



Mesoamerican Barrier Reef Legal Reports

Mexico

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ELI is a research and education organization that works with governments, NGOs, and communities to help foster practical, innovative, and just solutions to environmental challenges. To address threats to the marine environment, the ELI Ocean Program focuses on strengthening ocean and coastal law and policy domestically and internationally. We support ocean management systems that are based on local priorities, inclusive and effective processes, and best available information.

About Rare

Rare is an international conservation and development organization that uses insights from behavioral science to motivate people and communities to adopt behaviors that benefit people and nature.

Fish Forever is Rare's community-led solution to revitalize coastal marine habitats, such as coral reefs, mangroves and seagrasses; protect biodiversity; and secure the livelihoods of fisher households and their communities. It uses an innovative approach to address coastal overfishing—by empowering communities through clear rights, strong governance, local leadership, and participatory management—that protects essential fish habitat and regulates fishing activities.

Rare's vision is to transform the management of coastal fisheries by pairing a proven local solution, community-based management, with a unique delivery method based on behavioral insights and social marketing principles to engage and mobilize those communities.

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List of Acronyms

CONANP: National Commission on Protected Areas (Comision Nacional de Áreas Marinas Protegidas), 13	de la Administracion Publica Federal), 9
CONAPESCA: National Fisheries Commission (Comision Nacional de la Pesca,), 21	NRFA: National Registry on Fishing and Aquaculture (Registro Nacional de Pesca y Acuacultura), 42
EIA: Environmental Impact Assessment, 9	NOM: Official Mexican Standard (Norma Oficial Mexicana), 21
INAPESCA: National Fisheries Institute (Instituto Nacional de la Pesca), 10	OET: Territorial Ecological Planning (Ordenamiento Ecologico del Territorio), 30
LFVZMM: Federal Law on Spills in Mexican Marine Zones (Ley Federal de Vertimientos en Zonas Marinas Mexicanas), 11	POEM: Marine Ecological Territorial Program (Programa de Ordenamiento Ecológico Marino), 12
LFM: Federal Law on the Sea (Ley Federal del Mar), 6	POETS: Programs for Territorial Ecological Planning (Programas de Ordenamiento Ecologico del Territorio), 12
LGEEPA: General Law on Ecological Balance and Environmental Protection (Ley General de Equilibrio Ecologico y Proteccion al Ambiente), 11	PROFEPA: Federal Attorney for the Environment (Procuraduria Federal de Proteccion al Ambiente), 20
LGPAS: General Law on Sustainable Fishing and Aquaculture (Ley General de Pesca y Acuacultura Sustentables), 8	SADR: Ministry of Agriculture and Rural Development (Secretaria de Agricultura y Desarrollo Rural), 8
LGVS: General Law on Wildlife (Ley General de Vida Silvestre), 8	SEMARNAT: Ministry of the Environment and Natural Resources (Secretaria de Medio Ambiente y Recursos Naturales), 8
LOAPF: Organic Law on the Federal Public Administration (Ley Organica	SEMAR: Ministry of the Navy (Secretaria de Marina), 9

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1. Introduction to the Issue: Purpose of this report, key elements, and how to use the report

This report provides information regarding the structure and function of the Mexican government, as well as the institutional legal framework for the governance of small-scale fisheries and Marine Protected Areas (MPAs).¹ Specifically, this report summarizes main actors and the legal framework for artisanal/small-scale fisheries, and for management of fish resources in protected areas. The report pays special attention to the legal instruments that enable institutional arrangements for coastal fisheries management and clarify procedures for area-based management of fishing and marine conservation.

Small-scale fisheries management in Mexico

Legal authority concerning fisheries governance is vested by the General Law on Sustainable Fishing and Aquaculture (LGPAS) in the Ministry of Agriculture and Rural Development (SADR) to be exercised through the National Fisheries Commission (Comisión Nacional de Pesca, CONAPESCA), which will coordinate with other agencies when required.

CONAPESCA can sign coordination agreements with local governments to transfer federal powers including the administration of permits for sports and recreational fishing, of management of sessile species listed in the National Fishing Charter, fishing in water bodies which serve as borders among two states, and monitoring and enforcement actions to ensure compliance with LGPAS and other relevant regulations.

Pursuant to the LGPAS, fishers (producers) are authorized to develop their own control mechanisms, based on traditional knowledge to implement management systems for fisheries. National authorities will support the creation of community groups interested in participating in the administration and conservation of ocean resources.

¹ The purpose of this report is to support work that Rare is developing in Mexico through the Fish Forever program.

2. Overview of Mexico's Government Structure

Mexico's form of government is a representative, democratic, federal republic, composed of free and sovereign states in matters concerning their internal regime, united in a Federation governed by the Political Constitution of the United Mexican States.² The government has an executive branch, legislative branch, and judicial branch.³

The national territory is divided into 31 states and Mexico City,⁴ organized internally as republican, representative, and democratic governments. States are also divided into municipalities (*municipio libre*), governed by a municipal council (*ayuntamiento*), comprising a Municipal President and municipal officials (*síndicos* and *regidores*) elected by popular vote.⁵

At the federal level, the executive branch is led by the President who serves as the Chief of State and head of the government for six-year terms. The executive branch is divided into centralized and decentralized agencies, auxiliaries to the President in the specific matters stated in their decrees of creation.⁶

3. Legal Authority for Area-Based Management of Ocean and Coastal Resources

I. Ownership of ocean space. Planning authority

Pursuant to the Mexican Constitution, the national territory comprises:⁷

- The 31 states and Mexico City
- Islands, coral reefs and keys in the adjacent seas
- Guadalupe and Revillagigedo Islands, in the Pacific Ocean
- The Continental Shelf and bedrocks of islands, coral reefs and keys
- Waters of territorial seas in the extension and under the terms dictated by international law and internal maritime waters
- The space above the national territory, in accordance with international law

² Constitution Art. 39.

³ Constitution Arts. 40 & 49.

⁴ States in Mexico are: Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila de Zaragoza, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán y Zacatecas. Mexico City is the capital of the Republic and the seat of the Powers of the Union (Federal Executive, Federal Congress and Supreme Court of Justice of the Nation). Constitution Arts. 43 and 44.

⁵ Constitution Art. 115.

⁶ Constitution Art. 90.

⁷ Constitution Art. 42.

The Constitution also establishes that islands, keys and coral reefs adjacent to seas in the national territory, the continental shelf and bedrock, and maritime waters are under the exclusive jurisdiction of the federal government, with the exception of those islands over which States have exercised jurisdiction to date.⁸

Constitutional and Legal Regime Applicable to Ocean Resources

The ownership of land and water within the national territory is originally vested by the Constitution on the Nation, which has at all times the right to transmit possession over these assets to private individuals and to regulate, for social benefit, the exploitation of natural resources. Basic objectives of natural resources management include achieving an equal distribution of public wealth, conserving biodiversity, and enhancing the livelihoods of rural and urban communities. To this end, national authorities *“shall establish adequate provisions, uses, and reserves of lands, waters and forests, to (...) preserve and restore the ecological balance.”*⁹

In Mexico, water resources belong to the Nation as “public domain assets.” National waters regulated by the Constitution include:¹⁰

- Waters in territorial seas in the extension and under the terms regulated by international law
- Internal maritime waters
- Lagoons and estuaries intermittently or permanently linked to the sea
- Interior lakes created by nature (non-artificial), directly linked to permanent streams
- Rivers and their tributaries, from the point where a stream initiates and until its outlet in the sea or other national water bodies

The Federal Law on the Sea (Ley Federal del Mar or LFM) is applicable to Mexican marine zones, defined and regulated as explained below:

⁸ Constitution Art. 48.

⁹ Constitution Art. 27.

¹⁰ Constitution Art. 27.



Figure 1. Maritime spaces of Mexico.

Territorial Sea¹¹

The Territorial Sea, adjacent to national coasts and internal maritime waters, extends over 12 nautical miles.

Maritime Internal Waters¹²

The LFM considers Maritime Internal Waters to be those located between the coast and the Territorial Sea, including:

- The north portion of the Gulf of California
- Those in internal bays
- Those in ports
- Internal waters in coral reefs
- Mouths of rivers, lagoons and estuaries linked to the sea

Adjacent Zone (*Zona Contigua*)¹³

The Adjacent Zone extends over 24 marine miles (44,448 meters), measured from the Territorial Sea.

Economic Exclusive Zone (EEZ)¹⁴

The EEZ extends over 200 nautical miles (370,400 meters).

Continental and Insular Shelf¹⁵

The Continental and Insular Shelves comprise the bed and subsoil of the underwater areas that extend beyond the territorial sea, and all along the national territory or up to a distance of 200 nautical miles from the baselines of the Territorial Sea, including islands, keys and reefs. The

¹¹ LFM, Arts. 23-27.

¹² LFM Arts. 34-41.

¹³ LFM Arts. 42-45.

¹⁴ LFM Arts. 46-56.

¹⁵ LFM Arts. 57-65.

Mexican State exercises exclusive jurisdiction over these spaces for the exploitation of natural resources.

Under the LFM, the Mexican State, represented by the executive power through different federal agencies, exercises powers, rights, sovereignty, and jurisdiction within the Marine Mexican Zones in all matters concerning, among other subjects, the exploitation and conservation of ocean resources, the development of coastal zones, and the declaration of marine national parks, as well as environmental protection and fishing.¹⁶

The General Law on Sustainable Fishing and Aquaculture (Ley General de Pesca y Acuicultura Sustentables, LGPAS) establishes the national framework to regulate and manage exploitation of fishing resources and is applicable to: (i) non-endangered aquatic natural resources (flora and fauna) and (ii) Mexican or foreign vessels carrying out fishing activities within the national territory, or in areas subject to the jurisdiction of the Mexican Government.¹⁷ The General Law on Wildlife (Ley General de Vida Silvestre, LGVS) is applicable to endangered aquatic species and their habitats.¹⁸

Two federal agencies have key powers related to fisheries and conservation of marine resources and ecosystems. The Ministry of the Environment and Natural Resources (Secretaria de Medio Ambiente y Recursos Naturales, SEMARNAT) is responsible for environmental policies, including the protection of endangered species, protected areas and ecological marine planning. The Ministry of Agriculture and Rural Development (Secretaria de Agricultura y Desarrollo Rural, SADR) has authority to design and implement policies and regulations concerning fisheries, the exploitation of non-endangered ocean species and the development of policies for ecological marine planning in this sector. Figure 2 summarizes the distribution of powers among federal agencies on subjects related to the sustainable use and conservation of ocean resources and ecosystems.

Figure 2. Institutional Framework for Marine Governance in Mexico at the Federal Level	
Agency/ Applicable Regulations	Powers
Ministry of the Environment and Natural Resources (SEMARNAT)	Design, implementation and enforcement of the national policy on the environment and regulations concerning the sustainable exploitation and conservation of national waters, biodiversity and other natural resources under federal jurisdiction, including adaptation to climate change and mitigation of greenhouse house gases
Legislation: LOAPF ¹⁹	Creation and administration of federal natural protected areas

¹⁶ LFM Arts. 4-8; 18; 20

¹⁷ Constitution Art. 27; LGPAS Arts. 1 & 3; LGVS Art. 1.

¹⁸ Constitution Art. 27; LGVS Art. 1.

¹⁹ Organic Law on the Federal Public Administration (Ley Organica de la Administracion Publica Federal, LOAPF).

<p style="text-align: center;">LGEEPA</p> <p>Regulations to LGEEPA on:</p> <ul style="list-style-type: none"> - Environmental Impact Assessment (EIA) - Ecological Territorial Planning (Ordenamiento Ecológico del Territorio) - Natural Protected Areas <p style="text-align: center;">LGVS</p>	<p>Design and implementation of programs for marine and coastal ecological planning (<i>ordenamiento ecológico del territorio</i>)</p> <p>Environmental Impact Assessment of activities subject to federal regulations</p> <p>Coordination with SADR and SEMAR²⁰ to achieve environmental protection and preservation and restoration of the ecological balance.²¹</p>
<p style="text-align: center;">Federal Attorney for the Environment (PROFEPA)</p> <p style="text-align: center;">Legislation:</p> <p style="text-align: center;">LGEEPA</p> <p style="text-align: center;">LGVS</p> <p style="text-align: center;">Internal Regulations of SEMARNAT</p>	<p>Design, mandate, implement and evaluate surveillance and enforcement actions to supervise compliance with environmental legislation, and to protect and conserve natural resources, protected areas, endangered species and ecosystems within the national territory</p>
<p style="text-align: center;">Ministry of Agriculture and Rural Development (SADR)</p> <p style="text-align: center;">Legislation:</p> <p style="text-align: center;">LOAPF</p> <p style="text-align: center;">LGPAS</p> <p style="text-align: center;">LGEEPA</p> <p style="text-align: center;">LGVS</p>	<p>Design and implementation of the national policy on rural development (including fishing) seeking to enhance the livelihood of rural communities</p> <p>Design and implement policies and regulations for sustainable fisheries, including:</p> <ul style="list-style-type: none"> - Allowed volumes of fishing - Closed seasons - Concessions and licenses on fishing and aquaculture - Conservation of marine resources and habitats, including the creation of sanctuaries (<i>zonas de refugio</i>) - Regulation of fishing gear and methods - Approve and publish the National Fishing Charter (<i>Carta Nacional Pesquera</i>) - Enforcement of the national policies and regulations for sustainable fishing in coordination with SEMARNAT and SEMAR - Adaptation to climate change and mitigation of greenhouse gases in the fishing sector
<p style="text-align: center;">National Fisheries Commission</p>	<p>Design and coordinate the national policy for the rational and sustainable exploitation of fisheries</p>

²⁰ Ministry of the Navy (Secretaria de Marina, SEMAR).

²¹ LGPAS Arts. 9-10.

<p>(CONAPESCA)</p> <p>Legislation:</p> <p>LGPAS</p> <p>Internal Regulations of the SADR</p> <p>Decree of Creation - CONAPESCA²²</p>	<p>Regulate the use, exploitation and conservation of fishing resources, performance of vessels in the national territory, and fishing gear</p> <p>Design, propose to the SADR and implement the national policy on surveillance and enforcement in the fishing and aquaculture sector</p> <p>Update the National Registry on Fishing and Aquaculture</p> <p>Issue concessions and permits for fishing and aquaculture</p> <p>Design and implement the instruments regulated in the LGPAS</p>
<p>National Fisheries Institute (INAPESCA)</p> <p>Legislation:</p> <p>LGPAS</p> <p>Internal Regulations of the SADR</p>	<p>Coordinate scientific research in the fishing and aquaculture sector.</p> <p>Provide technical assistance for the elaboration of territorial planning programs, the issuance of concessions and permits and the design and evaluation of instruments to implement the national policy on fishing and aquaculture</p>
<p>Federal Navy (SEMAR)</p> <p>Legislation:</p> <p>LOAPF</p> <p>LGEEPA</p> <p>LFVZMM²³</p>	<p>Enforce the legal framework applicable to Mexican Marine Zones, the Adjacent Zone and the EEZ on matters concerning national security and, in coordination with other federal agencies, environmental protection and prevention of marine pollution</p>

Figure 2. Institutional Framework for Marine Governance in Mexico at the Federal Level

²² Published in the Federal Register on June 5th, 2001.

²³ Federal Law on Spills in Mexican Marine Zones (Ley Federal de Vertimientos en Zonas Marinas Mexicanas, LFVZMM).

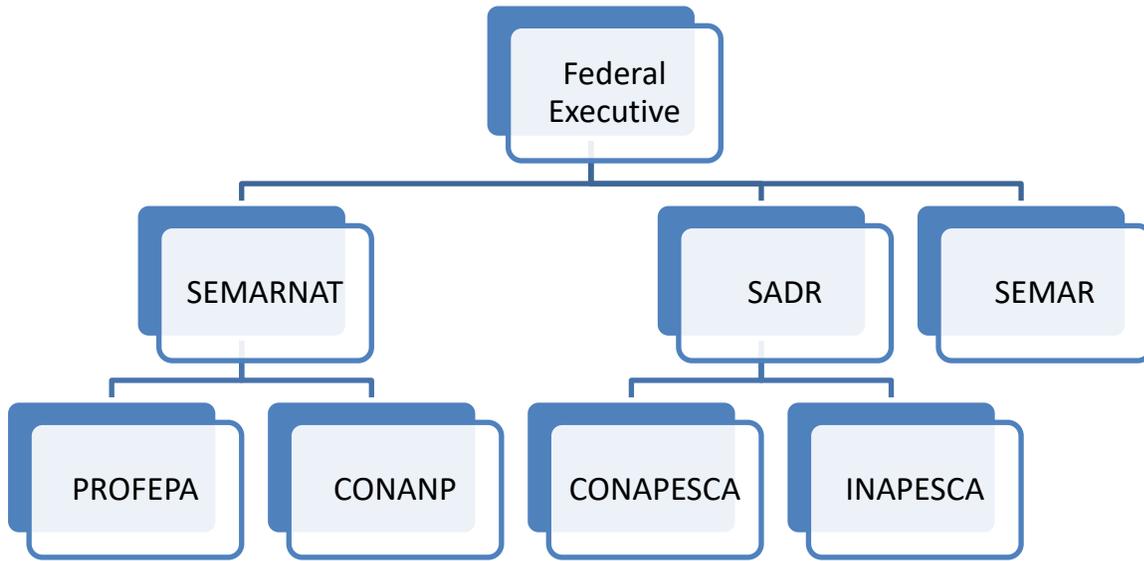


Figure 3. Administrative organization of the federal authorities.

Although the federal government holds almost exclusive jurisdiction over marine zones, states and municipalities can participate in some actions and design policies to manage some marine resources in coordination and collaboration with federal agencies, in a manner consistent with federal policies and regulations. The Constitution establishes a framework for collaboration and concurrence among federal, state and municipal authorities in matters related to environmental protection, preservation and restoration of the ecological equilibrium and sustainable fishing. States can also exercise jurisdictional powers to administer fishing and aquaculture over continental waters within their territory, provided these waters are not shared with other states²⁴. Municipalities can collaborate with states and federal agencies in the design and implementation of policies for sustainable fishing and aquaculture within their territorial jurisdiction. Also, pursuant to the General Law on Ecological Balance and Environmental Protection (Ley General de Equilibrio Ecológico y Protección al Ambiente, LGEEPA), municipalities can create protected areas in coastal (but not marine) zones under their territorial jurisdiction and issue permits for land use in the same areas. Under the Mexican constitutional system, states and municipalities cannot take precedent over federal matters, and can only exercise powers within their jurisdiction or through coordination agreements signed with federal agencies. The following table summarizes the main responsibilities of states and municipalities to participate in the design and implementation of policies and regulations concerning those matters.²⁵ For example, pursuant to the LGPAS, through agreements for coordination with state and municipal governments, prior demonstration of their financial and operational capabilities, the SADR can decentralize powers

²⁴ Constitution Art. 25, Para. 5; LGPAS Art. 13 XV.

²⁵ Constitution Arts. 27 & 73.XXIX-G; LGPAS Arts. 1 & 6; LGEEPA Arts. 1, 4.

related to administration of permits for sports and recreational fishing and enforcement of regulations on fishing and aquaculture to be exercised by states.²⁶

Figure 4. Institutional Framework for Marine Governance in Mexico at the Local Level	
States²⁷	
LGPAS	<p>Design and implement policies, regulations and mechanisms concerning fishing and aquaculture of state jurisdiction (continental waters located within the state’s territory), in accordance with national policies.</p> <p>Carry out enforcement activities on fishing matters, based on the terms stated in the specific coordination agreements signed with federal and/or municipal agencies, and participate in the implementation of the Comprehensive Program on Enforcement to Halt Illegal Fishing (<i>Programa Integral de Inspección y Vigilancia para el Combate a la Pesca Ilegal</i>).</p> <p>Create and manage the State Council on Fisheries and Aquaculture to promote the active participation of local communities in the administration of fisheries in continental waters under state jurisdiction.</p> <p>Participate in the design and implementation of programs for marine and coastal territorial planning in the fishing sector (<i>ordenamiento pesquero</i>).</p> <p>States have the following powers to be exercised in continental bodies of freshwater under their jurisdiction:</p> <ul style="list-style-type: none"> – Design and implement policies and regulations on fishing and aquaculture. – Issue licenses for fishing and aquaculture. – Participate with federal agencies in the identification of endangered marine species.
LGEEPA	<p>Design, implement and evaluate the local environmental policy and its instruments, including environmental impact assessments, programs for territorial ecological planning (POETS), protected areas and others to combat climate change within the State jurisdiction.</p> <p>States can also participate in the design and implementation of programs for marine ecological territorial planning (<i>programas de ordenamiento ecológico marino</i> or POEM) through coordination agreements with SEMARNAT (see Section 3.V of this Report).</p>
Municipalities²⁸	
LGPAS	<p>Participate in enforcement activities on fishing matters, in accordance with the terms stated in the specific coordination agreements signed with federal and state agencies.</p> <p>Promote the active participation of local communities in the administration of fisheries and participate in sessions of the State Council on Fisheries and Aquaculture.</p> <p>Participate in the design and implementation of programs for marine and coastal territorial planning in the fishing sector (<i>ordenamiento pesquero</i>).</p>

²⁶ LGPAS Arts. 11-12, 15-16.

²⁷ LGPAS Arts. 13.

²⁸ LGPAS Art. 15.

LGEEPA	<p>Design, implement and evaluate the municipal environmental policy and its instruments, including programs for ecological territorial planning (POETS), protected areas, land use regulations and others to combat climate change within the municipal jurisdiction.</p> <p>Municipalities can also participate in the design and implementation of programs for marine ecological territorial planning (<i>programas de ordenamiento ecológico marino</i> or POEM) through coordination agreements with SEMARNAT (see Section 3.V of this Report).</p>
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Figure 4. Institutional Framework for Marine Governance in Mexico at the Local Level.

II. Establishing marine protected areas (MPAs):

i) General legal authority

Protected Areas (PAs) can be created by the President of Mexico and are administered by the SEMARNAT, through the National Commission on Protected Areas (CONANP).²⁹

ii) Instruments establishing MPAs. Legal requirements of each

The LGEEPA defines Natural Protected Areas as: “the zones in the national territory and those where the Nation exercises sovereignty and jurisdiction, where the original environment has not been significantly altered by human activities, or which require to be preserved and restored and are subject to the regime established by this Law.” All landowners or holders of other rights over natural resources within protected areas will be subject to provisions stated in their decrees of creation, management programs and applicable territorial planning programs (*programas de ordenamiento ecológico*).³⁰

(1) Creation of Protected Areas

Technical Study

Prior to the creation of a PA, the Ministry of the Environment, through CONANP, is required to develop a technical study to justify the creation of a new PA in the proposed category, taking into account, among other issues, the natural conditions, social aspects and the current exploitations being carried out by local communities. CONANP can request the assistance of other public agencies, universities, NGOs, or any person with proven technical capacities in these subjects to develop the technical studies required to declare a new PA. Technical studies are considered public information. In addition to disseminating the information in the study to the general public, CONANP is required to seek the opinion of local governments with jurisdiction in the area, other federal agencies, private and social organizations, indigenous peoples, universities

²⁹ LGEEPA Art. 5.

³⁰ LGEEPA Arts. 3.II & 44.

and other research institutions, and any interested parties concerning the information in the technical assessment prior to its official publication.³¹

Decrees for the creation of Protected Areas

Protected Areas in Mexico are created through presidential decrees, published in the Federal Register (*Diario Oficial de la Federacion*). The decree shall include the following information.³²

- Demarcation of the area to be created (surface, location and zoning);
- Regulations guiding the usage and exploitation of natural resources within the PA;
- Description of the activities that can be carried out in the area; and
- General provisions to inform the PA administration, the creation of councils or other bodies participating in the area management, financial matters and the elaboration of the Management Program or other applicable regulations.³³

Management Categories of Protected Areas in Mexico

The LGEEPA regulates the following categories of federal PAs.³⁴

Figure 5. Management Categories of Federal Protected Areas in Mexico		
Category	Characteristics	Activities
Biosphere Reserves	Biosphere Reserves can be created in relevant biogeographic areas at the national level, which are representative of one or more ecosystems not significantly altered by human intervention, or that require to be preserved and restored, and which are home to species representative of the national biodiversity, including those considered endemic, threatened or endangered.	In the core areas, the only activities allowed are those related to the preservation of ecosystems and their elements and all uses that can alter ecosystems are prohibited. In buffer zones, local communities who inhabited the area before the enactment of the PA are allowed to carry out productive activities only when these activities are compatible with regulations stated in decrees, management programs and land use programs applicable to the PA. Other parties are allowed to carry out productive activities in these zones only with participation from local communities.

³¹ LGEEPA Art.58; Regulations to LGEEPA on Protected Areas Arts. 45-47.

³² LGEEPA Arts. 60-61.

³³ Pursuant to Art. 20 of the Regulations to LGEEPA on Protected Areas, the Advisory Councils are constituted as follows: (i) the Governor of the State, or a person appointed by him, as an honorary Chairman; (ii) an Executive President, elected by majority of votes by the Council; (iii) the Director of the Protected Area, acting as Technical Secretary; (iv) the mayors of all the municipalities located within the Protected Area; and (v) representatives of academic institutions, research centers, NGOs, business sector, rural and agrarian communities, owners and holders of the land and other parties interested in the conservation, exploitation and use of the natural resources in the PA. Each Council can have up to 21 members.

³⁴ LGEEPA Arts. 46 & 57.

<p>National Parks³⁵</p>	<p>National Parks can be created to protect one or more ecosystems relevant for their scenic beauty; scientific, educational, recreational or historical value; the existence of flora and fauna; feasibility of touristic development; or for other analogous reasons of general interest.</p>	<p>Activities related to the protection of natural resources, the increase of flora and fauna and, in general, the preservation of ecosystems, including scientific research, recreation, ecological tourism, and environmental education</p>
<p>Marine Protected Areas</p>	<p>These PAs can be created as Biosphere Reserves, National Parks, Natural Monuments Areas for the Protection of Flora and Fauna and as Sanctuaries to protect marine ecosystems and regulate the sustainable exploitation of aquatic flora and fauna in Marine Mexican Zones, including the contiguous federal maritime and terrestrial zone.</p> <p>Marine PAs are created by Presidential Decree and regulated through management programs by SEMARNAT in coordination with SEMAR.</p>	<p>Consideration of applications for permits, concessions or licenses to carry out activities related to the exploitation of natural resources, transit of vessels, or the construction of infrastructure will be made in accordance with the decree of creation of the PA and its Management Program.</p>
<p>Areas for the Protection of Flora and Fauna</p>	<p>The Areas for the Protection of Flora and Fauna shall be constituted in accordance with the provisions of the LGEEPA, the General Law of Wildlife, the LGPAS and other applicable regulations. These PAs can be created in relevant habitat areas of wild flora and fauna species.</p>	<p>Activities related to the preservation, refuge, and sustainable use of wildlife can be carried out through permits issued by SEMARNAT and CONANP. Likewise, the use of natural resources may be authorized to the communities located in the PA at the time of its creation.</p>

Figure 5. Management Categories of Federal Protected Areas in Mexico.

iii) Key elements of MPA implementation included in legal instruments (if any):

Management Plan

SEMARNAT, through CONANP, is required to develop a Management Plan within a year following the creation of the PA, in collaboration with local communities, other competent federal agencies, state and municipal governments, and any other interested organizations or persons.³⁶

³⁵ LGEEPA Art. 50.

³⁶ LGEEPA Art. 65. Regulations to LGEEPA on Protected Areas Arts. 72-73.

Management Plans will be published in the Federal Register and will include, inter alia, the following information:³⁷

- Description of the physical, biological, social and cultural characteristics of the PA, taking into consideration national, regional, and local contexts;
- An assessment of the land tenure status within the protected area;
- Specific objectives of the PA;
- Provisions on PA administration and organization of public participation in decision-making processes; and
- Administrative regulations on authorized activities within the PA.

Management Plans will be revised every 5 years to assess if a modification or update is required. SEMARNAT and CONANP can modify a Management Plan, provided there is a favorable opinion of the Advisory Council of the PA, in the following cases: (i) when the original natural characteristics of the PA are modified due to natural phenomena, (ii) there is technical evidence proving that current strategies and objectives cannot be achieved, and (iii) there are technical reasons to justify that planning provisions need to be modified.³⁸

Spatial Planning in Protected Areas

Protected Areas can also be subject to spatial planning processes. Regulations in the presidential decrees for the creation of PAs and the management programs issued by SEMARNAT/CONANP can establish different provisions to inform the use of natural resources and ecosystems, dividing the area into specific zones depending on biological, social and economic factors.³⁹

Figure 6. Zones and Subzones for Spatial Planning in Protected Areas⁴⁰
Core Areas
The main goal of core areas is the preservation of ecosystems and their functionality in the medium and long term. In core areas, the only allowed activities are those related to conservation of biodiversity; research and scientific collection and environmental education. All activities which pose a risk to biodiversity are prohibited. Core areas can be regulated through specific zones as follows:

³⁷ LGEEPA Art. 66. Regulations to LGEEPA on Protected Areas Arts. 74-76.

³⁸ Regulations to LGEEPA on Protected Areas Arts. 77-79.

³⁹ LGEEPA Arts. 3, XXXIX & 47 Bis. Pursuant to Art. 47 Bis 1 of LGEEPA, zones can be regulated in the decrees creating protected areas, while subzones will be established in the applicable management programs.

⁴⁰ The LGEEPA (Art. 47 Bis 1) also establishes which subzones can be created according to the different PA categories:

- Biosphere Reserves, Areas for the Protection of Flora and Fauna and Areas for the Protection of Natural Resources: all subzones can be created.
- National Parks: Protection, Restricted Use, Traditional Use, Public Use and Recovery subzones.
- Marine National Parks: all subzones allowed for national parks and subzones for the sustainable exploitation of natural resources.
- Natural Monuments and Sanctuaries: Protection, Restricted Use, Public Use and Recovery subzones.

Zone	Criteria	Activities
Protection	Areas with very little disturbance, fragile or relevant ecosystems, critical habitats or natural phenomena, which require special care to guarantee their conservation over the long term.	Environmental research and monitoring (non-invasive and without causing any modification to habitats and ecosystems).
Restricted Use	Areas in good conservation state, where the current conditions of ecosystems are maintained or improved.	<p>Environmental research and monitoring (non-invasive and without causing any modification to habitats and ecosystems).</p> <p>Environmental education.</p> <p>Tourism with low environmental impact.</p> <p>Activities related to exploitation of natural resources can be exceptionally allowed, provided they do not modify the ecosystems and are subject to strict control measures.</p>
Buffer Zones		
The main function of the buffer zones in PA is to provide guidance for the sustainable development of activities carried out by local communities or with their participation, achieving the conservation of biodiversity.		
Subzone	Criteria	Activities
Preservation	Areas in a good state of conservation, with relevant or fragile ecosystems or natural phenomenon, where all activities shall be carried out under specific management measures to achieve adequate preservation conditions.	<p>Scientific research and environmental monitoring.</p> <p>Environmental education.</p> <p>Productive activities carried out by or with participation of local communities, with low environmental impact, provided they do not cause substantial modifications to the original natural conditions of the area and take place under strict supervision.</p>
Traditional Use	Areas where natural resources have been exploited in a traditional and continued manner, without causing significant modification of ecosystems. These subzones are oriented to maintaining the livelihoods of local communities.	<p>Scientific research and environmental education.</p> <p>Low-impact tourism.</p> <p>Artisanal fishing with sustainable fishing gear.</p> <p>Exploitation of natural resources for subsistence and domestic uses of local communities, through traditional and sustainable practices.</p>

Sustainable Exploitation of Natural Resources	Areas where natural resources can be exploited under strategies to ensure their sustainable management and permanence in the long term.	Exploitation and management of renewable natural resources, producing preferential benefits for local communities. Scientific research and environmental education. Low-impact tourism.
Sustainable Exploitation of Ecosystems	Areas currently being exploited for agricultural uses or fishing.	Low-impact productive activities: agriculture, livestock and fishing (including artisanal fishing).
Special Exploitation	Areas with natural resources essential for social development, that must be exploited without damaging the ecosystems.	Construction of infrastructure and the exploitation of natural resources.
Public Use	Areas with natural resources for recreational activities, in accordance with the carrying capacity of the ecosystems.	Construction of infrastructure for tourism Environmental research, monitoring and environmental education.
Human Settlements	Areas where a substantial modification or disappearance of the original ecosystems has taken place, due to the development of human settlements, prior to the declaration of the protected area	Urban development and livelihoods.
Recovery	Areas where natural resources have been severely altered or modified, and which require to be recovered and restored.	Restoration of ecosystems with native species or other compatible with the structure of the original ecosystems.

Figure 6. Zones and Subzones for Spatial Planning in Protected Areas.

Administrative Regime for the Exploitation and Use of Natural Resources in PA

The exploitation of natural resources within PAs is only possible when it provides benefits to the local communities and is carried out in compliance with the Management Plan rules. These include technical provisions dictated by SEMARNAT and CONANP, like the carrying capacity

of ecosystems,⁴¹ which can be defined with the participation of other federal agencies, universities, NGOs, or other parties with proven technical expertise in these matters.⁴²

According to LGEEPA, the sustainable exploitation of ecosystems, including fisheries, must ensure that:

- (i) alien wildlife species and GMOs are not introduced to the PA,
- (ii) biodiversity and forests are maintained,
- (iii) relevant ecosystems or those which are habitat to native species and the hydrological balance are not significantly affected,
- (iv) endangered species and their breeding areas are not affected,
- (v) interested parties have all the required licenses and permits, including EIA, and
- (vi) coral reefs are not affected and rocky materials are not removed from coastal ecosystems.⁴³

Fishing activities cannot include the by-catch of endangered species, or encompass a volume of by-catch that is higher than the target species, unless there is a specific regulation issued by SEMARNAT and SADR specifying the carrying capacity, catch limits, quotas, rates or other technical measures allowing a higher by-catch volume. These regulations are published every three years in the Federal Register.⁴⁴

Activities – including fishing - to be conducted within PAs are subject to a permit issued by CONANP. To obtain a permit, the interested parties must demonstrate their technical and economic capacity to conduct the exploitation of natural resources.⁴⁵ Agrarian communities, indigenous peoples and owners of the lands where the proposed activities will take place have a preferential right to obtain any licenses or permits.⁴⁶

In addition to the permits issued by CONANP, all activities in federal PAs are subject to an Environmental Impact Assessment (EIA) conducted by SEMARNAT. The EIA license can

⁴¹ Regulations to LGEEPA on Protected Areas establish two additional tools that can be used in Management Programs to further inform strategies for the sustainable use of natural resources and ecosystems. **Carrying Capacity** is defined as “*an estimation of the ecosystem’s tolerance to the usage of its components, without exceeding its ability to recover in the short term without requiring the implementation of measures to restore the ecological balance.*” In addition, ecosystem management in PAs can be based on a measure known as **Acceptable Change Limit**, defined as the “*definition of the use intensity or exploitable volume of natural resources in a specific surface, oriented to the desirable environmental conditions, based on the degree of tolerable environmental impacts, in accordance with conservation and exploitation objectives, under specific management measures. It includes the permanent process of monitoring and feedback that allows the adaptation of the management measures to achieve or maintain the desirable environmental conditions.*” See Art. 3, §§ VI and VIII.

⁴² Regulations to LGEEPA on Protected Areas Arts. 80-81.

⁴³ Regulations to LGEEPA on Protected Areas Art. 81. II.

⁴⁴ Regulations to LGEEPA on Protected Areas Art. 81, f.

⁴⁵ LGEEPA, Art. 64, 64 Bis 1

⁴⁶ LGEEPA, Art. 64 Bis 1; Regulations to LGEEPA on Protected Areas Arts. 88-90, 93, 98, 99 & 104.

establish the conditions under which the proposed activities can be carried out, which shall be compatible with the decree creating the PA and its Management Program.⁴⁷

In cases where the exploitation of natural resources can cause damage or deterioration of ecosystems and the ecological balance of PAs, the Ministry of the Environment can request the cancellation of all licenses and permits allowing the exploitation, provided that such request is based on technical, social and economic studies offering proof of the damages.⁴⁸ Permits issued by CONANP will be cancelled in cases of non-compliance with the applicable regulations or causation of damages to ecosystems.⁴⁹

(2) Location of MPAs

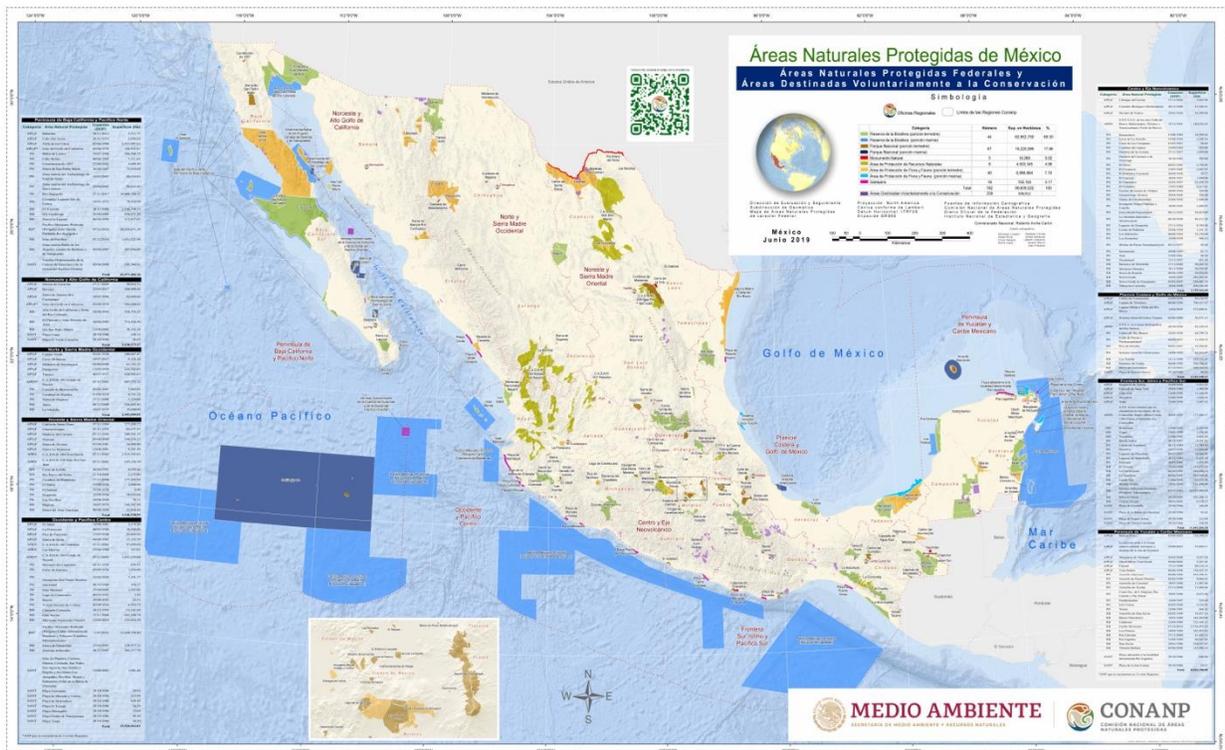


Figure 7. Location of Marine Protected Areas in Mexico.

For a detailed list of Marine Protected Areas in Mexico, see Appendix B of this document.

(3) Authorized enforcement authorities

Enforcement powers of environmental legislation in protected areas are vested in SEMARNAT to be exercised through the Federal Attorney for the Environment (Procuraduría Federal de Protección al Ambiente, PROFEPA).⁵⁰ In 2016 SEMARNAT, the Federal Police and the National

⁴⁷ LGEEPA Arts. 28, XI and 35.

⁴⁸ LGEEPA Art. 64.

⁴⁹ Regulations to LGEEPA on Protected Areas Art. 104.

⁵⁰ I LGEEPA Art. 3 VIII; Internal Regulations of SEMARNAT Arts. 1, 2 XXXI a, & 45 I.

Commission on Safety signed a coordination agreement for the creation of the Gendarmeria Ambiental, which is a specialized division in the Federal Police with authority to collaborate with PROFEPA and other federal agencies and local governments in the prevention and prosecution of crimes in federal PAs.⁵¹

III. Fisheries management no-take zones

The regulatory framework does not provide a specific legal instrument for the creation of “no-take zones.” However, the LGVS authorizes SEMARNAT to create Sanctuaries for the Protection of Wildlife and to declare Critical Habitats for Wildlife Conservation, which can include no-take zones in their management plans. The LGPAS also authorizes the National Fisheries Commission (Comisión Nacional de la Pesca, CONAPESCA) to establish fishing sanctuaries, which can be temporary or permanent (see Section 3. IV). These legal instruments may be used for the establishment of no-take zones.

IV. Other legal instruments for establishing fisheries management areas

i) General legal authority

General authority for fisheries management lies with the SADR, assisted by the CONAPESCA, which is the federal authority responsible for the design and implementation of policies and regulations for sustainable fisheries in Mexico (see Figure 2 of this report). This section describes additional legal instruments for area-based management that may have an impact on fisheries management.

Fishing Sanctuaries (*zonas de refugio pesquero*)

Pursuant to the LGPAS, the CONAPESCA can declare fishing sanctuaries, defined as “*areas established in federal jurisdiction waters to achieve and contribute to the development of fishing resources, naturally or artificially, for their reproduction, growth or recruitment, and to preserve and protect the surrounding environment.*”⁵² In addition to the LGPAS, fishing sanctuaries are regulated by Official Mexican Standard (Norma Oficial Mexicana, NOM) 049-SAG/PESC-2014, which establishes the Procedure to Create Fishing Sanctuaries for Fishing Resources in Federal Jurisdiction Waters within the United Mexican States⁵³ (NOM 049-SAG/PESC-2014). The NOM 049 establishes the different categories under which these instruments can be created, the process to assess their feasibility, and the applicable criteria to inform decisions on these matters.

To create and regulate fishing sanctuaries administered by CONAPESCA, the Head of SADR must ensure the following criteria are met:

⁵¹ See: Gobierno de Mexico. Gendarmeria Mision Ambiental, <https://www.gob.mx/policiafederal/articulos/gendarmeria-mision-ambiental>

⁵² LGPAS Arts. 4, LI & 8, XII.

⁵³ NOM 049-SAG/PESC-2014. Published in the Federal Register on April 14, 2014. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5340568&fecha=14/04/2014

- (i) the design of the sanctuary is coherent with the proposed objectives for its creation;
- (ii) the area was a fishing zone, is one currently, or has the potential to become one;
- (iii) the proposal considers a precautionary approach for fishing activities;
- (iv) the implementation of the sanctuary is feasible from a social and economic perspective, surveillance and monitoring is possible and its creation does not go against other legal instruments applicable in the area; and
- (v) there is documented evidence on the levels of acceptance by local inhabitants and users.⁵⁴

Figure 8 below summarizes the process to create a fishing sanctuary under NOM 049-SAG/PESC/2014.⁵⁵

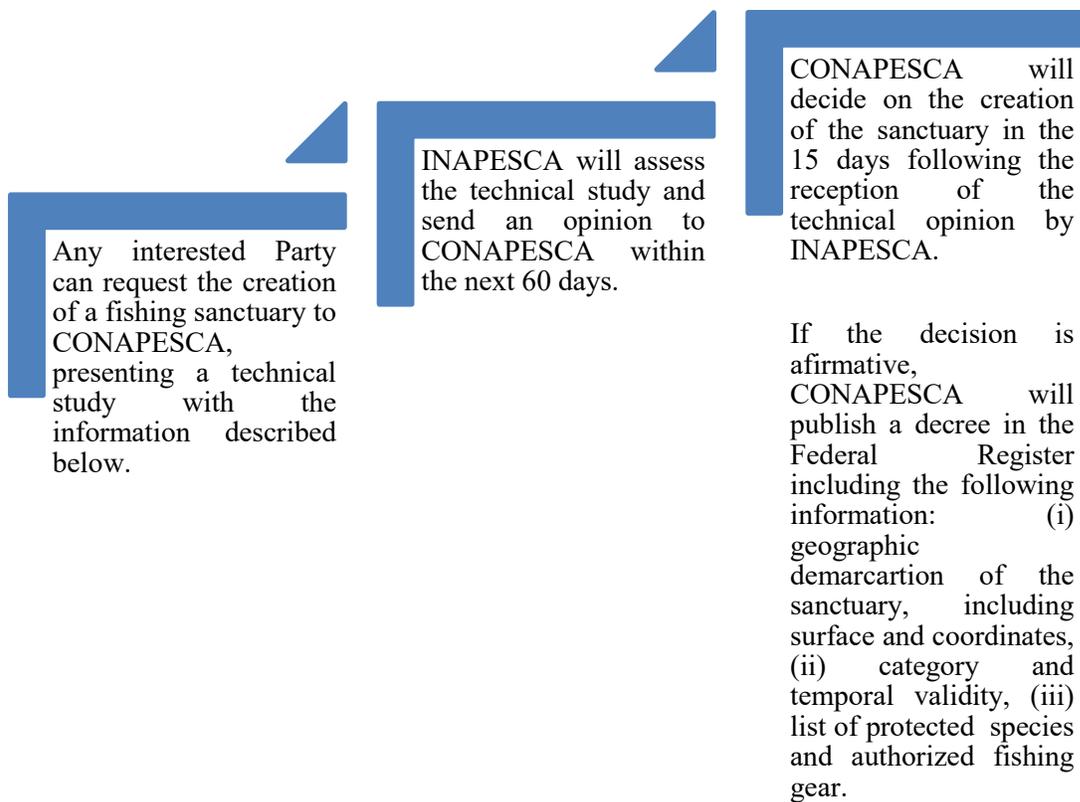


Figure 8. Process for the creation of a fishing sanctuary.

The technical studies for the creation of a fishing sanctuary must include the following information:⁵⁶

⁵⁴ NOM 049-SAG/PESC-2014 Art. 4.5.

⁵⁵ NOM 049-SAG/PESC-2014, Arts. 4.3, 4.4, 4.6 and 4.7.

⁵⁶ NOM 049-SAG/PESC-2014, Article 4.3.

Explanation on the need to create a fishing sanctuary. Description of the biological or environmental values in the area to justify the creation of the fishing sanctuary, including the existence of Protected Areas.

Objectives. A description of the social, economic, and environmental objectives related to: (i) recovering species with commercial value, (ii) enhancing the productivity of fisheries in the adjacent areas, (iii) avoiding over-exploitation, (iv) recovering over-exploited species, (v) preserving the species habitat, and (vi) contributing the maintenance of biological process.

Temporal validity. These provisions relate to the categories described in Figure 9 below.

Geographic demarcation. Description of the proposed area, coordinates, and maps of the area at different scales.

General features. Information on the physical, chemical and oceanographic parameters which can have an impact over the aquatic species in the proposed sanctuary.

Compatibility with current uses and activities. Description of other activities being developed in the proposed area or adjacent places, including tourism, navigation, and fishing, among others.

List of species in the area. List including flora and fauna relevant to the target species in the area, as provided by local residents or other scientific data. Information on the target species is required to include estimates on their distribution, volumes, and gender proportion.

Information on fisheries. Including: (i) fishing effort, (ii) description of fishing methods, zones and gear, (iii) historic production and annual rate, and (iv) estimates on the economic value.

Demographics. Information concerning the social and economic situation of the adjacent communities such as: poverty and social exclusion rates, age, or access to public services and communications infrastructure.

Relation with other area-based instruments for environmental protection. Data on: (i) protected areas in the region, describing the compatibility among the proposed fishing regulations and those applicable to environmental conservation and the protection of endangered species, (ii) units for environmental management of wildlife under the LGVS, and (iii) sanctuaries for the protection of wildlife or areas to protect critical habitats under the LGVS.

Additional information. Including: (i) estimated biodiversity index, (ii) migratory species, and (iii) description of productive chains dependent on the productivity of the area.

Fishing Sanctuaries can be created under different categories depending on the management objectives and the need to reduce the mortality rate of species.⁵⁷

⁵⁷ NOM 049-SAG/PESC-2014 Art. 4.2.

Figure 9. Categories of Fishing Sanctuaries under the LGPAS	
Total and Permanent	All types of fishing are prohibited
Total and Transitory	All types of fishing are prohibited for a specific period of time. Sports fishing can be carried out under a catch-and-release modality if there is a favorable opinion by the INAPESCA.
Partial and Permanent	Commercial, domestic sports-recreational and domestic consumption fishing activities can be carried out using specific and highly selective methods or gear and with a permit issued by CONAPESCA.
Partial and Transitory	Commercial, domestic sports-recreational and domestic consumption fishing activities can be carried out during a specific period of time, using specific and highly selective methods or gear and with a permit issued by CONAPESCA.

Figure 9. Categories of fishing sanctuaries under LGPAS

According to the SADR, there are nine Fishing Sanctuaries in Mexico, as described below.

San Cosme – Punta Coyote, Baja California Sur

The Network of Fishing Sanctuaries San Cosme-Punta Coyote in Baja California Sur was created on November 16th, 2012, in response to a request made to CONAPESCA by fishermen from 13 communities located in the eastern coast of La Paz in the Comondú and Loreto municipalities. The objective of the San Cosme-Punta Coyote Fishing Sanctuary is to protect and enable the recovery of fish, elasmobranchs, mollusks and crustaceans of commercial relevance in juvenile and reproductive stages, and to enhance fisheries in the long term. Local communities requested the modification of the Network of Fishing Sanctuaries in 2017 to increase the protected surface and extend its validity for another 5 years.⁵⁸ Currently, the Network is comprised of 12 Fishing Sanctuaries (11 under the category of total permanent and 1 as partial temporary), covering a surface of 2,000,195 hectares.

⁵⁸ The new Decree was published in the Federal Register on November 15, 2017.

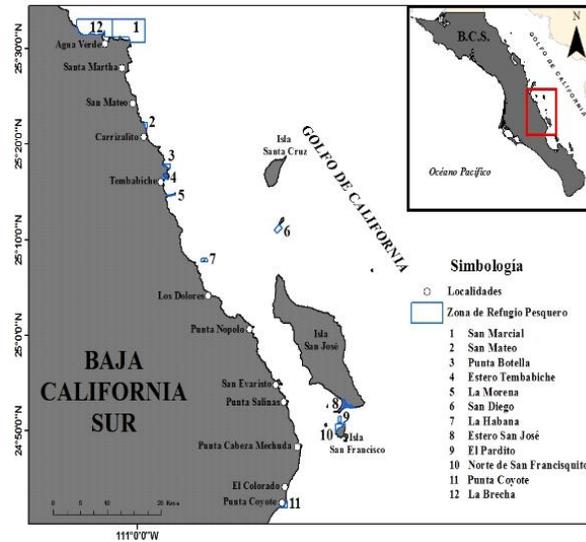


Figure 10. San Cosme – Punta Coyote, Baja California Sur.

Sian Ka’an, Quintana Roo

The Network of Fishing Sanctuaries in the Area of Sian Ka’an in the Espiritu Santo Bay of Quintana Roo was created on November 30, 2012, with a temporal validity of five years and a surface area of 1048.76 hectares, where commercial and domestic consumption fishing was prohibited. The Decree creating these protected areas was modified on November 30, 2017, in response to a request by fishermen in the Sociedad Cooperativa de Producción Pesquera Cozumel, S. C. de R. L., to extend the Sanctuaries’ validity in the area covered by their fishing concession for another five years.

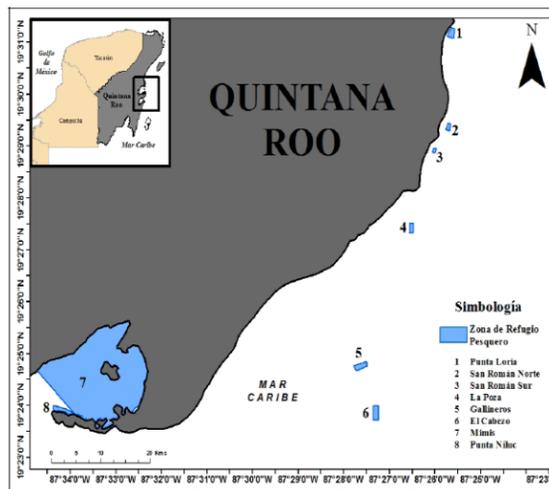


Figure 11. Sian Ka’an, Quintana Roo

Akumal, Quintana Roo

The Sanctuary was created in April 13th, 2015, for a period of six years over one area of 988 hectares where 25 fishing cooperatives, including the Sociedad Cooperativa de Producción

Pesquera Pescadores de Tulum, operate. Pursuant to Article 3 of the Decree creating this Sanctuary, commercial and domestic consumption fishing is restricted to lionfish.

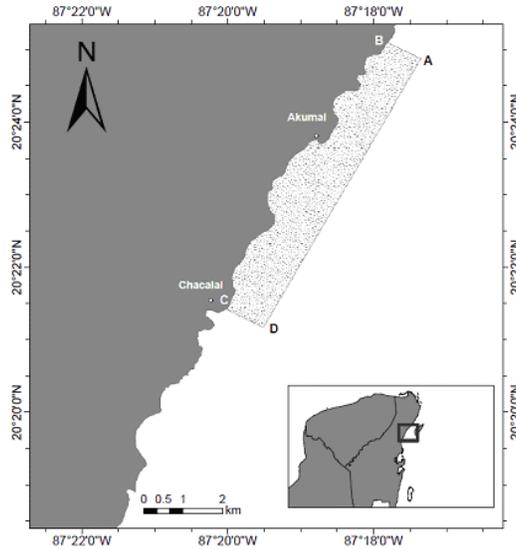


Figure 12. Akumal, Quintana Roo.

Bahía Ascensión, Quintana Roo

The Network of Fishing Sanctuaries in Bahía Ascensión, in the coastal zone adjacent to the municipalities of Tulum and Felipe Carrillo Puerto in the State of Quintana Roo, was created on September 23, 2016, under the total-temporary category with a validity of five years over two zones with a total area of 3,211.27 hectares. This Network of Sanctuaries was created at the request of fishermen in the Sociedad Cooperativa de Producción Pesquera Pescadores de Vigía Chico, S.C. de R.L., to be implemented in the area covered by their lobster fishing concession in Niche Habin and Punta San Juan.

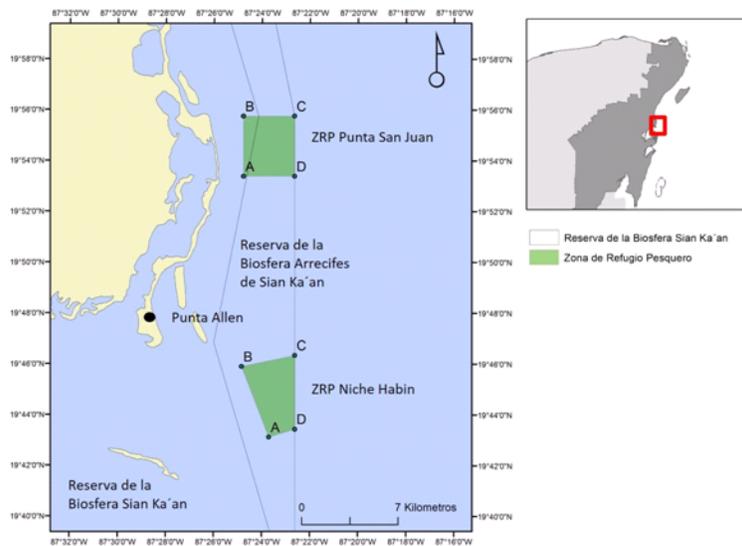


Figure 13. Bahía Ascensión, Quintana Roo.

Teacapán, Sinaloa

The Network of Fishing Sanctuaries in Teacapán was created in December 3, 2014, for a period of five years, over an area of 7,349 hectares, for the conservation and recovery of oyster fisheries relevant for the livelihoods of communities on the coasts of Sinaloa and Nayarit. Within this area, commercial and domestic consumption fishing is prohibited, with the exception of handline techniques (pesca con líneas de mano).

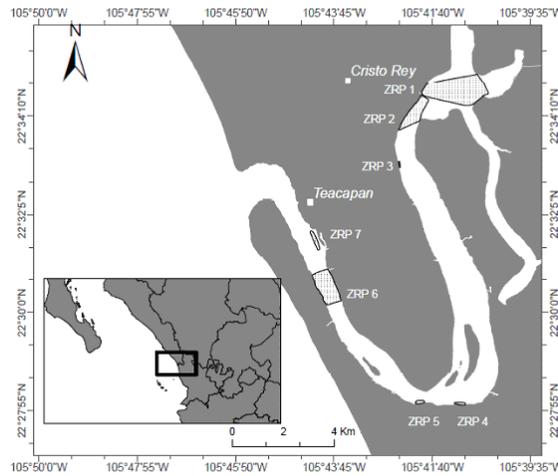


Figure 14. Teacapán, Sinaloa.

Isla San Pedro Nolasco, Sonora

This Network of Fishing Sanctuaries is located in the central region of the Gulf of California, the coasts adjacent to the municipality of Guaymas, Sonora, in the Islas del Golfo de California Protected Area. It was created on July 12, 2017, under a “total and transitory” category with a validity of five years. It covers three marine zones with a total area of 138 hectares. The Committee to Support San Pedro Nolasco Island (comprising all the sectors of users of local natural resources, including 12 fishing cooperatives) requested the creation of the Sanctuary.

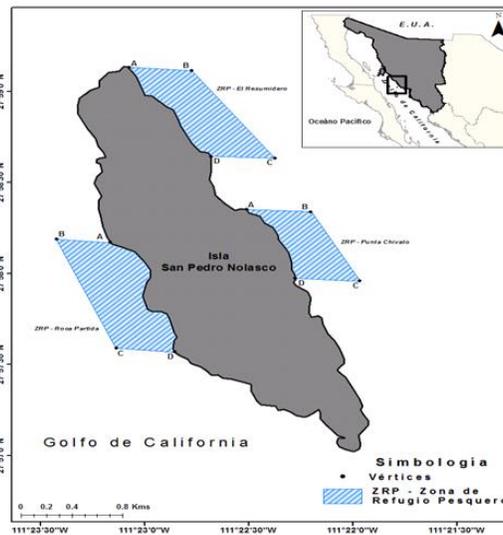


Figure 15. Isla San Pedro Nolasco, Sonora.

Puerto Libertad, Sonora

The Fishing Sanctuary Puerto Libertad was created on July 12, 2017, under a “total and transitory” category with a validity of five years. It covers 74.76 hectares with the purpose of enhancing the conservation of fisheries in the marine zone of "Cerro Bola," which is a key habitat for species with commercial value and endangered species like the sea cucumber and the black coral. This Sanctuary was created in agreement with the Committee of fishing and aquaculture in Puerto Libertad, composed by seven fishing cooperatives and 202 resident artisanal fishermen in the Municipality of Pitiquito, who also participate in monitoring and enforcement actions with federal authorities.

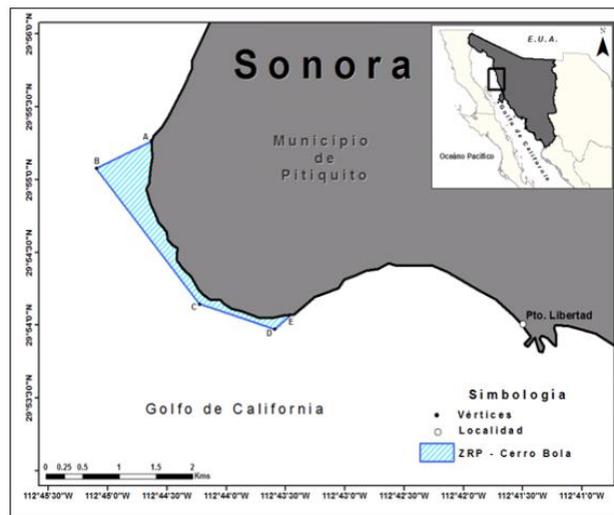


Figure 16. Puerto Libertad, Sonora.

Chinchorro, Quintana Roo

The Network of Sanctuaries in Chinchorro was created in 2013⁵⁹ as a complementary measure to protect the aquatic species of commercial fishing interest, as well as to contribute to the conservation of the coral reefs and coastal ecosystems in the Banco Chinchorro and Sian Ka’an Biosphere Reserves. The area was created in agreement with the local fishing cooperatives Sociedades Cooperativas de Producción Pesquera Andrés Quintana Roo, Langosteros del Caribe, Pescadores de Banco Chinchorro, and José María Azcorra, which are holders of fishing concessions for the exploitation of several species of fish, crustacean and mollusk over an area of 1,238,04 hectares. The validity of these Sanctuaries expired in September 2018.

V. Other instruments establishing other management areas. Legal requirements of each.

Marine Ecological Planning Programs (POEMs)

⁵⁹ The Decree creating the sanctuaries was published in the Federal Register on September 12, 2013.

The LGEEPA authorizes SEMARNAT to design, issue, implement and update POEMs, in coordination with other competent federal agencies. The purpose of the POEMs to establish provisions for the preservation, restoration, protection and sustainable exploitation of natural resources in Mexican Marine Zones, including the adjacent federal coastal zones.⁶⁰ Pursuant to Article 20 Bis 7 of the LGEEPA, POEMs must include the following information:

- Precise delimitation of the area subject to the POEM;
- Identification of ecological zones, according to the characteristics, availability and demand for use of natural resources in those zones;
- Economic, social, and other activities being carried out in the area under the POEM; and
- Provisions, strategies, and other regulations to inform the preservation, protection, restoration and sustainable exploitation of natural resources and the development of economic and other activities which could have an adverse impact over the ecosystems comprised in the area regulated by the POEM.

POEMs are planning processes to achieve an effective coordination among federal agencies and local governments with jurisdiction over the areas regulated by these environmental instruments, promote public participation in environmental and spatial planning decision-making, and create environmental indicators to monitor the implementation of the POEMs.⁶¹

The ecological territorial planning as an iterative process is developed through three different stages and products, described in detail in the Regulations to LGEEPA on Territorial Planning:⁶²

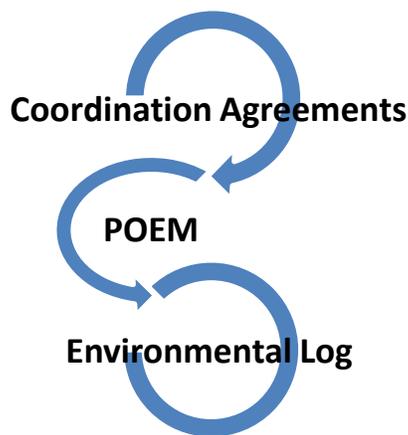


Figure 17. Ecological planning under the LGEEPA Regs. on Territorial Planning.

- Coordination Agreements between SEMARNAT and other federal agencies with relevant powers for the conservation and exploitation of the natural resources in the area subject to the POEM, and/or the state governments, and/or municipal authorities.

- Programs that will include a territorial model divided into regions or ecological zones to inform the planning process, ecological provisions and strategies to regulate activities for the conservation, restoration, protection and sustainable exploitation of natural resources in the area subject to the program, and the official

decree to issue the POEM.

⁶⁰ LGEEPA Arts. 3 IX, 19, 19 Bis IV & 20 Bis 6; Regulations to LGEEPA on OET Arts. 1, 2 I, & 4.

⁶¹ Regulations to LGEEPA on OET Art. 6.

⁶² Regulations to LGEEPA on OET Art. 7-16.

- Environmental Log⁶³ to systematize and update all the information created or obtained through the development of the POEM and during its implementation. The Environmental Log is a key tool to promote public participation and transparency in all the stages of the territorial planning processes related to the Territorial Ecological Planning (Ordenamiento Ecológico del Territorio, OET) and POEMs.



Figure 18. Marine and Regional Program for Ecological Territorial Planning in the Gulf of Mexico and the Caribbean Sea.

As an example, the Marine and Regional Program for Ecological Territorial Planning in the Gulf of Mexico and the Caribbean Sea (*Programa de Ordenamiento Ecológico Marino y Regional del Golfo de México y el Mar Caribe*) is divided into 203 marine and coastal management units (*unidades de gestión ambiental* or UGAs) located in the states of Campeche, Quintana Roo, Tabasco, Tamaulipas and Yucatan, including 142 municipalities and 26 federal protected areas, over an area of 995,486.2 square kilometers.⁶⁴ The Environmental Strategies include a component to achieve the recovery and the productive potential of fisheries applicable in different UGAs in marine and coastal areas regulated by the POEM.⁶⁵

Area-based instruments regulated by the General Law on Wildlife (LGVS)

The LGVS regulates two instruments which can be declared by SEMARNAT to establish area-based instruments for the protection and sustainable exploitation of aquatic endangered species.

Critical Habitats for Wildlife Conservation

⁶³ The Environmental Log (*bitácora ambiental*) includes: The coordination agreement, the ecological management program; and environmental indicators for the evaluation of compliance with environmental guidelines; the effectiveness of environmental guidelines and strategies, and the results of the evaluation of compliance and the effectiveness of the ecological management.

⁶⁴ Published in the Federal Register in November 24, 2012.

⁶⁵ See Component 21 in Annex 3 of the *Programa de Ordenamiento Ecológico Marino y Regional del Golfo de México y el Mar Caribe*.

Critical Habitats for Wildlife Conservation can be created to protect the habitat of endangered species at the time they were listed under a special protection, threatened, or extinction risk category in NOM-059.⁶⁶ These areas are defined in the LGVS as “specific terrestrial or aquatic areas, in which essential biological, physical and chemical processes occur, either for the survival of endangered species, and therefore require special protection and management. These areas are used by species for feeding, depredation, foraging, rest, breeding or reproduction, or as migration routes,” and can be created through Ministerial Decrees issued by SEMARNAT in the following cases:⁶⁷

- Areas of distribution of endangered species or populations where essential biological processes for their conservation are developed;
- Areas drastically reduced due to environmental degradation, but that still host a significant accumulation of biodiversity;
- Areas where an ecosystem will disappear unless the causes of environmental degradation are eliminated; or
- Areas in which essential biological processes are developed, including the existence of species sensitive to specific risks, such as certain types of pollution, or risk of collisions with aquatic vehicles.

Prior to declaring a Critical Habitat for Wildlife Conservation, SEMARNAT will request an opinion by the National Technical Advisory Committee on Wildlife.^{68,69} Decrees creating Critical Habitats for Wildlife Conservation will be published in the Federal Register and shall include the following information: (i) objectives, (ii) strategies and actions to achieve the proposed conservation objectives, (iii) plan for the recovery of the protected species and habitats, (iv) coordination strategies among agencies relevant to conservation of wildlife in the area, (v) special mitigation, management and conservation measures to be considered in other instruments for the sustainable use of wildlife in the area, and (vi) the protected surface in UTM coordinates.⁷⁰

In these areas, SEMARNAT is required to work with individuals or organizations holding legal rights of ownership over natural resources to define the special measures required to achieve sustainable management, the mitigation of environmental impacts, and the conservation of wildlife.⁷¹ All federal agencies are also required to observe the provisions in Decrees establishing Critical Habitats for Wildlife Conservation, and to refrain from authorizing or enabling projects that could cause damages to the protected areas.⁷² To date, the federal government has not created any of these areas.

⁶⁶ Regulations to LGVS Art. 70.

⁶⁷ LGVS Art. 63.

⁶⁸ LGVS Arts. 16 and 64. Regulations to LGVS Arts 70-71.

⁶⁹ Pursuant to Art. 16 of LGVS, the National Technical Advisory Committee on Wildlife comprises representatives of SEMARNAT and other relevant federal agencies and local governments, academic institutions, research centers, NGOs, organizations of producers and experts on topics related to the protection of wildlife.

⁷⁰ Regulations to LGVS Arts. 70 & 72.

⁷¹ LGVS Art. 64.

⁷² LGVS Art. 64; Regulations to LGVS Art. 70.

Sanctuaries for the Protection of Aquatic Species

These area-based instruments can also be created by a Decree issued by SEMARNAT, to protect native aquatic species and their habitats, on lands and water subject to federal jurisdiction.⁷³

Sanctuaries for the Protection of Aquatic Species are to be regulated by a specific Protection Program outlining the following information: (i) specific objectives of the sanctuary, (ii) management and conservation strategies to be implemented to address the threats to aquatic species, (iii) provisions applicable to all activities carried out by private or public stakeholders in the area that could affect the protection, conservation, and recovery of aquatic species and their habitats, (iv) tools and strategies to monitor and assess the recovery of the protected species and habitats, and (v) strategies for the administration of the area, including coordination with other federal agencies and local governments and local communities and other interested parties.⁷⁴ If the area declared as a sanctuary overlaps with a protected area, the program for the protection of aquatic species will be compatible with the management program of the PA and CONANP will be responsible for the implementation of both instruments.⁷⁵

Prior to creating a Sanctuary for the Protection of Aquatic Species, SEMARNAT will prepare a technical study to explain the physical, social, and economic characteristics of the area; the threats to environmental conservation; the reasons justifying the federal protection of the area; and the proposed protected area expressed in UTM coordinates.⁷⁶ The Decrees creating these protected areas will be published in the Federal Register and will be cancelled when the threats for the protection of the aquatic species are eliminated, or the factors causing the degradation of their habitats are reversed.⁷⁷

The only Sanctuary for the Protection of Aquatic Species is the one created in 2005 to strengthen the national strategies for the recovery of the endangered and endemic vaquita marina in the Northern Gulf of California.⁷⁸ The area of the Sanctuary was expanded in 2018.

Closed Seasons for the Protection of Wildlife

Pursuant to the LGVS, SEMARNAT can declare closed seasons for the exploitation of wildlife when the conservation or recovery of species cannot be achieved through other measures. Individuals or organizations can also request the declaration of a closed season or its termination. To this end, proponents will need to present technical studies on the state of conservation of the populations of species. The decrees establishing closed seasons will be published in the Federal Register.⁷⁹

⁷³ LGVS Arts. 65-67.

⁷⁴ LGVS Arts. 65 & 69; Regulations to LGVS Art. 74.

⁷⁵ LGVS Art. 68.

⁷⁶ LGVS Art. 67; Regulations to LGVS Arts. 73 & 73Bis.

⁷⁷ Regulations to LGVS Art. 75.

⁷⁸ Published in the Federal Register on September 8, 2005.

⁷⁹ LGVS Art. 71; Regulations to LGVS Art. 77.

4. Fisheries governance

I. Authorities, institutions, management bodies at the national level

i. Legal authority

Legal authority concerning fisheries governance is mainly vested by the LGPAS in the SADR to be exercised through the CONAPESCA, which will coordinate with other agencies when required. The SADR has, inter alia, the following relevant powers for small-scale fisheries in Mexico:⁸⁰

- Regulation, formulation and implementation of policies and programs concerning fishing resources and their exploitation;
- Establishing and managing closed seasons;
- Issuance of fishing concessions and permits;
- Establishing methods and measures for the conservation of fishing resources and repopulation of fishing areas, including the creation of sanctuaries to protect aquatic species;
- Promote competitiveness and the sustainable development of fishing cooperatives and local communities, including providing technical assistance and capacity building services; and
- Carry out enforcement actions and promote compliance with the legal framework applicable to sustainable fishing.

As explained in Figure 2 above, the SADR, SEMARNAT and SEMAR are required to coordinate on concurrent matters related to the conservation of ecosystems and endangered aquatic species and enforcement of the applicable legislation in Mexican Marine Zones.⁸¹

The LGPAS also authorizes the CONAPESCA, in coordination with the SEMAR, local governments, fishers and indigenous communities, among other interested stakeholders, to design, implement, review, and update a Comprehensive Program for Fishing and Aquaculture Surveillance and Enforcement to Combat Illegal Fishing.⁸² The main goals of this Program are the protection of marine and coastal resources, and the detection and sanctioning of administrative violations to applicable regulations.

⁸⁰ LGPAS Arts. 2, XLIII, 7-8.

⁸¹ LGPAS Arts. 9-10.

⁸² LGPAS Art. 21.

II. Legal provisions enabling co-management of ocean resources by associations and/or municipalities

b) Coastal planning

States and municipalities can participate in the design and implementation of Programs for Marine Ecological Territorial Planning as stated in Section 3.V of this report. In addition, the LGEEPA authorizes the environmental agencies of states in municipalities to design, issue, implement and update regional or municipal ecological programs for POETs within their territories, including coastal areas adjacent to the Federal Terrestrial-Maritime Zone.⁸³

The LGEEPA establishes the following regulatory framework to inform the development of POETs of state and municipal jurisdiction, in addition to provisions stated in the environmental laws of every state:⁸⁴

Figure 19. Programs for Ecological Territorial Planning of State and Municipal Jurisdiction		
Type	Jurisdiction and Scope	Contents
Regional POETs	<ul style="list-style-type: none"> – State authorities: the POET is applicable to the total territory of the state or part of it. – State authorities and SEMARNAT: the POET is applicable to more than one state or includes one or more federal PAs. 	<ul style="list-style-type: none"> – Demarcation of the area subject to the POET – Description of the physical, biotic, social and economic attributes – Assessment of environmental conditions and technologies used by the local communities – Criteria to regulate the preservation, protection, restoration and sustainable exploitation of natural resources, the development of productive activities, and human settlements in the area – Provisions to implement, evaluate, monitor, follow-up and update the POET
Municipal POETs	<ul style="list-style-type: none"> – Municipal authorities: the POET is applicable to the total territory of the municipality or part of it. – Municipal authorities and state authorities: the POET is applicable to more than one municipality within the same state. 	<ul style="list-style-type: none"> – Demarcation of the ecological areas subject to the POET – Description of the physical, biotic, social and economic attributes – Assessment of environmental conditions and technologies used by the local communities

⁸³ LGEEPA Arts. 3 IX, 7 IX, 8 VIII, 19, 19Bis II-III.

⁸⁴ LGEEPA Arts. 20 Bis 2- Bis 5.

	<ul style="list-style-type: none"> - Municipal authorities, state authorities, and SEMARNAT: the POET is applicable to more than one municipality in more than one state and/or includes one or more federal PAs. 	<ul style="list-style-type: none"> - Provisions to regulate land uses outside of urban centers, to protect the environment and achieve the preservation, restoration and sustainable exploitation of natural resources in the area and to inform under an ecological perspective, the development of productive activities and human settlements - Criteria to be considered in urban development plans to achieve the protection, preservation, restoration and sustainable exploitation of natural resources in the area
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Figure 19. Programs for Ecological Territorial Planning of State and Municipal Jurisdiction.

c) Protected areas

Local communities and governments, indigenous peoples and other organizations or persons interested in protected areas can participate in their administration. SEMARNAT will subscribe the applicable agreements for each case, depending on the public or private nature of the parties participating in the administration. In addition, once a PA has a Management Plan in place, CONANP can transfer powers for its administration to state or municipal governments, agrarian or indigenous communities, or other organizations through specific agreements or contracts.⁸⁵ In any case, CONANP will remain responsible for overseeing and evaluating the performance of the PA managers under the agreements mentioned above, and their compliance with all the applicable regulations.

c) Fisheries

CONAPESCA can sign coordination agreements with local governments to transfer the following federal powers:⁸⁶

- Administration of permits for sports and recreational fishing;
- Administration of matters related to sessile species listed in the National Fishing Charter;
- Fishing in water bodies that serve as borders among two states, including enforcement and monitoring; and
- Enforcement actions to ensure compliance with LGPAS and other related regulations.

Pursuant to the LGPAS, fishers (producers) are authorized to develop their own control mechanisms, based on traditional knowledge to implement management systems for fisheries.

⁸⁵ LGEEPA Art. 67.

⁸⁶ LGPAS Arts. 11-12.

National authorities will support the creation of community groups interested in participating in the administration and conservation of ocean resources.⁸⁷

III. Legal provisions enabling co-management of ocean resources by indigenous communities.

Mexico is a party to the ILO 169 Convention (the ILO Convention) on Indigenous and Tribal Peoples, which is self-executing under national law. Pursuant to this international treaty, the definition of “lands” includes “the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.”⁸⁸ The same international convention safeguards the rights of indigenous peoples to the natural resources pertaining to their lands, including their rights to participate in the use, management, and conservation of those resources.⁸⁹ The Supreme Court of the Nation in Mexico has stated in several decisions that all activities that could have an impact on the livelihoods of indigenous communities in Mexico are required to undergo a prior consultation process, and to the extent possible, include the participation of those groups and implement benefit-sharing strategies and provisions. In addition, the Federal Constitution establishes that indigenous groups have preference regarding access to natural resources in the territories they occupy.⁹⁰

5. Fisheries management

National Fishing Charter

The National Fishing Charter is a mandatory policy instrument for decision-making processes in the federal government. It is defined in the LGPAS as the written and cartographic presentation of the comprehensive diagnosis and assessment of the fishing activities, indicators of availability and conservation of fishing resources in waters under federal jurisdiction.⁹¹ This instrument, developed by INAPESCA and approved by CONAPESCA, shall be published in the Federal Register every year and shall include the following information:⁹²

- Inventory of fishing resources subject to exploitation in federal jurisdiction waters;
- Fishing effort by species or group of species in specific areas; and
- Provisions, strategies and other regulation to achieve the conservation, protection, restoration and sustainable exploitation of fishing resources.

The latest version of the National Fishing Charter⁹³ includes information on specific fisheries built on the following information:

⁸⁷ LGPAS Art. 38.

⁸⁸ ILO 169 Convention Art. 13.1.

⁸⁹ ILO 169 Convention Art. 15.

⁹⁰ Federal Constitution Art. 2.

⁹¹ LGPAS Art. 32.

⁹² LGPAS Art. 8 XVIII, 32-33.

⁹³ Published in the Federal Register on June 11, 2018.

- **General information.** Name of the fishery, representative image of the species subject to exploitation and the fishery system, map to present data on the spatial distribution of the resource and main fishing zones, and percentage of capture by state.
- **Indicators.** Description of the fishery’s relevance, tendencies of capture by species per state and information on direct jobs and other data related to production.
- **Environmental effects and climate change.** Information on the effect of environmental factors and climate change over the distribution, abundance and relevant biologic processes that have an impact on the management of fisheries resources. This section also includes environmental recommendations to assist decision-making processes on closed and/or catch seasons.
- **Applicable regulations and instruments to implement the fisheries national policy.** This section includes information on the applicable Official Mexican Standards (Normas Oficiales Mexicanas, or NOMs), fishing management plans, type of access, minimum capture sizes, authorized fishing gear, closed seasons, fishing quotas and fishing units.
- **Management strategies and recommendations.** Provisions to inform the creation of controls and target points of reference applicable to each resource to achieve its sustainable management. Recommendations include the feasibility of increasing the fishing effort, the implementation of strategies to enhance the recovery of species and the need to issue and/or update official standards and other regulations.

Fisheries Management Programs (*Programas de Ordenamiento Pesquero*)

The National Fisheries Policy in Mexico is implemented through different administrative instruments applicable in all waters under federal jurisdiction, including programs for fisheries territorial planning (*programas de ordenamiento pesquero*), fishing management plans, permits, and concessions.⁹⁴ These policy instruments are summarized below to provide a comprehensive context on the legal framework applicable to coastal fisheries.

Fisheries Management Programs are defined in the LGPAS as “a set of instruments whose purpose is to regulate and manage fishing activities, to induce the sustainable use of resources for fishing and aquaculture, based on the availability of said resources, information on past levels of extraction, current and potential uses, fishing capacity, points of reference for fisheries management, in accordance with the programs for ecological management of the territory.”⁹⁵

Fisheries Management Programs shall include, at a minimum, the following information:⁹⁶

- The precise demarcation of the area where the Program will be applied;
- An updated and comprehensive list of all users of fishing resources in the region;
- Fishing resources subject to exploitation in the area; and

⁹⁴ LGPAS Art. 36.

⁹⁵ LGPAS Art. 4, XXV.

⁹⁶ LGPAS Art. 37.

- Management Plans authorized and published.

Regulations issued by CONAPESCA in 2019 to grant incentives for the development of Fisheries Management Programs include the creation of sanctuaries, coastal programs and programs for the recovery of overexploited marine resources.⁹⁷

Fishing Management Plans

The LGPAS defines these instruments as “the set of actions aimed at the development of fisheries in a balanced, comprehensive and sustainable manner; based on up-to-date knowledge concerning their biological, ecological, fishing, environmental, economic, cultural and social aspects.”⁹⁸

Fishing Management Plans are required to include the following information:⁹⁹

- Management objectives, defined by the National Council on Fishing¹⁰⁰ and the State Councils;¹⁰¹
- Description of the biological characteristics of the species subject to exploitation;
- Mechanisms to administer the area where the Plan is applicable and to promote the participation of individuals and communities within this surface;
- Current state of exploitation of the fisheries and catch cycles;
- Location of the geographic areas where the fishing will take place;
- Social and economic indicators on fishing by local communities in the region; and
- Authorized fishing gear.

I. Coastal Fisheries

⁹⁷ See CONAPESCA, Subcomponente Proyectos de Ordenamiento Pesquero, https://conapesca.gob.mx/wb/cona/i_proyectos_de_ordenamiento_pesquero_rop_2019

⁹⁸ LGPAS Art. 4, XXXVI.

⁹⁹ LGPAS Art. 39.

¹⁰⁰ Pursuant to Art. 22 of the LGPAS, the National Council on Fishing and Aquaculture comprises: (i) representatives of federal agencies that have jurisdiction over matters relevant to the design and implementation of the national policy on sustainable fishing and aquaculture (the Law does not specify which agencies); (ii) representatives of social organizations and producers in the fishing and aquaculture sectors; and (iii) the heads of agencies responsible for fishing and aquaculture at the State level. The Council is presided by the Secretary of the SADR.

¹⁰¹ Pursuant to Art. 23 of the LGPAS, the SADR will promote the creation on State Councils on Fishing and Aquaculture. Each of these bodies can be comprised in a different manner in accordance with the applicable legislation at the local level. For example, Article 17 of the Law on Fishing and Aquaculture in the State of Quintana Roo states that the Local Council is constituted as follows: (i) the Governor of the State (acting as President to the Council); (ii) the Secretary of Economic Development (Vice President to the Council); (iii) the Head of the Institute for Fishing and Aquaculture (Technical Secretary to the Council); (iv) the Secretary of the Environment; (v) the Attorney for the Environment; (vi) a representative of the Ministry on Agricultural, Rural and Indigenous Development; (vii) a representative from the State’s legislative Congress; and (viii) representatives from the civil society invited by the President of the Council, including:

a) a representative of a research institution; b) the head of the National Chamber of the Fishing Industry; c) the head of the organization which comprises users of marine resources holding a permit to carry out their activities (*Unión de Permisarios*); the head of the Regional Federation of Cooperative Societies of the Fishing Industry.

a) *Definition/s*

The LGPAS does not include a specific definition for coastal fisheries. The National Fishing Charter divides the types of fisheries into marine and coastal and includes references to riparian fisheries.¹⁰²

A 2017 report on the state of artisanal fisheries in Mexico states that riparian fisheries are diverse and dynamic activities, closely related to the particular context of the place, livelihoods and local culture, and are differentiated from industrial fisheries by the role and scope of the technology used.¹⁰³

Artisanal or coastal fisheries are usually identified as activities carried out with small vessels, defined in the Mexican regulatory framework as a: “fishing unit with or without an outboard motor and a maximum total length of 10.5 meters; with or without an ice storage system and with an autonomy of 3 days maximum.”¹⁰⁴

b) *Management Authority / Enforcement Authority*

As stated above, legal authority concerning fisheries governance is mainly vested by the LGPAS in the SADR, to be exercised through the CONAPESCA.

c) *Requirements for the issuing of permits/concessions*

Coastal fishing can be carried out as a commercial activity or for domestic consumption. These types of fishing are defined by the LGPAS as follows:

Commercial Fishing. Capture and extraction carried out to gain an economic benefit.¹⁰⁵

Fishing for Domestic Consumption. Capture and extraction carried out to provide food for fishers and their families.¹⁰⁶

Commercial fishing can be carried out by Mexican individuals or organizations, subject to a concession or a permit, depending on the amount required as investment by the applicant to carry out the fishing activities and, if required, to the results of technical and economic appraisal presented by the applicant to the competent national authority. When the investment amount required to carry out the fishing activities does not require the development of technical and economic assessments, commercial fishing can be realized through a permit.¹⁰⁷

As a rule, the issuance of fishing concessions and permits is conditioned to the availability and preservation needs of the marine resources, social equity principles and the available scientific

¹⁰² Published in the Federal Register on June 11, 2018.

¹⁰³ Niparaja *et al.* National Diagnosis on Fishing Organizations (Resume on the Organizations Results). Available at: http://niparaja.org/file/2018/07/NPJ-DNOP_folleto-WEB.pdf

¹⁰⁴ LGPAS Art. 4 XVII. Please note this is a broad definition of artisanal/coastal fisheries, compared to other jurisdictions.

¹⁰⁵ LGPAS Art. 4 XXVIII.

¹⁰⁶ LGPAS Art. 4 XXXI.

¹⁰⁷ LGPAS Arts. 40 I, 41 IV, 42 & 60.

information. Local communities will have preference over other applicants, provided they use authorized fishing gear, and indigenous communities shall have preference over any other applicants under similar conditions.¹⁰⁸ When a concession or permit can cause damages to the territories of indigenous communities, CONAPESCA is required to obtain their prior opinion. In addition, concessions or permits granted to indigenous peoples shall be translated in to their languages.¹⁰⁹

Concessions for Commercial Fishing

Requirements. Applicants are required to demonstrate their ownership of the assets and equipment needed to carry out the fishing activities. The application for a concession must include the following information: (i) name and address of the applicant, (ii) geographic region where the fishing activities will take place, (iii) timeframe for the concession, (iv) proof of inscription in the national Registry on Fishing and Aquaculture or proof of request to the Registry, (v) proposal for fisheries management, and (vi) description of the technological aspects of the vessel and fishing gear.¹¹⁰

Decision-making process. In reviewing applications for concessions for commercial fishing CONAPESCA will: (i) assess the technical, financial and administrative capacity of the applicant, (ii) assess the applicant's background on compliance with environmental and fishing laws and regulations, (iii) inform the State Council on Fishing and Aquaculture and request its opinion in the next 15 following days, and (iv) publish the concession in the Federal Register.¹¹¹ CONAPESCA will issue a decision on applications for fishing concessions or permits within the next 60 working days following the request. If the applicant does not receive a response in the term mentioned above, it shall be understood the request was denied.¹¹²

The LGPAS also establishes a set of rules CONAPESCA must observe in decision-making processes to grant concessions for commercial fishing to protect the rights and livelihoods of local and indigenous communities. Applications by inhabitants of local communities and those which can have a beneficial social and economic impact in the region shall be given preference.¹¹³

Scope and content. Concessions and permits will be granted by vessel or fishing effort unit, depending on the specific provisions determined for each species in Regulations to LGPAS or Official Mexican Standards (*Normas Oficiales Mexicanas* or NOMs).¹¹⁴ Concessions for commercial fishing can be granted for a period between 5 to 20 years, and can be renewed for a similar term,

¹⁰⁸ LGPAS Art. 43.

¹⁰⁹ Id.

¹¹⁰ LGPAS Art. 48.

¹¹¹ LGPAS Art. 47.

¹¹² LGPAS Art. 45.

¹¹³ LGPAS Art. 47 III.

¹¹⁴ LGPAS Art. 46.

depending on the assessment carried out by the INAPESCA on the reports to be provided by the applicants every two years.¹¹⁵

Obligations of concession holders. Concession or permits holders are required to carry on board at all times documentation to validate their authorization for the vessel operation, which shall also have a Mexican flag and license plate, as well as an inscription in the National Maritime Public Registry and the National Registry on Fishing and Aquaculture. In addition, concession and permit holders are required to keep an updated Fishing Log¹¹⁶ on board and to submit a report on their activities every two years to the INAPESCA.¹¹⁷ Concessions and permits are subject to the availability of the resources and the requirements for their conservation.¹¹⁸

Permits for Commercial Fishing

Requirements. Applicants for commercial fishing permits are required to comply with the same requirements stated by the LGPAS for commercial concessions.¹¹⁹

Decision-making process. CONAPESCA will resolve decision-making processes concerning permits within 60 working days following the request. If the applicant does not receive a response in the term mentioned above, it shall be understood the application was denied.¹²⁰

Scope and content. Permits will be also granted by vessel or fishing effort unit, depending on the specific provisions determined for each species in Regulations to LGPAS or NOMs.¹²¹ Permits for commercial fishing can be granted for a period between two to five years depending on the fishery, and can be renewed for a similar term, depending on the assessment carried out by the INAPESCA on the fisheries management.¹²²

Obligations of permit holders. Permit holders are subject to the same obligations applicable to concession holders, with exception of the biannual report to INAPESCA.¹²³

Fishing for Domestic Consumption

Fishing for domestic consumption by local residents in riverbanks or coasts does not require a permit¹²⁴ and it can be carried out by manual labor with gear used individually by fishermen, in accordance with the technical specifications dictated by the CONAPESCA.¹²⁵ According to

¹¹⁵ LGPAS Art. 49.

¹¹⁶ The fishing log includes, among other information, catches per species in number, kilograms, or both

¹¹⁷ LGPAS Arts. 46 & 49.

¹¹⁸ LGPAS Art. 43.

¹¹⁹ LGPAS Arts. 46 & 52. The law does not establish any distinctions on which areas artisanal or commercial fishers can fish.

¹²⁰ LGPAS Art. 45.

¹²¹ LGPAS Art. 46.

¹²² LGPAS Arts. 49 & 51.

¹²³ LGPAS Arts. 46 & 49.

¹²⁴ Consequently, this is a challenging activity to monitor in terms of its impact on overall fishing quotas and availability of the biomass.

¹²⁵ LGPAS Art. 72.

LGPAS, an allowed quota per fishery or species will be specified in regulations and official standards. Article 72 of the LGPAS authorizes SEMARNAT to regulate through Mexican Official Standards the fishing gear that can be used in fishing for domestic consumption.

Local communities can practice fishing for domestic consumption without requiring any permits or registration. Fishing by local communities can be carried out in areas subject to concessions or permits for other types of fishing to third parties, provided that species covered by those permits or concessions are not captured.¹²⁶

d) Vessel/fisher registration requirements

The CONAPESCA is responsible for the administration of the National Information System on Fishing and Aquaculture, which includes among its components the National Registry on Fishing and Aquaculture (NRFA). All vessels with a Mexican or foreign flag fishing within the national territory are required to obtain a certificate of inscription in the NRFA.¹²⁷

e) Closed seasons/compensation

The LGPAS defines closed seasons as “the administrative act by which it is prohibited to carry out fishing activities for a specific period or in a specific zone, in accordance with ministerial agreements or official standards, in order to safeguard the processes of reproduction and recruitment of a species.”¹²⁸ The same Law authorizes the CONAPESCA to issue decrees establishing, modifying or terminating closed seasons.¹²⁹

f) General Regulations (Not Area-based)

Authorized Fishing Gear and Illegal Fishing

CONAPESCA is authorized by the LGPAS to regulate fishing gear, equipment and fishing techniques allowed in Mexico.¹³⁰ The list of the principles to be considered in the national policy on sustainable fishing, includes the use of selective and low environmental impact fishing gear to conserve and maintain the availability of fishing resources and the restoration of coastal ecosystems.¹³¹ The installation of attached fixed fishing gear in federal jurisdiction waters requires a permit issued by CONAPESCA and is subject to compliance with environmental regulations, including those applicable to environmental impact assessment.¹³² In addition, holders of fishing concessions and permits are required to comply with the terms established in relation to fishing gear in each case. Any fishing activity carried out contrary to these provisions is considered illegal fishing.¹³³

¹²⁶ Id.

¹²⁷ LGPAS Arts. 3 III, 4 XVIII, & 120 III.

¹²⁸ LGPAS Art. 4 XLVII.

¹²⁹ LGPAS Art. 8 V.

¹³⁰ LGPAS Arts. 4 V & 8 XIV.

¹³¹ LGPAS Art. 17 VII.

¹³² LGPAS Arts. 41 XI & 61.

¹³³ LGPAS Art. 132 XVII.

Bycatch and incidental fishing

Incidental fishing and bycatch are restricted to the volumes authorized by CONAPESCA for each fishery, considering specific areas, periods and fishing gear. The surplus of the authorized volumes will be considered illegal fishing, carried out without a permit or concession.¹³⁴ The use of Turtle Excluder Devices ("DETs" in Spanish or "TEDs" in English) and release mechanisms is mandatory in the development of shrimp outrigger trawling activities.¹³⁵

Special Provisions Applicable to Endangered Species

The General Law on Wildlife establishes the following specific prohibitions:¹³⁶

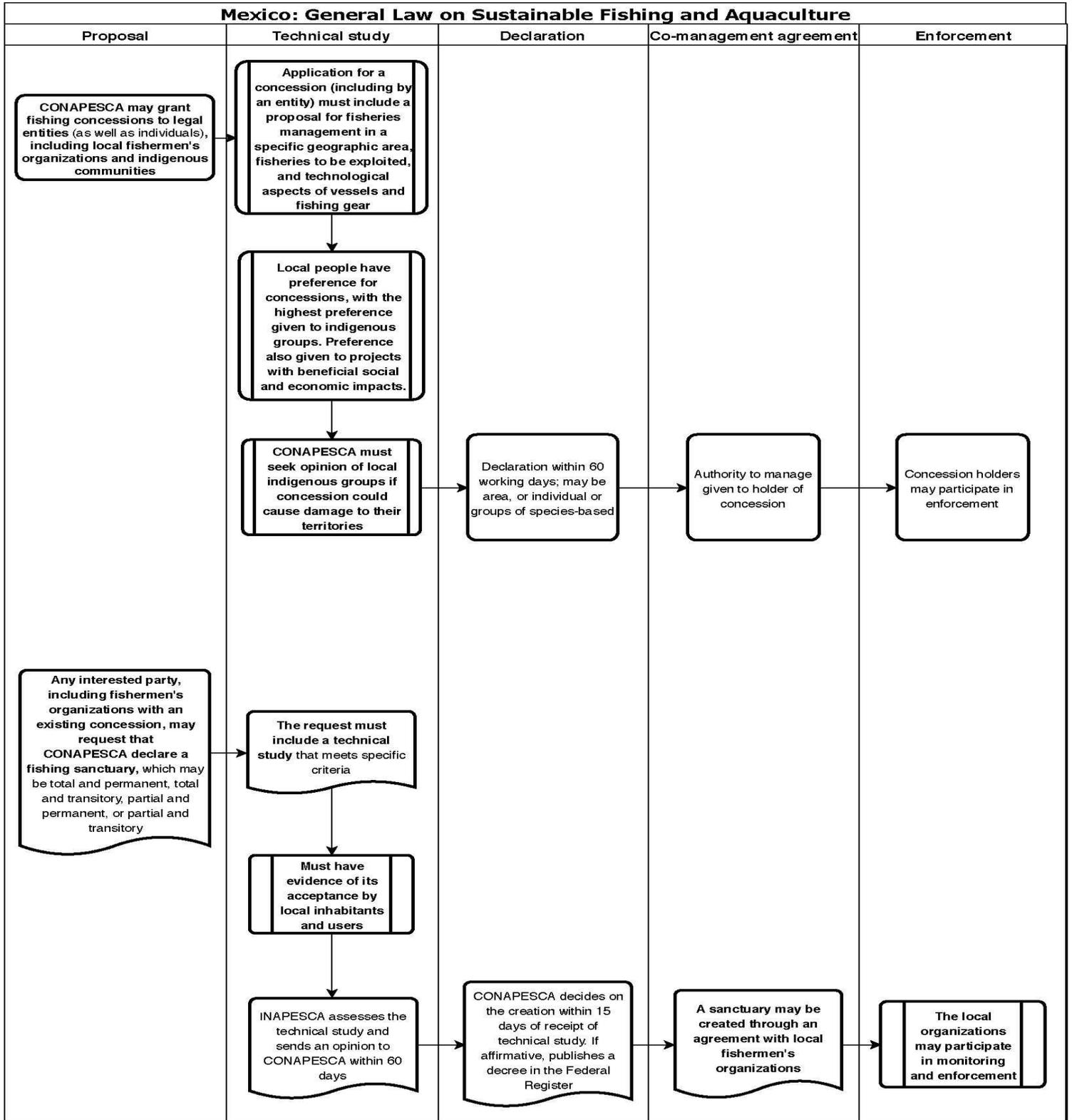
- The exploitation of all specimens of sea turtles of any species for commercial/subsistence purposes or is prohibited, including all parts and byproducts
- It is prohibited to carry out the exploitation for commercial/subsistence purposes of white sharks (*Carcharodon carcharias*), whale shark (*Rhincodon typus*), basking shark (*Cetorhinus maximus*), common sawfish (*Squalus pristis*) and smalltooth sawfish (*Pristis pectinata*). Specimens of these species can only be captured for restoration or repopulation purposes, or for their reintroduction into their natural habitat.

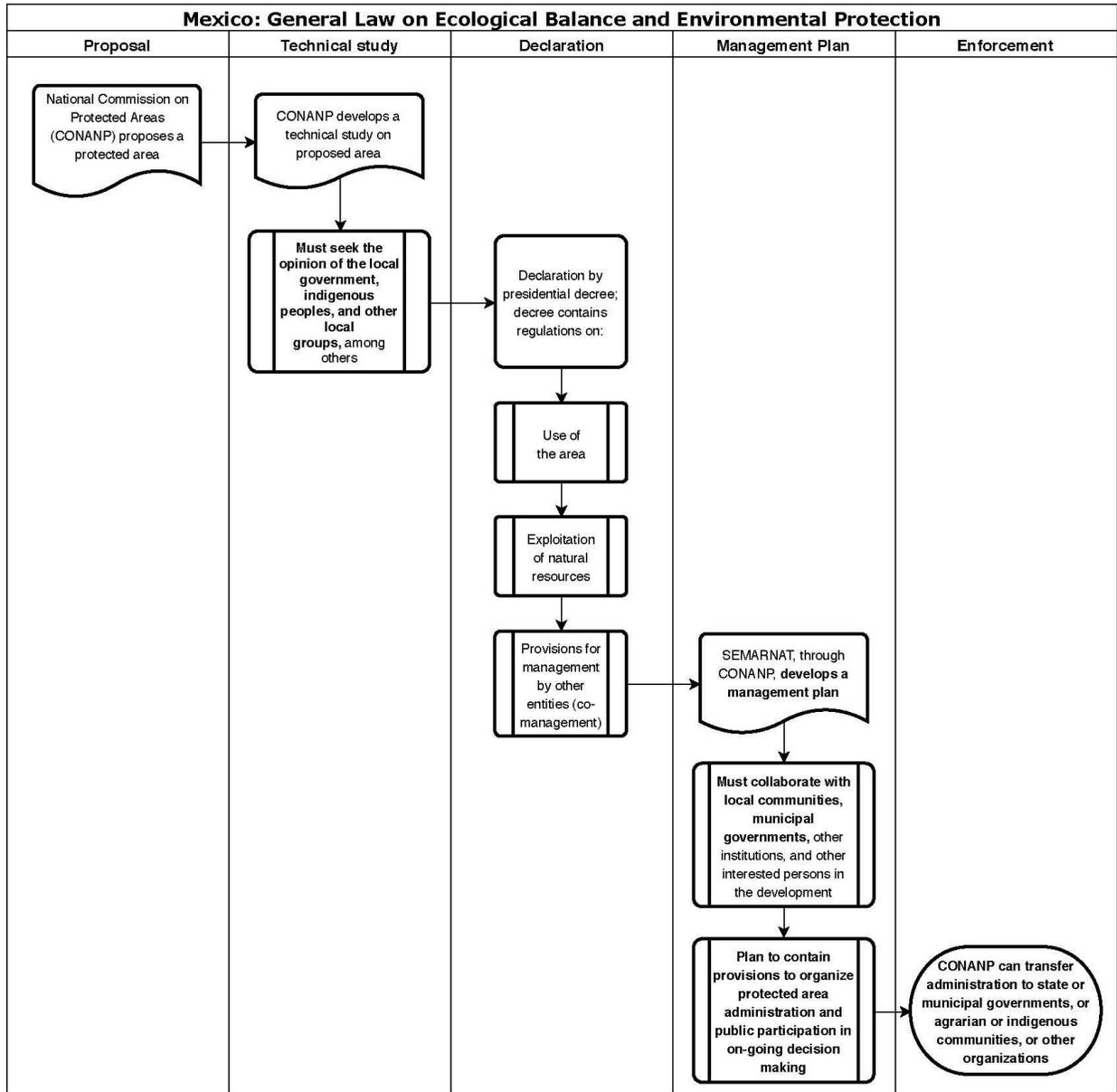
¹³⁴ LGPAS Art. 66.

¹³⁵ Mexican Official Standard NOM-061-SAG/PESC/SEMARNAT-2016. Published in the Federal Register on December 13, 2016.

¹³⁶ LGVS Art. 60 Bis 1.

Appendix A. Mexico. LGPAS and LGEEPA Flowcharts.





Appendix B. List of Marine Protected Areas in Mexico

MARINE PROTECTED AREAS OF MEXICO								
Num	Name	Category	State/s	Total area (ha)	Land area (ha)	Marine Area (ha)	Date	
1	Pacífico Mexicano Profundo	Reserva de la Biosfera	Nayarit, Jalisco, Colima, Michoacán, Guerrero, Oaxaca y Chiapas	43,614,120.19	0.00	43,614,120.19	07/12/16	
2	Revillagigedo	Parque Nacional		14,808,780.12	15,518.22	14,793,261.90	27/11/17	
3	Caribe Mexicano	Reserva de la Biosfera	Quintana Roo	5,754,055.36	28,589.50	5,725,465.87	07/12/16	
4	El Vizcaíno	Reserva de la Biosfera	Baja California y Baja California Sur	2,546,790.25	2,259,002.95	287,787.30	30/11/88	
8	Islas del Pacífico de la Península de Baja California	Reserva de la Biosfera	Baja California y Baja California Sur	1,161,222.98	70,139.62	1,091,083.35	07/12/16	
9	Alto Golfo de California y Delta del Río Colorado	Reserva de la Biosfera	Baja California y Sonora	934,756.25	407,147.55	527,608.70	10/06/93	
12	Laguna de Términos	Área de Protección de Flora y Fauna	Campeche y Tabasco	706,147.67	547,278.71	158,868.96	06/06/94	
13	Islas Marías	Reserva de la Biosfera	Nayarit	641,284.74	24,295.17	616,989.57	27/11/00	
15	Sian Ka'an	Reserva de la Biosfera	Quintana Roo	528,147.67	375,011.87	153,135.80	20/01/86	
18	Isla Guadalupe	Reserva de la Biosfera	Baja California	476,971.20	26,276.97	450,694.23	25/04/05	
20	Zona marina Bahía de los Ángeles, canales de Ballenas y de Salsipuedes	Reserva de la Biosfera	Baja California	387,956.88	483.20	387,473.68	05/06/07	
25	Arrecife Alacranes	Parque Nacional	Yucatán	333,768.51	53.00	333,715.50	06/06/94	
29	Los Petenes	Reserva de la Biosfera	Campeche	282,857.63	100,866.53	181,991.10	24/05/99	
35	Bahía de Loreto	Parque Nacional	Baja California Sur	206,580.75	21,692.08	184,888.67	19/07/96	
42	Yum Balam	Área de Protección de Flora y Fauna	Quintana Roo	154,052.25	52,307.62	101,744.63	06/06/94	
43	Tiburón Ballena	Reserva de la Biosfera	Quintana Roo	145,988.14	0.00	145,988.14	05/06/09	
44	Ventilas Hidrotermales de la Cuenca de Guaymas y de la Dorsal del Pacífico Oriental	Santuario		145,564.81	0.00	145,564.81	05/06/09	

45	La Encrucijada	Reserva de la Biosfera	Chiapas	144,868.16	115,652.73	29,215.42	06/06/95
46	Banco Chinchorro	Reserva de la Biosfera	Quintana Roo	144,360.00	585.79	143,774.21	19/07/96
60	Ría Celestún	Reserva de la Biosfera	Campeche y Yucatán	81,482.33	61,926.57	19,555.76	27/11/00
63	Sistema Arrecifal Veracruzano	Parque Nacional	Veracruz	65,516.47	12.24	65,504.23	24/08/92
68	Zona marina del Archipiélago de San Lorenzo	Parque Nacional	Baja California	58,442.80	0.00	58,442.80	25/04/05
73	Zona marina del Archipiélago de Espíritu Santo	Parque Nacional	Baja California Sur	48,654.83	0.00	48,654.83	10/05/07
78	La porción norte y la franja costera oriental, terrestres y marinas de la Isla de Cozumel	Área de Protección de Flora y Fauna	Quintana Roo	37,829.17	5,733.21	32,095.96	25/09/12
82	Arrecifes de Sian Ka'an	Reserva de la Biosfera	Quintana Roo	34,927.16	1,361.00	33,566.16	02/02/98
83	Sistema Arrecifal Lobos-Tuxpan	Área de Protección de Flora y Fauna	Veracruz	30,571.15	0.00	30,571.15	05/06/09
85	Isla San Pedro Mártir	Reserva de la Biosfera	Sonora	30,165.24	126.99	30,038.25	13/06/02
92	Arrecifes de Xcalak	Parque Nacional	Quintana Roo	17,949.46	4,521.84	13,427.62	27/11/00
99	Arrecifes de Cozumel	Parque Nacional	Quintana Roo	11,987.88	82.28	11,905.60	19/07/96
100	Huatulco	Parque Nacional	Oaxaca	11,890.98	6,374.98	5,516.00	24/07/98
104	Arrecife de Puerto Morelos	Parque Nacional	Quintana Roo	9,066.63	37.74	9,028.89	02/02/98
105	Costa Occidental de Isla Mujeres, Punta Cancún y Punta Nizuc	Parque Nacional	Quintana Roo	8,673.06	0.61	8,672.45	19/07/96
107	Cabo Pulmo	Parque Nacional	Baja California Sur	7,111.01	38.86	7,072.15	06/06/95
115	Isla Contoy	Parque Nacional	Quintana Roo	5,126.26	230.00	4,896.26	02/02/98
121	Cabo San Lucas	Área de Protección de Flora y Fauna	Baja California Sur	3,996.05	208.05	3,788.00	29/11/73
131	Balandra	Área de Protección de Flora y Fauna	Baja California Sur	2,512.73	1,319.53	1,193.20	30/11/12
142	Islas Marietas	Parque Nacional	Nayarit	1,383.02	71.16	1,311.86	25/04/05