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Journalism to Raise Environmental Awareness

Grassroots Bulletin on Sustainable Development in Northwest Mexico



Rustic wall in Tórim provides rest stop for Yaqui children. (Photo: Raquel Padilla).

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Editorial

## **Faced with institutional corruption, the people fight back to defend their heritage**

In this edition of Melóncoyote we have good news to report, as well as some big challenges. Both of these reflect the daily confrontations between corporate extractivism and defense of the land, as well as of natural resource management being in the hands of communities, towns, and neighborhoods, with support from environmental and human rights defenders.

It is inevitable that some of this good news would be the result of challenges that have had to be confronted using the only tools on hand: reason, laws and popular resistance. From there we go to leaders of indigenous communities who have been present in high level international forums, bringing hope that justice will be achieved in response to their demands, as is the case with the Yaqui Nation.

We highlight efforts being made at the level of neighborhoods, schools, and various other institutional sectors to reinforce environmental education as well as the prevention of, and actions against, contamination such as those being undertaken by high school advisors and students.

Land and natural resource defense would not be successful without philosophical and ethical underpinnings or the sense of belonging to a community, to a territory or some other sector, as is explained in two articles from Raquel Padilla and Sergio Morales that will hopefully serve as inspiration.

The dire situation created by the authorization of numerous small and large-scale projects that end up benefitting just a small number of people—impresarios, politicians and even citizens who have sold their influence—wouldn't be possible without the existence of corruption. This as an underlying theme of several stories we cover in this issue and occurs throughout the Gulf of California and all across Mexico.

Faced with the permissiveness of the Mexican authorities, international relationships have a place of growing importance in the application and compliance with the law. An example is the case of the endangered vaquita porpoise. Dead vaquita's continue to be found day after day in spite of the management plan already in place to protect them.

In the recent bilateral meeting (July 22) between the presidents of Mexico and the United States, an agreement was reached on a joint program to save the cetacean. The program's four points are:

1. Mexico will impose a permanent ban on the use of drift nets for all fisheries within the vaquita's habitat in the Upper Gulf of California.

In both countries:

2. Efforts will be made to cooperate and to immediately apply measures to stop poaching and commercial fishing of totoaba and its swim bladders;

3. Efforts will be redoubled, in collaboration with international experts, to develop alternative fishing techniques and equipment to replace the drift nets so as to prevent the entrapment of the vaquita and establish a “vaquita safe” fishery; and
4. They will establish and carry out a long-term program to permanently remove and dispose of illegal fishing equipment abandoned in the vaquita’s habitat in the upper Gulf of California.

In addition, the United Nations World Heritage Committee urged Mexico to take immediate actions to save the porpoise, since by not doing so, it would run the risk that not only the vaquita, but also the “Protected Areas and Islands of the Gulf of California” would be designated as “endangered,” a disgrace for Mexico.

We invite you to read and share Melóncoyote with the knowledge that it is another tool to achieve environmental justice.

Mission

## Why Melóncoyote?

Our project dates back to 1994, when “Journalism to Raise Environmental Awareness” (abbreviated PECE in Spanish) was formed. In 2004, PECE played a role in the founding of the national professional organization The Mexican Environmental Journalist’s Network. In 2005, when we started the first grassroots journalism project in the Gulf of California, our team chose the name Melóncoyote because it is a species emblematic of the region at the heart of our mission.

The Coyote Melon, known in Spanish as melón coyote or calabacilla (which includes the species *Cucurbita palmata*, *C. cordata*, *C. digitata* and *C. foetidissima*) is a wild perennial gourd that is resistant, versatile, beautiful, useful and native to the sandy soils that characterize the Gulf of California zone. The coyote melon is found in the region’s seven states: Baja California Sur, Baja California, California, Arizona, Sonora, Sinaloa, and Nayarit. A vine, Coyote Melon has an immense root that guarantees its survival against hard times while its long stems serve to anchor the soil in fragile areas.

The indigenous peoples of the area, bearers of the region’s traditional wisdom, describe the plant and how it is used. As medicine, it is bitter, but effective. As a musical instrument, it makes a beautiful rattle. Its seeds provide oil and a flour which contains a high level of protein. Its shell is ideal as a container for all matter of things. Because of all of these traits, and because it is an integral part of the food chain and one of the principal foods of the coyote, they named it “Coyote Melon”.

Our team of collaborators chose this name because it is a plant found throughout the region, and in doing so, we wanted to stress our intention to create a large-scale communications medium, capable of spreading (on a regional level) the news about efforts being made towards sustainability. With this symbolic name to represent our work, we are sending a clear message about our respect for the land and the sea, as well as for the ancestral cultures and customs of the region. We see the establishment of this medium for education and dissemination as something urgent, given the idiosyncrasies of the region. We have conceived this project as being an integral element of the environment, something positive like the Coyote Melon.

Faced with the challenges of growth in the region—a low population density, its recent political incorporation into the national government, a high degree of natural attraction and its proximity to the strong investment sector of the United States—we understand the implications of the pressures for development. Dealing with these challenges and pressures will require informed citizens who have the chance to participate in the decisions that affect their land, water, air, biodiversity and their future. We invite others to join with us, to participate in building this medium and to fight for a stable future for the region.

All work on behalf of Melóncoyote is voluntary.

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## Yaqui tribal defender denounces water theft at global forum

“Those who speak out the loudest make it to the UN”

By Mario Luna Romero\*

NEW YORK

Speech given to the [United Nations Permanent Forum on Indigenous Issues](https://www.un.org/development/desa/indigenouspeoples/) (<https://www.un.org/development/desa/indigenouspeoples/>) during a separate Dialogue with the Special Rapporteur on the Rights of Indigenous Peoples, Virginia Tauli-Corpuz, and the President of the [Expert Mechanism on the Rights of Indigenous People](https://geneva.usmission.gov/2016/06/23/item-5-expert-mechanism-on-the-rights-of-indigenous-peoples-emrip-review/) (<https://geneva.usmission.gov/2016/06/23/item-5-expert-mechanism-on-the-rights-of-indigenous-peoples-emrip-review/>).

“Good afternoon ladies and gentlemen. Good afternoon Madame Rapporteur and the members of this Permanent Forum.

“My name is Mario Luna Romero. I am here on behalf of my people, the Yaqui Nation of Sonora, Mexico, an ancient People that refuses to disappear. A nation that continues to resist the onslaught of racist government policies designed to steal our ancestral territories from us, we who are the survivors—survivors of mass government deportation campaigns and the ongoing state of war that has been waged against us for more than 200 years.

“Despite having survived the mass deportations of children and women from early 1900 until 1910, and having endured government airstrikes against the defenders of our tribe's territorial integrity in the 1920s, today we still experience the same anxiety that comes from being dispossessed by state programs that are drawn up by bureaucrats from behind government desks. Beginning in 2010, the government's use of these programs has shown its contempt for the life of our people as it has sought to redistribute great volumes of water from our Yaqui River, without concern that it is stealing this life-giving liquid from one region in order to benefit another which possesses greater technological and economic capacity.

“Contrary to what one might imagine, my people have exhausted all domestic institutional remedies granted by the Mexican State to defend our human right to water and life, to the extent that our legal appeals have reached the Mexican Supreme Court where our case was validated. A corresponding order was given that the Yaqui People be respected and granted the right to be heard through a prior, free, and informed referendum based on international standards and held in good faith.

“This high court ruling has yet to be fully carried out, seeing as the agencies charged with holding the referendum have been negligent in taking action, and have demonstrated throughout most of the process a tendency to merely treat the referendum as a prerequisite to justify relieving us of our ancestral, constitutional, and human rights to the water from the Rio Yaqui, a river which gives name to, and historically is central to our community's existence.

“It must be added that in an explanatory judgment issued by the Supreme Court at the request of the Mexican institutions, it was specified that if it were to be observed, reported, or demonstrated that the large-scale project (which siphons off water through the Independence Aqueduct) was irreparably affecting the availability of water to which the Yaqui Nation has a right, then the project would immediately be cancelled and operation suspended regardless of the stage of the referendum.

**Read our related stories:**  
[The Yaqui and the aqueduct \(page04.html\)](#)  
[Gas pipelines proliferate \(page11.html\)](#)

“In order to resolve this point, and as part of the referendum process, the Ministry of the Environment and Natural Resources, the National Water Commission, and the Yaqui Nation solicited a professional opinion from the National Institute of Anthropology and History (INAH) to determine the level to which construction and operation of the aqueduct would affect the Yaqui Nation. Having done so, INAH determined that the operation of the Independencia Aqueduct gravely affects both the present and future availability of water. The report even went so far as to recommend the project's immediate cancellation.

“Faced with the negative results of INAH’s expert analysis, the Mexican government has remained quiet. It has only persisted in its demand that the referendum be completed and that continued minimal operation of the aqueduct be allowed. The government does not care that by doing so it is violating the rule of law in permitting the operation of a project that lacks an Environmental Impact Statement. By doing so, it leaves itself vulnerable to legal actions taken by the Yaqui Nation. The Yaqui Nation is only demanding complete compliance with the laws that government representatives have sworn to both follow and enforce.

“It is obvious that the Mexican government has not satisfied our nation's demands when we call for respect and justice. Therefore, we believe it is necessary for your intervention, Madam Rapporteur, so that in the short term you will be cognizant of the facts which are being presented here before this honorable assembly. It is important to recognize that without full knowledge of the current situation's facts, further acts of arrogance and impunity are likely to occur, including our protests being criminalized and the laws enforced selectively against our defenders.

“I only wish to add that there is already a previous finding from the Inter-American Commission on Human Rights (IACHR) on the level of risk that exists for our spokespeople and those who defend our nation's human rights. It was reason enough for the IACHR to issue more than six precautionary measures on behalf of the principal activists. Additionally, IACHR has issued recommendations to the Mexican nation on how it can avoid repeating the actions that violated the rights of Fernando Jiménez and Mario Luna, both of whom were imprisoned for more than a year without ever having been found guilty of any crimes.”

*\*Yaqui tribal spokesman.*

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Periodismo Para Elevar la Conciencia Ecológica

Boletín Ciudadano Sobre el Desarrollo Sustentable del Noroeste Mexicano

## Community makes the difference

*By Raquel Padilla Ramos\**

### CIUDAD OBREGÓN

Stretching across large sections of the Yaqui territory are high-tension power lines installed by the Federal Electric Commission, oil and gas ducts belonging to Petróleos de México, fiber optic phone cables from Telmex, railroad tracks, and federal toll highway 15.

There is even an unfinished oil pipeline currently being delayed thanks to the tenacious courage and foresight of the residents of Loma de Bácum, who have refused to sign the final authorization allowing it to cross through their jurisdiction.

Regardless of which private or government company owns or operates them, they generate millions of dollars each day, of which the Yaqui Nation receives not a cent in compensation for the use of their lands.

For at least the last two decades drinking water has been extracted from underground aquifers on Yaqui land and then pumped through the Yaqui-Guaymas Aqueduct, crossing the territory to supply water to the cities of Empalme, Guaymas, and San Carlos. The government charges the residents of these cities for the Yaqui water but the Yaqui see none of these proceeds. Bait and switch tactics have been used by developers and governments alike, in which investment and development agreements have been signed with the Yaqui Tribal Authority, yet none of these have ever been realized.

In more recent times, the Sonoran state government has attacked the Yaqui Nation utilizing what Dr. José Luís Moreno, researcher at Sonora College, has called "institutional dispossession" in order to divert water from the Yaqui River through construction and operation of the Independence Aqueduct. This is a project that National Action Party Gov. Guillermo Padrés' Administration initiated, and the Revolutionary Institutional Party's 's Claudia Pavlovich promotes, in spite of campaign promises to the contrary.

This aqueduct siphons off millions of gallons of Yaqui water, which is diverted first to the Plutarco Elias Calles Dam, known as *El Novillo*. Yaqui River water ultimately ends up in both Hermosillo's industrial zone and new real estate developments on its outskirts. Faced with these nonstop onslaughts, it is essential that the Yaqui are cognizant of their rights and know how to exercise them.

I have been fortunate to have the pleasure of participating as an instructor in courses and in meetings that both analyze indigenous rights and present expert opinions on indigenous heritage. For example, several months ago the National Institute of Anthropology and History (INAH) along with the National Coordinating Committee of Anthropology, and the Sonora INAH Regional Center, held a three-day course on these topics at the Technological Institute of Sonora in Ciudad Obregón aimed at members of indigenous communities in Sonora and their support networks.

INAH chose to hold the course in the municipality of Cajeme because the majority of the state's indigenous population is located in the southern part of Sonora. Attendees were mainly Yaquis and Mayos, all of them cultural spokespeople, but also present were a doctoral student from the University of Helsinki, and an indigenous rights activist working with Baja California tribes.

The course was taught by Dr. Francisco López Bárcenas, consultant on indigenous cultures for the National Anthropology Coordinating Committee. Both Dr. José Luis Moctezuma from the Sonora INAH Regional Center and I provided teaching assistance. López Bárcenas began the course by asking the audience: "Do you believe you are part of a colonized nation?" The audience answered with an unequivocal "NO!"

Later, I gave a presentation on the history of indigenous resistance in Sonora. José Luis Moctezuma followed, addressing the right of original peoples to have a cultural identity and to speak their own language. Next, López Bárcenas discussed indigenous rights in general, emphasizing the difference between individual and collective rights.

The course broadly addressed the topics of autonomy and indigenous territories, while delving deeply into the fundamental right to the referendum (or plebescite) process. The audience was noticeably interested, posing intelligent questions and offering thoughtful comments. There was, above all, a comfortable and respectful atmosphere that permitted both the facilitators and the public to feel free to express themselves.

By the end of the course, the indigenous participants had come to understand that their rights rest on the strength of their collectives, which consequently give them the ability to exercise autonomy. This includes: self affirmation, or the right to proclaim that they exist as a nation; self-definition, or the right to determine who is part of their community; self-limitation, which is the right to determine the geographical and cultural boundaries of their territory; and self-organization, which implies that they can organize themselves in the manner that best suits them in accordance with their norms and customs.

Based on their own personal experiences as indigenous people as well as on what the speakers had addressed, the attendees confirmed that the referendum process was not properly carried out in regards to the large-scale infrastructure projects that have been recently built, or are under construction in their territory. This led to their realization that they *are* suffering from a slow colonization process which could easily speed up at any moment. Finally they could see that only in community, fighting against their condition as "indigenous people" will they be able to maintain their territory's integrity and natural resources for the stability and persistence of their ancestral cultures.

*\*Doctor of Mesoamerican Studies, research professor at the Sonora INAH office, and author of a number of books, including Los Irredentos Parias: Los Yaquis, Madero y Pino Suárez en las elecciones de Yucatán, 1911.*

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## **Obregón's Cobach III present at conference with winner of World Food Prize**

*Text and Photos by Juana Elvia Verdugo Martínez\**

### CAJEME

Dr. Sanjaya Rajaram, seen as the world's foremost wheat expert and winner of the 2014 World Food Prize (often considered the Nobel Prize of agriculture), gave a talk titled "*Global Warming and its Effects on the Yaqui Valley*" to the teaching staff in charge of the Sustainable Development Project at Cobach III Technical High School in Ciudad Obregón.

His goal was to contribute solutions to the region's environmental problems that will ultimately improve conditions in both the Yaqui Valley and the municipality of Cajeme. By the end of the meeting, participants had come to an understanding on the roles and commitments that all involved parties, whether individuals, organizations or government agencies, could contribute to each of the projects aimed at mitigating regional climate change.

Cobach instructor Juana Elvia Verdugo Martínez, head of the Sustainable Development Project, and her coworker and collaborator Silvia Susana Sánchez Barba, participated in the meeting and promised to work with their students on the pledges untaken by the community, with Dr. Rajaram as advisor.

Short-term plans included reforestation of the city and its outskirts as well as the creation of a botanical garden with regional native plants. Other projects unveiled were aimed at restoration of agricultural lands in the Yaqui Valley. The instructors also pledged to participate in follow-up meetings and evaluation sessions.

Sanjay Rajaram was born in India, and is now a Mexican citizen. He is recognized for his contributions to world food security and has developed more than 480 varieties of high-yield, disease resistant wheat. His work is known in India, Africa, and Mexico.

The meeting was a joint effort of the Department of Environmental Management for Sustainable Development in the municipality of Cajeme, and the Rajaram Foundation, under the leadership of Beatriz López Otero. The Foundation has as its goal the strengthening of interagency relations. Community outreach was handled by the Cobach III campus.

*\*Juana Elvia Verdugo Martínez, head teacher of the Sustainable Development Project, Cobach III, Ciudad Obregón.*

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## **After unleashing the country's worst environmental disaster, mining company Grupo México goes unpunished**

*Text and photos by Miriam Espinoza\**

### CANANEA

A toxic chemical spill from Grupo Mexico's Buenavista del Cobre mine in northern Sonora that released 10.6 million gallons of copper sulfate into the Bacanuchi and Sonora Rivers has been labeled as "the worst environmental mining disaster" in the country's history.

Authorities determined that the company had delayed more than 24 hours before publicly releasing news of the spill, and ordered the company to create a US\$150-million trust fund for indemnification of damages caused.

Juan José Guerra Abud, director of the Ministry of the Environment and Natural Resources at the time, stated that the company publicly insisted the accident was caused by "greater than normal precipitation," but the National Meteorological Service says that that is not the case. He says that the spill was due to the failure of a badly designed pipe at the mine.

The spill into Arroyo Tinajas occurred on Aug. 6, 2014. On Aug. 7, residents notified Sonora's Civil Protection Agency. According to national press stories, the company notified the federal authorities on the 8th, but it wasn't until four days later that they did so formally.

The lack of potable water, as well as cases of burns and even cancer, have affected entire families. Life has been made a living hell as people are unable to work or engage in their accustomed activities, or to trust the water or anything that they produce.

Cananea has been the most affected city, where the contamination is still quite evident and the incidence of childhood cancer is much higher. Here, the air, water, and soil are all contaminated.

On March 10, 2016, the Buenavista del Cobre mine had another spill that flowed into the Cananea Ejido. Francisco Lara, ejido president, notified the appropriate authorities.

The only person to show up identified himself as a "representative of the Federal Attorney for Environmental Protection" (Profepa).

News about the spill took several days to reach Hermosillo, there was no official follow-up, and Buenavista del Cobre Mine has never issued any comment.

El Jaralito, a small waterfall that was a source of clean, fresh water as well as being a popular recreation spot for many families in the city is now quite contaminated.

There is also a new river composed of leachate that originates in the storage ponds at the ESDE\* (#ESDE) plant, where all the acids (solvents) used by the mine are stored. Sodium hydrosulfide (NaSH, also known as sodium bisulfide) is used in the process

and is a harsh irritant that can cause severe health and environmental problems. Prolonged contact with it can cause upper respiratory tract irritation.

Rivers of toxic waste pass a mere 200 yards from the city. At night, between 11 pm and midnight, the aroma of rotten eggs makes it difficult to breathe and burns the nose. This is the hour when toxic chemicals are released at the mine and residents near the area know to close themselves indoors to reduce the effects.

Incidents have continued to occur. Cananea is surrounded by contamination from this monstrous mine. The rivers and waterfalls here are under constant threat, and are becoming scarcer because the mine company has a total disregard for any kind of life. Watch [video by Jorge Herrera](https://www.facebook.com/jorge.herrerathompson/videos/908450065912523/?mref=message_bubble) ([https://www.facebook.com/jorge.herrerathompson/videos/908450065912523/?mref=message\\_bubble](https://www.facebook.com/jorge.herrerathompson/videos/908450065912523/?mref=message_bubble)).

In spite of these terrible occurrences, according to an announcement published in the Federal Official Register (June 8, 2016), Arvayo Spring, site of the headwaters of the Río Sonora, is slated to be awarded to this mining company. The river's water will also become property of the company, and no authority, institution or official will be able to do anything whatsoever to stop it.

The mine is currently expanding in order to increase its production. It has built new leachate ponds and, according to the mine's employees, a future spill can't be ruled out because of the potential risk of liquefaction of the retention pond walls by the contaminated water.

As of May 28, 2016, the business has prohibited its employees from using cell phones within the mine facilities. This has led to a great deal of public unrest: If an accident were to occur, the workers wouldn't be able to warn anyone, and this could cost the lives and health of the residents.

Additionally, all of the mine's entrances and exits are heavily guarded by armed federal police who are authorized to use force at their own discretion.

Neighboring ranchers are clearly unhappy because the company doesn't respect their *ejido* lands or roads. It opens and closes roads as it likes without notifying them beforehand.

Grupo México has a long history of tragedies across the country. In 2006, an explosion caused by a buildup of methane gas buried workers in the Pasta de Conchos Mine in Coahuila.

Only two of the 65 bodies were ever recovered from the mine. The National Commission on Human Rights issued a recommendation in which it confirmed that the mine did not have adequate security measures in place.

In June 2010, police violently raided and cleared a union encampment where 80 mine workers from Local 65 of the National Union of Miners, Metalworkers and Allied Workers of the Republic of Mexico had been on strike since 2007, demanding better working conditions.

Almost simultaneously, the Pasta de Conchos Mine was raided in order to silence protests held there by family members of the miners who had been trapped in the mine explosion in 2006.

Grupo México, under the leadership of Germán Larrea, is the world's third largest producer of copper. According to Forbes Magazine's 2013 rankings, Larrea is the third richest Mexican, with a net worth of around \$13 billion.

This company has a dubious past because of all of the cases in which it has been implicated, not only in Mexico but in Peru, the United States, and Spain.

In the United States, it has been fined several million dollars for alleged fraud in the purchase of a mine in Tucson, Arizona. It was also ordered to pay more than \$168 million to remediate environmental problems about which it had been warned, but had ignored. If the company doesn't remediate the problems, the mine could be closed.

In Spain the company was accused of bribing a judge in order to obtain the concession to the Aznalcóllar Mine. "It doesn't make any sense that the Aznalcóllar Mine should be given to the same company responsible for having caused one of the worst environmental disasters in Mexico and that then tried to cover it up," points out Juan López de Uralde, one of the country's environmental icons and leader of the emergent Equo Party.

In Peru, the company is involved in a controversy over the release of an audio recording between an anti-mining activist and a company lawyer, in which the leader addresses the possibility of asking the company to pay him in exchange for ending the protests against the construction of the Tia María copper mine. The mine is a project of Southern Copper Company, principal subsidiary of Grupo México.

ESDE\* - Solvent Extraction by Electrolytic Deposition Unit [[Go back \(#return\)](#)]

### **Sodium hydrosulfide (NaSH), according to the product label.**

The greatest danger posed by this product is through exposure to hydrogen sulfide gas which it releases. It is an severe irritant and prolonged exposure can cause burns. Inhalation of NaHS flakes can cause irritation of the upper respiratory tract.

- *Mixing with water* — head aches, nausea, vomiting, irritation of the respiratory and digestive tracts, irritation of mucus membranes and even loss of consciousness.
- *Contact of liquid with skin* — Causes severe irritation and may cause chemical burns. Prolonged exposure may lead to dermatitis.
- *Contact of liquid with eyes* — Causes severe irritation and possible permanent corneal damage that results in blurry vision or even blindness.
- *Ingestion* — Severe burns and corrosion of all portions of the gastrointestinal tract, pain in the throat and stomach, nausea, uncontrollable vomiting, and diarrhea. In the most severe cases, total collapse, loss of consciousness, and respiratory paralysis may occur. Contact with stomach acid releases the highly toxic hydrogen sulfide gas.
- *Environmental risks* — Can be dangerous to aquatic life if released into water bodies. The product reacts with air and can cause fires when hydrogen sulfide gas is released.
- *Special product risks* — The product should not be mixed with acids because hydrogen sulfide gas is immediately released, with rapid, lethal effects.

Information corroborated by Dr. Reina Castro Longoria, researcher at the University of Sonora.

*\*Environmental journalist with the regional paper La Bartolina, based in Cananea Sonora.*

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## **As deaths of vaquita porpoise increase, activists demand total ban on harmful fishing practices**

*By Talli Nauman\**

SAN FELIPE

One month after organizations working to protect the world's smallest porpoise demanded that the federal government permanently ban the use of fishing practices that threaten the animal, authorities detained a boat owner who was caught illegally using a trawl net within the vaquita marina sanctuary in the Upper Gulf of California.

All fishing activity using any type of gill net or trawl net within the refuge is prohibited because their use is deadly to the vaquita (*Phocoena sinus*), an endangered marine mammal. Their only known natural habitat is the Upper Gulf of California where only an estimated 50 to 100 animals are believed to survive.

The current prohibition of those fishing practices harmful to the species is only effective from April 2015 to April 2017. It excludes the use of all drift nets, seine nets, and long lines operated by small boats within the vaquita's habitat.

After the discovery in April 2016 of three dead vaquitas in the waters of Puerto San Felipe, all with signs of having been injured by nets and rope, the organizations demanded the permanent ban of these fishing techniques. The organizations are: The Animal Welfare Institute, *Centro Mexicano de Derecho Ambiental*, A.C. [Mexican Center for Environmental Law - Cemda], the *Centro para la Diversidad Biológica*, Defenders of Wildlife, Mexico, the *Fundación Antonio Hagenbeck y De La Lama I.A.P.*, Greenpeace, and *Producciones Serengeti*.

“Everything seems to indicate that not even the prohibition on certain fishing methods, or patrols in the area to verify that the prohibitions are honored, are proving effective,” they add.

The Federal Attorney for Environmental Protection (Profepa) carried out the necropsies on the three cetaceans in Tijuana at the facilities of the *Zoo Internacional* and the veterinary clinic of Dr. Alexander Brown. The remains were placed in cold storage at Profepa facilities in Mexicali for future studies.

“Faced with the possibility that these animals died trapped in nets or because of human activity, authorities have intensified night time patrols and inspections on land and at sea, especially in those areas found to be dumpsites for Totoaba nets. They have also reached out to the fishing community in order to raise their members' awareness about not poaching or using prohibited fishing techniques,” said Profepa.

In March, Sea Shepard Conservation Society, an organization that is fully engaged in the vaquita rescue campaign, found another dead porpoise floating near San Felipe, in what Profepa confirmed was an advanced stage of decomposition.

Because of the amount of decomposition, it was not possible to determine the cause of the animal's death or if it was caused by human activity,” Profepa's report concluded.

The remains of the animal are also in Profepa's cold storage facility in Mexicali.

Alejandro Olivera from the *Centro para la Diversidad Biológica* noted that there are three deficiencies in the conservation program: monitoring in the refuge is neither sufficient nor effective; the alternative fishing techniques that currently exist are not being incentivized as they should be in order to ensure their use; and there is an almost complete lack of research on and development of new techniques.”

Activists accepted that “the federal government's proposed measures are a good start, but they must be carried out effectively.” And they pointed out that: “what is lacking are resources to reinforce the monitoring patrols in the zone and provide the fishing community with alternative fishing methods that will allow it to continue to fish without becoming a threat, not only to the vaquita, but also to the totoaba, another endangered species in the gulf.

More than 140,000 people signed a petition demanding that the measures to protect the vaquita be made permanent. People can add their names on the Vaquita's [Greenpeace page \(https://greenpeace.mx/vaquita-marina/?\)](https://greenpeace.mx/vaquita-marina/?).

Miguel Rivas, coordinator of the Ocean Campaign for Greenpeace Mexico, pointed out: “There are very few individuals remaining so it is important to protect them now. If we don't, then it won't be very long before they have completely disappeared. Each time we lose a species, genetic capital and environmental equilibrium is lost, and in this case it will be from our oceans.”

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## **Environmental organizations: on a mission not always easily accomplished**

*By Sergio Morales Polo\**

### HERMOSILLO

Environmental groups arise in communities where responsible citizens express interest in conserving their natural heritage, and thereby their own happiness. If we understand environmental health as being a condition necessary to achieve this, then it is impossible to be happy in a place which is contaminated, degraded or lacks food or water.

Starting with this premise, the general mission of such an organization then would be to contribute to the conservation of natural resources like air, water, soil, flora, fauna, and natural spaces.

The organization would likely turn to a variety of available tools to engage in any number of different aspects of conservation work, including the prevention, correction, remediation, administration, lobbying, legislation, negotiation, outreach, education, research, and training of more allies or activists.

In terms of education, it is important to include the development of a "culture" of conservation and environmental protection, because the majority of new projects fail if they do not have the support of those within a community, neighborhood, town, city, state or country.

These organizations also have internal goals: to improve their own resources; train their staff; use the best technology available; have installations that are environmentally friendly; and secure the necessary funds to carry out their projects. As if that weren't enough, they might even have to develop the necessary skills to deal with corrupt public servants and business people whose avarice has led them to break laws, ethics, and moral principles.

It would seem then that under normal conditions it would be very difficult for these organizations to achieve their mission, since there are also large economic interests at play, such as those that exist in mining, forestry, water resources, tourism developments, and large-scale industrial polluters, where owners and proponents are willing to go to any length for the sake of completing their projects; the news of bribery and assassinations of environmental activists seems to support this claim.

It is heartening to see then, that in spite of all of these obstacles, environmental organizations are actually making advances towards reaching their goals, and environmental awareness within communities is gradually growing.

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## **New legislation passed in Baja California Sur further enables expropriations**

*By Miguel Ángel Torres\**

LA PAZ

In a turbulent session, Congress approves the LAPP. (Photo: Frente Ciudadano en Defensa del Agua y la Vida).

Because of an unusually large voter turnout by legislators from the National Action Party (PAN) as well as the presence of the police inside the building, dozens of protesters were unsuccessful in their attempt to prevent the Baja California Sur State Congress from passing the Public-Private Partnership Law (LAPP).

In advance of the vote, the Citizen's Front for the Defense of Water and Life [*el Frente Ciudadano en defensa del Agua y la Vida*] began an information and petition campaign in support of a document criticizing what is being characterized as the Mendoza Law to dispossess Baja California citizens. They later presented the document to Congress in order to demonstrate that a large sector of the public is not in agreement with the proposed law. The law was finally passed with the 13 votes of the PAN delegates and two from the *Renovación Sudcaliforniana* Party.

The group's petition to be heard, to hold a public referendum, and demanding the rejection of the Governor's proposed law was ignored by both legislators and the Commission on Fiscal and Administrative Issues [*la Comisión de Asuntos Fiscales y Administrativos*] of the State Congress, even though it included more than two thousand signatures.

Passed on June 8, LAPP is Governor Carlos Mendoza Davis' pet initiative and a faithful copy of the federal law of the same nature. It is a public security law with the objective of "regulating the development of projects by Public-Private Associations in the state of Baja California Sur such that municipal and state governments can undertake projects with private, national and foreign businesses.

In addition to providing a comprehensive framework of laws, it is intended that it be used to deal with long-term projects, including provision of services to the public sector or the end user. It also includes projects that use infrastructure provided totally or partially by the private sector in order to improve public welfare and increase investment in the state.

The proposed projects under this act must show their cost benefits as compared with other financing options, which should not be difficult since an investment and technological development fund is being created that guarantees success, and which will be strengthened by the backing from other institutions such as the Foreign Trade Bank and others dedicated to the tourism sector.

The first law of this type was created during the Felipe Calderón administration in January 2012. Its objectives were to improve public welfare and increase investments in the country, after which an avalanche of investments in highways, specialty hospitals, and city, government, and other infrastructure occurred. It even served as the basis for the development of the Energy Reform Law, which to date has yet to show its promised social benefits.

Citizens who rejected the LAPP in Baja California Sur warn that this law will increase the number of investments that put the state and environment at risk. They rally with: "SAY NO TO MENDOZA'S LAW OF DISPOSSESSION OF SOUTHERN BAJA CALIFORNIANS!" (the Public-Private Partnership Law). THIS LAW AFFECTS US ALL! If you are a rancher or grower they can expropriate your land to develop a public-private project; if you are a fisher, they can take away your concession rights in order to develop a public-private project like what could become the Don Diego mine; if you are a home owner within the area where they want to develop a private-public project, they can take away land from you and your neighbor under the framework of eminent domain. If you own trucks, boats or other machinery and they need them to develop a public-private project, they can expropriate your property (...)."

And just like with the Energy Reform Act, private property can be expropriated in the public interest if the owners don't accept the settlement they are offered. Article 88 of the LAPP states that "the adquisition of such real estate, goods and rights will be made through a conventional route or through the expropriation of private property."

The political parties, including PRI, *del Trabajo*, the *Revolución Democrática*, and the *Movimiento de Regeneración Nacional*, all voted against the law, but only had 6 seats total. On expressing their discontent, they stated that the Act was a grievous antidemocratic intrusion and an abuse of discretion, that it made a mockery of the citizens of Baja California Sur, and that it was a coup of the State Legislature." At the same time, they consider that the law "is null and void because legislative procedures weren't followed. For example, any time a claim is made stating there is an urgent need to pass a law and therefore the second reading of the law should be waived, that claim *must* be substantiated," (it wasn't) and so the law was illegitimate from the very start.

"People in Congress and the Government Palace are already saying that for 2017, more than one-third of the budget will go towards financing public-private partnership businesses." Meanwhile, citizens and political parties are announcing that they will be filing new legal actions to prevent the law from taking effect.

In a press release, PAN responded, saying that the goal of the law is to increase confidence in private investments and to establish new financing mechanisms for public works "with a high social content in Baja California Sur that benefits all sectors of the population."

In Baja California Sur, there are currently a number of conflicts because of plans for mega tourism and industrial developments. Among these are projects in Todos Santos and Cabo Pulmo, as well as mining investments such as the Gulf of Ulloa deepwater mine and other terrestrial mines like the open-pit gold mine in the Sierra la Laguna Natural Protected Area.

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## Neighbors miffed officials fail to enforce order to remove levee at foreign retirement villa

By Agustín del Castillo\*

MEXICO CITY

Neighbors of San Francisco, located on the Nayarit Riviera, are protesting the authorities' lack of action in response to the risk posed by the builder's obstruction of water flow towards the estuary and ocean.

After a year and eight months, the neighbors have achieved only a Pyrrhic victory over San Pancho Builders, whose levee—determined by the administrative authorities to be illegal—has only partially been removed from Arroyo de Los Izotes. The obstruction is still causing a decrease in the amount of water that can flow into the estuary located on the southeast edge of the community.

The situation didn't look so bad at the beginning of June. The Federal Attorney for Environmental Protection (Profepa) had ordered the physical removal of the levee, put in place at the end of 2014 by developers in order to increase the size of the property on which their new housing development was to be built.

The project is directed at the burgeoning retirement population, especially from the United States.

When machinery arrived on May 31, demolition and removal of the levee began. Profepa released a statement emphasizing that its ruling demanded the complete removal of the levee, and that it was urgent to do so because of the impending arrival of the hurricane season, which necessitated that the river channel be at maximum capacity to handle water flow.

The levee was built in the Federal Zone. Érik Saracho Aguilar, one of the opponents of the levee project, wrote on his Facebook page: "Today, May 31, almost 18 months after complaints were first lodged about these crimes against the human right to a safe environment, we have made a tangible, substantial and real advance. We haven't won completely. The damaged wetlands still have to be restored and the levee removed.

"There is still much to be done," he adds. "However, these past 18 months of labor today taste of hope and justice, of unity and determination of the people, of solidarity and support, of having won against those who act with impunity and engage in real estate speculation, and of our advances toward a clean and healthy estuary, by and for everyone [...]."

Echoing local popular sentiment, Saracho Aguilar continues: "It is true that when the people unite, progress is made. Congratulations to the San Pancho community (*#todossomossanpancho*—we are all San Pancho), it's great to see them holding their own against *#Profepa*, with the certainty that the estuary is not for sale (*#elesteronosevende*) and the conviction that we, the defenders of the estuary

(#elesterosedefiende), begin June 2016 with renewed energy, with a smile going forward, and infinite thanks for all of you.”

In his post, Saracho Aguilar writes that Profepa “confirmed that work had commenced to completely remove the levee and any structures that were part of the *Arroyo Los Izotes Flood Control Levee and Wastewater Discharge Pipeline Project*, in San Francisco, located in the municipality of Bahía de Banderas.”

“Prior to the actual enforcement (in May 2016) of the Federal Attorney’s original order (issued in April 2015) to remove the construction within a period of no more than 10 working days, the governing board of Ejido San Pancho<sup>[1] (#superscpt1)</sup> lodged a [Writ of Amparo \(https://en.wikipedia.org/wiki/Recurso\\_de\\_amparo\)](https://en.wikipedia.org/wiki/Recurso_de_amparo) against the project. The ruling in this additional complaint ordered the halt to any and all work or activity being carried out in the river bed. This favorable ruling was based on the fact that the prior complaint from May 2015 had already been resolved back in September 2015.”

He then adds, “Delays in the enforcement of the order occurred because of the current issue’s inter-institutional nature which necessitated meetings with a variety of authorities to ensure the levee’s removal. After these were concluded, Profepa issued its ruling on May 20, 2016—based on its obligation to guarantee every person the right to a healthy environment for his or her development and well-being (referred to in Article 4 of the Constitution)—that gave the San Pancho real estate developer one business day to carry out the complete removal of the levee and all related facilities (...) with the understanding that if it did not comply, the administrative authority would proceed with its removal, in coordination with the federal, state or municipal authorities involved, and at the expense of the firm in charge of the project.”

That explains why, on May 31, “Profepa inspectors from the Nayarit branch arrived at the site to verify the removal of the levee pursuant to the May-2016 ruling, confirming that the company was indeed taking actions to remove the levee,” and that the work was supposed “to take approximately 15 days.” However, the removal work didn’t end until July 7 and photographs taken by a drone showed that the levee had in fact only been partially removed. Neighbors were angered by the results.

“It seems that Profepa official Omar Cánovas believes he can deny reality. The order was to completely remove the levee, yet it was only done partially, and badly at that. Even in the place where they removed soil, they only leveled the area so it was flush to the water surface and just left all of the landfill in place. On top of that, it seems they are claiming that this material will be used for the wetland restoration,” neighbors pointed out.

Nonetheless, Profepa’s national office bought the developer’s story that it had complied completely with the original April 2015 judgment. In response, Profepa released a statement, announcing that its Nayarit branch “had verified the complete removal of the barrier and other structures related to the project known as the *Arroyo Los Izotes Flood Control Levee and Wastewater Discharge Pipeline Project*, in San Francisco, municipality of Bahía de Banderas (...) after having followed up on the work being carried out (...) and that it was done in compliance with the latest ruling issued in May 2016 against the company in charge of the project.”

The non-profit Alianza Jaguar, AC sent the Profepa official an email with the following message: “I am attaching photos showing you the loss of surface area of the San Pancho coastal lagoon beginning as of December 10, 2014. Perhaps with the help of these

photos, a better criterion can be made for what a TOTAL REMOVAL of the levee actually means, and meanwhile you ask the offending business to stop their sad charade.”

Reclaiming land from a marsh used to be considered a engineering feat, even in this coastal region that today is known pretentiously as the Nayarit Riviera. In times of environmental crisis and climate change, it is one of the worst omens. “The town isn’t going to be able to withstand a flood like the one we had in 2010,” residents added worriedly.

[1] actually, it was *Ejido Sayulita*

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## **Pipeline buildup promotes fossil fuel consumption, energy dependence**

*By Talli Nauman\**

### MAZATLAN

The foreign pipeline corporation most spurned by the people and presidency of the United States has been currying favor steadily with their Mexican cohorts, and expects to put into service two natural gas conduits here in Sinaloa before the end of the year.

The Canadian corporation won its seventh 25-year pipeline construction contract with Mexico's Federal Electricity Commission in June 2016. The new contract comes on top of the two here on the Northwest Coast.

One, the Topolobampo line, crosses the Copper Canyon to El Encino, Chihuahua, and the other, the Mazatlán line, goes to El Oro, 50 kilometers northeast of Topolobampo.

Celebrating its latest lucrative investments, the company, TransCanada Corp., boasted that Mexico has "adopted" it and that General Manager of Mexico Operations, Robert Jones, "sees no end, either in the short or long run, to the opportunities for projects."

Jones noted that TransCanada Corp. has "established an impressive record in the country ... working with local and indigenous communities, and treating people with respect. Because of these values, TransCanada has been adopted in Mexico," he said in an Aug. 2 announcement.

TransCanada Corp. recently lost a multi-year fight for permission to build a pipeline from the oilfields of Canada across the U.S. border and through the agricultural heartland of the United States to slurry tar-sands crude to refineries and export facilities on the Gulf of Mexico.

The U.S. administration nixed the permit for that project, the Keystone XL Pipeline, in the wake of strident opposition from indigenous and other rural peoples whose land and water are at risk from spills of pipelines carrying hazardous toxic petroleum products.

TransCanada's first tar-sands crude slurry line through the heartland spilled 14 times in the first year of operations on the route from Canada through North Dakota, South Dakota, Nebraska, Kansas, Missouri and Illinois.

TransCanada Corp. now is suing the United States in federal court and in the international tribunal of the North American Free Trade Agreement for the loss of expected income due to the denial of the permit for Keystone XL private infrastructure project, which would have been the company's second tar-sands crude slurry line.

The legal action has aroused the disgust of climate justice activists and clean energy advocates who fought the profit-motivated endeavor in hopes of curbing greenhouse gas proliferation by reducing fossil-fuel transportation options.

"One can't deny the impact of halting a major pipeline project," the non-profit Natural Resources Defense Council said. "The moref dirty oil left underground in the north, the more space left for clean energy to grow."

The tar sands industry once had plans to triple production of one of the dirtiest fuels on the orb by 2030, but now it's canceling those mining contracts by the dozens.

TransCanada Corp., its schemes defeated at least temporarily in the United States, is gaining a bigger and bigger toehold in Mexico. It already owns and operates a Manzanillo-Guadalajara natural gas pipeline and another in Tamazunchale, in the central Mexican state of San Luis Potosí. It expects to break ground soon on a Tamazunchale Pipeline Extension.

The company garnered Raramuri assent to accomplish the construction of the Topolobampo line across the Copper Canyon, by providing many gifts of baseball equipment, school supplies, educational infrastructure and community buildings.

TransCanada Corp.'s Mazatlán pipeline segment reaches to another new gas line in El Oro, which runs 330 kilometers from there to Guaymas. The El Oro-Guaymas segment, part of Gasoducto Sonora, as it is called, currently is under construction by a subsidiary of Infraestructura Energética Nova, S.A.B. de C.V., (IEnova), previously Sempra Mexico, itself a subsidiary of Sempra Energy, a Fortune 500 energy services holding company based in San Diego, California.

IEnova also is building a 500-kilometer segment to transport natural gas from Sásabe to Guaymas, Sonora. The company has finished building a stretch between Sásabe and Puerto Libertad, which was not yet in operation by August 2016.

Meanwhile, IEnova and TransCanada Corp. are working together on the Sur de Texas-Tuxpan gas line.

The Mexican presidency has TransCanada Corp.'s unbridled support for privatization of the energy sector and boosting power consumption. The company foresees a 75-percent increment in Mexico's natural gas demand as a result.

"Mexico will make an important contribution to TransCanada's vision of becoming one of the leading energy infrastructure companies in North America," corporate literature declares.

"There is no question about President Enrique Peña Nieto's unbending commitment to the speed of the country's historic energy reform," TransCanada Corp. said in announcing its most recent project proposal: A joint venture with the giant Transportes Marítimos Mexicanos and the startup Sierra Oil & Gas, the first private exploration and production company in the Mexican petroleum business since the reform in 2015 smashed the state monopoly over the oil industry.

That project aims to provide transportation and storage for "the growing demand for petroleum products, such as gasoline, diesel, and aviation fuel in central Mexico and contiguous markets," the company said.

It hopes to move those products on the same rights of way it gained in winning bids during 2015 and 2016 to continue expanding its Mexican domain with gas lines from Tuxpan, Veracruz, to Tula, Hidalgo, and from Tula to Villa de Reyes, San Luis Potosí, where the power plant currently runs on filthy fuel oil.

The natural gas is destined for conversion of electrical power plants to reduce dirtier fuel pollution in other places around the country, as well, including Guaymas, Mazatlán, Topolobampo, and Tuxpan.

While natural gas is generally perceived as a transition fuel replacing the heavy fuel oil or coal in generating stations until renewable solar energy is sufficiently entrenched in the

grid, the concept of boosting electricity production flies in the face of conventional U.N. wisdom emphasizing the paramount importance of reducing power consumption as the key to curbing extreme climate change.

The latest TransCanada contracts with the Federal Electricity Commission not only facilitate consumption, they also encourage dependence on foreign resource inputs, while “Mexico’s significant untapped natural gas reserves, if properly developed, could eventually provide Mexico with energy independence,” observe industry analysts at the Engenerati stakeholders forum.

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## Controversial large-scale industrial development affects mangroves

By Miguel Ángel Torres\*

OHUIRA

Construction of a large ammonia plant in the Santa María-Topolobampo-Ohuira wetlands and lagoon system, a Ramsar Site, in the municipality of Ahome, Sinaloa has been suspended due to irregularities in the permits and to resistance from the community.

In accordance with the Environmental Impact Statement summarized in the ecology journal *Gaceta Ecológica* published by the Ministry of the Environment and Natural Resources (Semarnat), the company Gas y Petroquímica de Occidente intends to build an anhydrous ammonia (NH<sub>3</sub>) plant, with a daily production capacity of 2,200 tons. It also plans to install a network of 18-inch diameter pipelines that would carry natural gas and ammonia, and cover an area of about 98 acres.

Francisco Labastida Ochoa, project leader, has a long history in politics: He is a former presidential candidate in 2000 for the PRI party, ex-secretary of the Ministry of the Interior, ex-governor of Sinaloa, ex-president of the senate's energy commission, and current director of the business and development consulting company Consultores en Desarrollo, Economía y Finanzas.

According to a report published in the daily newspaper *Noroeste*, Labastida Ochoa's political influence can be felt in every aspect of the public sphere. He has received the endorsement of the current energy secretary, Pedro Joaquín Coldwell; the backing of his friends Mario López Valdez, the state's governor, and businessman José Eduvigildo Carranza; as well as the support of businessman and politician, Rubén Félix Hays, and his own son, Francisco Labastida Gómez de la Torre, current Secretary of Economic Development and Strategic Projects of the state of Sinaloa.

The project was not initially approved by the National Commission on Natural Protected Areas (Conanp), a branch of Semarnat. Later, however, after a meeting with impresarios and politicians, Juan José Guerra Abud, the head of Semarnat at the time, fast-tracked project authorization.

The project's international interests are represented by the Grupo Proman company, personally invited by Labastida Ochoa to form part of the industrial conglomerate. On its website this company touts itself as a leader in engineering and construction, with operations around the world in gas, petrochemical and steel processing, as well as infrastructure and the automobile industry.

The group declares itself to be an expert in key areas such as engineering, viability studies, construction, purchasing, marketing, and both project and services management. It is the largest producer of methanol in the world, with a presence on four continents and in more than 12 countries. It has 31 operating subsidiaries and about 1,500 employees around the world.

In Mexico, the project entails the construction of a fertilizer factory with a daily production capacity of 2,200 tons, thereby turning the country into an exporter of the product,

principally to Latin America, Asia and Europe.

The company states that it has an unwavering commitment to providing a safe, healthy, and gratifying workplace, as well as to protecting the environment, natural resources and local communities. It also states that its plants will use the latest proven technology available that minimize environmental impact. In addition, it says it is taking into consideration local environmental laws, and that the plants are designed to meet the most stringent international codes or local environmental laws and regulations.

This is the political and economic power with which local fishermen, residents, and environmental activists are faced. They hope the permits will be withdrawn that allow construction of one of the largest fertilizer plants in Latin America, and lead to the destruction of this natural wetland. They see investors as trying to take advantage of the natural gas supply and the proximity of the deep-sea port in Toplobampo, which translates into cheap energy and quick access to the foreign market.

Detractors point to corruption and influence peddling, the total absence of ethics and social responsibility, as well as a lack of respect for international agreements, treaties, and conventions signed by Mexico, which are allowing the multi-million dollar investment to take place within the ninth most important wetland in Mexico, also a protected Ramsar site.

At the moment there are at least two complaints against the construction of the fertilizer plant, the first made by ex-federal delegate Gerardo Peña Avilés who is representing 3,000 fisherman from 13 cooperatives. He made a formal environmental complaint against the project for “having carried out activities, acts and omissions that have caused grave damage to the area’s ecosystems, for example to the habitat of protected species of wild flora and fauna, as well as direct damages to the wetland vegetation and to the mangrove forest ecosystem.”

The Federal Attorney of Environmental Protection (Profepa) received the complaint in Mexico City on Aug. 27, 2015. It was accompanied by a technical report detailing the violation of a number of federal laws and asking that the agency verify these violations and impose a number of security measures.

The complaint asked for the temporary, partial or total closure and cessation of work on any installations, machinery or equipment, and sources of contaminants, as applicable, that are being used in a manner that can be harmful to the area’s biodiversity or natural resources.

According to Peña Avilés, the demand was partially addressed when the infilling of the wetlands was halted and only minor works are now being carried out. Another of the demands is a neutralization process or any other similar action that prevents materials or dangerous residues from creating an ecological imbalance or from harming or causing severe deterioration of the natural resources.

The ammonia plant is located next to a number of other industrial plants, a Pemex petroleum storage facility, and a thermal power station run by the federal electric commission (CFE), all of which present, in the eyes of academic and environmentalist Sandra Guido, an impending threat to the environment.

Guido writes on her Facebook page: “Beyond the potential environmental damage to this internationally recognized Ramsar Wetlands Site, the risks to the residents must be evaluated in terms of the chances of an accident occurring at the plant, or even worse, of a combined conflagration involving the ammonia plant, the energy plant, and the petroleum stores.”

According to the Culiacán newspaper *Río Doce*, the Topolobampo housing committee [*El Comité Único de la Vivienda*] also expressed its disgust with the industrial project, calling on the fishing community's residents to engage in a massive mobilization repudiating the new investments. Gorgonio Silva Gualizapa accused the government and the business people of not caring about the grave ecological risks and the health of the residents of the Ahome fishing cooperatives, and asked that the destruction of the estuary be stopped.

The Convention on Wetlands of International Importance, known as the Ramsar Convention, was signed in the Iranian City of the same name in 1971. [Its mission \(http://www.ramsar.org/about/the-ramsar-convention-and-its-mission\)](http://www.ramsar.org/about/the-ramsar-convention-and-its-mission) is “the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.” (Ramsar, 1971)

Ramsar has 169 members. Mexico joined in 1986 and has 142 sites designated as Wetlands of International Importance (Ramsar Sites), with an area of 2.14 million acres.

According to Ramsar's [technical data sheet \(https://rsis.ramsar.org/rs/2025\)](https://rsis.ramsar.org/rs/2025), the Santa María-Topolobampo-Ohuira lagoons, site of the planned industrial plant, are of great environmental importance: The three coastal lagoons are designated as a UNESCO World Heritage Site and Biosphere Reserve. They are part of the Gulf of California Islands Protected Area for Flora and Fauna, which also has a total of eight islands, six of them within Bahía de Ohuira.

All of the mangrove species found in Mexico are present in the lagoon complex. It is home to 84 percent of the aquatic migratory birds found wintering in Mexico. It is subjected to inundations and storms from tropical cyclones that are produced regularly in the region, and the lagoons function as a coastal stabilizer by reducing the energy and speed of runoff produced by rain.

Ramsar found that the Reddish Egret (*Egretta rufescens*), a species subject to special protection under Mexican law (NOM-ECOL-059-2001), nests within the island complex, which is also a feeding and breeding ground for protected Olive Ridley (*Lepidochelys olivacea*), Green (*Chelonia agassizii*), Leatherback (*Dermochelys coriacea*) and Hawksbill (*Eretmochelys imbricata*) sea turtles from adolescence through adult stages. All of these species are described as *endangered* on the IUCN Red List, with the last two species designated as *critically endangered*.

The four species of mangroves present are subject to special protection, mainly because they harbor the reproductive phase of a number of commercially important marine species including shrimp, oyster, and a variety of fish. A number of cacti, such as tasajo (*Peniocereus marianus*) and viznaguita (*Echinocereus sciurus* var *floresii*), which is endemic to the Topolobampo area and has only been reported from Isla Mazocahui, are also protected, as a number of other plants.

The Santa María-Topolobampo-Ohuira Lagoons comprise the ninth highest priority site of Mexico's 28 top priority wetlands, as identified by Ducks Unlimited de México (DUMAC), because they harbor 84 percent of all the aquatic migratory birds found to winter throughout Mexico. Found seasonally in the wetlands are: 65 percent of the Common Teals (*Anas crecca*); 69 percent of the Northern Pintails (*Anas acuta*); 84 percent of the Blue-winged Teals (*Anas discors*); 68 percent of the Northern Shovelers (*Anas clypeata*); 76 percent of the Gadwalls (*Anas strepera*); 77 percent of the American Widgeons (*Anas americana*); 92 percent of the Black-bellied Whistling-ducks and Fulvous Whistling-ducks

(*Dendrocygna autumnalis* and *D. bicolor*); 91 percent of the Redheads (*Aythya americana*); and 63 percent of the Lesser Scaups (*Aythya affinis*).

On Isla de Patos, more than 20,000 birds of a number of pelican species have been counted, while the area's population of Common Teal (*Anas crecca*) sits around 3 million birds and that of the Northern Shoveler (*Anas clypeata*) at 4.641 million.

Following are some of the species of birds that reside in the lagoon system and their level of protection, according to the Mexican law NOM-059-SEMARNAT-2010 (Environmental Protection-Native Mexican Species of Wild Flora and Fauna) and in accordance with the technical report presented by Peña Avilés:

- California Brown Pelican (*Pelecanus occidentalis*)—Threatened.
- Great Blue Heron (*Ardea herodias*)—Protected endemic.
- Bluefooted Booby (*Sula nebouxii*)—Subject to Special Protection.
- Heermann's Gull (*Larus heermanni*)—Subject to Special Protection.
- American Oystercatcher (*Haematopus palliatus*)— Endangered
- Bottlenosed Dolphin (*Tursiops truncatus*)—Subject to Special Protection.
- Mexican Spiny-tailed Iguana (*Ctenosaura pectinata*)—Subject to Special Protection.
- Black Mangrove (*Avicennia germinans*)—Threatened.
- Red mangrove (*Rhizophora mangle*)—Threatened.

The complaint's supporting document refutes each of the points endorsed by Semarnat and used to rush through the approval of the project. The most outstanding of these are:

"... no removal, landfill, transplantation, pruning or any other type of work or activity that affects the integrity of the hydrologic flow of the mangrove will be carried out ..."

"... the implementation of the project would not have any direct interaction with Isla de los Patos or with the species present on it ..."

"... the project meets this specification given that no work will be carried out in the mangroves and it will also not affect the flow towards nearby mangroves, such as those found to the north of the company's property ..."

"... the project will not be carried out on forest land or areas suitable for forests. At the same time, the construction of the current project will not affect any mangrove trees ..."

"... If the project does not remove mangrove then it can be authorized ..."

The technical report concludes that the removal and elimination of mangroves by the said project has occurred, so the governmental agencies can object and even stop the work done on site up until now due to noncompliance with Semarnat rule.

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Periodismo Para Elevar la Conciencia Ecológica

Boletín Ciudadano Sobre el Desarrollo Sustentable del Noroeste Mexicano

## Five new natural protected areas established in the Gulf of California

By Miguel Ángel Torres\*

### GULF OF CALIFORNIA

The National Commission on Natural Protected Areas (Conanp), an agency of the Ministry of the Environment and Natural Resources (Semarnat), announced on June 8, 2016 in the Official Federal Register that five regions of the Gulf of California were to be incorporated into the National System of Natural Protected Areas (SINAP) because of their biodiversity, the presence of endangered species, the functional integrity of their ecosystems, and the wide variety of ecosystems present.

The areas are: [the Hydrothermal Vents of the Guaymas Basin and East Pacific Rise Sanctuary](#); [Los Cirios Protected Area for Flora and Fauna](#), in Baja California; [the Revillagigedo Archipelago Biosphere Reserve](#); [Espiritu Santo Archipelago National Marine Park](#) in Baja California Sur; and [The Nayarit National Wetlands Biosphere Reserve](#).

There were a total of seventeen new protected protected areas (ANPs) decreed in states across the country, with the other twelve including: [The Janos Biosphere Reserve](#), in Chihuahua; [the Protected Area for Marine and Terrestrial Flora and Fauna of the Northern End and Eastern Coastal Fringe of Isla Cozumel](#), in Quintana Roo; [the Northern Río Bravo Natural Monument](#), in the states of Chihuahua and Coahuila; [the Lermer Marshes Protected Area for Flora and Fauna](#), in Mexico state; and [the Sierra Del Abra Tanchipa Biosphere Reserve](#), in San Luis Potosí.

Also on the list were: [The Tacaná Volcano Biosphere Reserve](#) in Chiapas; [the Bala'an K'aax Protected Area for Flora and Fauna](#), in Quintana Roo; [the Lobos-Tuxpan Reef System Protected Area for Flora and Fauna](#), in Veracruz; [Zicuirán Infiernillo Biosphere Reserve](#), in Michoacán; [the Protected Areas for Natural Resources within the Basins of the Valle de Bravo, Malacatepec, Tolstoc and Temascaltepec Rivers](#), in Mexico state; [Laguna de Términos Protected Area for Flora and Fauna](#), in Campeche; and the section of [the Sierra Gorda Biosphere Reserve](#) within the state of Guanajuato.

In a press release, Conanp explained that per rules outlined in the General Law of Ecological Equilibrium and Protection of the Environment, ANPs should include at least some of the following characteristics:

- richness of species
- presence of endemic species
- species with restricted ranges
- threatened or endangered species
- species different than those included in other ANPs previously incorporated into SINAP
- diversity of ecosystems
- presence of relict ecosystems
- presence of important or fragile natural phenomena
- functionally intact ecosystems
- ecosystems that provide important ecological services
- social viability for its preservation.

Descriptions and characteristics of each of the five new northwest Mexico ANPs, according to Conanp, are as follows:

### **Hydrothermal Vents of the Guaymas Basin and the East Pacific Rise Sanctuary**

This is a marine area that covers approximately 359,700 acres of the Gulf of California and the northern Pacific (where the latter territory comprises the benthic zone between 500 m below sea level and the sea floor). [See map \(pdf\)](#).

This ANP was considered for inclusion because of its specialized habitat and for being a unique seafloor ecosystem along the abyssal plain with hydrothermal vents that are associated with biological oases. Emblematic species include the giant vent or tube worm (*Rifita pachyptila*), the hydrothermal vent clam (*Calymene pacifica*), the eelpout or ventfish (*Thermarces cerberus*), and the [brotula](#) (*Diplacanthopoma* sp.).

The zone's marine denizens are not threatened, but the new ANP includes important feeding and breeding grounds for many species, including lithodid crabs and eelpouts (*Zoarces* sp.), as well as habitat for tubeworms and bivalves. The primary ecosystem services provided are: the sequestration of carbon through carbonate (limestone) chimneys; and the preservation of benthic zone mega mega diversity.

### **Valle De Los Cirios Protected Area for Flora and Fauna**

Conanp states the following as reasons for declaring this an ANP: to protect the area's flora and fauna; to allow for the reproduction and population increases in the resident species; to carry out projects that help to establish, protect, and restore soils; to aid in reforestation; and to maintain the ANP's established environmental framework. [See map \(pdf\)](#).

This is an ANP with the greatest terrestrial area in Mexico (6.23 million acres) and the second largest in total area. It represents more than 10% of the nation's overall protected territory. Located in the Sonoran Desert, its continuity and integrity form a network of landscapes that are the most extensive in the North American deserts. [See Map](#).

Endangered species include the organillo de Jaraguay (*Echinocereus lindsayi*), and arrow grass (*Triglochin concinnum*). The ANP forms part of the Pacific flyway and is used by some neotropical migratory birds as they move from wintering to nesting grounds. Ecological services include: climate regulation, conservation of hydrologic cycles, nitrogen fixation, and soil formation.

### **Revillagigedo Archipelago Biosphere Reserve**

This is a [Ramsar Site](#), protected at the international level, that is rich in terrestrial and marine flora and fauna of high biological value, some of which is unique in the world. At the same time it is a natural laboratory for scientists because of the insular characteristics and the geologic processes to which its communities and ecosystems are subjected.

Much of the reserve's importance stems from it being the reservoir of a large percentage of the genetic material of the fish populations (many of them commercial varieties) in the Eastern Pacific. Threatened or endangered species include the Bald Eagle (*Haliaeetus leucocephalus*), Olive Ridley sea turtle (*Lepidochelys olivacea*), red mangrove (*Rhizophora mangle*), and white mangrove (*Laguncularia racemosa*). Finally, according to Conanp, the study of its geologic, oceanographic, and ecological processes will be of great value to developing a better understanding of island systems. [See map \(pdf\)](#).

Natural resources present at this site include the tuna, shark, and lobster (on Isla Socorro) fisheries, as well as minerals (polymetallic or manganese nodules).

### **Espiritu Santo Archipelago National Marine Park**

Conanp states that this represents the largest body of water within the confines of the Gulf of California, conferring on it unique oceanographic conditions for the concentration of photosynthetic pigments. Its importance also rests on the great diversity of fish, mammals, marine birds and invertebrates, as well as a great heterogeneity of habitats, all of great ecological integrity, that include mangroves, sandy bottoms, rocky reefs, estuaries, beaches, bays and rodolith beds. [See map \(pdf\)](#).

According to Conanp, what distinguishes this ANP from all others are its natural treasures, including perfectly preserved rocky reefs and 38 unique species of plants and animals, including a colony of sea lions.

Threatened or endangered species are the red, white, and black mangroves (*Rhizophora mangle*, *Avicennia germinans*, and *Laguncularia racemosa*). The importance of these mangrove forests lies in their being a feeding ground, hatchery, and refuge for many different aquatic species, as well as a stopping point on the migratory route of the hammerhead shark and five species of turtles.

Within the Marine Park, mangroves provide habitat for and refuge to both resident and migratory species. They provide feeding grounds and rookery sites for diverse species of terrestrial and marine birds. They also serve to absorb the tidal forces from storms, stabilize coasts, control erosion, fix nitrogen, and sequester carbon. At the same time, they are an important source of food production for human consumption and offer recreational opportunities for both tourists and residents.

### **Nayarit National Wetlands Biosphere Reserve**

This site is protected internationally through the Ramsar Convention on Wetlands and is included in the [Western Hemisphere Shorebird Reserve Network](#) as a key bird conservation site. This ANP links 330,760 acres located in the municipalities of Acaponeta, Rasmorada, Santiago Ixcuintla, Tecuala and Tuxpan in the state of Nayarit. [See map \(pdf\)](#).

Information provided by Conanp states that the objectives of having designated this area as an ANP are: to preserve and protect: ecosystems typical of the Nayarit coast which are of national importance; food productivity, important to both humans and migratory birds; and diversity of flora and fauna, including 60 threatened or endangered species.

Its uniqueness comes from it being a reservoir for 20% of the nation's total mangrove forests and a highly productive area for commercial fish species, as well as having wetland areas unique in the country.

A wide variety of ecosystems are found within the reserve, including: lowland tropical forest, intermediate deciduous rain forest, palm forest, halophytic scrub and grasslands, mangroves, coastal dune scrub, xerophytic scrub and introduced vegetation.

Conanp reports eight threatened or endangered species: jaguar (*Panthera onca*), ocelot, Red knot (*Calidrus canutus*), mangroves (red, black, white and button-*Conocarpus erecta*) and oil palms (*Orbignya guacujule*).

The National Wetlands reserve is ecologically important because: it provides habitat and nurseries for shrimp and commercial fish species; it provides nesting and feeding grounds for North American migratory birds; and it is a biological corridor for the migration of feline species.

This reserve is also valuable because it helps to: diminish the impacts of hurricanes and reduce beach and coastal erosion; produce oxygen; regulate temperatures and minimize global warming impacts; provide fresh water as well as improve water quality; produce food; help prevent the salinization of agricultural lands; and capture and sequester carbon.

Information in English on the Nayarit National Wetlands Biosphere Reserve is available [here](#).

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