



[UNOFFICIAL TRANSLATION]

Tlajomulco de Zúñiga, Jalisco, 31 October 2015


Paolo Solano,
Interim Director
SEM UNIT

Greetings to you and your entire team.

We kindly request that the Secretariat analyze this submission and the matters discussed herein, in accordance with NAAEC Article 14, in the hope that this document complies with the admissibility requirements stipulated in *the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*.

I, the undersigned, Juana Pérez Rodríguez, on behalf of the members of the group Unidos Salvemos al Bosque de la Primavera (**Annex 1**) – who, to date, have collected over 16,000 signatures through the organization **change.org** www.salvemoselbosque.mx, assert that the property development company Inmobiliaria Rincón del Palomar, S.A. de C.V., a subsidiary of GVA Desarrollos Inmobiliarios, S.A. DE C.V., is presently promoting* and proceeding with a development project known as “Santa Anita Hills” (or “Bosque Alto” or “Rinconada del Palomar”) in an unlawful manner. In effect, lots were sold prior to obtaining authorization for a change in land use (**Annexes 2, 3 and 4**). This project will, in its first stage alone, result in the felling or transplanting of approximately 5,000 trees, mostly netleaf oaks (*Quercus* spp) (**Annex 5**), according to the Profepa authorization, which has already been granted – incongruously, given Profepa’s responsibilities to ensure habitat preservation and conservation.

In my considered view, the change from forest land use (**Annex 3**) to urban land use is not appropriate, valid or legal, as the site where the developer proposes to build said project is located 2.4 km from the La Primavera Forest Protected Natural Area (ANP) (**Annex 6**). (See GPS coordinates in **Annex 3**, **Annex 3.1**, **Annex 17** for a panoramic view of the zone and the forested expanse at 4’ 17” (sic), and **Annex 26**.) Due to this proximity, it is in the buffer zone according to the La Primavera Forest management program elaborated in 1988 (**Annex 7**). In effect, the area in question is shown on various management program maps as an area with erosion issues, irreversible in some places and in a state of recovery in others. Furthermore, it also constitutes a Transition Zone according to Jalisco’s State Zoning Regulations (*Reglamento Estatal de Zonificación*) of (**Annex 8**). I assert that the boundaries of the La Primavera Forest ANP should be updated, a view already expressed numerous times by the Federal Congress; moreover, various senators have made the same request (**Annexes 9, 10, 11, 12 and 13**). Furthermore, these private lands, located in this and other buffer zones bordering on said

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1

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protection area, should be expropriated, provided their wildlife characteristics are similar to those of La Primavera Forest.

*Pursuant to the provisions of NAAEC Article 11(8)(a), we kindly request that the Secretariat protect the confidentiality of the information divulged, specifically in Annex 2, due to the legal implications.



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2



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In addition to the foregoing, it is important to emphasize that the regulatory framework has changed since 1999. In effect, NOM-059-ECOL-1994 was the Official Mexican Standard that served as the basis for Semarnat's assessments and opinions on the protection of wildlife species with some form of officially sanctioned protected status. This standard was published in the Official Gazette of the Federation (*Diario Oficial de la Federación*—DOF) on 16 May 1994. However, it was repealed and replaced by Official Mexican Standard NOM-059-Semarnat-2001, which was in turn repealed and replaced by NOM-059-Semarnat-2010 *Environmental protection – Native species of wildlife in Mexico – Risk categories and specifications for inclusions, exclusions or modifications – List of species at risk*. This latest standard was published in DOF on 30 December 2010. Given this change, we request that Semarnat's recent authorizations, which put wildlife at risk, be reissued, based on the current regulatory standard, which was not the case with the authorization of the Bosque Alto/Santa Anita Hills housing development, nor with the Government of Tlajomulco's development plan. The latter has, in effect, been permitting construction in buffer zones (rezoned as urban development areas) without a currently valid environmental impact study.

The demographic growth of our city and its periphery, the creation of new subdivisions and urban pressure on the La Primavera Forest Protected Natural Area have all increased exponentially in recent years. Consequently, today's environmental context is undoubtedly very different from the one the Developer presented 15 years ago (**Annex A**), in his draft development plan, to obtain authorization for Rinconada del Palomar. Due to this same mismatch between current data and the data contained in the studies and rulings on which wildlife protection policy and authorizations were based, it is imperative to make adjustments in accordance with the site's new circumstances.

The urbanization of buffer zones, such as the one for which we are seeking your assistance to protect, represents a serious adverse—and irreversible—environmental impact on wildlife in areas classified as wildlife protection zones, such as the La Primavera Forest Protected Natural Area. Furthermore, the proposed project site is clearly shown in UNESCO maps as a forested land use area (**Annex 14**). Due to its proximity to the protection area (less than 2.5 km away), this development project threatens the continued existence of biological corridors by fragmenting the natural environment and by bringing the urban infrastructure closer to the protected area, thereby exponentially increasing the impacts of human activity on the ecosystem and its components, which have already been affected by documented forest fires (**Annexes 15 and 20**).

Following a decision of the International Co-ordinating Council of the Man and the Biosphere Programme (MAB), dated 27 October 2006, UNESCO certified the La Primavera Biosphere Reserve as an integral part of the world biospheres network (**Annex 14**). It is important to emphasize that MAB is committed to fulfilling the following functions:



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3



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1. Conservation – Contributing to the conservation of natural environments, ecosystems, species and genetic diversity.

2. Development – Promoting human and sustainable economic development from the sociocultural and ecological points of view.

3. Logistical support – Lending support to demonstration, education and training projects on the environment, as well as to research and permanent observation.

We are familiar with and support the policy of ensuring a well conserved La Primavera Forest ANP – including its buffer zone – as a correct response to climate change. Lamentably and unlawfully...(sic)

UNESCO's MAB certification of the La Primavera Forest ANP applies to the CORE AREA and to a BUFFER ZONE. As already mentioned, the proposed housing development is located within the buffer zone and will therefore significantly affect full compliance with the international commitments undertaken with UNESCO. In fact, said commitments are already compromised due to the fact that the LA PRIMAVERA FOREST DECENTRALIZED ORGANIZATION (*Organismo Descentralizado Bosque La Primavera*) DOES NOT include said Buffer Zone in its management program, regulations or other current documents (**Annex 6**).

It's important to reiterate the proximity of the protected area, just 2.5 km away, in considering the project's impact area, which will be gravely affected, particularly in relation to its biological corridors, according to the opinion of various experts. Experts also affirm that protection and conservation measures must be taken in relation to surface runoff, due to its key role in water retention and aquifer recharging for the area's micro basins, as may be seen in our video of a natural rainwater waterfall (**Annex 16**).

I argue that the construction of the project's main entry road (located in the urban reserve zone) has already been initiated with its paving and widening to four lanes. Moreover, I affirm that, **contrary to what the developer affirms** in his development project proposal, the site does indeed contain forest vegetation (**Annex 4, 11.4.3 paragraph 3, Annex 24**). Furthermore, I declare that – **contrary to the developer's false information (Annex 4, 11.4.3 paragraph 4)** – in the month of September of the current year the company improperly and unlawfully installed hurricane wire mesh, as may be seen in photographs and videos of this worksite (**Annex 17**), which Profepa closed on 2 June 2015 (**Annex 18**) due to **evidence of forest fires**. This suspension was upheld on 17 August (**Annex 19**). By law, such a closure is valid for 20 years (**LGDFS Article 117**). I don't know why this **worksite was "reopened," in a totally irregular manner, on 23 October 2015** – in fact, this entire time they were building and working in the zone, without any intervention on the part of Profepa, despite the 5,000 complaints we filed with said incompetent authority, which, moreover gave us no explanation whatsoever for this improper lifting of its



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4



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suspension. In light of the foregoing, it is my considered opinion that Profepa and Semarnat acted in a negligent and deficient manner in terms of effectively enforcing environmental law by protecting the interests of the developer rather than protecting habitat and by permitting access to the hurricane mesh installation worksite. In effect, they took no action to prevent said access although said hurricane mesh fetters the free passage of mammals (foxes, squirrels, white-tail deer, badgers, pumas, etc.) in imminent danger (Annex 14, video 1) within this invaluable biological corridor. I would like to add that we have over 500 eyewitnesses who are ready to testify concerning said appalling facts (Annex 24 and Annex 17). Today, the 31st of October 2015, to our extreme consternation, a whitetailed deer, which had come down from the aforementioned zone, was run over on López Mateos Ave, in the area adjoining San José del Tajo. Fortunately, it is now recovering under the care of Semarnat. However, if said agency had fulfilled its responsibilities, it is quite certain that no such lamentable incidents would occur.

I wish to state that I consider to be totally irregular and illegal the manner in which the developers and builders of said housing development obtained, in collusion with the authorities, approval for the change in forest land use (**Annex 3**) of this 60.43 ha project site, which is part of the La Primavera Forest transition area. They claim to have all the necessary permits and further claim that this site is not part of the La Primavera Forest protected natural area, as it is outside of the perimeter established in the presidential decree, published in DOF on 6 March 1980 (Annex 6), which created the La Primavera forest protection area and wildlife refuge. They disregard the fact that ecosystems do not have defined limits and, as such, form continuous systems without borders, which is why it is **indispensable to also protect transition areas**—as in the present case. In effect, both the abiotic and biotic elements contained in a given ecosystem must be analyzed as a function of the interactions between these elements and the works and activities to be carried out during a project's development and operation. As the site in question is part of La Primavera Forest's transition area or buffer zone, **the appropriate land use planning policy is to ensure the conservation of a highly fragile ecosystem**. Consequently, whatever activities are in fact carried out should alter ecological balances as little as possible to enable the regeneration of natural resources. It's worth mentioning that according to the unified technical document supporting the change in forest land use (**Annex 3**)—i.e., the private mode environmental impact statement for the development project known as Santa Anita Hills plus the developer's technical supporting study for the change in forest land use (**Annex 4**)—carrying out said project **would require the felling and transplanting of thousands of trees (Annex 5)**, which presently constitute a netleaf oak forest. This is a totally irrational and unviable measure. Such natural areas, where the original environment has not been significantly altered by man, must be conceived of as strategic instruments for the preservation of biodiversity, in accordance with our national legislation and existing international treaties, i.e., as complex ecosystems subject to various protection, conservation and restoration regimes. In any event, **land use permits in the La Primavera Forest protected natural area's buffer zones are for forest**



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5



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land use only and not for urban land use.

I must reiterate that the proposed site of said project was recently the location of a forest fire, which damaged the bark on the vast majority of the trees—according to National Commission’s report no. 14-14-00 167 on the Palomar ecosystem (**Annex 15 and Annex 20**). As already mentioned, by law, no change in land use authorization may be granted on land where a fire has occurred until 20 years have passed, unless it is unequivocally certified that said ecosystem has been totally regenerated (**LGDFS Article 117**). This is not the case, as an inspection would attest and as photographs do attest (**Annex 20**). This is so evident that either the technical supporting study, which the State Forest Council (*Consejo Estatal Forestal*) should have issued, is either non-existent or, in any case, null and void by virtue of the fact that the authorities that issued it failed to comply with the applicable requirements of the corresponding environmental planning programs, Official Mexican Standards and other applicable legal and regulatory provisions. It’s worth noting that these violations should be punished in accordance with the provisions of Title Twenty-five of the Federal Criminal Code, the General Ecological Balance and Environmental Protection Act (*Ley General de Equilibrio Ecológico y de Protección al Ambiente*—LGEEPA), the respective regulations thereto and the applicable legal provisions.

Another aspect of significant import in the Santa Anita Hills project is the fact that the project site’s slope affects surface rainwater runoff, making it faster and increasing the size of particulate matter. In effect, the quantity of material that rainwater can erode or carry off in suspension is a function of water quantity and water surface flow velocity. In turn, this speed depends on the grade of the slope. The steeper the slope, the faster water flows and, as a consequence, the briefer the time for it to seep into the soil. It’s worth pointing out that it is scientifically demonstrated that erosion is a function of soil texture, the organic matter content in soil and the latter’s initial water content. These properties are interrelated: organic matter directly affects the structural stability of soil, which, in turn, influences its water retention and hydraulic conductivity. In effect, the quantities of water (**Annex 16**) seeping into the project site would depend vary considerably on the percentage of surface plant coverage. In particular, water infiltration would be considerably reduced in the case of bare ground and that would translate into more flooding in neighboring areas. Due to this effect of the Santa Anita Hills development project, one can foresee the impact on forested areas, which include steep slopes above the 1,630-meter limit in the upper part of the development (on López Mateos Avenue slopes reach 1,800 meters). Consequently, these areas are considered fragile by definition and require mitigation measures in order to avoid putting at risk the stability of hillsides, which could potentially be washed out (**Annex 16**).

The conditions posed in the authorization for land use changes in the La Primavera Forest’s buffer zone were based on the environmental impact statement. In my considered view, there is a manifest noncompliance with these conditions. Should this change in land use be implemented, it will severely affect the ecosystem and result in grave irreparable ecological imbalances. This is why we have filed over 5,000 complaints with Profepa (**Annex 22**) and 1,500 complaints with the



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6



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CEDH (**Annex 22.1**).

I assert that Mexico is failing to effectively enforce the following provisions of environmental law: **LGEEPA** Articles 4, 7 paragraphs VIII and IX, 15 paragraphs I, III, V, VII, VIII, IX, X, XI, XII and XIII, 34 paragraphs IV and V, 35 paragraph III, 46 paragraph XI, 47, 47 *bis*, 47 *bis* I and 53, 189 and 204; Articles 1, 2, 4, 5 paragraphs I and II, 7, 8, 9, 10, 15, 18, 19, 46 paragraph XI, 47 *bis* 47 paragraphs II, III, IV and V, 60, 61, 62, 63, 64, 70, 104, 106, 107, 122 paragraphs III and IV of the **General Wildlife Act** (*Ley General de Vida Silvestre—LGVS*); Article 117 of the **Mexican Sustainable Forestry Act** (*Ley General de Desarrollo Forestal Sustentable—LGDFS*); Articles 5 paragraphs VI, VII and XV, 25, 26, 44, 46 paragraph VII, 48 and 107 of the **Forestry Act** (*Ley Forestal*); Articles 5 paragraph XXII and XXIII, 6 paragraph XV, 8 paragraph I, 9 paragraphs I and IX, 23 paragraph II, 28 paragraph III, 29 paragraph II, 31 paragraph II, 45 paragraphs II, III and IV, 54, 58, 144 paragraphs I and III, 170, 172 and 174 paragraphs I, II, III and IV of Jalisco's **State Ecological Balance and Environmental Protection Act** (*Ley Estatal del Equilibrio Ecológico y la Protección al Ambiente de Jalisco—LEEEPA-Jalisco*); Articles 1, 4, 8 and 17 of the **Political Constitution of the United Mexican States** (*Constitución Política de los Estados Unidos Mexicanos*); and the **Federal Environmental Responsibility Act** (*Ley Federal de Responsabilidad Ambiental*).

I base this submission on the La Primavera Wildlife Protection Area Management Program (**Annex 3**) and the decree that created the protected natural area in question (**Annex 3**). I also cite Article 1, paragraph 14 of an administrative agreement issued by Semarnat (**Annex 21**), which designated the site in question as a *wildlife protection area*.

I cite provisions of legislation in the submission, which serve to guide analysis and further consideration of the issues, such as LGEEPA Article 15, which is the basis of my assertion that the PUBLIC DECENTRALIZED ORGANIZATION KNOWN AS LA PRIMAVERA FOREST, PROFEPA, SEMARNAT, THE GOVERNMENT OF THE STATE OF JALISCO and even the PRESIDENCY OF THE REPUBLIC are enforcing the law poorly by failing to conduct and adopt environmental policy in relation to environmental protection and the preservation and restoration of ecological balance.



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Nor are they duly enforcing the law in relation to LGVS Article 1, which establishes the respective jurisdictions and duties of the Federal Government and the State Governments regarding the conservation and sustainable use of wildlife and wildlife habitat on the territory of the Mexican Republic and in the areas where the Nation exercises its jurisdiction; in effect, in Jalisco, the enforcement of this provision is poor and negligent in relation to the matter raised by this submission. The same enforcement failures also apply to the following laws: LGVS Article 2, which establishes the LGEEPA's suppletory role; LGVS Article 4, which establishes the duty of citizens to conserve wildlife and their right to sustainable use of resources; LGVS Article 5 paragraphs I and II, which establish the objective of national wildlife policy; and LEEPA-Jalisco Article 9 paragraphs I and IX, in relation to the conduct of environmental policy in the state of Jalisco where, the federal and state governments, Profepa, Semarnat and Semadet are enforcing the law and policy in a negligent and deficient manner. In effect, we have received no replies to our requests for intervention from the supposedly "competent" authorities (see **Annex 23**), such as Semarnat, at the federal and state levels.

We sent an open letter to President Enrique Peña Nieto, via a petition posted at www.presidencia.gob.mx- (**Annex 23**). Once again, we received no reply whatsoever.

The only replies we received were a cordial one from the municipal government of Tlajomulco de Zúñiga, Jalisco, or to be more specific, from the Honorable Mayor of Tlajomulco, Mr. Alberto Uribe, (**Annex 24**) and from PROEPA (**Annex 25**), which to our surprise disclaimed any responsibility.

The University of Guadalajara kindly responded in our support (**Annex 25**).

In relation to submission **SEM -15-001 (La Primavera Forest)**, filed on 20 July 2015, I, the undersigned, Juana Pérez Rodríguez, on behalf of Unidos Salvemos al Bosque de la Primavera, hereby respond to fully comply with the admissibility requirements by making the following clarifications, which the NAAEC (sic) kindly requested:

With respect to section number II – ANALYSIS, in reference to point number 16.

Concerning wildlife,

- a. In relation to LGVS Articles 7, 8, 9 and 10, which establish the respective jurisdictions of municipalities, states and the Federal District in relation to wildlife, as well as the powers vested in the federal government, the states and the Federal District with regards to the conservation and sustainable use of wildlife, may I clarify that the authorities are not exercising the responsibilities in their respective spheres of jurisdiction, as attest the following enforcement failures. *Primo*, the municipal government of Tlajomulco de Zúñiga unlawfully granted zoning permits to the Santa



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8



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Anita Hills housing development project, also known as Bosque Alto, for a 60.43 ha site, which is located in the La Primavera Forest transition area as well as in the municipality of Tlajomulco de Zúñiga, Jalisco, despite the multiple irregularities made known to it, such as: the developer failed to provide proof of ownership of the land in question, as required by law; failed to enclose with his request the surveying and demarcation paperwork required to certify ownership of the site; failed to observe the refusal of the Ministry of Urban Development (*Secretaría de Desarrollo Urbano*) to change the land use zoning due to the area's status as a conservation area; failed to follow the guidelines established by LGEEPA and the General Human Settlements Act (*Ley General de Asentamientos Humanos*); failed to submit the documentation stipulated in the state of Jalisco's Urban Development Act (*Ley de Desarrollo Urbano*) in relation to the final draft of the housing development project; etc. *Secundo*, the General Directorate of Forest Management and Land Use (*Dirección General de Gestión Forestal y de Suelos*) of Semarnat's Jalisco delegation approved the change in forest land use and also approved the Santa Anita Hills' environmental impact statement. *Tertio*, the Profepa delegation in the state of Jalisco [failed] to order the permanent suspension of a project that never should have been approved due to the contravention of various legal provisions and regulations governing environmental protection and the preservation and restoration of ecological balance. *Quarto*, inasmuch as the site of the proposed construction project was the location of a recent forest fire, according to report no. 14-14-0067 of the Palomar Natural Area National Forest Commission (*Comisión Nacional forestal del paraje el Palomar*), by law, no authorization for a change in land use may be granted on land burned by a forest fire until 20 years have passed. *Quinto*, the Ministry of Transportation (*Secretaría de Movilidad*) of the state of Jalisco approved the relevant road impact study without verifying whether the sections of existing roads that will be affected would in fact suffice to handle the new vehicle load.

- b. In relation to LGVS Article 63, I affirm that it's necessary to designate the zone a critical habitat in accordance with the criteria established under the Law. In effect, with the felling or transplanting of trees, habitat modification and changes made in the area's boundaries, which have been ongoing in recent weeks, critical damage is being done to the mobility and survival of various wildlife species that inhabit the zone in question.
- c. In relation to LGVS Article 70, the Submitter can present more information on the destruction, pollution, degradation, desertification and imbalances in the wildlife habitat, which are allegedly occurring in La Primavera Forest Protected Natural Area, as well as in its buffer zone and transition area—i.e., the site where the project is being developed. However, the submission mainly focuses on the Santa Anita Hills development project as such.
- d. A clarification: trees have been felled indiscriminately without the necessary permits and without proper inspection by the competent authorities. In effect, the responsible



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9



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authorities (the municipal government of Tlajomulco de Zúñiga) affirm that they authorized the cutting of just four trees in the Tajo access road. However, as may be easily observed, dozens were cut down. The development project (**Annex 4**) disingenuously states that no plant species were present in this location. However, as the Annexes prove, said area was full of now destroyed vegetation and there is a risk that thousands and thousands more trees and plants will also be destroyed (**Annex 24**, photographs of the access road).

Concerning administration of the protected natural areas

- e. I have enclosed herein information indicating the location of the project in question in relation to the La Primavera Forest (see **Annex 3.1**). It is in fact located in the ANP buffer zone, which is under state and municipal jurisdiction. Moreover, this information on the ANP is supported by UNESCO (**Annex 6**) and the 1988 management program, which shows said area on maps as a buffer zone already affected by erosion, irreversibly in some areas, but recovering from erosion in others (**Annex 7**).

- f. **Concerning citizen participation**, I have no statements to make in this regard.

Concerning land use

- g. No program is under way to restore the ecological balance in the affected area, where grave ecological imbalances already exist due to the neighbouring human settlements and recent forest fires, which have damaged biodiversity. There has been no monitoring or consideration of the ecological damage caused by the indiscriminate authorization of the change from forest land use (**Annex 3**) to urban land use in an ANP buffer zone and transition area. Neither a valid technical supporting study nor an environmental impact study was done prior to the development plan's approval and the demarcation of the urban reserve zone belonging to the Municipality of Tlajomulco de Zúñiga, Jalisco.
- h. A clarification: the Ministry of the Environment and Territorial Development (*Secretaría de Medio Ambiente y Desarrollo Territorial*—SEMADET) has at no time wished to take responsibility for ordering the suspension of the activities decried, which are contraventions to ecological balance and environmental protection in the affected area. As such, SEMADET is failing to fulfil its responsibilities.



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Concerning citizen complaints, safety measures and the enforcement of fines and penalties

- i. To date, over 5,000 citizen complaints (**Annex 22**) have been filed with Profepa, which has turned a blind eye to all of them. Thus, Profepa granted its authorization with no regard whatsoever for the destruction decried and also lifted its work suspension order. Complaints have been lodged with the State Prosecutor for Environmental Protection (*Procuraduría Estatal de Protección al Medio Ambiente*—PROEPA), SEMADET, Semarnat, Civil Protection and the Attorney General's Office (*Procuraduría General de la República*—PGR). Over 1,500 complaints have also been made with the State Human Rights Commission (*Comisión Estatal de Derechos Humanos*—CEDH) (**Annex 22.1.**).
- j. This provision is not being enforced in the project in question, as none of the supposedly responsible authorities, mentioned in the preceding subparagraph, have acted in the face of an imminent risk of ecological imbalance and grave deterioration of natural resources caused by the indiscriminate logging (**Annex 24**) and transplanting of trees that will evidently die as they are still struggling to recover from the forest fire of 24 March 2014 (see **Annex 15** and **Annex 20**). Furthermore, due to high levels of arsenic in the subsoil, construction in said area will soon cause major pollution of the water table and, consequently, grave harm to the health of the local population and neighbouring areas.
- k. As for LEEPA-Jalisco Article 170, none of the authorities have reported criminal acts to the Office of the Public Prosecutor, even when there's been indiscriminate logging and such environmental crimes have been made known to said authorities. Nevertheless, we have enclosed herein copies of citizen complaints on environmental matters (**Annex 22**).
- l. Concerning LEEPA-Jalisco Articles 172 and 174, in relation to society's right to file a complaint with SEMADET concerning any act or omission that causes or may cause an environmental imbalance, may I reiterate that on various dates starting on 28 September and continuing into the month of October this year, we filed complaints with said ministry concerning the already frequently cited matter at hand. However, to date SEMADET has failed to respond.

With respect to environmental impact

- m. Concerning LGEEPA Articles 34 and 35, I assert that there was no public consultation on either the environmental impact statement (EIS) or on the EIS assessment process by the competent authorities, despite the fact the Santa Anita Hills housing development project, which I am contesting (and of which a copy has been enclosed herein), was, as mentioned above in Annex 1, conceived in 1999 (**Annex 27**) and therefore has nothing to do with the present situation in terms of pollution or environmental protection. Moreover, the land use authorizations and municipal permits were granted without an updated study or a real inspection of the site in question.



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- n. A clarification: the development permit was granted in 2000 (**Annex 27**), but the authorization for a change in land use was given in May 2015. **This constitutes a gap of nearly 15 years between the original authorization and the beginning of the construction work**, a period during which the ecosystem underwent changes that have not been considered, such as the forest fire in 2014, which damaged the bark on the site's trees and left the habitat in a regeneration phase.

Furthermore, we believe that the following list of Mexican laws support our submission:

- Articles 1, 4, 8 and 17 of the Political Constitution of the United Mexican States
- The Federal Environmental Responsibility Act
- The General Human Settlements Act
- The Sustainable Forestry Act (*Ley de Desarrollo Forestal Sustentable*) of the state of Jalisco
- LGDFS Article 117
- LGVS Articles 1, 2, 4 and 5 paragraphs I and II, 7, 8, 9, 10, 15, 63, 70, 106, 107, 122 paragraphs III and VII and other paragraphs thereto
- LEEPA-Jalisco Articles 5 paragraphs XXII and XXIII, 6 paragraph XV, 8 paragraph I, 9 paragraphs I and XX, 23 paragraph II, 28 paragraph III, 29 paragraph II, 31 paragraph II, 45 paragraphs II, III and IV, 54, 58, 144 paragraphs I and III, 170, 172, 174 paragraph I, II, III and IV
- LGEEPA Articles 15 paragraphs I, III, V, VII, VIII, IX, X, XI, XII and XIII, 34 paragraphs IV and V, 35 paragraph III, 47, 47 *bis* paragraph I, 189 and 204
- Title Twenty-five of the Federal Criminal Code
- The 1980 Decree of the Ministry of Agriculture and Water Resources (*Decreto de 1980 de la Secretaria de Agricultura y Recursos Hidraulicos*)
- The La Primavera Forest Protected Natural Area Management Program
- Articles 1, 4 and 14 of the 1995-2000 Administrative Agreement (*Acuerdo 1995-2000*) of the Ministry of the Environment, Natural Resources and Fisheries (*Secretaria de Medio Ambiente, Recursos Naturales y Pesca*—SEMARNAP) to confer a status on areas declared as protected natural areas via various decrees of the Federal Executive, which is in compliance with current legislation



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12



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We, the undersigned, state under oath that we have no connection whatsoever with the Municipal, State or Federal Governments.

We are infinitely grateful for the attention given this submission.

Best regards,

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* Pursuant to the provisions of NAAEC Article 11(8)(a), we kindly request that the Secretariat safeguard this name from disclosure.

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13

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