



**RESPONSE OF THE
UNITED MEXICAN STATES**

**SUBMISSION SEM-23-005
(VALLE DE BRAVO-AMANALCO SUB-BASIN)**

**SUBMITTED TO THE SECRETARIAT OF THE COMMISSION FOR ENVIRONMENTAL
COOPERATION PURSUANT TO ARTICLE 24.27.4 OF THE UNITED STATES-MEXICO-CANADA
AGREEMENT (USMCA)**

Mexico City, 14 August 2023

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GLOSSARY

Term	Meaning
CAEM	Water Commission for the State of Mexico (<i>Comisión del Agua del Estado de México</i>)
CEC	Commission for Environmental Cooperation
CEC Secretariat	Secretariat of the Commission for Environmental Cooperation
Cepanaf	State Commission for Natural Parks and Fauna (<i>Comisión Estatal de Parques Naturales y de la Fauna</i>)
Cofepris	Federal Commission for Protection Against Health Risks (<i>Comisión Federal para la Protección contra Riesgos Sanitarios</i>)
Conanp	National Commission for Protected Natural Areas (<i>Comisión Nacional de Áreas Naturales Protegidas</i>)
Conagua	National Water Commission (<i>Comisión Nacional del Agua</i>)
Conafor	National Forestry Commission (<i>Comisión Nacional Forestal</i>)
Mexican Constitution	Political Constitution of the United Mexican States
DGGFSOE	General Bureau of Forestry Management, Soil and Ecological Zoning (<i>Dirección General de Gestión Forestal, Suelos y Ordenamiento Ecológico</i>)
DGIRA	General Bureau of Environmental Impact and Risk (<i>Dirección General de Impacto y Riesgo Ambiental</i>)
ECA	Environmental Cooperation Agreement between the Governments of the United Mexican States and Canada
LAN	National Water Act (<i>Ley de Aguas Nacionales</i>)
LGEEPA	General Ecological Balance and Environmental Protection Act (<i>Ley General del Equilibrio Ecológico y la Protección al Ambiente</i>)
Mexico	United Mexican States
NAFTA	North American Free Trade Agreement
NRPA	Valle de Bravo, Malacatepec, Tilostoc y Temascaltepec River Basin Natural Resource Protection Area
PNA Office	Office for Protected Natural Areas (<i>Dirección del Áreas Naturales Protegidas</i>) for the Protection of Natural Resources, Forestry Protection Zone, Valle de Bravo, Malacatepec, Tilostoc and Temascaltepec Riverlands
Profepa	Office of the Federal Attorney for Environmental Protection (<i>Procuraduría Federal de Protección al Ambiente</i>)
Protocol	Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada
RANP	LGEEPA Regulations on Protected Natural Areas (<i>Reglamento de la LGEEPA en Materia de Áreas Naturales Protegidas</i>)
REIA	LGEEPA Regulations on Environmental Impact Assessment (<i>Reglamento de la LGEEPA en Materia de Evaluación del Impacto Ambiental</i>)

Semarnat IR	Internal Regulations of the Ministry of Environment and Natural Resources (<i>Reglamento Interior de la Secretaría de Medio Ambiente y Recursos Naturales</i>), published in the Federal Official Gazette (<i>Diario Oficial de la Federación</i>) on 27 July 2022
Semarnat	Ministry of Environment and Natural Resources (<i>Secretaría de Medio Ambiente y Recursos Naturales</i>)
Submitters	Individuals and entities whose identity are reserved, as well as Observatorio Ciudadano de la Subcuenca Valle de Bravo Amanalco, Se la Voz de la Naturaleza, Consultoría 5 Elementos, Centro de Investigación y Aprendizaje del Medio Ambiente, which joined the Submission and duly gave notice
UCORGT	Semarnat Coordinating Unit for Offices of Representation and Territorial Management (<i>Unidad Coordinadora de Oficinas de Representación y Gestión Territorial de la Semarnat</i>)
USMCA	United States-Canada-Mexico Agreement.
Valle de Bravo-Amanalco Sub-Basin Submission	Submission SEM-23-005 (Valle de Bravo-Amanalco Sub-Basin), submitted to the Commission for Environmental Cooperation on 15 May 2023

TABLE OF EXHIBITS

Exhibit	Document Description
MX-001	Political Constitution of the United Mexican States
MX-002	General Ecological Balance and Environmental Protection Act
MX-003	National Water Act
MX-004	LGEEPA Regulations on Protected Natural Areas
MX-005	LGEEPA Regulations on Environmental Impact Assessment
MX-006	Internal Regulations of the Ministry of Environment and Natural Resources
MX-007	Ruling APRNVB/578/2023
MX-008	Ruling DAJ/1609/2023
MX-009	PROCOCES 2079-2023
MX-010	PROREST 2079-2023
MX-011	Informational Note, OREM
MX-012	Ruling SRA/DGIRA/DG-03774-23
MX-013	Ruling SPARN/DGGFSOE/478/2373/2023
MX-014	Ruling BOO.5.07.-08702
MX-015	Ruling BOO.7.-0778
MX-016	Ruling BOO.2.03.-0304
MX-016	Ruling BOO.2.03.-0309
MX-017	Ruling B00807.-437
MX-017	Minutes of 60th Ordinary Meeting
MX-018	Bacteriological Quality 2079-2023
MX-019	Ruling PFPA/5.3/2C.28.5.2/08374
MX-020	Ruling PFPA/S.3/2C.28.5.2/08488
MX-021	Ruling DGPH-2023-0377
MX-022	Conafor Support and Actions Taken

A. BACKGROUND

1. On 15 May 2023, two organizations (Submitters), who requested confidentiality for their data pursuant to Article 16(1)(a) of the Environmental Cooperation Agreement (ECA), filed a Submission with the Secretariat of the Commission for Environmental Cooperation (CEC Secretariat), in accordance with Article 24.27(1) of the United States-Mexico-Canada Agreement (USMCA); two coalitions—*Observatorio Ciudadano de la Subcuenca Valle de Bravo-Amanalco* and *Sé la Voz de la Naturaleza*—joined the Submitters and made the Submission public. On the 7th of June 2023, *Consultoría 5 Elementos, Centro de Investigación y Aprendizaje del Medio Ambiente* and three others who requested the confidentiality of their personal data also gave notice of their joining as Submitters, in a document filed with the CEC Secretariat.

2. In the Submission, the Submitters assert that the Mexican environmental authorities are failing to enforce the environmental laws with respect to: **1.** The protection of forests, biodiversity and water resources affected by degradation processes, and **2.** Pollution in the Valle de Bravo-Amanalco Sub-Basin in the Municipality of Valle de Bravo, State of Mexico.¹

3. Based on its examination of the Submission, the CEC Secretariat concluded, in Determination A24.27(2)(3)/SEM/23-005/09/DET, issued 14 June 2023, that the Submission fulfilled the admissibility requirements indicated in Article 24.27 (1) and (2) of the USMCA,² and requested that the Government of Mexico submit a Response from the Party on the enforcement of the following legal provisions:

- a) Article 4, fifth paragraph of the Mexican Constitution;³
- b) Articles 20 bis 4: section II, 20 bis 5: section V, 46: section VI *et seq.*, 161, 170, 182, 192 and 193 of the General Ecological Balance and Environmental Protection Act (*Ley General del Equilibrio Ecológico y la Protección al Ambiente—LGEEPA*);⁴
- c) Articles 9 (sections I, II, XXVI and XXXVI), 15, 86 (sections IV, V, VII, VIII, XI and XII), and 95, of the National Water Act (*Ley de Aguas Nacionales—LAN*);⁵
- d) Articles 74 and 80 of the LGEEPA Regulations on Protected Natural Areas (*Reglamento de la LGEEPA en Materia de Areas Naturales Protegidas—RANP*);⁶
- e) Articles 4: section II and 9 of the LGEEPA Regulations on Environmental Impact Assessment (*Reglamento de la LGEEPA en Materia de Evaluación del Impacto Ambiental—REIA*);⁷ and
- f) Articles 46 and 47 (sections I, II, III, IX, XIV, XVIII, XX, XXI, XXII and XXIV) of the Internal Regulations of the Ministry of Environment and Natural Resources (*Reglamento Interior de la Secretaría de Medio Ambiente y Recursos Naturales—Semarnat IR*).⁸

B. PRELIMINARY ANALYSIS

4. Before presenting the Party's response, it is very important to make relevant clarifications with respect to various legal provisions that were considered by the CEC Secretariat, since they are not applicable to the matters raised in the Submission itself.

- **Articles 182, 192 and 193 of the General Ecological Balance and Environmental Protection Act**

5. While Article 182 of the LGEEPA establishes the duty of Office of the Federal Attorney for Environmental Protection (*Procuraduría Federal de Protección al Ambiente—Profepa*) to file complaints with the Federal Public Prosecutor (*Ministerio Público Federal*) for acts or omissions

¹ Submission, p. 44, paragraphs 6 and 7.

² Determination A24.27(2)(3)/SEM/23-005/09/DET, p. 24, paras. 91 and 92.

³ MX-001.

⁴ MX-002.

⁵ MX-003.

⁶ MX-004.

⁷ MX-005.

⁸ MX-007.

that may constitute crimes under the applicable laws, the facts show that it is not directly connected with the assertions raised by the Submitters in their Submission, or with the contents of the Secretariat's Determination. However, Profepa's actions relating to said provision will be seen below.

6. In this sense, and with reference to the foregoing, the provisions of Articles 192 and 193 of the LGEEPA refer to the Citizen Complaint procedure (*Denuncia Popular*), particularly the admission of the complaint and the complainant assisting Profepa to provide relevant evidence, documentation and information, respectively. In this regard, it should be noted that the Citizen Complaint procedure is between the complainant and the authority; in this sense, the Submitters do not refer to any procedure in which Profepa fails to enforce said provision, even though they assert that the authority fails to perform the legal obligation to respect complainants' assistive capacity, and the Submitters' assertions are not seen to be directly connected with any fact so indicating. However, Profepa's actions relating to the said provision will be seen below.

7. Moreover, with respect to Article 46 of the Semarnat IR, while the Submitters refer to this provision in the Environmental Laws section of the Submission form, the same form does not make any reference or allusion to a failure to enforce the articles indicated in paragraph 42 of their Submission. Accordingly, this provision does not apply and should not be addressed.

8. Following from the above, as raised by the Submitters in paragraph 42 of their Submission, Article 47 of the Semarnat IR is stated generically, mentioned in conjunction with Articles 45 and 68 section XII of the Semarnat IR (not addressed in the Secretariat's Determination), which provide the obligation to impose security measures with respect to the existence of environmental damage and to endeavor as necessary to apply and enforce them. In this sense, the Secretariat only considered sections I, II, II, IX, XIV, XVIII, XX, XXI, XXII and XXIV, which contain generic duties of the sub-offices and do not relate to the assertion raised by the Submitters in the said paragraph 42.

C. MEXICO'S PARTY RESPONSE UNDER ARTICLE 24.27 (4) OF THE USMCA

9. As indicated by the CEC Secretariat in its request for Mexico's party response, the USMCA entered into force on 1 July 2020, in accordance with the Protocol.

10. Pursuant to section 1 of the Protocol, the provisions of NAFTA were superseded, "without prejudice to those provisions set forth in the USMCA that refer to provisions of the NAFTA".

11. Based on the foregoing, Mexico submits its Party response in accordance with its commitments assumed in the USMCA framework, which are binding upon its entry into force, i.e., on or after 1 July 2020,⁹ in order to comply with the provisions of paragraph 4 of Article 24.27 (Submissions on Enforcement Matters) of the USMCA.

(a) Whether the matter at issue is the subject of a pending judicial or administrative proceeding, in which case the CEC Secretariat shall proceed no further

i) The protection of forests, biodiversity and water resources affected by degradation processes

- **Actions that have been carried out to address the environmental concerns caused in the hydrological region of the Valle de Bravo-Amanalco Sub-Basin in the State of Mexico**

⁹ Article 24.4 (Enforcement of Environmental Laws) provides that "[n]o Party shall fail to effectively enforce its environmental laws through a sustained or recurring course of action or inaction in a manner affecting trade or investment between the Parties, after the date of entry into force of this Agreement." This is further confirmed by Article 28 (Non-retroactivity of Treaties) of the Vienna Convention on the Law of Treaties, which provides that "Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force [...]".

12. The Submitters assert that Mexico is failing to effectively enforce its environmental laws with respect to the protection of forests, biodiversity and water resources affected by degradation processes.

13. In this regard, the CEC Secretariat is hereby informed that in Ruling No. APRNVB/518/2023,¹⁰ consisting of nine pages, the Protected Natural Area Office for the Protection of Natural Resources, Forestry Protection Zone, Valle de Bravo, Malacatepec, Tilostoc and Temascaltepec Riverlands (PNA Office) under the Commission of National Protected Natural Areas (*Comisión Nacional de Áreas Naturales Protegidas—Conanp*) reported that various activities have been carried out under the provisions of the Ruling that contains the summary of the Protected Natural Area Management Program (*Programa de Manejo del Área Natural Protegida*), published in the Federal Official Gazette on 30 November 2018, whereby the Valle de Bravo, Malacatepec, Tilostoc and Temascaltepec river basins in the State of Mexico are deemed protected natural areas for water and soil conservation, with the purpose of helping to restore hydrographical basins by implementing soil and water restoration and conservation works.

14. Among said activities (reported by Conanp) and to help reduce impacts due to the use of agrochemicals that pollute the soil and water and which lead to the loss of soil fertility, agroecological practices in food production systems are being promoted. Examples of these are the implementation of three Field Schools supported by the *Alas para el Campo* project and financing from GIZ and BASF, with one each in the towns of San Martín Ocochitepec and Mihuatlán de Hidalgo, both in the municipality of Ixtapan del Oro, and another with residents in the towns of San Lucas, San Mateo, El Potrero, San Miguel and San Jerónimo, in the municipality of Amanalco, in order to increase the implementation of good farming practices by growers on the migratory route, and thus contribute to the restoration and conservation of the monarch butterfly and other pollinators, as well as water resources. These Field Schools include the implementation of theoretical and practical modules involving topics on the importance and conservation of the protected natural area, comprehensive pest management, proper use and handling of agrochemicals, ecosystem services and agriculture, the development of farm practices for the conservation of soil during planting, as well as organic crop production and other agroecological technologies, in order to strengthen the conservation of agricultural soils in demonstrative spaces.

15. Subsidy programs also assist Field Schools in complementing towns located in the high parts of the Tilostoc and Valle de Bravo-Amanalco Rivers and develop projects aimed at incorporating more towns into the established Field Schools, including San Francisco Oxtotilpan, San Mateo Almomoloa in the municipality of Temascaltepec; and Ejido Ojo de Agua, Tutuapan and San Miguel Ixtapan in the municipalities of Santo Tomas and Ixtapan del Oro.

16. The subsidy programs have further developed coordinated strategies with the Mexico State Agriculture Department and the Ministry of Agriculture and Rural Development (*Secretaría de Agricultura y Desarrollo Rural*), to carry out actions aimed at implementing good farm practices to encourage the reduction and/or proper use of agrochemicals, generating organic materials for the implementation of agroecological practices, the use of PNA ecosystem services, particularly pollination, as well as the conservation of native maize species, cleanup campaigns for sites with high accumulations of solid waste through the collection of agrochemical containers with the participation of BASF and AMOCALI, A.C., shipping the waste to authorized temporary collection centers.

17. Since 2012, soil conservation actions have been implemented, fostering soil and water conservation works with a focus on hydrographical basin management, such as gabion dams, rock dams intended to ensure water capture and avoid sediment movement into the middle of the water body at the Valle de Bravo-Amanalco basin.

18. We should also mention the two forest fire brigades that have been established in the municipality of Valle de Bravo, which engage in prevention, firefighting and restoration actions such as the handling of combustible material to minimize the risk of forest fires, thereby decreasing soil erosion and preventing sediment from being carried to the Valle de Bravo dam

¹⁰ MX-007.

and other bodies of water in the same basin. In addition, there are three fire management brigades in the Tilostoc and Malacatepec basins, as well as Valle de Bravo-Amanalco.

19. Projects have also been carried out to locate the distribution of *Ambystoma rivulare*, *Ambystoma granulatum* and *Abronia depii*, generating potential distribution models and verifying their distribution within the PNA, as well as environmental monitoring projects in areas of the Tilostoc basin, *Ambystoma spp* and water quality monitoring projects in the Amanalco River basins, , and feline monitoring in the Malacatepec River basin. The results of *Ambystoma spp* monitoring have led to habitat restoration actions currently being done in the forests and water bodies in the towns of Capilla Vieja, San Jerónimo, San Miguel Tenex-tepec, Hacienda Nueva, Llano Potrero and Las Canoas, in the municipality of Amanalco.

20. In that context, in 2019 and 2021 in the framework of the GIZ-funded COBEN project, a best stockbreeding practices program was developed in towns in the municipality of Amanalco, especially with the purpose of reducing the impact of cattle raising on the axolotl habitat in Laguna Seca; the results have been replicated in the area with Procodes funding.

21. In that regard, in Ruling DAJ/1609/2023 and its three-page exhibit,¹¹ the International Affairs and Commitments Synergy Bureau (*Dirección de Sinergia para Asuntos y Compromisos Internacionales*) under Conanp provided information on the Procodes¹² and ProREST¹³ subsidy programs from 2019 to 2023, for the Valle de Bravo, Malacatepec, Tilostoc and Temascaltepec River protection areas, presenting a general summary and project-by-project breakdown, with respect to the action “to promote the participation of woodland owners and holders in forestry restoration projects and connect them with production or active conservation approaches”.

22. In coordination with WWF and the Monarch Butterfly Biosphere Reserve, there is permanent monitoring of the monarch (*Danaus plexippus*) occupation area in the towns of Piedra Herrada, Temascaltepec and El Potrero, Amanalco.

23. Likewise, technical and economic feasibility studies have been carried out with respect to the determination of the socio-environmental effects of forestry in Ejidos San Miguel Tenex-tepec and Rincón de Guadalupe, in addition to a study to determine the socio-environmental costs of coal production on the communal lands of San Juan Amanalco, all located in the Valle de Bravo-Amanalco basin.

24. There is currently a feasibility study underway on the tourism potential of Ejido San Mateo Almomoloa in the municipality of Temascaltepec, and Ejido El Potrero in the municipality of Amanalco, both in the Valle de Bravo-Amanalco basin. The results will help determine the acceptable level of change for tourism activities.

25. In coordination with the Valle de Bravo municipal government, Mexico State Water Commission (*Comisión del Agua del Estado de México—CAEM*), the National Water Commission (*Comisión Nacional del Agua—Conagua*), Semarnat and Profepa have evaluated the damage caused by landslides in Acatitlán and San Simón el Alto, municipality of Valle de Bravo, fostering the implementation of a restoration program. In coordination with the municipal governments in the hydrographical basins within the PNA, namely Valle de Bravo, Amanalco, Villa de Allende, and Ixtapan del Oro, Santo Tomas, and state institutions, such as the Mexican State Institute for Social Housing (*Instituto Mexiquense de la Vivienda Social*), the Mexico State Civil Protection Authority, the Highway Board and eventually Capanaf, with periodic field visits to identify irregular settlements in risk zones and impacts on soils and bodies of water, supporting municipal governments to control them.

26. With the purpose of identifying and building local business management capacities aimed at conserving, restoring or increasing the adaptive capacity of ecosystems and vulnerable communities, GIZ funding was used to provide timely and personalized assistance to a group of coffee producers, growers, artisan weavers, and nature tourism service providers. Also, to foster the economic recovery from COVID-19 in communities located in the PNA, entrepreneurial training was provided to local producers by *Consultora Tekio* with GIZ funding, to strengthen the local value chains, focusing on social economy and solidary models and

¹¹ MX-008.

¹² MX-009. [*Programa de Conservación para el Desarrollo Sostenible*]

¹³ MX-010. (*Estrategia Nacional de Restauración de Ecosistemas y Tierras Forestales Degradadas—ProREST, 2021-2030.*)

awareness of products connected to production in the Central and Neovolcanic Axis region.

27. To control coniferous forest pests such as bark beetles and mistletoe, the PNA Office coordinates with Probosque (in the State of Mexico) to conduct inspections in the hydrographical basins and jointly examine actions to mitigate and compensate the affected forest. Given the water stress conditions of the PNA ecosystems and their susceptibility to bark beetles, a preventive method is being implemented to reduce the loss of forest area and thereby maintain the water capture area in the Valle de Bravo-Amanalco and Malacatepec basins.

28. In coordination with the Ministry for Public Education (*Secretaría de Educación Pública—SEP*) in the Valle de Bravo Region and, with GIZ funding, the Biodiversity and Community Health program was implemented to train 46 teachers from 32 primary and middle schools in the municipalities of Amanalco, Santo Tomás, Villa de Allende, Donato Guerra and Valle de Bravo, using specific educational guides to be incorporated into school programs, with topics on zoonosis and health related to protected natural areas, as part of an 11-lesson course. This program was strengthened by a partnership with SEP (Secretariat of Public Education) through an agreement with Semarnat.

29. Lastly, to coordinate forest fire prevention and firefighting actions in the territory, the PNA Office participates, alongside other social, private and governmental institutions, on the Valle de Bravo Fire Management and State Fire Management committees, which validate the municipal and state programs, respectively, to reduce the impairment of forest ecosystems caused by changes in fire regimes, thereby assuring the hydrological stability of the basins.

- **Questions on the lack of restrictions on real estate and urban development in the territory of the Valle de Bravo municipality, "overlooking the environmental perspective and putting urban needs before environmental needs," without cause**

30. Regarding this assertion, the PNA Office states that, contrary to what is claimed, the Area Program for the Protection of Natural Resources, Forestry Protection Zone, of the Valle de Bravo, Malacatepec, Tilostoc and Temascaltepec Riverlands (the guiding instrument establishing the planning and regulation of activities, actions and basic guidelines for managing and administrating the protected natural area) was prepared in accordance with Article 66 of the LGEEPA, which describes the physical, biological, social and cultural characteristics of the protected natural area in the national, regional and local context, as well as an analysis of the current landholding situation in the respective area and the actions to be carried out in the short, medium and long terms, which link it to the National Development Plan (*Plan Nacional de Desarrollo*) and the corresponding sectoral programs.

31. Further, [the PNA office states that] such actions include, among others, environmental research and education, protection and sustainable use of natural resources, flora and fauna for recreational and tourism activities, infrastructure works and other production activities, funding of area management, contingency prevention and control, and enforcement.

32. In this sense, and as indicated, in addition to establishing the specific guidelines for the maintenance, development, construction, operation and use of public and private infrastructure in the PNA in Chapters VIII and IX of the Management Program's administrative rules, Conanp's Regional Central and Neovolcanic Axis Bureau and the PNA Office have fostered and performed actions aimed at the preservation of forested zones in the source basins of the Valle de Bravo, Tilostoc, Malacatepec and Temascaltepec Rivers, which form part of the Cutzamala System and provide potable water to communities in the PNA and other territories in the State of Mexico, particularly the Valle de Toluca and Valle de México, which contribute the well-being and social peace of one of the country's most populated regions. They have also endeavored to ensure the permanence of water capture zones created by rivers, springs, lagoons and other bodies of water—whose water supply is sustained by the forest cover, which avoids soil erosion and maintains climate balance—with a comprehensive and sustainable development approach which conforms to the Mexican Constitution and applicable laws.

33. In this regard, referring to Article 77, sections X and XII of the Semarnat IR, since 2019 there

have been 229 environmental impact assessments, of which 111 were for residential construction and service projects, and 118 were for forest management projects. Another 34 requests were analyzed for tourism activities within the PNA territory.

- **Obligation to regulate land use in the PNA, and such regulation should have been done with a local ecological zoning program prepared and issued under Articles 20 bis 4 section II and 20 bis 5 section V of the LGEEPA**

34. In this regard, the PNA Office noted that, pursuant to the provisions of Article 20 Bis 5 of the LGEEPA, the local ecological zoning programs govern land use. This program is prepared and approved jointly by Semarnat and the state governments, municipalities and the territorial subdivisions of Mexico City, as applicable, including communal farms, communities and small properties when they include a protected natural area under federal jurisdiction or a part of one, containing the reasons justifying such regulation. The development of this management program included 36 regulatory instruments and state and regional programs.

35. In that context, it notes that the Management Program for the Valle de Bravo, Malacatepec, Tilostoc and Temascaltepec River Basin Natural Resource Protection Area (NRPA) does not regulate such uses; rather, in accordance with Article 47 BIS of the LGEEPA, the PNA was divided and subdivided to identify and delineate the portions of its territory according to its biological, physical and socioeconomic elements, with regard to the zones and subzones indicated by the LGEEPA, according to the management category. It clarifies that the primary aspects used to delineate the subzones in the NRPA were as follows:

- Types of vegetation and forest cover, such as mountain cloud forest, coniferous forests, wetlands, gallery forest and dry deciduous forests, among others.
- Current and potential production activities in the PNA protection area, consistent with the legal provisions applicable to the defined subzones.
- Strategic areas to be preserved by the environmental services offered, primarily water recharge sites for the Cutzamala System, soil retention, climate regulation and species habitat under Mexican Official Standard (*Norma Oficial Mexicana*) NOM-059-SEMARNAT-2010.
- The monarch butterfly (*Danaus plexippus*) hibernation habitat, colony wintering sites and places used for feeding, refuge or transit during spring migration.
- The presence of endemic species, such as the imbricate alligator lizard (*Barisia imbricata*), as well as those having protected from risks under NOM-059-SEMARNAT-2010, such as the Mexican hornbeam (*Carpinus tropicalis*), two-lined earth snake (*Conopsis biserialis*), salamander (*Aquiloerycea cephalica*), and monarch butterfly (*Danaus plexippus*).
- Land use and plant cover, species distribution, geology, edaphology, hydrology and slope, among others.

36. Lastly, the municipal governments currently located in the PNA territory have been preparing their Risk Atlases, with the commitment to update their corresponding municipal development and ecological zoning plans. In this regard, the human growth prevention and control committees of the municipalities of Amanalco, Valle de Bravo, Santo Tomás, Donato Guerra, Villa de Allende, and Ixtapan del Oro have agreed to Conanp assistance.

- **Statement that Semarnat fails to perform its obligation to avoid the construction of population centers within PNAs under federal jurisdiction, as it has authorized real estate projects that promote the urbanization of non-urban woodlands in the NRPA management program**

37. The PNA Office stated that Conanp does not have the authority to authorize real estate projects. Thus, with respect to the Submitters' argument that the federal authorities fail to implement other programs and strategies complementing the National Water Program (*Programa Hídrico Nacional*) in the Valle de Bravo-Amanalco Sub-Basin, including the National

Forestry Program 2020–2024 and the NRPA Management Program, and that Conagua and the Basin Agency have refrained from implementing specific programs, strategies and actions in response to issues in the Sub-Basin, considering that the Valle de Bravo-Amanalco Basin Commission used to coordinate policies for the three levels of government and execute specific programs, in the scope of the jurisdiction of the PNA Office, actions and projects are being carried out for forest restoration to contribute to the rehabilitation of forest ecosystems and aquifer recharge, cleanup of sites with a high accumulation of solid waste, mitigation of the impact of soil and water pollution, filing of complaints with Profepa and the Office of the Federal Attorney General with respect to the removal of vegetation, logging and pollution, soil retention and water infiltration works, and removal of invasive species in bodies of water.

- **Statement on PNAs, Article 45 of the LGEEPA and that no new human settlements shall be allowed**

38. On this matter, the PNA Office considers that this assertion raised by the Submitters is incorrect, since what is prohibited in protected natural areas is the founding of new population centers, as defined in the General Human Settlement Act (*Ley General de Asentamientos Humanos*) as areas consisting of urbanized zones whose expansion is reserved and those deemed non-urban due to ecological preservation, risk prevention and the maintenance of production activities within the limits of such centers, as well as those provided by a competent authority ruling for their foundation.

39. In addition, it further states that Article 47 of the LGEEPA provides that in the establishment, administration and management of PNAs, Semarnat will encourage the participation of their residents, owners or holders, local governments, indigenous peoples, and other social, public and private organizations, with the purpose of fostering the comprehensive development of the community and assuring the protection and preservation of ecosystems and their biodiversity.

40. Therefore, it should be noted that ecological policy should seek to correct those imbalances that impair the quality of life of the population, while foreseeing trends in human settlement growth, to maintain a sufficient relationship between the resource base and the population and steward the ecological and environmental factors that are a comprehensive part of the quality of life.

41. In this sense, and as provided by the LGEEPA, a human settlement subzone may be established in the PNA buffer zone for those areas where there is a substantial modification or disappearance of the original ecosystems due to the development of human settlements before the PNA was declared; [such a subzone would be] seeking the balance that should exist between human settlements and their environmental conditions, without exceeding the urban boundaries set forth in the respective Urban Development Plans (*Planes de Desarrollo Urbano*).

42. Lastly, it notes that according to the Geostatistical Framework of the Population and Housing Census (2020), in 2000 there were 263 towns within the PNA, with 279 towns reported in the 2020 census.

- **Statements on Articles 74 and 80 of the RANP, with respect to the NRPA management program not establishing the densities, intensities, conditions and types of works and activities carried out in the NRPA**

43. In this regard, the PNA Office reiterates that, based on its 1941 NRPA creation decree and the 2005 recategorization ruling, as well as the distribution and condition of the types of vegetation and forest cover, current and potential production activities, water recharge sites, at-risk or endemic species habitat (NOM-059- SEMARNAT-2010), land use, geology, edaphology, hydrology, slopes, state PNAs, current forest management plans, cartographical information from the Food and Agriculture Information System (*Sistema de Información Agroalimentaria*), among other cartographically superimposed conservation criteria, the management program defined and located the subzones pursuant to the provisions of Articles 47 BIS and 47 BIS 1 of the LGEEPA.

44. The PNA Office states that by reason of the foregoing, 18 preservation subzones were established, covering an area of 11,344.58020 hectares with significant portions of mountain cloud forest and dry deciduous forests, as well as extensive areas with dense pine forests—live oak, pine, religious fir and gallery forests—which are habitats for 2,350 flora and 879 fauna species, many of which are endemic, and of which 76 species are in a risk category. There are also 25 human settlement subzones distributed across an area of 4,029[.]2653 [sic] hectares, including housing agglomerations or complexes, with public utilities and infrastructure such as sewer, water, public lighting, paved roads, government centers and municipal administration, as well as educational and health centers. They also contain spaces for community living and cultural development, including churches, public plazas, sports, markets, auditoriums, movie theaters, hotels, restaurants, golf courses, water parks and others. These human settlements were established prior to the NRPA declaration.

45. It further states that the Administrative Rules section of the management program establishes limits on use, maintenance and development of public and private infrastructure, infrastructure development and construction, vessel operation in bodies of water, scientific research, visitors, tourism service providers, and in general all NRPA users. This shows that the section provides guidelines on how permitted activities are to be carried out in the PNA, while providing greater clarity as to the restrictions within the protected natural area.

46. In this sense, it reiterates that the densities, intensities, conditions and types of works or activities are set pursuant to the LGEEPA and its respective regulations, particularly the RANP and other applicable provisions, considering the set of policies and measures prescribed to maintain conditions fostering the evolution and continuity of ecosystems and natural habitats, and to improve the environment and control its impairment by applying early preventive measures, considering that protected natural areas have a constitutionally recognized environmental purpose, namely the human right to enjoy a healthy environment for development and well-being under Article 4, fifth paragraph. Its scope of application is for the Mexican State and citizens to act, and refrain from acting, in order to protect, preserve and restore the ecological balance and environmental services.

47. Lastly, the PNA Office states that in order to determine the intensity of use or usable volume of natural resources in a given area of the PNA, through a process considering the desirable conditions in terms of the degree of environmental modification caused by the intensity of environmental impacts deemed tolerable as a function of the purposes of conservation and use under specific management measures including permanent monitoring and feedback enabling the adjustment of management measures to maintain the desired conditions when the modifications exceed the established limits, various actions are being carried out to set the social and environmental basis for purposes of the acceptable change level studies in the area.

48. The CEC Secretariat is hereby informed that in a nine-page informational note¹⁴, the Semarnat Office of Representation for the State of Mexico, under the Semarnat Coordinating Unit for Offices of Representation and Territorial Management (*Unidad Coordinadora de Oficinas de Representación y Gestión Territorial—UCORGT*), reported among other things that, with respect to the development and public release of guidance for filing preliminary reports, environmental impact statements and risk studies, the reports should be filed with Semarnat for projects intended to include a work or activity that may be carried out without submitting an environmental impact statement because all impacts are regulated by a standard or located in an industrial park or an urban development plan or program previously authorized by Semarnat. This is legally and technically supported by Article 28 of the LGEEPA and Articles 5 and 29 of the REIA when they fall under Article 31 of the LGEEPA, except when the subject activities correspond to the hydrocarbon sector, in which case it is filed with the National Industrial Safety and Environmental Protection Agency for the Hydrocarbon Sector (*Agencia Nacional de Seguridad Industrial y de Protección al Medio Ambiente del Sector Hidrocarburos—ASEA*).

49. It states that to prepare the preliminary report, the interested party or its legal

¹⁴ MX-011.

representative may access the Guide for the Presentation of the Preliminary Report, available at <<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-001>>, with the contents indicated in Article 30 of the REIA.

50. It also notes that once the report is submitted to the Semarnat Office of Representation, it is analyzed and evaluated according to the Guidelines, and the authority thus determines either that the project falls under Article 31 of the LGEEPA and 29 of the REIA and it is not necessary to file an environmental impact statement accordingly, or it is not subject to a preliminary report and the environmental impact statement must be filed pursuant to the environmental laws in effect, as applicable to the specific case at hand.

51. It further states that the environmental impact assessment, seen as an analytical environmental policy instrument with a preventive scope, allows certain projects or activities to be incorporated into the environment. It is a document based on technical and environmental studies, in which the interested party or its legal representative wish to undertake works or activities, examining and describing the environmental conditions prior to the project in order to evaluate the potential impacts that the construction and operation of such works or activities could cause to the environment. It defines and proposes the necessary measures to prevent, mitigate or compensate these project effects. For the works and activities set forth in Article 28 of the LGEEPA, an environmental impact statement is filed with Semarnat, by the responsible persons (individual or entities), said Article 28 lists the activities under federal jurisdiction that require a prior environmental impact authorization. Said works or activities, as well as their characteristics, dimensions, locations, scopes and exceptions, are set forth in Article 5 of the REIA. Article 9, last paragraph of the REIA further provides that the Ministry may provide guidance to interested parties to facilitate the submission and delivery of the environmental impact statement, according to the intended type of work or activity.

52. In that sense, it notes that Article 11 of the REIA establishes the cases in which a regional or private environmental impact statement is to be submitted, while articles 12 and 13 of the same regulations prescribe the contents of an environmental impact statement, which are set out in the environmental impact statement submission guidelines for each project type and sector, available at <<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-002-a>>.

53. It adds that once the evaluation of the environmental impact statement is complete, Semarnat issues the corresponding ruling, with the form, grounds and reasoning to authorize or deny the work or activity in the stated terms and conditions, pursuant to Article 35 of the LGEEPA and Articles 44 and 45 of the REIA.

54. It further states that the Environmental Risk Study is an EIS attachment, provided that the project contemplates high-risk activities. This is a complementary study, not independent, conducted to identify and analyze hazards by employing methodologies to evaluate the consequences of potential risks. In other words, the study helps establish the prevention, mitigation, control and/or safeguard measures to be carried out by the interested party to eliminate, attenuate and/or adopt the risk. It must be filed with Semarnat, the ASEA, or the corresponding state agencies. The legal and technical basis is found in Chapter V, "High-Risk Activities," of the LGEEPA, primarily Articles 1, 5, 30, 145, 146, 147 and 147 BIS, as well as Articles 5, 17 second paragraph and 18 of the REIA.

55. Under Article 35 bis of the LGEEPA and Article 35 of the REIA, preliminary reports, environmental impact statements and risk studies may be filed by interested parties, research institutions, professional colleges or association. In this case, responsibility for the content lies with whomever signs it.

56. In conformance with Article 18, second paragraph of the REIA, the filing guidelines for the risk study are available at <https://www.gob.mx/cms/uploads/attachment/file/120998/Guia_Estudio_de_Riesgo_Analisis_de_Riesgo_.pdf>. Once environmental impact statements are evaluated, including risk studies, Semarnat can deny the project if it is not environmentally sustainable, or authorize it as proposed, or authorize it subject to the fulfillment of conditions intended to avoid, attenuate, or offset the adverse environmental impacts that may be caused in construction, normal operation, abandonment, end of useful life, or in the case of accidents pursuant to Article 35 of the LGEEPA and Articles 44 and 45 of the REIA.

57. In addition, it states that the Submitters list, among others, the following failures to comply with federal rules relative to the inclusion of the best information in environmental studies and avoiding the creation of new population centers in the Valle de Bravo Basin NRPA:

- The NRPA management program does not establish the densities, intensities, conditions and types of works and activities in the area. **A:** The management program was prepared on the basis of Article 47 BIS of the LGEEPA and contains a section on subprograms that address the purposes of its creation, according to six strategic lines: protection, management, restoration, knowledge, culture and administration, as well as NRPA subzoning, especially the delineation of each, in addition to stating the activities that may be carried out therein and those that are not consistent with the Natural Resource Protection Area category, as set forth in Article 53 of the Act. In this sense, we note that pursuant to the provisions of Article 115 section V subsections a) and d) of the Mexican Constitution, in relation to Article 11 section I of the General Human Settlement, Zoning and Urban Development Act, the municipalities are responsible for issuing the Municipal Urban Development Plans, which, among other items, contain the classification, territorial zoning, general and specific land use, as well as authorizing construction licenses pursuant to section f) of Article 115 of the Mexican Constitution, in coordination with the Mexico State Department of Urban and Metropolitan Development.
- The NRPA management program does not limit uses according to scientifically supported rates and proportions. **A:** The general purpose of the management program is to be the governing instrument for planning and regulation, establishing the basic activities, actions and guidelines for the management and administration of the NRPA. Usage rates containing the number of specimens, parts or derivatives that may be extracted from an area in a given period are contained in the Forestry Management Plan for each project, applying ecosystem or environmental management techniques enabling a balance of the vegetation structures in the PNA. The Forestry Management Plan is analyzed and evaluated in a multidisciplinary approach among competent agencies [Semarnat, the National Biodiversity Knowledge and Use Commission (*Comisión Nacional para el Conocimiento y Uso de la Biodiversidad—Conabio*), Conanp, Profepa and *Protectora de Bosques (Probosque)*], to identify, prevent, produce and interpret the environmental consequences or effects that may be caused to human health, well-being and the environment in the zone. Moreover, note that Semarnat's fundamental purpose, pursuant to Article 32 Bis of the Organic Act of the Federal Public Administration (*Ley Orgánica de la Administración Pública Federal*), is “to foster the protection, restoration and conservation of ecosystems, natural resources, environmental goods and services, to encourage their sustainable use and development, oversee the standards and programs for the protection, defense and restoration of the environment, enforce and encourage compliance, in coordination with the federal, local and municipal authorities, with the Law, Mexican Official Standards and Programs relating to natural resources, the environment, water, forests, and wild flora and fauna.
- Semarnat has not prepared nor approved, in conjunction with the municipality and the state government, the Local Ecological Zoning Program to regulate land uses outside population centers. **A:** Under Article 20 BIS 4 of the LGEEPA, Local Ecological Zoning Programs are issued by the municipal authorities and approved by the state government. In this sense, the acts of this administrative unit are limited to technical support, as provided in Article 20 BIS 1 of said Act.
- Semarnat has not published in the Federal Official Gazette the methodological guidance on environmental impact, and therefore fails to provide project filers with the best information available for a better environmental assessment. **A:** Semarnat, in accordance with the right to information, published the “Guidelines for Support and Consultation in Environmental Impact Procedures” (*Guías para apoyo y consulta en los trámites de Impacto Ambiental*), available to the general public for consultation at the website <<https://www.gob.mx/semarnat/documentos/guias-de-impacto-ambiental>>. This is public information; there is even jurisprudence stating that “WEBSITES OR

ELECTRONIC PAGES; THEIR CONTENTS ARE KNOWN FACTS SUBJECT TO CONSIDERATION IN A JUDICIAL DECISION” (isolated thesis No. I.30C.35 K(10 a), issued by the Third Circuit Court for Civil Matters on the First Circuit, published in the Federal Judicial Weekly and Gazette, Book XXVI, November 2013. It should further be noted that many services and sets of information are released via Internet, which is a means of communication available to all.

- Semarnat fails to perform the obligation to avoid founding population centers within the NRPA. **A:** Article 3 section VI of the General Human Settlement, Zoning and Urban Development Act defines population centers as “areas consisting of urbanized zones and those reserved for expansion.” In the present case, these are already contemplated in the Valle de Bravo Municipal Urban Development Plan, whose enforcement is the responsibility of the municipality.

58. In that context, Article 4 of the REIA provides that Semarnat is responsible for developing, publishing, and publicly releasing the guidelines for submitting preliminary reports, environmental impact statements, and risk studies (section II), among other duties. The Secretariat determines that this provision is related to the assertions in the submission and qualifies it as an environmental law under Article 24.1 of the USMCA, as it is aimed at the protection of the environment or human health, through public documents with standards to obtain the best possible information in environmental impact assessment processes. **A:** LGEEPA Article 28 defines the environmental impact assessment as a procedure through which Semarnat establishes the conditions applicable to the performance of works and activities that may cause an ecological imbalance or exceed the limits and conditions prescribed by the applicable provisions, to protect the environment and preserve and restore ecosystems, in order to avoid or reduce their negative effects on the environment to a minimum. In furtherance of this purpose, persons interested in carrying out an activity subject to the EIA program by law must submit an environmental impact statement or a preliminary report. Under Article 31 of the LGEEPA, and since the preliminary report is used to obtain the authorization of works or activities that may be performed without presenting an environmental impact statement because all impacts are governed by a standard or located in an industrial park or an urban development plan or program previously authorized by Semarnat, after analyzing the preliminary report the Ministry will determine, in a period not to exceed 20 days, whether any type of environmental impact statement is required under the REIA, or if any of the provisions of Article 31 of the LGEEPA and Article 29 of the REIA apply. The contents of the preliminary report, as well as the characteristics and types of environmental impact statements and risk studies, are established in Article 30 of the REIA. Article 4 of the REIA provides that Semarnat is responsible for developing, publishing and publicly releasing the submission guidelines for the preliminary report, the different types of environmental impact statements, and the risk study, available at <<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-001>>, as follows:

- General data on the study project, filer and representative.
- References, as applicable to the provisions of Article 31 of the LGEEPA
- Technical and environmental aspects, indicating:
 1. General description of the projected work or activity;
 2. Identification of the substances or products to be used and which may affect the environment, as well as their physical and chemical characteristics;
 3. Identification and estimation of foreseeable emissions, releases and waste generation, as well as the intended control measures;
 4. Description of the environment and, as applicable, identification of other sources of pollutant releases existing in the project's area of influence;
 5. Identification of significant or relevant environmental impacts and the determination of the actions and measures to prevent and mitigate them;
 6. Location drawings of the intended project area.

As part of the preliminary report assessment procedure, within a period not to exceed 20 days, the filer will be notified either that the project falls under Article 28 of the REIA

and whether it can carry out the work or activity in the proposed terms, or that it is required to submit any of the types of environmental impact statement.

In the case of preliminary reports in which the impacts of the aforesaid works or activities are fully governed by Mexican official standards, if the period to which Article 33 of the REIA refers passes without Semarnat having given the corresponding notice, the works or activities will be deemed to be allowed as projected, in accordance with the same standards.

Upon completion of the preliminary report evaluation, a ruling will be issued to state whether it is allowed or if the filer is required to file the corresponding type of environmental impact statement, according to the works and/or activities to be developed.

59. Moreover, Article 9 of the REIA provides that project filers must provide Semarnat with an environmental impact statement with relevant information on the environmental circumstances associated with the works and activities of the project in question. Semarnat also issues guidance to facilitate the EIS filing, adapted to the intended type of work or activity. In this regard, the Secretariat determines that this provision relates to the assertions in the Submission and qualifies it as an environmental law pursuant to Article 24.1 of the USMCA because its primary purpose is the protection of the environment or human health, through the environmental impact assessment procedure and the facilitation of the drafting of statements to such effect. **A:** For LGEEPA purposes, the environmental impact statement is defined as a document in which the significant and potential environmental impact of a work or activity is made known, based on studies. It is an environmental policy instrument intended to prevent, mitigate, and restore environmental damage, and to regulate works or activities to avoid or reduce their negative effects on the environment and human health.

In order for Semarnat to evaluate a work or activity project, filers must submit an environmental impact statement. Pursuant to Article 10 of the REIA, a regional or private statement may be filed. The study should be technical-scientific, indicating the comprehensive effects that the work or activity may cause to the ecosystems and stating the preventive measures that may minimize such negative effects of the works or activities, enabling an evaluation of the environmental feasibility of industrial investment, infrastructure, manufacturing, commercial or service projects.

REIA Articles 11, 12 and 13 specify when a regional or private statement should be filed, and its contents. This is broadly reiterated in the guidance for interested parties, available at <https://www.gob.mx/semarnat/documentos/guias-de-impacto-ambiental>.

When the performance of a work or activity requiring an environmental impact assessment procedure also involves change in land use in forests, rain forests, and arid zones, filers may file a single environmental impact statement that includes information on both projects. High-risk activities pursuant to the LGEEPA require a risk study (Articles 14 and 17 of the REIA) to continue the assessment procedure. If there are deficiencies in the EIS, Semarnat will notify the filer that they must submit clarifications, corrections or explanations of the content within 60 days to be included in the file, pursuant to Articles 20, 21 and 22 of the REIA and Article 35 BIS of the LGEEPA.

As the environmental impact assessment procedure considers public participation and the right to information, Semarnat publishes a weekly list of authorization requests, preliminary reports and environmental impact statements received, in the Ecological Gazette (*Gaceta Ecológica*).

The list will also be included in the available electronic media. Lists must contain at least the filer's name, request filing date, project name, and identification of its elements.

To comply with the provisions of Articles 4 section III and 24 of the REIA and to provide better elements to draft the corresponding ruling, and when the type of work or activity so requires, Semarnat may request, as part of the assessment procedure and in accordance with the Federal Administrative Procedure Act (*Ley Federal de Procedimiento Administrativo*), the technical opinion of an agency, or consultation with expert groups when the complexity or specialization of the circumstances of the execution and performance implies that their opinion may provide

better elements supporting the ruling.

During the environmental impact assessment, Semarnat will include additional information in the docket as it is generated, including any technical opinions requested, comments and observations made by interested parties in the public consultation process, and the project abstract published during the process. As applicable, upon completing the procedure, it will include the ruling, the guarantees posted, and any project modifications.

Once the works or activity projects are authorized, Profepa will verify compliance with the terms and conditions established in the authorization but will also conduct inspections in the case of citizen complaints filed for the environmental damage caused by specific works or activities and projects under construction or in operation, detected during Profepa's systematic inspections.

60. In that regard, the Submitters cite various publications and studies with scientific information on the matter raised in the submission, including links for download. The documentary evidence supporting the Submission includes:

- Valle de Bravo-Amanalco Sub-Basin drawings with information and land use, vegetation, deforestation (2001-2021), Protected Natural Area index (2002, 2021), ecological integrity (2002, 2021), and an analysis of change of land use from forestry to another. **A:** Regarding this point, the Office of Representation's analysis and evaluation uses tools such as the Environmental Impact Assessment Geographical Information System (*Sistema de Información Geográfica para la Evaluación del Impacto Ambiental—SIGEIA*), which helps identify physical and/or environmental characteristics and the different legal instruments applicable to a given space in which an environmental impact project is intended. Under Article 24 of the REIA, the Office of Representation requests CONANP's technical opinion, to report whether the project is viable and consistent with the PNA program. The technical opinions also request the municipality to match and link the project with the land use indicated in the Valle de Bravo Municipal Urban Development Plan. Thus, as submitted by the Submitters, its documentary evidence is not sufficient to determine or examine a project.
- Information explaining the following real estate developments and projects cited in the Submission: Velo de Novia, Sttupa Ranch, highway interchange and bypasses, and private dam in the Los Álamos, Acatitlán area. **A:** In the case of Velo de Novia, this administrative unit does not have any project authorized in that location. For Sttupa Ranch, two projects were submitted in 2021, one of which was withdrawn, and the other was denied in Ruling No DFMARNAT/1374/2021. With respect to the bypasses, the Office of Representation is not involved, and the competent authority for these works is the General Bureau of Environmental Impact and Risk (*Dirección General de Impacto y Riesgo Ambiental—DGIRA*). No private dam has been authorized in the towns of Los Álamos and Acatitlán.
- Information on the administrative dockets before Profepa. **A:** This administrative unit does not have administrative dockets before Profepa. This type of procedure is the responsibility of the Office of Representation.
- Sub-zoning map of the NRPA, published by Conanp. **A:** When a Valle de Bravo project is submitted to the Office of Representation, the opinion of Conanp and the municipality is requested immediately, whereby they determine and analyze its viability as a part of their duties. The administrative unit also uses the SIGEIA tool, and its analysis is linked to the APAR Management Program, and the subzoning program accordingly determines which activities are allowed or prohibited; if the program does not allow the project, it is not authorized.
- Examples of specific cases of noncompliance, considering the best information available during environmental impact assessment proceedings. **A:** By law, several projects have been denied due to failure to comply with the legal provisions, such as Sttupa Ranch, a project submitted in 2021 that was not authorized because it exceeded the allowable limits of the PNA sub-zoning under the Management Program, and land use according to Valle de Bravo Municipal Urban Development Plan.
- Google Earth format file with the geolocation of private dams in the Valle de Bravo-

Amanalco Sub-Basin. **A:** While there are private dams in Valle de Bravo, this administrative unit does not have a record of any being authorized. Thus, any that do exist do not have Semarnat authorization, and Profepa would be the unit responsible for levying penalties and ordering the compensation of environmental damage, by implementing an administrative procedure.

61. In regard to the foregoing, the Semarnat Office of Representation in the State of Mexico asserts that the administrative authority, in the scope of its duties, applies public policies by complying with and enforcing the rules in line with the fundamental environmental principles, such as the preventative and precautionary principles governing the right to a health environment, as well as the principles of *in dubio pro natura* and citizen engagement, among others, reiterating that all measures prescribed by law are taken to ensure the conservation of the ecosystem and its environmental services, and in general to prevent factors such as water, soil or air pollution and the imminent danger of forest fires from affecting people's development and well-being. It further coordinates actions to fight clandestine logging, not only in the PNA referred to in this report but also in all critical zones in the State of Mexico, conducting joint actions with the Ministry of National Defense (*Secretaría de la Defensa Nacional—Sedena*), the National Guard, Profepa and the State Police.

62. In this context, the CEC Secretariat is hereby informed that in Ruling No. SRA/DGIRA/DG-03174-23,¹⁵ consisting of three pages, the DGIRA reported that Semarnat, in accordance with Article 4 section II of the REIA, makes guidelines available to the public for the filing of preliminary reports, environmental impact statements in their various types, and risk studies, for projects relating to water, fisheries, industry, electrical power, oil, forestry, communications, mining, tourism, hazardous waste, and projects requiring a change of land use or agricultural projects, environmental risk studies for land-based pipelines and risk analysis, which may be consulted at the following websites:

<https://www.gob.mx/semarnat/documentos/guias-de-impacto-ambiental>

<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-002-a>

<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-002-b>

<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-003-a>

<https://www.gob.mx/semarnat/documentos/tramite-semarnat-04-003-b>

<https://www.gob.mx/semarnat/documentos/tramite-semarnat-09-001-b>

<https://www.gob.mx/tramites/ficha/recepcion-evaluacion-y-resolucion-del-informe-preventivo/SEMARNATI734>

63. Moreover, with respect to the publication of the guidance in the Federal Official Gazette, it should be noted that the DGIRA is currently in the process of revising them for purposes of the regulatory impact statement and other administrative procedures for their publication in that federal publication. During the environmental impact assessment procedure, the General Bureau General evaluates whether the environmental impact statements considered the guidance set forth in the guidelines for such studies.

64. The CEC Secretariat is further informed that in Ruling No. SPARN/DGGFSOE/418/2313/2023 and its exhibit,¹⁶ consisting of three pages, with respect to the obligation to regulate the use of the NRPA according to the load capacity and limit of acceptable change, the DGGFSOE stated the obligation to regulate land use would have to be addressed by the local ecological zoning program, in accordance with Article 20 Bis 4 of the LGEEPA, and must be prepared and approved jointly by Semarnat, the Mexico State government, and the Municipality of Valle de Bravo, pursuant to Article 20 Bis 5 section V of the LGEEPA. In this regard, note the following clarifications:

- The planning instrument of reference is actually a regional ecological zoning instrument called the "Regional Ecological Zoning Program for the Valle de Bravo-Amanalco Sub-Basin," which was prepared on the basis of Article 20 Bis 1, Bis 2 and Bis 3 of LGEEPA.
- The Regional Ecological Zoning Process [sic] for the Valle de Bravo-Amanalco Sub-Basin was formalized with the execution of a Coordination Agreement establishing the basis

¹⁵ MX-012.

¹⁶ MX-013.

for the implementation of a process for the issuance and execution of a regional ecological rezoning program for the Valle de Bravo-Amanalco Sub-Basin, between the Federal Executive Branch through Semarnat, and the Executive Branch of the State of Mexico, published in the Mexico State Government Gazette on 19 March 2004. See <<https://legislacion.edomex.gob.mx/sites/legislacion.edomex.gob.mx/files/files/pdf/gct/2004/mar193.pdf>>.

- This Program was published in the Mexico State Government Gazette on 30 October 2003 and was extended and amended in terms of its ecological criteria via ruling published on 21 May 2015.
 - The assertion at numeral 41, section c), stating that “Semarnat has not developed and approved, jointly with the municipality and the state government in the Local Ecological Zoning Program governing land use outside population centers, pursuant to Article 20 bis 4 section II and bis 5 section V” is inaccurate, since such program does not yet exist. This is a duty of the municipality, which is responsible for developing the environmental planning instrument at the local level.
 - Therefore, Semarnat has not refrained from or failed to perform its ecological zoning duties, since in addition to the Regional Ecological Zoning Program for the Valle de Bravo-Amanalco Sub-Basin there are other regional instruments in effect, such as the Mexico State Ecological Zoning Program and the Monarch Butterfly Ecological Zoning Program for Mexico State Territory. See <https://www.dof.gob.mx/nota_detalle.php?codigo=2049308&fecha=13/01/2000#gsc.tab=0>; and <https://www.semarnat.gob.mx/archivosanteriores/temas/ordenamientoecologico/Documents/documentos_monarca/monarca.pdf>.
- 65.** Therefore, pursuant to the provisions of Article 24.27(4)(a), we request that the CEC Secretariat desist from further processing of this Submission.

ii) Pollution in the Valle de Bravo-Amanalco Sub-Basin, municipality of Valle de Bravo, State of Mexico

66. Regarding this matter, Conagua Ruling BOO.5.01.-08702,¹⁷ consisting of three pages, provided the responses issued by various administrative units under Rulings BOO.7.-0178, BOO.2.03.-0304, BOO.2.03.-0309 and B00801.-431, as well as the Minutes of the 60th Ordinary Meeting of the Valle de Bravo-Amanalco Basin Commission.

67. In Ruling BOO.7.-0178,¹⁸ consisting of 27 pages, Conagua's General Technical Bureau (*Subdirección General Técnica*) submitted the water quality and *cyanobacteria* diagnosis for the Valle de Bravo dam in the State of Mexico.

68. In Ruling BOO.2.03.-0304,¹⁹ consisting of 48 pages, the Inspection and Measurement Office (*Gerencia de Inspección y Medición*) under the Water Management Bureau (*Subdirección General de Administración del Agua*) stated that a review of the National Inspection Program database, specifically the inspections at the Valle de Bravo-Amanalco Sub-Basin, shows that during the period from 2011 to 2022, a total of 35 inspections were conducted (three by the Basin Office and 32 by the Local Office in the State of Mexico), among other things.

69. Likewise, in Ruling BOO.2.03.-0309,²⁰ consisting of 53 pages, the Inspection and Measurement Office, under the Water Management Bureau and following the information request to the Bureau's Basin Board Office, had issued a considered reply through Ruling BOO.11.02.-178-2023 that the Emergency Management and Basin Board Coordinating Office in Valle de México had been asked to report with respect to the Submission at hand. The coordinating office immediately forwarded certified copies of the attendance list from the 60th Ordinary Meeting of the Valle de Bravo-Amanalco Basin Commission, held at the offices of the Valle de Bravo-Amanalco Basin Commission on 19 June 2019, along with the charter and the

¹⁷ MX-014.

¹⁸ MX-015.

¹⁹ MX-016.

²⁰ MX-016.

final report on the guide plan.

70. In Ruling B00801.-431 and its exhibit,²¹ consisting of 183 pages, the Valle de México Water Basin Agency forwarded the information sent by the Technical Office, the Hydrological Infrastructure Office, and the Emergency Management and Basin Board Coordinating Office.

71. Conagua also provided the minutes of the 60th Ordinary Meeting of the Valle de Bravo-Amanalco Basin Commission held at the offices of the Valle de Bravo-Amanalco Basin Commission on 19 June 2019,²² consisting of three pages.

72. The International Area of Cofepris further reported that pursuant to Article 12, section XII of its hydrological regulations, the Evidence and Risk Management Commission is responsible for “establishing the water quality surveillance system, as prescribed by the Mexican official standards on the treatment of water for human use or consumption, as well as the applicable provisions and programs, without prejudice to any duties vested in other competent authorities.”

73. In this context, and regarding the Submitters' assertions with respect to failures in water quality and quantity in Valle de Bravo and its main tributaries, Cofepris maintains that—from its sampling at the Valle de Bravo dam and tributaries—the most polluted areas during 2015, 2016, 2017 and 2018 were Muelle Municipal, Molino de Hoyos (Fontana Rosa), El Mosco (Velo Novia River outlet), San Gaspar and La Peña, with respect to the maximum allowable limits of coliform contamination.

74. It was also reported that the Evidence and Risk Management Commission (*Comisión de Evidencia y Manejo de Riesgos*), in conjunction with the General Coordinating Office of the Federal Health System and state offices for protection against health risks, monitor the quality of water for human use and consumption that is distributed to the public through formal supply systems. This monitoring is done regularly and is classified according to bacteriological quality, physicochemical quality, and water contact quality; the latter is done in seawater (beaches) and freshwater bodies. Note that for the monitoring of water contact quality, the states select the bodies of water to be monitored.

75. With respect to the foregoing, for 2023, the activities, goals, sample sizes, and guidelines for the monitoring of the quality of water intended for human use and consumption (including primary-contact water) in each state, were sent to the General Coordinating Office of the Federal Health System (*Coordinación General del Sistema Federal Sanitario*), to be included in the 2023 Specific Funding Compacts, which establish the actions to be taken, including:

- The states will send to Cofepris the water quality surveillance program for the water distribution network, including previously identified potential risks, according to the technical guidelines issued by Cofepris.
- The states will forward to Cofepris the report of notices issued to the responsible water supply agencies in the towns, municipalities or states, resulting from the bacteriological and physicochemical determinations, as well as the actions taken, and, in addition, the reports of notices issued to beach committees resulting from enterococcus (*E. coli*) monitoring of seawater at primary-contact recreational beaches, when such results exceeded the allowable limit prescribed by the Ministry of Health (*Secretaría de Salud*), and also the notices issued to the corresponding authority, with respect to the results of *E. coli* monitoring in primary-contact freshwater sources for recreational use, when such results exceed the limit allowed by the Ministry of Health.

76. The foregoing respond to the duty of governmental agencies to oversee the quality of water for human use and consumption. When a health risk is identified (values outside the limits prescribed by the applicable standards), the persons responsible for water treatment and distribution must be notified to carry out the actions deemed necessary to recover the quality of the water distributed through the supply systems. Note that Cofepris is not the authority responsible for water treatment under the applicable laws and standards.

77. Cofepris also reported that the Health Authorization Commission (*Comisión de Autorización Sanitaria*) issues health quality certificates for water intended for human use and

²¹ MX-017.

²² MX-017.

consumption and the certificates of sanitary condition for hydraulic facilities in the system that supplies water intended for human use and consumption or for industrial use in private supply systems; the Sanitary Operations Commission (*Comisión de Operación Sanitaria*) enforces sanitary compliance on the part of water supply agencies under the standards applicable to the distribution of water for human use and consumption: 1) NOM 127-SSA1-1994 (as amended in 2000); 2) NOM-127-SSA1-2021, which entered into force on April 28 of this year; 3) NOM- 179-SSA1-2020; and 4) NOM-230-SSA1-2002, separate from any Conagua monitoring at underground and surface water sources.

78. Lastly, according to the records for water quality monitoring of water intended for human use and consumption in the hydrological region of the Valle de Bravo-Amanalco Sub-Basin in the State of Mexico, and with respect to the results of the bacteriological and physico-chemical quality monitoring from 2019 through May 2023, Cofepris reports that from 2019 to date, the municipality of Valle de Bravo shows chlorination efficiency of 100% in 2019, 99.40% in 2020, 100% in 2021, 93.41% in 2021, and 83.33% as of May 2023.²³

79. Therefore, pursuant to the provisions of Article 24.27(4)(a), the CEC Secretariat need process the Submission no further.

(b) Any other information the Party wishes to provide

iii) Whether the matter has previously been the subject of a judicial or administrative proceeding

80. With respect to the citizen complaints referred to in the Submission, Profepa's General Bureau of Crimes, Commutations and Complaints (*Dirección General de Delitos, Conmutaciones, Denuncias y Quejas*) issued Ruling PFPA/5.3/2C.28.5.2/08374,²⁴ consisting of 22 pages, to report on the actions carried out by Profepa to address the citizen complaints relating to the protection of forests, biodiversity and water resources affected by degradation processes and pollution in the Valle de Bravo-Amanalco Sub-Basin in the State of Mexico.

81. In this context, the General Bureau reported that, among other things, the Office has the authority to receive, investigate and respond to citizen complaints alleging violation of the environmental regulations, as part of the operation of the citizen complaint system by its administrative units and Offices of Representation, applying the applicable procedure.

82. It further stated that, with respect to the site known as the Valle de Bravo-Amanalco Sub-Basin in the State of Mexico, the Office, through its administrative units and the corresponding Office of Representation, with the duties to enforce and evaluate compliance with the federal environmental laws, has conducted inspection and enforcement visits, and the federal inspectors issued inspection reports detailing all acts, facts or omissions found during the proceedings in relation to the purpose of each, as set out in the inspection order. If during the proceeding an imminent risk of ecological imbalance or serious damage to natural resources was found, the inspectors performed their duties by imposing the necessary security measures, as provided in the federal environmental laws.

83. In connection with the foregoing, once the technical, logical and legal study of the inspection visit reports was completed in order to begin the administrative procedures, and in those cases where acts, facts or omissions possibly constituting environmental crimes were found, the corresponding analysis was conducted for purposes of filing the applicable criminal complaints.

84. As regards the actions to address the environmental problems caused in said hydrological region, as well as any other issue relating to the facts noted in the Submission, we note that with respect to the complaint dockets referred to in the Submission, Profepa has acted as follows:

DOCKET	MATTER	STATUS
Citizen Complaint	Complaint regarding the	Administrative docket

²³ MX-018.

²⁴ MX-019.

<p>PFPA/17.7/2C.28.2/00253-21</p>	<p>change of land use and opening of quarries apparently without Semarnat authorization, on the road to Los Álamos near the community of Acatitlán, Valle de Bravo Municipality, in the State of Mexico.</p>	<p>PFPA/17.3/2C.27.5/0033-21 was opened via Summons PFPA/17.1/2C.27.5/005090/2021 dated 21 September 2021; currently in discovery.</p>
<p>Citizen Complaint PFPA/17.7/2C.28.2/00193-21</p>	<p>Complaint regarding forest vegetation removal using heavy machinery, as well as logging and change of land use from forestry to residential, at the "Casas Viejas" site.</p>	<p>Administrative docket PFPA/17.3/2C.27.5/00025-20 was opened via Summons PFPA/17.1/2C.27.5/005089/2021 dated 20 September 2021; currently in discovery.</p>
<p>Citizen Complaint PFPA/17.7/2C.28.2/00256-21</p>	<p>Complaint regarding intentional fires caused since 2019, impairing the local ecosystem in various areas of the "Cuautenco" State Protected Natural Area.</p>	<p>On October 15, 2021, Final Ruling PFPA/17.1/2C.28/005673/2021 was issued to the complainant's lack of prosecution. On 25 October 2021, the complainant filed a writ requesting preventive and enforcement measures and administrative penalties to prevent the fires. On 8 November 2021, Procedural Ruling PFPA/17.1/2C.28/006210/2021 was issued because the initial complaint did not provide the names of the allegedly responsible persons, and there were insufficient elements to undertake an administrative proceeding and issue a ruling.</p>
<p>Citizen Complaint PFPA/17.7/2C.28.2/00244-21</p>	<p>Complaint regarding a cyclone fence to separate properties and the construction of perimeter walls in the federal protected natural area known as the "Forestry Protection Zone of the NRPA."</p>	<p>The citizen complaint docket is in discovery, based on the administrative dockets:</p> <ol style="list-style-type: none"> 1. Administrative Docket PFPA/17.3/2C.27.5/0018-20, whose administrative ruling PFPA/17.1/2C.27.5/001882/2021 was issued 11 April 2022, levying a penalty of \$347,520.00 on [Redacted], along with the total temporary closure of the works and/or activities carried out at the premises. 2. Administrative Docket PFPA/17.3/2C.27.5/0001-21, with the summons pending to be served. 3. Administrative Docket PFPA/17.3/2C.27.5/0036-21

		<p>dated 14 September 2021, imposing total temporary closure. The inspected person was summoned to the administrative proceeding on 7 September 2022, under Ruling PFPA/17.1/2C.27.5/006099/2022. The trial is currently underway.</p> <p>4. Administrative Docket PFPA/17.3/2C.27.5/0034-21, with respect to which administrative ruling PFPA/17.1/2C.27.5/004449/2022 was entered on 18 July 2022, levying a fine of \$28,866.00, ordering corrective measures for the affected area, and confirming the security measure consisting of the total temporary closure of works carried out on the premises.</p>
Citizen Complaint PFPA/17.7/2C.28.2/00162-21	Complaint regarding the removal of vegetation with heavy machinery, logging and clearing a road connecting to the toll road at Tres Puentes, Colonia Tres Puentes, Valle de Bravo seat of government in the State of Mexico, within the Protected Natural Area.	Administrative docket PFPA/17.3/2C.27.5/0024-21 was opened; currently in discovery.
Citizen Complaint PFPA/17.7/2C.28.2/00199-21	Complaint regarding logging activities, change of land use and earthworks, on the side of the road to El Castellano, town of Acatitlán, municipality of Valle de Bravo, in the State of Mexico.	Administrative docket PFPA/17.3/2C.27.5/0027-21 was opened; summons pending to be served.
Citizen Complaint PFPA/17.7/2C.28.2/00341-21	Complaint regarding the removal of forest vegetation caused by various building projects in the “Valle de Bravo” dam (sic) federal zone, as well as soil erosion in areas neighboring the Velo de Novia district in the municipality of Valle de Bravo, in the State of Mexico.	Administrative docket PFPA/17.3/2C.27.5/0007-22 was opened, with an administrative ruling entered 26 May 2023, penalizing [Redacted] , in their capacity as persons responsible for the inspected works and activities, with a fine equal to \$31,122.00, corrective measures consisting of the filing of an environmental impact authorization issued by Semarnat, for the works and

		activities associated with the “Clip House” project, as well as submission of the environmental program to repair the damage, in addition to the provisional removal of total temporary closure seals.
Citizen Complaint PFPA/17.7/2C.28.2/00081-22	Complaint regarding logging activities and the removal of forest vegetation in the "Forestry Protection Zone of the NRPA, located in Cerro Gordo.	The complaint docket was closed on 19 August 2022, due to the complainant's lack of prosecution. However, the facts observed in the course of the proceeding led to the filing of a criminal complaint with the then-Office of the Federal Attorney General for the State of Mexico, on 14 June 2022, for crimes against biodiversity consisting of cutting, removing or logging trees in a protected natural area under federal jurisdiction.
Citizen Complaint PFPA/17.7/2C.28.2/00082-22	Complaint regarding the construction of a private dam, as there are two dams with the same characteristics in the Protected Natural Area.	Closing ruling PFPA/17.1/2C.28/003254/2022 was entered on 3 June 2022 due to the complainants' lack of prosecution.
Citizen Complaint PFPA/17.7/2C.28.2/00083-22	Complaint regarding a landfill with rock material to create a garden area in the federal zone of the Valle de Bravo dam in the State of Mexico.	Service of process PFPA/17.1/2C.27.5/000789/2022 was entered in administrative docket PFPA/17.3/2C.27.5/0024-22 on 7 February 2023; the administrative ruling is forthcoming.
Citizen Complaint PFPA/17.7/2C.28.2/00011-21	Complaint regarding logging activities and removal of forest vegetation, impairment of a federal body of water, and use of heavy machinery for soil compacting and filling of a property located at Cerro Gordo.	Administrative docket PFPA/17.3/2C.27.2/00001-21 was opened, with an administrative ruling entered on 7 May 2021 to order corrective measures consisting of the submission of an environmental program to repair the damage or provide environmental offsets, as applicable, and levying a fine equal to \$55,565.40. On 9 August 2021, to verify the current status of the security measure imposed, inspectors acting under Inspection Report No. 17-114-001-PF-21 observed construction work and activities to change the land use and ordered the total

		<p>temporary closure of the project in Inspection Report No. 17-114- 001-PF-21 BIS 3. A criminal complaint was then filed with the Office of the Federal Attorney General for the breaking of security measures and failure to comply with corrective technical measures, opening investigation file FED/FEMDO/UEITMPO-MEX/0000291/2022; the corresponding ratification was requested and the date is pending.</p> <p>The following injunctions were filed against the foregoing acts: Injunction Suit 406/2021-III: The injunction suit was dismissed on 17 November 2021 due to the nonexistence of the disputed act, as well as the failure to evidence how legal interests were affected. Injunction Suit 667/2021-VI: On 6 September 2021, the injunction suit was dismissed due to the nonexistence of the disputed acts. Injunction Suit 540/2021-VI: The injunction suit was dismissed on 13 September 2021, since the disputed acts were not found to exist.</p>
<p>Citizen Complaint PFFPA/17.7/2C.28.2/0032 7-21</p>	<p>Complaint regarding various environmental effects caused by a project on land subject to forestry use and with vegetation classified as cloud forest, affecting the natural course of the Tomatillos River, using heavy and manual machinery to fell adult trees at the edge and interior of the property in order to build a residential complex and private lake in Ejido Cerro Gordo.</p>	<p>On 20 May 2022, the General Bureau of Environmental Impact and Federal Maritime Land Zone under the Deputy Attorney General for Natural Resources issued a ruling to assume jurisdiction over the administrative docket. Thereafter, the inspected person [Redacted] filed injunction suit No. 748/2022, against the acts of that and other authorities under administrative procedure PFFPA/17.3/2C.27.5/00049-21. The preliminary report was entered on 7 June 2022. As part of the trial regarding the aforesaid administrative</p>

		<p>procedure, with reference to compliance with the closure measure, inspection visits were conducted on 24 and 28 March 2023</p> <p>Administrative Docket PFPA/4.2/2C.27.2/0086/2022, with the Deputy Attorney for Natural Resources (forestry).</p> <p>On 22 June 2022, injunction suite 784/2022 was filed by [Redacted] in the Fifth District Court for Injunctions and Federal Trials in the State of Mexico.</p> <p>The summons has been drafted, pending resolution of the injunction suit.</p>
<p>Citizen Complaint PFPA/17.7/2C.28.2/00281-22</p>	<p>Complaint regarding the removal of forest vegetation, removal of forest soil, placement of pipes, road clearing, timber gathering, construction of a private dam and encroachment on the federal zone of a river, among other things, to build a residential complex in areas neighboring the “<i>Stuppa Ranch</i>” (sic) project.</p>	<p>An administrative ruling was entered under the administrative docket PFPA/17.3/2C.27.5/0003-23 on 24 April 2023, levying [Redacted] a fine equal to \$25,935.00, a corrective measure consisting of submission of the environmental impact authorization, the exception or waiver ruling for the works and activities carried out at the inspected property, and the removal of the total temporary closure seals.</p>

85. This shows that the inspection and enforcement proceedings, finding imminent risk to the ecological balance, serious damage or impairment to natural resources, led to the imposition of the corresponding security measures, pursuant to Articles 161 and 170 of the LGEEPA. Furthermore, when acts, facts or omissions possibly constituting a crime were observed, the corresponding criminal complaints were filed by the Office of the Federal Attorney General under Article 182 of the same Act. Similarly, Articles 192 and 193 of the same Act have been enforced, as the Office, through its General Bureau of Crimes, Commutations and Complaints and its Offices of Representation, operates the Citizen Complaint System to assist the public and attend to the procedure corresponding to each complaint, enabling complainants to assist in the investigation of the citizen complaint docket.

86. Profepa's General Bureau of Crimes, Commutations and Complaints issued Ruling PFPA/5.3/2C.28.5.2/08488,²⁵ consisting of four pages, releasing additional information shared by its Office of Representation in the State of Mexico. In addition to reporting actions under citizen complaint docket PFPA/17.7/2C.28.2/00199-21 and administrative procedure PFPA/17.3/2C.27.5/0027-21, previously noted, with respect to the "El Crustel" spring in the Valle de Bravo-Amanalco Sub-Basin in the State of Mexico, it mentions the opening of other associated dockets:

²⁵ MX-020.

DOCKET	MATTER	STATUS
Citizen Complaint PFPA/17.7/2C.28.2/001 99-21	Complaint against logging activities, change of land use and earthworks alongside the road to El Castellano, town of Acatitlán.	Joinder Ruling PFPA/17.1/2C.28/001036/2023 was issued on 31 January 2023, currently in process.
Citizen Complaint PFPA/17.7/2C.28.2/00 221-21	Complaint against “Promotora Ecovalle S.A. de C.V.” for the removal of forest vegetation, opening of paths and stone removal, without authorization, in the forest area of Valle de Bravo, Camino El Castellano and Camino La Gran Stupa, Colonia El Crustel, town of San Mateo Acatitlán.	Administrative docket PFPA/17.3/2C.27.5/0027-21 , with respect to the facts reported in the aforesaid citizen complaint docket, an environmental impact inspection visit was performed by warrant, as the person who attended to the proceeding refused to receive the respective inspection order, and since the no environmental impact authorization was submitted for the observed works and activities, total temporary closure was ordered as a security measure.
Citizen Complaint PFPA/17.7/2C.28.2/00 22 1-21	Complaint against the opening of a road, affecting forest vegetation in the three main strata (trees, bushes and grasses) and potential damage to aquifers in Valle de Bravo.	Administrative docket PFPA/17.3/2C.27.5/0016-23 . On 10 April 2023, with respect to the facts reported, an inspection visit was conducted regarding activities carried out on the premises, where the removal of plant and tree cover was found, clearing a road by logging pine and live oak trees. Closure was ordered due to failure to submit the corresponding authorization for works and activities in the Protected Natural Area. Trial currently underway. Criminal complaint On 12 April 2023, with regard to the reported acts, a criminal complaint was filed with the Federal Attorney General against [redacted] and anyone else found liable for facts that likely constitute crimes against biodiversity, opening Investigation File FED/MEX/TEJ/0001394/2023.

87. In this context, Profepa reiterates that it is continuing with the citizen complaint procedures and the administrative procedures relating to the protection of forests, biodiversity and water resources affected by degradation processes and pollution in the Valle de Bravo-Amanalco Sub-

Basin in the State of Mexico.

88. Therefore, pursuant to the provisions of Article 24.27(3)(a) of the USMCA, we hereby request that the CEC Secretariat cease processing the Submission.

iv) Other information

89. As regards fostering high levels of environmental protection and the effective enforcement of environmental laws, with respect to the management and conservation of the Valle de Bravo-Amanalco Sub-Basin, the CAEM Studies and Projects Bureau reported, in Ruling DGPH-2023-0377,²⁶ consisting of two pages, that it is assisting local governments locales and Conagua in generating initiatives to address water infrastructure issues in the region.

90. In this regard, the Executive Draft of the Comprehensive Sanitation Plan for the “Miguel Alemán” Dam was issued, whose actions cover the Valle de Bravo dam and its main tributaries, including:

- 77 km of sanitary sewer.
- Two wastewater treatment plants: El Cerrillo (1 lps) and Valle Verde (1.63 lps)
- Two cofferdams: San Gaspar-El Arco (9 lps) and Velo de Novia (0.66 lps).
- Collection reservoirs: From Mesa de Jaimes to Cabecera Municipal (4.5 km) and from PB5 to the El Arco wastewater treatment plant (3km).

91. For its part, as the CEC Secretariat's determination regarded the National Forestry Program as a reference document, Conafor issued Ruling CGJ-0814-2023, providing a report on support programs operated by Conafor and other relevant actions for various forestry activities in the Valle de Bravo-Amanalco Sub-Basin,²⁷ consisting of four pages.

92. Said information shows that in the Valle de Bravo-Amanalco Sub-Basin, Conafor has allocated funds totaling \$53,243,887.41 in the period from 2019 to 2023, under different forestry conservation, restoration, protection and management line items, such as Community Forestry Management and Value Chains; Forest Restoration, Production Reconversion and Environmental Offsets; Environmental Services; and Forest Protection.

93. Therefore, pursuant to the provisions of Article 24.27(4)(a), we request that the CEC Secretariat cease processing the Submission.

D. CONCLUSIONS

94. As stated in this Party response, activities to address issues relating to the protection of forests, biodiversity and water resources affected by degradation processes and pollution in the Valle de Bravo-Amanalco Sub-Basin, State of Mexico, have undergone several administrative procedures and citizen complaints filed by various citizens have been promptly handled. There are currently administrative procedures pending resolution. These actions point to the effective enforcement of the following legal provisions:

- Article 4 fifth paragraph of the Mexican Constitution.
- Articles 20 Bis 4: section II, 20 Bis 5: section V, 46: section VI *et seq.*, 161, 170, 182, 192 and 193 of the LGEEPA.
- Articles 9: sections I, II, XXVI and XXXVI, 15, 86: sections IV, V, VII, VIII, XI and XII, and 95 of the LAN.

95. Likewise, with respect to the problem of the failure to protect forests, biodiversity and water resources affected by degradation processes and water quality from the adverse effects of pollution in the Valle de Bravo-Amanalco Sub-Basin, municipality of Valle de Bravo, State of Mexico, the inspection authorities implemented various administrative and criminal procedures against environmental violators by levying penalties on offenders, according to the environmental damage identified, and the citizen complaint procedures administrative procedures continue their course with respect to the protection of forests, biodiversity and water resources affected by degradation processes and pollution in the Valle de Bravo-

²⁶ MX-021.

²⁷ MX-022.

Amanalco Sub-Basin in the State of Mexico.

96. Therefore, we reiterate that Mexico has effectively performed its duties for the enforcement of the following laws:

- Article 4, fifth paragraph of the Mexican Constitution.
- Articles 20 Bis 4: section II, 20 Bis 5: section V, 46: section VI *et seq.*, 161, 170, 182, 192 and 193 of the LGEEPA.
- Articles 9: sections I, II, XXVI and XXXVI, 15, 86: sections IV, V, VII, VIII, XI and XII, and 95 of the LAN.

97. Based on the foregoing grounds and reasoning, pursuant to the provisions of Article 24.27(4)(a), we hereby respectfully request that the CEC Secretariat process the Submission no further, since as detailed above with respect to **1.** The protection of forests, biodiversity and water resources affected by degradation processes, and **2.** Pollution in the Valle de Bravo-Amanalco Sub-Basin in the municipality of Valle de Bravo, State of Mexico, there are administrative procedures pending resolution that relate to the key assertions raised by the Submitters and the effective enforcement of the environmental laws, and the resolution of such pending administrative procedures may also contribute to resolving the matter raised in the Submission.