosque del Sur in annex

h. At approximately the same time period the son of [REDACTED], the person responsible and denounced for the use of explosives in the 2018 and 2019, provoked a small avalanche

on the cliffs where our two properties meet, and, is depositing automotive waste in the same location and destroyed our border fence and threatened me. It was denounced in the Fiscal Altos and has not been investigated.

i. The automotive waste and also the planting of exotic species not native to the exact location probably are relevant but in the overall picture of UGA30 not in the specific act.

1. Garbage is a generalized problem in the entire UGA in the original communities. At this moment there is no regular garbage service provided by the municipality. Every year the accumulation of garbage of all types, including instances of dead animals and even used medical waste has been identified and documented.

There is no plan at this moment that I am aware of the aid the rural population of the entire county of San Cristobal to recycle and compost solid waste nor to minimize black and grey water impacts. (Note, some communities do have dry toilets but the people are not trained in the use of the compost it produces)

San Cristobal has accepted this study of the garbage system in San Francisco California and was integrated into the plan for 2030. I delivered this to the committee who integrated it into the plan.

<https://www.epa.gov/transforming-waste-tool/zero-waste-case-study-san-francisco>

b. I have especially emphasized the compost issue and have suggested we do the same thing in San Cristobal and donate the compost to anyone who can use it for an urban garden and the majority would be donated to the rural agricultural communities of Indigenous people that make up 30% of the population in the county and provide most of the food consumed in San Cristobal.

c. 2022- In July related to the juridical process against ██████████ related to the forced detention he committed against me that has finally gotten to the judge, we were both ordered to attend a session of conciliation at a special office dedicated to this method of resolving conflicts. It was the first time I was in San Cristobal since December of 2021. My wife accompanied me as we felt there was true hope for a resolution of the problem and we could start to hope we would be able to return to our home, so, we went with the hopes in front to try and do some maintenance as the abandonment has caused innumerable problems. However...

d. Shortly after we began to work at the entry to the property where the main entry door appears to have been damaged intentionally and is not functioning correctly I was setting up to start working when I noticed the cleaning woman from the house constructed on the landfill in the laguna came out from the front door, was looking around and up to our mountain and seeing nothing went over to a big pile of construction waste and lit it on fire and went back inside.

i. I immediately went to the front door and knocked and when a male voice answered I asked them to extinguish the fire they had lit on the side of the road OUTSIDE their untitled property.

ii. I moved away from the door.

iii. About two minutes later the contractor came out of the house, with a 5 kilo hammer in hand, and threatened me.

iv. I had my camera in hand and got photos of him with his sledge hammer raised and the click of the photos made him back down.

v. I filed the complaint the same day.

1. No action for the burns, no action for the threats.

2. The Fiscal Altos repeatedly has refused to engage in any form of interagency collaboration with the State Environmental Prosecutor, FEPADA.

3. The Fiscal Ambiental, (FEPADA) has repeatedly refused to engage in any form of interagency collaboration with the Fiscal Altos.
17. Several days later in Ocosingo Chiapas the president of Mexico, Andres Manuel Lopez Obrador came to town for an unrelated event. I was able to hand my complaint to him personally.
18. Two days later I was at the Environmental Summit in Merida
19. A few days later I was in Mexico City and delivered another document at the office of the President.
20. **I received notification from PROFEPA that they had handed over the case that was sent to them directly from the office of the President to the Sub Secretary of Human Rights and Migration, Alejandro Encinas.**
 - a. I have attempted on several occasions to communicate directly with Encinas with no results. I attempted to deliver via email my own written documents once I was notified by PROFEPA and they were returned rejected by the server.
 - b. **In the end of October of 2022 when I returned to Mexico from California I delivered by hand another officio to Encinas and since then there is nothing but silence.**
 - c. I did receive communications from PROFEPA implementing article 190 of LGEEPA but as I was now outside of Mexico, without all my documents, and a failed computer, it was impossible to respond to their demand. Therefore they consider the case closed thereby **permitting the ecocide to continue in violation of the MBTA, Neo Tropical Birds, and the Convention on Migratory Animals at the UN.**

The main idea behind my submission is through the intervention of the Commission and a positive recommendation for the environment is the following:

1. An end to the development of unsustainable real estate developments in all Conservation Areas in San Cristobal.
2. Restoration of the damaged areas.
3. Prevention of future problems of this type via the creation of the following
 - a. A local brigade of Forest Rangers, selected from the local Indigenous communities, thoroughly trained and educated, well equipped and totally professional with wages and benefits that correspond.
 - b. Educational programs directed to and by Indigenous persons and the general population from the region. I know of several Indigenous who have achieved advanced degrees in the field of Rural Development, who speak the languages common in this area and understand the traditional customs and are excellent candidates for this kind of ongoing effort. These people or others like them should be contacted by PROFEPA as soon as possible and integrated into the processes.

Sumation:

In San Cristobal de las Casas, Chiapas, Mexico through negligence and disinterest in good design in the urban expansion of this small city a comprehensive ecocide is now in process. The first potential victims of this ecocide are the millions of hummingbirds that migrate from the United States and Canada every year. In specific, the rural areas of San Cristobal are essential habitat for Ruby Throat hummingbirds as well as Violet Ear, Black Chin, Emerald Breast and others, also including, dozens of other species of migratory and endemic birds including Canyon Wren which migrates from as far north as Alaska and the Blue Throated Motmot which is included in NOM059 and listed as in danger of extinction.

However it is the hummingbirds that most inspire me and arrive here attracted to the flowering of various types of salvia flowers from October to December. The destruction of these habitats threatens

the extinction of this incredible tiny bird as well as every other migratory and endemic bird that depend on what is left of this forest for their survival during their individual migrations.

The forests in question are all under threat of total destruction by unregulated and irregular housing developments in conservation areas. Five years of lawsuits and amparos have done nothing except place my life and patrimony in danger and give a green light to the advance of unsustainable development in the era of Climate Change.

There are numerous constitutional violations as well as Federal and State laws that are not being applied in addition to the treaty violations.

I appeal to the Commission to intervene in the most rapid and efficient form possible to try and stop this disaster before it is too late.

List of known irregular developments and attempts to create new urban developments in the conservation area.

1. Santa Maria las Rocas
2. Peña Xulem
3. El Santuario
4. Bosques del Sur

These four "projects" represent approximately 5500 10 x 20 building lots designed in typical unsustainable fashion. Las Rocas and Xulem are both located in narrow valleys with vertical cliffs that create an unusual effect related to audible expansion waves which will be the cause of a lot of human suffering aside from the ecological and biological problems.

Colinas El Santuario is designed along the side of the highway spreading out the impacts over a much larger area and meets up with Las Rocas along the access road. Within 100 meters of the "Y" in the road and the "double curve" below there have been at least 4 fatal vehicle accidents since the increase in traffic caused by Bosques del Sur. 2 of them in 2022. Three of the four in front of the houses shown in the links below. Additionally, this is a steep hill that now has a giant stone wall on one side without any right of way on one side, and on the opposite side of the road where there are several giant homes now for sale by speculators, there is no right of way either, creating a canyon of stone and cement, with incredibly loud vibrations caused by the constant flow of dump trucks climbing the hill to deliver sand and gravel to construction sites further up the hill. The danger here is very real and will only get worse as more and more constructions are built. How is it possible that when the inspector of PROFEPA climbed this hill in his vehicle he did not see these homes and the danger they represent not only to the environment but to human life?

Bosques del Sur is the "giant monster" in all of this as its 5000 advertised building lots are once again designed in the typical urban fashion and its impact on the surrounding mountains will be the same as it is at lower elevations in this list with the biological and climate impacts totally unsustainable in conjunction with two other human factors. The first is the same potential audible issue as further below however the scale and scope of the potential social conflict is much greater as these building lots are not able to be titled thousands of people will feel they have been victims of real estate scams. The developers may be attempting to create collective title but that is not what they are selling to the buyers. Aside, a collective title is not a zoning change and this process must be done in advance of the beginning of physical work of the sale of the land.

The first and most important aspect of the environmental impacts can be applied to the 2nd and 4th articles of the Mexican Constitution.

https://www.senado.gob.mx/comisiones/puntos_constitucionales/docs/CPM_INGLES.pdf

Article four states: *Toda persona tiene derecho a un medio ambiente sano para su desarrollo y bienestar. El Estado garantizará el respeto a este derecho. El daño y deterioro ambiental generará responsabilidad para quien lo provoque en términos de lo dispuesto por la ley.*

The translation to English

Everyone has the right to a healthy environment for their development and well-being. The state guarantees respect for this right. Environmental damage and deterioration will generate responsibility for whoever causes it in terms of the provisions of the law.

Article 2 states: *El derecho de los pueblos indígenas a la libre determinación se ejercerá en un marco constitucional de autonomía que asegure la unidad nacional.*

A: *Esta Constitución reconoce y garantiza el derecho de los pueblos y las comunidades indígenas a la libre determinación y, en consecuencia, a la autonomía para:*

2: La ley establecerá los casos y procedimientos de validación por los jueces o tribunales correspondientes.

5: Conservar y mejorar el hábitat y preservar la integridad de sus tierras en los términos establecidos en esta Constitución.

6: Acceder, con respeto a las formas y modalidades de propiedad y tenencia de la tierra establecidas en esta Constitución y a las leyes de la materia, así como a los derechos adquiridos por terceros o por integrantes de la comunidad, al uso y disfrute preferente de los recursos naturales de los lugares que habitan y ocupan las comunidades, salvo aquellos que corresponden a las áreas estratégicas, en términos de esta Constitución. Para estos efectos las comunidades podrán asociarse en términos de ley.

8: Acceder plenamente a la jurisdicción del Estado. Para garantizar ese derecho, en todos los juicios y procedimientos en que sean parte, individual o colectivamente....

B:

*7: Apoyar las actividades productivas y el **desarrollo sustentable** de las comunidades indígenas mediante acciones que permitan alcanzar la suficiencia de sus ingresos económicos....*

For these constitutional details I interpret their meaning to make it clear that in regard to the environment and the use of land it is for the Indigenous communities to decide, as long as it conforms to the constitution and the corresponding law. In the absence of such conformity, or in the case of the land have national importance, the rights defined in article 2 that give autonomy and priority are suspended or in other words have reached a limit that they can not pass.

What does this have to do with my submission?

The UGA30 is primarily Indigenous. There are 34 small settlements in the whole area with 7 or 8 located within the UGA30. However, these hamlets are not specifically united as one socio political identity as is seen in much larger communities like Zinacantan or Chamula which are big enough to have their own socio political structures. In the case of the hamlets, each place has its own rules and regulations and processes that do not always agree with what the neighboring community does. For that specific reason I call FOUL to the government excuses that "the area is conflictive and we just can not go in".

As one of the first foreign people to live in this area specifically because I wished to be close to the Indigenous communities to learn more about their ancient knowledge and practices, and, my limited but active learning of their native language, I have more experience and knowledge than anyone I have encountered in the government.

What the government does in fact is use the internal conflict in these communities as an excuse to not intervene, to not promote sustainable development, to take economic advantage as they know the potential for violence only emanates from one infamous community, which is the same community the PGR and the Federal Police intentionally provoked against me in 2018, and, one real estate investor who

I denounced for ecocide also in 2018 did the same thing provoking hate and violence against me in both cases and therefore **putting my life in imminent danger**.

These issues while not specifically actionable by the Commission are important to recognize because they are hand in hand with the environmental issues and make it easier to understand my inconformity.

So, in the final comment on this theme. UGA30 is part of a Presidential Decree for Reforestation, and, is considered a Conservation Area for recharge of the underground aquifer and its Forests. That sounds like interest of the Nation to me, so, it also for me annuls the reasons that PROFEPA has refused to make the inspections. On the contrary, it proves that PROFEPA is guilty of omission in applying the law and violates the constitution by not respecting the Indigenous cultures present by having on staff a native speaker and someone who understand both the biological sciences and the Native culture and practices. This leads me to insist that part of the final recommendation for this submission be the creation, on a national level, within SEMARNAT and PROFEPA a separate independent commission that is capable of intervening in this issue. Furthermore, PROFEPA could have and should have recognized that my level of Spanish is conversational but not juridical and it was their obligation to assist me with language services and legal advice to make the process run smoothly. This never happened and is a violation of my basic rights as well.

Part two.

I also wish to appeal to the Commission to help organize sustainable practices in the Indigenous communities in the same zone that are also being affected by the invasion of the unsustainable housing developments as the existence of them will divert funding and development projects away from the original communities to the benefit of the new unregulated and illegal new housing developments.

Improvements in sustainable and if possible, organic agricultural practice with products for local consumption as well as regional, national and even international export.

I hope we can, for example, find the funding, education and training to take advantage of the multiple species of orchids, bromeliads and succulents that could be reproduced in small greenhouses focused on creating opportunities for women and opening international markets for sustainably grown plants of this type with high value.

Production of native trees for replanting in forest settings is daily more urgent. The perfect example of how to do it correctly already exists in the Sierra Norte of the State of Puebla where CONAFOR works directly with the communities to maintain a community operated facility producing 100,000 trees yearly to replant in certified sustained harvest forests creating economic opportunities for the Indigenous communities in this region of Puebla at the same time protecting the forests and the climate. Furthermore expanding the Sembrando Vidas program into this part of Chiapas is urgent.

A viable environmental educational program designed by and for the Indigenous youth of the region as well as the larger Mestizo population. As an example, I have often referred to the famed "Indian Crying" commercial from 1971 in the USA and the programs that were implemented in the grade school I attended in Brooklyn New York that had all the kids in the school cleaning up the area around the school and inspired my neighborhood kids to compete in cleaning up the area instead of playing basketball! I hope we can create video shorts based on the "Indian Crying" commercial but with Chiapas themes.. for example, Parachicos from Chiapa de Corzo in the middle of the Sumidero Canyon in the "island of garbage" that forms there all the time, In San Cristobal it could be with actors from San Juan Chamula dressed as "max" or Monkeys which is their traditional costume and recognized throughout the state, in the middle of the wetlands with the view of the disastrous sand and gravel mine, SalsiPuedes in the background, or, the Lacandon in their traditional canoes with the site of the palm oil refineries belching out smoke behind.

Links with explanations of their evidentiary relevance

Maps, please use satellite view when the maps open.

1. Bosques del Sur. PROFEPA claims it was unable to locate the location of Bosques del Sur.
 - a. Map. <https://goo.gl/maps/UzugqMs5MoKbfdDs8>
2. Las Rocas
 - a. Map. <https://goo.gl/maps/Ev2Nq8MdEY1MCWap8>
3. Xulem
 - a. Map. <https://goo.gl/maps/pDVpcYHko5FZnXqg8>
 - i. In the larger map of Xulem please also take note of the multiple rental homes for tourists. Tourism is also not an approved use in this area based on the zoning. There have been attacks against tourists in nearby areas that are also well documented. This is a disaster waiting to happen.
 1. Also not an environmental issue, or is it?
 2. How will increased traffic and consumption when the vehicles must climb several hundred meters in 2km affect the air quality over time?
 3. How will the increased nocturnal illumination affect the wildlife?
 - a. This is already happening with just five inhabitants in Las Rocas and 14 in Xulem. If these colonias are allowed to advance there will be between 3 and 4000.
 - b. Nocturnal illumination has already affected the nesting areas of Swallows, which, with their departure has resulted in an explosion of at least two kinds of mosquitos making it exceptionally uncomfortable at dusk.
 - c. Also affected are the Owls which are no longer present in the valley leading to an explosion in rodent populations that is only to get worse.
 - d. Also affecting bats which also helped against the mosquitos.
4. El Santuario
 - a. Map. <https://goo.gl/maps/ZXSMH2bs4Df7dwPP7>
5. Illegal road to Bosques del Sur (see photo titled "illegal road BdS")
 - a. Map. <https://goo.gl/maps/ZFh6iaAh4NbBCdX76>

Real Estate

Bosques del Sur

6. <https://bosques-del-sur-segunda-seccion.negocio.site/>
7. https://nicelocal.com.mx/san-cristobal-de-las-casas/realty/bosques_del_sur_sclc/
8. <https://www.facebook.com/BosquesdelSurSCLC/>
9. <https://www.facebook.com/BosquesdelSurSancriis>
10. <https://www.facebook.com/profile.php?id=100063983502131>
 - a. If I could find these sites in five seconds I am incapable of understanding why PROFEPA could not find this place.

El Santuario, Las Rocas, Xulem

11. <https://propiedades.com/inmuebles/casa-en-venta-real-del-santuario-el-santuario-chiapas-25293350#area=el-santuario-san-cristobal-de-las-casas&pagina=1&tipos=casas&pos=3>
12. <https://propiedades.com/inmuebles/casa-en-venta-real-del-santuario-fraccionamiento-del-santuario-el-santuario-chiapas-24958686#area=el-santuario-san-cristobal-de-las-casas&pagina=1&tipos=casas&pos=7>

13. <https://propiedades.com/inmuebles/casa-en-venta-maria-auxiliadora-san-cristobal-de-las-casas-chiapas-maria-auxiliadora-chiapas-25861136#pos=4>

- a. NOTE: I just discovered this one, it says Maria Auxiliadora but is false, it is in Xulem, I know the house

The "takeaway" from these links is simple. If PROFEPA and FEPADA and SEMAHN and Municipal Ecology had intervened correctly since 2018 none of this would have happened. When you look at the satellite views and see all those roofs, keep in mind in Las Rocas there are five habitants. In Xulem 14. In El Santuario 0 and in Bosques del Sur I have not been able to confirm but there only a few houses completed and they appear to be tourism rentals also.

If there are any doubts or clarifications needed please do not hesitate to contact me. Thanks you for your patience and your vitally important work.

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