

CSI CURRENT PROCEDURES



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Environmental Law Alliance Worldwide
July, 2018



Description of the Procedures for Issuing CSI Permits and Emergency Response Procedures

This document is a compilation of what has been obtained from the legislation analysis and the interviews that have been conducted. For this document it is important to highlight what was pointed out in one of the interviews conducted with Dr. David Gulko, from the Hawaii Division of Aquatic Resources, a CSI expert, and this is that in order to carry out the CSI activities. In the cases that have been analyzed, the authorities do not require permits to carry out such activities. It is for this reason that this document explains the procedures established in the legislation of each country to carry out the research, as well as the permits that are required in case of wanting to carry out the restoration activities.

BELIZE

There are no procedures required by law to issue permits for crime scene investigation and emergency response when reef damage is caused by vessel grounding, pollution, coastal development or other factors.

When damage occurs, typically the Department of Environment (DOE) learns about the damage from third parties in the area - conservation NGOs or fishers working in the area. Often damages go unreported. DOE does not have staff monitoring activities on the reef and does not have staff capacity to assess damages. Typically, DOE has engaged Coastal Zone Management Authority, the University of Belize, or NGOs (Healthy Reefs Initiative) to conduct damage assessments. No specific process is mandated by law or regulation. No permits are required. DOE is the responsible authority. Similarly, there is no procedure for emergency response. The National Emergency Management Organization is in charge of disaster relief efforts during hurricanes or natural disasters. They have no involvement, however, with the preservation or restoration of environmental resources or marine ecosystems.

GUATEMALA

Investigation of acts constituting offences and the involvement of technical consultants during criminal proceedings.

The Code of Criminal Procedures (CPP) Decree 51-92 of the Congress of the Republic of Guatemala, is the legal instrument applicable in relation to the criminal proceedings and the investigation of unlawful actions. The PPC includes rules relating to the auxiliaries of the interveners, including the Technical Consultants, who will intervene when due to the particularities of the case any of the parties consider it necessary to be assisted by a consultant in a science, art or technique. The foregoing may be proposed to the Public Ministry or to the court, which shall decide on its appointment, in accordance with the rules applicable to experts, as appropriate, unless it is legally unfit under this Code.

The technical consultant may attend and comment on expert operations during their course but shall not give an expert's opinion. The observations shall be recorded by the experts. In the debates, he or she may accompany the person attending, directly question the experts, translators or interpreters, and conclude on the expert's evidence, always under the direction of the person who proposed it.¹

The Code of Criminal Procedures also establishes the rules for inspection and registration, which may be approved in the case of environmental offences. Where it is necessary to inspect places, things or persons, because there are sufficient grounds for suspecting that traces of the crime may be located, or where it is presumed that the accused or an escaped person is concealed in a certain place, they shall be searched, with a judicial authorization.²

The inspection shall check the condition of persons, places and things, in this case reefs, remnants, and other material effects useful for the investigation of the event or the individualization of the participants in it. A certainty shall be drafted describing in detail what has happened and, where possible, the relevant evidence shall be collected or retained.

When the Public Ministry does not have full knowledge of an aspect to be investigated, it is accompanied by experts or third parties proposed by the parties.

One of the assistants that are required in these cases are technical consultants specialized in a science, art or technique. According to the Article 141 of the Code of Criminal Procedures.

The Public Ministry may order the expert opinion both ex officio and at the request of one of the parties. The point is to have information about a piece of evidence that requires of a special knowledge in a science. (Art. 225 of the Code of Criminal Procedures).

Finally, during the preparatory or investigative procedure of a criminal proceeding, rules are established to ensure the results of the same, so that the truth of the facts is achieved. In the investigation of the truth, the Public Ministry must carry out all pertinent and useful measures to determine the existence of the fact, in all circumstances relevant to the criminal law. Likewise, it must establish who the participants are, seeking their identification and knowledge of the personal circumstances that serve to assess their responsibility or influence their punishability. It shall also verify the damage caused by the offence, even if no civil action has been brought.³

Permits required for reef restoration projects. Authorization for the approval of an Environmental Impact Study.

This permit will be required if you want to carry out a reef restoration. It is of the competence of the Ministry of Environment and Natural Resources (MARN, by its Spanish acronym).

The Decree 68-86 of the Congress of the Republic, *Ley de Protección y Mejoramiento del Medio Ambiente* (Law for the Protection and Improvement of the Environment), amended by Decree 1-

¹Article 141 of the Code of Criminal Procedures Decree 51-92 of the Congress of the Republic of Guatemala.

² Article 187 CPP.

³ Article 309 Code of Criminal Procedures; Decree 51-92 of the Congress of the Republic of Guatemala

93 of the Congress, establishes in its eighth article that for any project, work, industry or any other activity that due to its characteristics can produce deterioration to renewable or non-renewable natural resources, to the environment, or introduce harmful or notorious modifications to the landscape and cultural resources of the national heritage, prior to its development, it will be necessary a study of an environmental impact evaluation, carried out by (the DIGARN of the MARN).

An official who fails to require an Environmental Impact Assessment in accordance with this Article, shall be personally liable for breach of duty. Any individual who fails to comply with this Environmental Impact Study will be fined from Q5,000.00 to Q100,000.00. Failing to comply with this requirement within six months of being fined, the business will be shut down as long as it fails to comply.

Contents and Scope of an Environmental Impact Study.

- A. Establish the geographical location and area of influence of the project, work or activity,
- B. Assess the impacts on natural resources used or affected,
- C. Analyze the raw material or materials to be used,
- D. Evaluate the quantity and quality of liquid and solid waste and residues produced by the project or work,
- E. Establish concordance with the land-use plan in terms of land management planning,
- F. Analyze and study the physical environment: geology, soil, hydrology, climate, and air,
- G. Study the biotic environment: Flora, fauna, threatened species, protected species,
- H. Undertake a study of the historical and cultural environment, i. e., establish whether the project has caused the displacement of communities, indigenous peoples or affected their traditions,
- I. Develop a risk analysis through contingency plans and vulnerability analysis.

Cases of enforcement.

- A. If the potential environmental impacts are lower, according to the Tax List of Works, Projects, Industries or Activities, category C.
- B. If the potential environmental impacts are medium to low intensity, it falls into category B2.
- C. If the potential environmental impacts are medium to high intensity, it falls into category B1.
- D. If the potential environmental impacts are high intensity, or megaprojects, it falls into category A.
- E. There are two kinds of instruments: predictive and corrective. In the case of predictors, the following forms are applied: Initial Environmental Assessment -EAI- (Instrument type C and B2), Environmental Impact Assessment -EIA- (Instruments type B1 and A) and Strategic Environmental Assessment -EAE-. In the case of corrective measures, the following forms apply: Low Impact Environmental Diagnosis -DABI- (Instruments type C and B2) and Environmental Diagnosis -DA- (Instruments B1 and A).

- F. In the case of all instruments except type C, an Environmental Management Plan (EMP) should be added in a complementary manner.
- G. In the case of all instruments, except type C, the compliance with mitigation measures must be guaranteed by means of a surety bond or surety bond in favor of the Ministry of Environment and Natural Resources, which must remain in force throughout the life of the project.
- H. In the case of the instruments B1 and A, a Community Communication, Consultation and Participation Program must be complied with that may be affected by the construction, operation and closure of the project.
- I. In the case of instruments B1 and A, a public information campaign must be carried out by means of an edict and announcements in written and radio media with effects in the region where the project will be carried out, taking into account the vernacular languages.
- J. In the case of type B1 and A instruments, the file must be completed with specialized studies of geology, hydraulics, geography, biology, risk, social and other studies required by the nature of the project.
- K. In the case of projects using water, it is necessary to carry out studies for the characterization of the effluent and tributary waters and, if any type of wastewater treatment is carried out, a study for the characterization of the sludge, as well as a technical study of wastewater has to be carried out.

Application case for a special project such as the restoration of reefs that are not listed in the Taxation List.

The procedure must begin with the request for categorization of the project before DIGARN and subsequently apply the items indicated above according to their category. With regard to the procedure, as indicated above, the favorable opinion of the National Council of Protected Areas should be sought, entity that is going to be based on its own regulations, Decree 4-89 of the Congress of the Republic, the Law on Protected Areas and if applicable, the master and operational plans of the protected area in question.

Environmental Impact Assessment Procedure.

- A. The proposer must apply this environmental management instrument at the planning stage of the project, work or activity and implement, maintain and apply it from the construction and operation to the closure of the works, projects or activities.
- B. The responsibility for the execution through planning rests with the proponent of the environmental impact study.
- C. The co-responsibility in the preparation of the studies is the Environmental Consultant.
- D. The authority that issues the authorization and follows up on it is the Directorate of Environmental and Natural Resources Management (DIGARN, by its Spanish acronym) of the Ministry of Environment and Natural Resources (MARN, by its Spanish acronym).
- E. The authority that monitors the compliance and imposes sanctions, if applicable, is the Directorate of Legal Compliance of the Ministry of Environment and Natural Resources.

- F. If the project is to be carried out within the protected areas, the environmental impact study will be subject to a favorable opinion issued by the National Council of Protected Areas (CONAP, by its Spanish acronym).
- G. If the project is involved in public health issues, an opinion from the Ministry of Public Health and Social Welfare (MSPAS, by its Spanish acronym), must be achieved.

Environmental Management Plan (PGA, by its Spanish acronym).

- A. It is a planning tool,
- B. Proposes measures to avoid, minimize, reduce or compensate the impacts identified and evaluated in the environmental impact study, EIA and in the Environmental Diagnosis (DA, by its Spanish acronym),
- C. Economic assessment of the proposed measures,
- D. Establishes work schedules of its application over time,
- E. Proposes the necessary investments,
- F. Outlines the line of compliance commitments to be observed by the proposer.

Causes that make it impossible to approve an environmental impact study.

- A. The activity is prohibited by law.
- B. Its location is not feasible, in accordance with the law and the Land Use Management Plan.
- C. The sum of their cumulative effects exceeds the carrying capacity of the environmental systems and environmental elements.
- D. Its environmental impact is highly significant, exceeding the limits established in the specific regulations.
- E. Failed to submit a bond insurance policy within the required time limit.
- F. Not adhered to the approved Public Participation Plan.

Documents.

- A. Environmental Impact Assessment Study (EIA, by its Spanish acronym)
- B. Environmental Management Plan (PGA, by its Spanish acronym)
- C. Applicant's Affidavit
- D. Filing of guarantee bond (insurance) surety bond (compliance)
- E. Payment for issuing the Environmental License (3 to 5 years)
- F. Follow-up and monitoring plan

Licensing for natural resource use and research within protected areas.

The National Council of Protected Areas, CONAP, has legal powers to grant permits, licenses and concessions under the stipulations established in the applicable regulations. In the case of the use of wildlife, it is subject to prior authorization through the procedure laid down in its implementing regulation. Thus, Art. 52 of the Law of Protected Areas, Decree 4-89 of the

Congress of the Republic relative to the "Norms for the use of wildlife", establishes that individual or legal persons who regularly engage in or wish to engage in lumbering activities, collect, hunting, capture, transport, commercial possession, exchange, research or commercialization of plants or wild animals, alive or dead, parts or derivatives thereof, must have the express authorization of the National Council of Protected Areas. In the case of research projects, they are subject to what it is established in Article 26 of the Protected Areas Law Regulations, which establishes that applicants must comply with the minimum data and requirements required for the authorization of research. Art. 26, explicitly establishes the same and is detailed below:

- A. Complete identification of participating researchers;
- B. Nationality;
- C. Name and data of the institution;
- D. National Counterpart Institution (for foreigners);
- E. Express authorization of the entity assigned to manage the area;
- F. Research title and description; Time period;
- G. If you want to make collections, indicate target, location, taxa, quantity, form of collection, period of time, destination of the collection; and
- H. Estimated date of publication of the paper.

The following minimum conditions must also be considered:

- a) Any researcher or entity that obtains permission to carry out a research in the protected areas is obliged to deposit 3 copies of the work carried out at the Executive Secretariat of CONAP, immediately after it is published. If the original is not written in Spanish, a translation into Spanish must be attached;
- b) Depending on the magnitude of the research and at the discretion of CONAP, the applicant person or entity will sign an administrative contract with CONAP or with the entity in charge of managing the protected area in question;
- c) The applicant shall pay the corresponding fee based on the list of applicable amounts, taking into account the area to be used, the infrastructure and equipment of the area to be used and the type of research. These amounts shall be established and periodically updated by CONAP on the proposal of its Executive Secretariat. If a new listing is not established, the previous one will be valid.
- d) In the case of foreign persons or entities, these must have the recognition of a nationally prestigious entity or institution, for which CONAP must have a register. In any case, in order to authorize these activities, they must not be prohibited by the Master and Operational Plans of the corresponding protected areas; and
- e) If the research results in findings that can be patented or commercialized, these rights and benefits will be shared in accordance with the signed agreement and in no case will they be less than fifty percent (50% percent).

The Protected Areas Law, also regulates the granting of the "Management of Concessions for the Provision of Public Services" to be granted to the natural and legal persons, delimiting the Public Services Concessions, which include tourism, recreation, education and scientific development, among them the installation and management of hotels, lodging, recreational centers, complementary and similar services. Within the requirements and in accordance with the Art. 30, it includes:

According to the Law of Protected Areas (Art. 32) the procedure to be observed for granting this type of concession, is by means of a public bidding process that includes a publication in the Official Gazette establishing the site and schedule with the objective of receiving bids. The information includes information on qualification criteria. Once the bids have been received, a 3-person commission is formed, which includes the head of the Protected Areas Section, the Legal Adviser and the head of the Administrative Department of CONAP. The group is chaired by the Executive Secretary of CONAP. In establishing the winner of the bidding process, a concession contract is signed, which includes the following: a) Description of the service in question, b) Description of the protected area that may be used for the purposes of the concession, as well as the other public goods included in the concession, c) Project of works to be executed by the concessionaire, if applicable, d) Management and administration plan for the area affected by the concession, in accordance with the service to be provided, e) Maintenance plan for the service and works. Repair regime for the machinery, equipment and works as the case may be, f) Rules for the suspension or modification of the service, g) Rules that should establish users' rights and obligations, h) Definition of the control, surveillance and control responsibilities, i) Establishment of sureties, guarantees and civil liability insurance and others considered necessary according to the purpose of the concession. j) Reasons for the termination of the contract and its consequences. The Articles 29 to 32 of the Protected Areas Law Regulations establish the procedure for this type of concession.

Wildlife exploitation license.

Procedure regulated by the Protected Areas Law, Decree 4-89 of the Congress of the Republic and the Protected Areas Law Regulation, Government Agreement 759-90. The hunting, capture, timbering and gathering of specimens, parts and derivatives of wild flora and fauna, requires obtaining a license that is authorized by the Executive Secretariat of CONAP. If the activity takes place within a protected area, the Master Plan and Operational Plan must be reviewed to verify that it is included within the permitted actions. The requirements to be submitted before initiating the procedure are:

1. Certification issued by the Land Registry to certify the property or the site where the action will be executed, or where appropriate, to certify the express consent of individuals or legal entities that authorize the use of the property.
2. To append the inventory of the species for which the application has been made, the contents of which may be verified by the Executive Secretariat of CONAP;
3. Present the management plan to which the flora and fauna species to be used will be subjected.
4. Proposal by the professional or qualified specialist registered with CONAP, who will be

in charge of executing the management plan.

Law on Protected Areas, Decree 4-89 of the Congress of the Republic is explicit with respect to the guarantees that must be accredited, for which it operates as follows: the Executive Secretariat of CONAP, will establish the wild fauna and flora species of the Nation, whose authorization of capture, collection or exploitation will be subject to the constitution of a performance bond or in its defect, a mortgage or security or monetary deposit accepted by the Executive Secretariat. This amount shall be calculated taking into account the ecological damage that could be caused and the costs of restoring species and repairing damage caused to the natural resources (Art. 49). Once these requirements are met, the application is approved. Within the contract signed, it is explicit that the areas declared as National Parks, Biotopes, Biological Reserves and Nucleus Areas of the Biosphere Reserves, may not have any extractive exploitation activity.

The Regulations of the National Environmental Impact Assessment System (SINEIA, by its Spanish acronym) requires the submission of a bank guarantee or an environmental insurance prior to granting the environmental license. This diagram describes the responsibilities within the Secretariat of Energy, Natural Resources, Environment and Mines. (MiAmbiente, by its Spanish acronym).

MiAmbiente's Procedure in Case of Damage

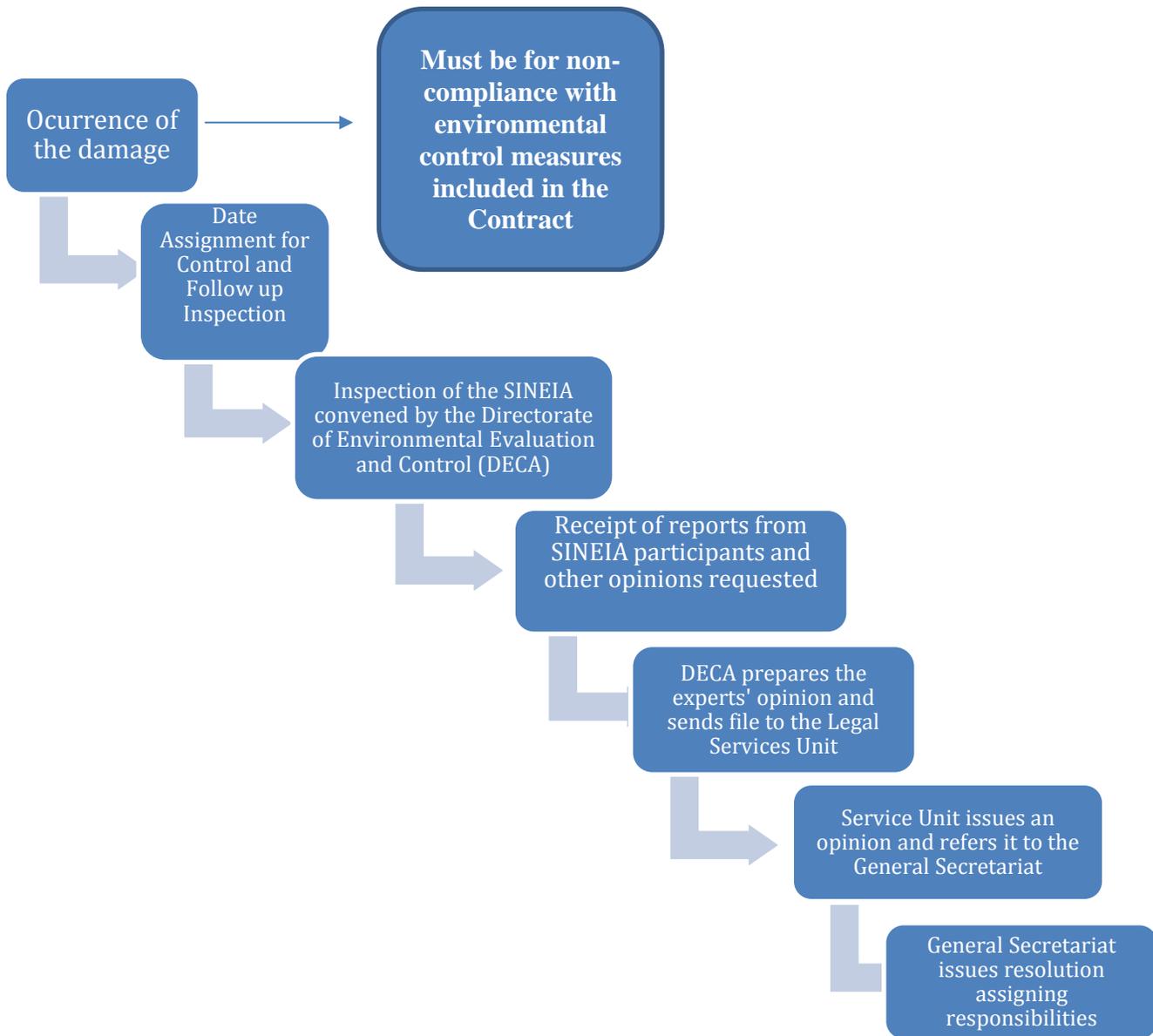


Image 1. MiAmbiente's Procedure in Case of Damage.

HONDURAS

In the event of an impact event to the reef, criminal and administrative proceedings shall be conducted as follows.

In the case of criminal proceedings, the Honduran Criminal Code establishes in its Article 255 the crime of damages, which is invoked by the Public Ministry in the case of damage to the reef. This Article literally states: "Any person who causes any of the damage (...) shall be punished with imprisonment from three (3) to six (6) years if he or she causes any of the damage (...): 5) On the subject matter of scientific interest, ... monuments or on property of social utility; (...) Faulty damage shall be punished with a penalty equal to half of that corresponding to the Painful Damage. (...)."

The Article 273 of the Code of Criminal Procedures, authorizes the authorities to summon any person who can provide data related to the fact that is investigated and receive the corresponding declaration, for example, if applicable the head of the Port Captain's Office, inspectors of the Port State, co-managing institutions of the protected area. No permit is required to carry out the crime scene investigation, which must be carried out by the Public Ministry in conjunction with the Police Investigation Directorate (DPI, by its Spanish acronym) and the Technical Criminal Investigation Agency (ATIC, by its Spanish acronym). If the incident occurs in these areas, these institutions may ask for help from other state institutions or co-managing organizations of the protected areas. The same Article 273 further empowers to:

- Carry out eye inspections.
- Carry out technical appraisals.
- Take urgent and necessary measures to preserve the evidence that is likely to be lost.

In the event that a specialized CSI reef team wishes to act and participate in the investigation, it would be considered as an expert to whom the prosecution may call. It is customary for the prosecution to request experts from state institutions, arguing the objectivity of the expert. However, in the case of the protected areas, non-government co-management entities should also be a source of information that is currently being underutilized. This is justified to some extent because the co-managers are also complainants and thus considered to be interested parties. The CSI teams should establish memorandums of understanding with the Public Ministry to provide a formal framework for a possible cooperation. The CSI team must also obtain its research license from the National Institute for Forest Conservation and Development, Protected Areas and Wildlife (ICF) in accordance with the guidelines of the Manual of Technical and Administrative Standards for the Sustainable Management and Use of Wildlife in Honduras (contained in Agreement 045-2011).

In the case of the administrative processes, the Directorate General of the Merchant Marine (DGMM, by its Spanish acronym) may intervene as a reaction to the damage to deduce responsibilities, the Standing Committee on Contingencies (COPECO) to declare the state of

alert for natural phenomena and the Secretariat of Energy, Natural Resources, Environment and Mines (MiAmbiente) as the governing entity for the damage restoration activities.

The Article 117 of the Merchant Marine Organic Law lists in its Article 117 the minor infractions among which it includes "any action or omission (...) that causes damage or detriment to the State's property or its use or exploitation". This provision may be invoked by the Directorate General of the Merchant Marine to require those responsible to return the property to the state in which it was before the offence or to pay the State sufficient compensation for the damage caused, as provided for in the Article 121 of the same Law.

The Article 66 of the Regulations of the National Environmental Impact Assessment System (SINEIA) establishes that in the event that a state of emergency or public calamity is declared due to an incident of damage to the reef, it is permitted in the following 60 days to implement actions without environmental impact assessment of any kind, when they are directly linked to the prevention, mitigation and minimization of negative effects. The Article 69 states that these actions, works or activities must be registered with MiAmbiente within one (1) month in order to have a record of them. The same Article states that the inscription and registration document shall include a brief description of the work or activity, the entity responsible for its development and its location. MiAmbiente may also request mitigation measures and environmental commitments to be implemented.

The SINEIA Regulation also defines the procedure for obtaining a necessary environmental license in the case of restoration activities that are not carried out in response to a specific damage event.

On the other hand, the Manual of Technical-Administrative Norms for the Sustainable Management and Use of Wildlife in Honduras, defines the procedure for obtaining a research license, which can be useful to identify the damages and react to a specific event.

Procedures in case of damage to the reef - for the implementation of the initiative of Coral Reef Crime Scene Investigation (CSI). (Image 2)

The Article 268 of the Code of Criminal Procedures, provides that anyone who has knowledge of an offence may report it, while Article 269 establishes those who have the responsibility to do so. In the case of public officials in the exercise of their functions, anyone who detects damage to the reefs constituting a crime must report it to the National Police or to the Public Ministry their local prosecutor's office.

According to the interview with Sara Zelaya of the Department of Marine Environment Protection of the Directorate General of Merchant Marine Affairs (DGMM, by its Spanish acronym), if a person from outside the Directorate, the Port Captain should be informed so that inspectors of the Port State may investigate the marine incidents and initiate an administrative procedure in the Directorate.

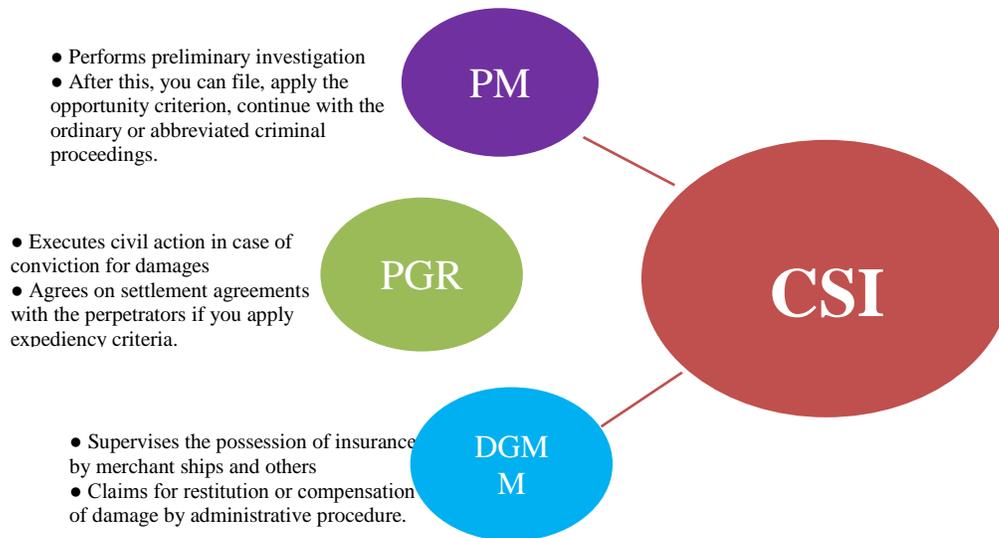


Image 2. Procedures in case of damage to the reef, for the implementation of the initiative of Coral Reef Crime Scene Investigation.

Administrative Procedure

Article 124 of the Organic Law on Merchant Shipping establishes that when there is an offence constituting a crime, the administrative procedure shall be suspended until, at the request of the Public Ministry, the competent judicial authority issues the respective sentence and it has become final. The criminal sanction shall exclude the imposition of administrative sanctions.

However, Article 124 states that if, in the opinion of the judicial authority, there is no crime or misdemeanor, the Directorate General of the Merchant Shipping shall continue to process the administrative file, taking into account, where appropriate, the facts established in accordance with the decision of the court or tribunal.

It continues to stipulate in Article 124 that the suspension of the administrative procedure shall not preclude immediate compliance with the measures adopted by the Directorate General of the Merchant Shipping to safeguard the port activity, maritime safety and maritime traffic management, as well as to prevent the pollution of the maritime environment.

According to personal communication with Captain Martínez of the Roatan Port Captaincy, the procedure established internally is as follows:

- a. Marine incident investigations will be conducted by inspectors from the Port State Master and the Port Captaincy.
- b. The report shall be forwarded to the Department of Maritime Safety and Marine Environmental Protection for their expert opinion.

- c. The Diligences will be sent to the Legal Advice Department for their opinion regarding the corresponding administrative sanctions.
- d. The Directorate General will issue a resolution assigning the responsibilities and fines to be paid.

Ordinary Criminal Procedure

The Code of Criminal Procedures (CPP) provides in the Article 263 that the process of investigation and prosecution of crimes shall consist of the following stages:

- A. Preparatory stage
- B. Intermediate stage
- C. Oral and public debate.

A. Preparatory stage.

With regard to the preparatory stage, the Article 264 defines the following acts:

1. Receipt of the complaint when it is filed
 - a. Any person who witnesses or has direct knowledge of the commission of the damage can file a complaint, (Article 268 of the CPP) in the case of protected areas, patrols are in place that quickly find out about this type of events and who can be informed to appear at the scene of the incident.
 - b. If the Directorate General of the Merchant Marine learns about the event, it must also inform the Public Ministry. (Article 124 of the Organic Law of the Merchant Marine).
 - c. The organizations that co-manage the protected areas because they have been entrusted with the administration of the area by means of a contract with the State, have an obligation to file a complaint. (Article 111 of the Forestry, Protected Areas and Wildlife Act)
 - d. The complaints may be made orally or in writing. (Article 270 of the CPP)
2. Preliminary investigation: according to Article 273 of the CPP in mediating judicial authorization unless a right guaranteed by the Constitution of the Republic or international treaties to which Honduras is a party may be affected, the Public Ministry in conjunction with the Police Investigation Directorate (DPI) and the Technical Agency for Criminal Investigation (ATIC) may:
 - a. To summon any person who can provide data related to the fact that they are being investigated and receive the corresponding declaration, for example, if

applicable, the Chief of the Port Captaincy Office, Port State Inspectors, institutions co-managing the protected area.

- b. Perform visual inspections.
 - c. Perform expertise.
 - d. Take urgent and necessary measures to preserve the evidence that may be lost.
3. According to the Article 284, decisions that may be taken by the Public Ministry once the investigations have been concluded:
- a. Order the filing of the respective file for failure to find sufficient cause to support the commission of an offence.
 - b. Request, at the behest of the investigator, a report and an expert's opinion from the Attorney General's Office on measures to compensate for the damages and fines that could apply for a settlement agreement and the timeliness criteria (in accordance with the Articles 29, 30 and 31 of the CPP).
 - i. In the event of reaching a conciliation agreement, the interested party shall pay the amount established by the Attorney General's Office of the Republic and carry out the agreed reparation measures.
 - ii. Once the conciliation agreement has been complied with, the Attorney General's Office will issue a proof to the interested party.
 - c. Ask the Competent Judge in writing to:
 - i. Authorize the suspension of criminal prosecution and impose on the accused one or more of the rules of conduct provided for in the Article 37 of the Code of Criminal Procedures, while requesting a report and expert's opinion from the Office of the Attorney General of the Republic on measures to compensate for the damage and fines that may be applied to suspend the criminal prosecution.
 - ii. If the accused unconditionally admits his or her participation in the act attributed to him or her and declares his or her agreement to the application of the aforementioned procedure, which will determine the specific sentence reduced by a quarter and may be reduced to a third part when the accused has made the reparation for the consequences of the offence, the proceedings shall proceed as described in Articles 403 to 404 of the CPP.
 - iii. Final dismissal is ordered.
 - d. File a Fiscal Request before the Criminal Court.
4. The Initial Hearing will be held in accordance with the Article 294 of the CPP and the Judge will pronounce a decision:
- a. By ordering provisional dismissal for a maximum of five years, on the ground that there is no reasonable indication of the accused's involvement in the

offence, despite full evidence of his or her involvement in the offence (According to the Article 295).

- b. By issuing a definitive dismissal, if it is proved that the act did not exist or is not established as an offence or that the accused did not participate in its commission, or that the criminal action has been extinguished. However, when a person opposes or benefits from an amnesty as a cause of extinction of the criminal responsibility, he or she will be subject to an action to deduct civil liability arising from the crime (According to the Article 296).
 - c. Ordering the formal indictment or declaratory order of a prisoner that will initiate the next stage.
- B. The intermediate stage consisting only of the preliminary hearing and pursuant to Article 265, the formalization of the accusation and the defense of charges will be carried out under article 301 of the CPP, within three days of the preliminary hearing, the judge shall issue an order to open an oral and public trial, referring the proceedings to the Court of Judgment.
- C. Opening to Oral and Public Trial. This stage is summarized in the Article 266 and consists of the following:
- 1. Preparation of the debate, to be held in accordance with the Article 316 of the CPP
 - a. Citation of the parties to file challenges, defenses or nullifications after the examination of the proceedings and on the basis of new facts
 - b. Citation of the parties to propose the evidence for the debate under the Article 317
 - c. Indication of the date and time for discussion under the Article 318 of the CPP
 - 2. The conduct of the trial
 - a. Opening of the hearing under Article 319 of the CPP
 - b. Incident reporting under Article 320 of the CPP
 - c. Extension of the indictment under Article 321 of the CPP
 - d. Judgment in case of a request for strict compliance under Article 322 of the CPP
 - e. Statement of the defendant under the Article 323 of the CPP
 - f. Receipt of evidence under the Articles 325 to 333 of the CPP
 - g. Final discussion and closure of the debate under the Article 334 of the CPP
 - 3. Deliberation and judgment to be made in accordance with the rules set forth in the Articles 336 to 338 of the CPP and depending on what it issues, the following articles shall be considered to be:
 - a. Judgment of acquittal to be given in accordance with Articles 339 and 340 of the CPP

- b. Conviction verdict to be handed down in accordance with the Articles 341 to 345 of the CPP
4. The judgment may be challenged through the following appeals:
 - a. The appeal for reversal pursuant to the Articles 352 and 353 of the CPP
 - b. Appeal resource under the Articles 354 to 358 of the CPP
 - c. Appeal in cassation under the Articles 359 to 372 of the CPP
5. Once the judgment has been finalized, proceedings may be initiated for the deduction of civil liability pursuant to the Articles 432 to 440.
 - a. The Attorney General's Office of the Republic may request to the Execution Judge, by means of the urgent procedure to order the restitution, the reparation of material damages and the compensation of damages.
 - b. The lawsuit shall be directed against the convicted parties, against those who are civilly liable or against third parties who, by legal provision or contractual relationship, are civilly liable as a result of the conduct known in the respective proceedings.
 - c. Once the application has been accepted, the judge shall issue a reasoned decision provisionally ordering the restitution, reparation or compensation as requested.
 - d. Hearing. On the appointed day and time, the judge will conduct the hearing, attempt to reconcile the parties, produce the evidence offered and hear the merits of the claims.

Emergency response after a hurricane. (Image 3)

The Regulation of the Law of the National Risk Management System (SINAGER, by its Spanish acronym) defines in the Article 47 that the red alert will be declared "when the phenomenon impacts a given area, presenting radical adverse effects on people, property, vital lines or the environment in cases where damage is caused to the environment."

Depending on the level of involvement, the declaration may be made by the Permanent Committee on Contingencies (COPECO, by its Spanish acronym) or the Municipal Emergency Committee (CODEM, by its Spanish acronym), according to the Article 48 of the same regulation. The regulations do not establish a process for the response, the following diagram is based on the provisions of the SINAGER Law and the SINEIA Regulations regarding the projects developed in response to an emergency.

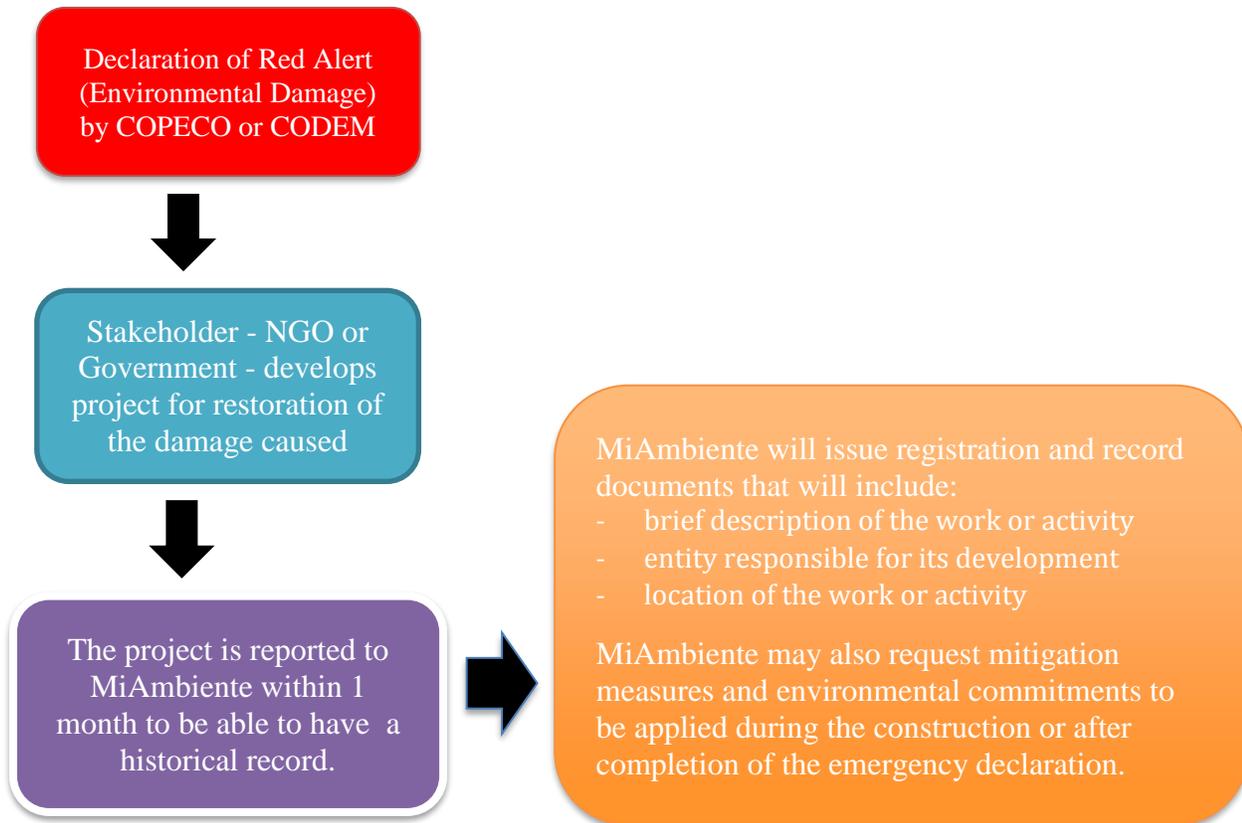


Image 3. Emergency response after a hurricane.

Environmental licensing process for the reef restoration projects (Image 4)

The Regulations of the National Environmental Impact Assessment System (Agreement 008-2015) establish a Simplified Environmental Licensing System (SLAS, by its Spanish acronym) which is detailed below. The Agreement 016-2015, which contains the Environmental Categorization Table, defines the different categories of projects, according to which different documents must be presented and special procedures must be added for opening up to the public participation, specifically in the case of requiring an Environmental Impact Assessment Study.

1. Access to the online Technical Consultation and Pre-opinion Platform - www.miambiente.prohonduras.hn where the environmental pre-feasibility is determined and the technical and legal requirements are established according to the category. The exact location of the project and its description must be provided.
 - a. If pre-feasibility studies are not provided, or in the case of projects that are not included in the Environmental Categorization Table, the proposer should consult with the Technical Advisory Team, Directorate of Environmental Evaluation and Control (DECA, by its Spanish acronym) and Legal Services Unit to define the category and procedure according to the Environmental Evaluation and Control

Manual. The projects included are from the Sector 09. Biodiversity, subsector B. Aquatic:

Activity 001. Rescue and rehabilitation centers for aquatic fauna (... quarantine area, rehabilitation and recovery zone, aquarium among others) in Category 2.

Activity 002. Aquariums, a structure to house different aquatic species under captive conditions, in Category 3.

Activity 003. Coral nurseries, for the study, conservation, restoration and restocking of coral diversity, in Category 1.

- b. If prefeasibility is provided, access information platforms for each requirement and submit copies of the following documents to the One Stop Services for Environmental Licensing:
- i. Reporting of the Simplified Environmental Licensing System (SLAS, by its Spanish acronym).
 - ii. Title deed duly stamped and registered or lease or any other title transfer of ownership of the place to develop the project.
 - iii. The deed to certify registration of a company, sole trader or legal entity (in the case of a foreign trading company, the documents must be duly apostilled)
 - iv. Environmental Control Measures, issued by the SLAS.
 - v. Validation report of the Environmental Service Provider's (ESP) and validation report and environmental impact assessment instrument required by category:

Category 1: Technical Aide Memoire

Category 2: Summaries of the Environmental Management Plan and Environmental Improvement Plan

Category 3: Environmental Management Plan and Environmental Improvement Plan

Category 4: Environmental Impact Assessment Study.

Consider that a category is increased in the case of being in an environmentally fragile area such as a protected and/or marine area, for example: *Parque Nacional Marino Islas de la Bahia* and *Monumento Natural Marino Cayos Cochinos*.

- vi. Sworn statement of the environmental service provider, authenticated.
- vii. Photocopy of the National Tax Registry of the company.
- viii. Photocopy of the identity card of the Legal Representative of the Company.
- ix. Receipt for issuance of environmental license T. G. R. -1, original, box #12209

- x. Original receipt of payment for inspection in favor of the revolving fund of the Directorate of Environmental Evaluation and Control (DECA, by its Spanish acronym) in account of Banco BANADESA #02-001-000131-0
- xi. Original Bank Guarantee, valid for one year.
- xii. Authenticated Power of Attorney or General Proxy for Lawsuits.
- xiii. Publication of the notice of filing of the application, on 1/8 of a page, in a newspaper of greater circulation, published five working days after filing.
- xiv. Authentic of all photocopies submitted.
- xv. Add photocopy sets of all documentation by category:

For Projects Category 1, 2 and 3: two copies.

For Projects Category 4: 5 copies.

2. If the One Stop Services accepts documentation, a contract will be signed to comply with the environmental control measures previously standardized by sector and an operating environmental license will be issued. This may occur within 24 to 72 hours after the receipt of the documentation.
3. The one stop services send a file to DECA for the control and follow-up inspection within the following 4 months. The National System of Environmental Impact Assessment (SINEIA) will be called for inspection, consisting of:
 - a. Supporting bodies of SINEIA
 - i. Directorate of Environmental Evaluation and Control (DECA)
 - ii. Other internal bodies of MiAmbiente, such as the Directorate of Biodiversity (DiBio, by its Spanish acronym) or the Legal Services Unit.
 - iii. The proposer or project owner
 - iv. The environmental service provider (PSA, by its Spanish acronym)
 - v. The Municipal Environmental Unit (UMA, by its Spanish acronym)
 - b. SINEIA supports
 - i. The public and ONGs
 - ii. The co-managers in the event of being in a protected area
 - iii. Other state institutions with related competencies.
4. DECA receives a report from the participants of the SINEIA and issues its own report and technical opinion on the granting of the environmental operating license, need for more documents, sanctions or cancellation of the operating license. If the project is in a protected area or tourist zone, the DECA may request reports from the Institute of Forest Conservation and Development, Protected Areas and Wildlife (ICF) and the

Honduran Institute of Tourism (IHT, by its Spanish acronym), respectively, even if they have not participated in the inspection.

5. Legal Services Unit issues an expert's opinion on granting the environmental operating license and sanctions.
6. General Secretariat issues a resolution including updated control measures and an environmental operating license that lasts 5 years
7. For renewal, it must be submitted 4 months before the expiration date, otherwise there will be an administrative penalty.

Variations of the process:

- For Category 4 projects additional publications should be made.
 - o A publication when initiated by consultants hired to prepare the Environmental Impact Assessment Study. (EsEIA, by its Spanish acronym), and,
 - o Another publication of the completion of studies. To receive comments from the public, the EsEIA should also be made available to the public at the Municipal Mayor's Office for a period of 30 days.
- Unified environmental licensing is available when projects are of the same proponent and activity, located in the same municipality and the total area covered does not exceed 10kms², based on the project whose category is greater.
- Regional environmental assessment of regional projects: a joint analysis, the framework of their national EIA authority, can be undertaken.
- In the case of the projects located on titled lands in favor of indigenous peoples and local communities, they should be socialized.

Other types of environmental permits:

- The Strategic Environmental Assessment, when dealing with strategic decisions, policies, plans and programs of sectorial development, supra sectorial and territorial planning, and megaprojects classified as strategic for the country by MIAMBIENTE, a written report will be prepared to expedite the environmental resolution and authorization (it is not clear if it will be subject to operating and working license, the guidelines on the procedure of elaboration and review of the EAE are established in the MECA).
- Declaration of a state of emergency or public calamity allows implementing in the next 60 days actions without an environmental impact assessment of any kind, when they are directly linked to the prevention, mitigation and minimization of negative effects. Within 1 month, these activities must be registered.

Environmental Licensing Process for Reef Restoration Project

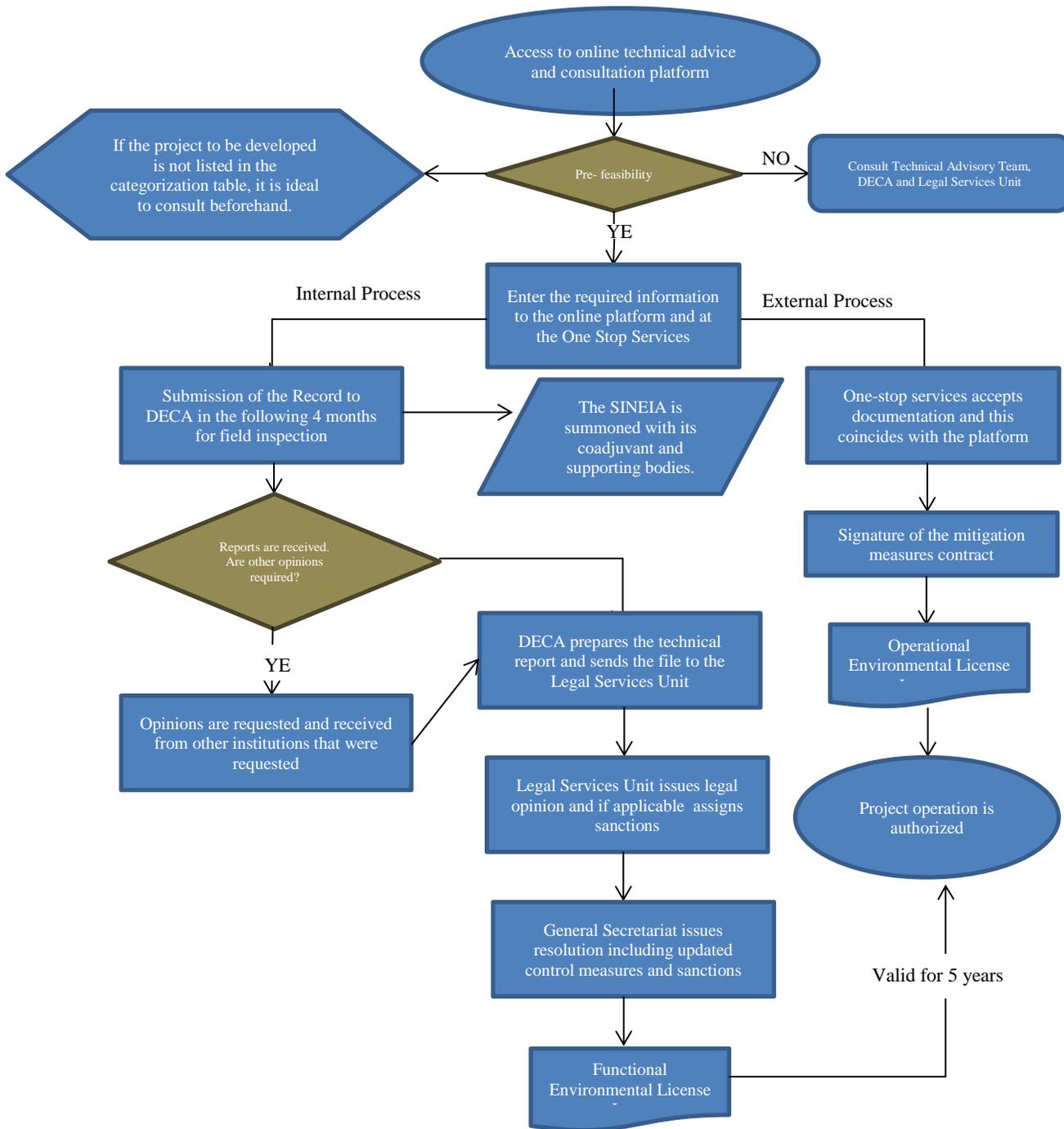


Image 4. Environmental licensing process for reef restoration projects.

Procedure for obtaining the investigative license

The "Manual of Technical-Administrative Norms for the Sustainable Management and Exploitation of Wildlife in Honduras" contained in the Agreement No. E. 99. 045-2011 defines the procedures for conducting the investigation and it could be a useful strategy to form an investigation team before the occurrence of the damage to the reef.

According to Article 37 of Agreement No. 045-2011 *Contentivo del Manual de Normas Técnico-Administrativas para el Manejo y Aprovechamiento Sostenible de la Vida Silvestre de Honduras* (Contents of the Manual of Technical-Administrative Norms for the Sustainable Management and Use of Wildlife in Honduras), all scientific research involving wildlife management must be registered with the National Institute of Forest Conservation and Development, Protected Areas and Wildlife (ICF). In accordance with the Art. 38, a research proposal must be submitted at least two months in advance, together with the registration application, with the following requirements:

1. Introduction
2. Background to the topic of interest in Honduras
3. Objectives
4. Rationale
5. Description of the areas of the study
6. Methodology (which includes the deposit site of the specimens collected if any and others that could be considered depending on the objectives)
7. Timetable of the study
8. Detailed Budget
9. Resume of all researchers, and if foreign, a national counterpart should be included.
10. Letter of institutional support (it does not depend on any institution and can be issued by the University from which the person graduated or studied, or the project to which he or she belongs to) and/or two letters from national or foreign researchers who can support their professional ethics and scientific methodology.
11. Copy of the identity of all researchers; if foreign, copy of a valid passport.
12. Attach copies of recent scientific publications from the researchers involved.
13. Pledge of commitment between the researcher and ICF.

After submitting all documents, the Wildlife Department will issue a payment order in accordance with the corresponding fee, which will be 25% of the monthly minimum wage for

foreigners and 10% for national researchers. Once paid, proof of payment must be presented to the Wildlife Department.

Based on Art. 39 and the Convention on Biological Diversity (CBD, by its Spanish acronym), the Wildlife Department and the ICF Secretariat should negotiate an agreement on wildlife access and utilization (e. g., collection of endemic species), including the distribution of benefits derived from the utilization of the resource, during and after the research. In case the research is carried out by foreign entities, the project should consider training technical personnel or national counterparts, giving seminars or presentations, or donating equipment or supplies to the national institutions.

If the research is within a protected area, the research proposal should be aligned with the protected area's management plan and the ICF should inform the co-managers of the research program. The proposal will also be analyzed by the ICF's legal department and then submitted to the Protected Areas Department, which will issue the resolution.

The research licenses last one year. According to the Article 42, if the research is to be renewed or extended, the corresponding annual fee shall be payable and shall be subject to the following conditions:

- If the research is the same, the progress document must be submitted.
- If it varies, they must provide a justification that includes the methodology and all changes made to the initial proposal.

At the end of the research, researchers must submit two copies (one printed and one digital) of the final document, so that the Wildlife Department can issue a resolution to their research.

MEXICO

In case of an impact event on the reef, the steps to follow are:

Flagrant

1. **Knowledge of the crime.** Any person or authority knows of the commission of an offence, in this case damage to a coral reef (Article 420 bis of the Criminal Code) may detain the alleged offender in case of flagrante delicto or urgent case (Article 16, paragraph 5 of the Political Constitution of the United Mexican States). The citizen/agent looks for an authority with police powers (may be the security person of the place where it is located), and this in turn requests the intervention of the police for the preservation of the crime scene, as well as the evidence or evidence of the crime scene.
2. **Preservation of the place of the fact.** Police authorities delimit the area, draw up detailed reports of the events and testimonial evidence.
3. **Hints and Evidence.** Identification, collection and packaging of hints and evidence by the ministerial police and experts attached to the Public Ministry.

4. **Collection, packing and transfer of the hints and evidence.** Delivery of hints and evidence by the ministerial police and experts to the agent of the Public Ministry Office.
5. **Chain of Custody.** The Public Ministry receives hints and evidence, along with the chain of custody reports.

The Public Ministry will be responsible for the following functions in the chain of custody:

Review that all procedures for preserving the chain of custody are in place, and if necessary inform the competent authorities; determine when the hints or evidences are altered or if they have evidential value; order expert's evidence and require samples of the hints and evidence; move and store the insured property, as well as keep it in the Property Storage and Disposal System (SAE, by its Spanish acronym).⁴

In the surveillance operations in which the National Commission of Natural Protected Areas participates, park rangers accompanied by seafarers attached to the Secretariat of the Marine, may detain suspected criminals when they are found committing some flagrante delicto. These are placed at the disposal of the agent of the Federal Public Ministry, who initiates the procedure listed above.

⁴ *Procuraduría General de la República, Diario Oficial de la Federación*, Agreement 2010 number A/002/10 which establishes the guidelines to be observed by all public servants for the proper preservation and prosecution of the crime scene or the findings hints, evidence, traces or vestiges of the crime, as well as instruments, objects or proceeds of crime, available in http://dof.gob.mx/nota_detalle.php?codigo=5130194&fecha=03/02/2010

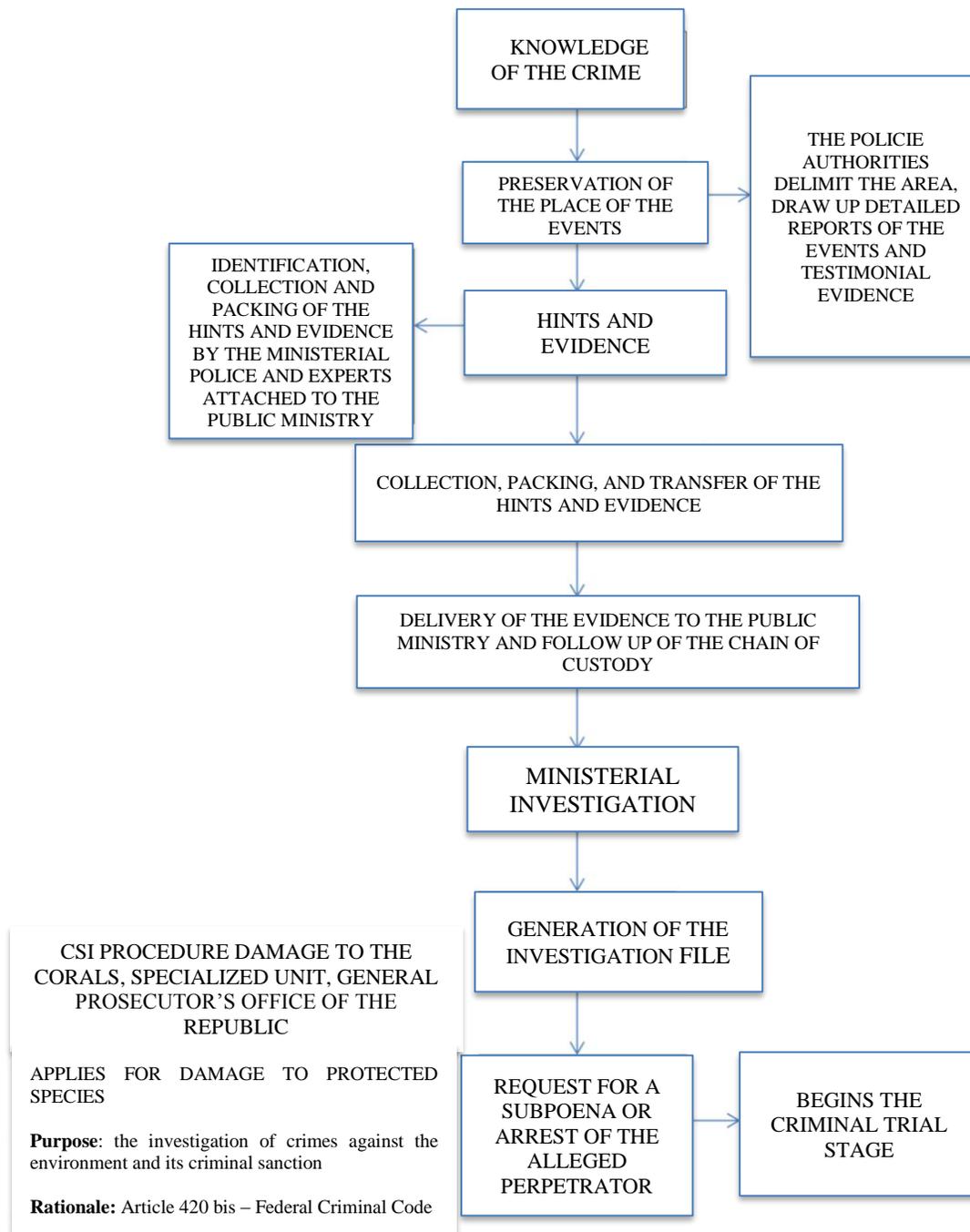


Image 5. Criminal proceedings in case of damage to coral reefs.

Administrative / Ordinary Procedure - PROFEPA⁵

1. Citizens who become aware of the incident may make a written notice to the authority by means of a "popular complaint".⁶

⁵ *Procuraduría Federal de Protección al Ambiente*, by its Spanish acronym.

2. It is received, the fulfillment of the formal requirements is verified and integrates a file, assigning a number to it.
3. The alleged infringer of the process is notified.
4. An order is issued to inspect the location and facts.
 - Immediate measures such as temporary decommissioning, precautionary securing of materials, wastes or species and neutralization of possible contaminants can be identified.
5. The information obtained at the place described in an "inspection report" is processed in the office of the authority.
6. The content of the file is analyzed.
7. In case of finding damages or breaches of environmental legislation, the complaint file is sent to an office in charge of the sanction procedure.
8. The accused is notified.
9. Evidence and defenses are received.
10. An administrative resolution containing the sanction is issued⁷.

The authorities responsible for action are:

- Federal Environmental Protection Agency (PROFEPA) (administrative procedure).
- *Procuraduría General de la República* (PGR, by its Spanish acronym- Office of the Attorney General of the Republic), through agents of the Public Ministry, experts and ministerial police.
- Secretariat of the Marine
- National Commission of the Natural Protected Areas in patrolling in the protected areas, in flagrante delicto events.

Sanction Procedure Regarding Reef Damage.

Integrated the file in the Federal Office of the Procurator for Environmental Protection (PROFEPA, by its Spanish acronym), derived from the presentation of a popular denunciation⁸ for possible damage to biodiversity; a date is set for an inspection visit, by means of which PROFEPA validates the damage or illegal acts denounced, making an inspection report on the site where the facts and conditions of what was found by the agents will be established.

⁶ It contains, among other information, the place of the event, the alleged perpetrator and the possible impact.

⁷ In case of fines these can vary from \$2,264 pesos to \$3.7 million pesos, approximately - Unit of measure with parity of \$75.49 pesos: <http://www.inegi.org.mx/est/contenidos/proyectos/uma/default.aspx>

⁸ In the event that during the inspection visit there is an imminent risk of ecological imbalance or serious damage to the natural resources, the inspectors have the power during the diligence to impose some of the security measures provided for in Article 170 of the General Law of Ecological Balance and Environmental Protection: temporary decommissioning, precautionary assurance of materials, wastes or species and neutralization of possible contaminants.

Once attached to the file and prior notification to the potential infringer, the facts contained in the inspection report will be studied for legal assessment. If they result in environmental damage or acts in contravention of environmental regulations⁹, an agreement will be issued that sends the file of the office in charge of the denunciations to another that will initiate an administrative sanction procedure.

By means of a "summons agreement", the person allegedly responsible for the irregularities observed, shall be personally notified so that he or she may immediately take the necessary security measures and comply with the applicable legal provisions, depending on the matter, with the respective permits or licenses, specifying the period of time granted to comply with them. Likewise, by means of the "summons agreement", the alleged offender is informed that he or she has a term of fifteen working days from the date of notification, so that he or she can make use of his or her hearing guarantee, presenting evidence and/or making representations.

Admitted and relieved of the evidence and/or statements offered by the interested party, or after the fifteen-day period has elapsed, without having made use of this right, shall have the term of three days to submit their arguments in writing. Once the arguments have been received or the deadline for submitting them has elapsed, the administrative authority shall proceed within twenty days to issue an administrative decision, which shall be notified to the interested party.

Violations of environmental legislation may be sanctioned administratively by PROFEPA in one of the following ways¹⁰:

- Fine for the equivalent of thirty to fifty thousand units of measurement and updating¹¹.
- Temporary or definitive closure, total or partial.
- Administrative arrest for up to 36 hours.
- Confiscation of instruments, specimens, products or by-products directly related to the subject-matter of the infringement.
- Revocation of concessions or related permits.

In those cases, in which, as a result of the exercise of its powers, the Secretariat becomes aware of acts or omissions that could constitute crimes in accordance with the applicable legislation, it shall file a corresponding complaint with the Federal Public Ministry¹². The Federal Public Ministry, will proceed through the Specialized Unit¹³[6] to the opening of an investigation file where it will gather the evidence and take the necessary actions to clarify the facts and identify responsibilities. As a result of having evidence to prove the facts will inform a judge through the exercise of criminal action, which initiates the respective trial.

⁹ Among others, the General Law of Ecological Balance and Environmental Protection, the General Wildlife Law, the General Law of Sustainable Forestry Development and its respective regulations.

¹⁰ Article 171, General Law of Ecological Balance and Environmental Protection (LGEEPA, by its Spanish acronym).

¹¹ 2,264 pesos to approximately \$3.7 million pesos - Unit of measure with parity of \$75.49 pesos: <http://www.inegi.org.mx/est/contenidos/proyectos/uma/default.aspx>

¹² Article 182 of the General Law of Ecological Balance and Environmental Protection.

¹³ Specialized Unit for the Investigation of Crimes against the Environment and Predicted in Special Laws, attached to the Office of the Deputy Attorney General's Office for Specialized Investigation of Federal Crimes. (PGR).

The penalty for harming species considered at risk is two to 10 years' imprisonment plus an approximate fine of \$22,647.00 to \$226,470.00 Pesos. ¹⁴.

In the case that reef restoration activities want to be carried out, the following permits must be obtained:

Authorization for environmental impact

It is responsible for the Federation through the Secretariat of Environment and Natural Resources (SEMARNAT) and in turn by the Directorate General of Environmental Impact and Risk (DGIRA), as well as its Federal Delegations in the States; the analysis and, where appropriate, the approval of authorizations for the development of "works and activities that may cause ecological imbalance or exceed the limits and conditions established in the applicable provisions to protect the environment and preserve and restore the ecosystems". Those works or activities that are carried out in "wetlands, mangroves, lagoons, rivers, lakes and marshes connected to the sea, as well as in their coasts or federal zones", as well as in "protected natural areas under the jurisdiction of the Federation" are included in the assumptions for an environmental impact assessment procedure.

The procedure for obtaining the environmental impact permit has as initial requirement the preparation and presentation of a document that contains the statement of all the works or activities to be developed, as well as the possible impacts, there are two modalities: a particular modality and the other regional modality, these are the requirements for each one:

Particular Modality

- I.** General data of the project, the promoter and the person responsible for the environmental impact study;
- II.** Description of the project;
- III.** Linkage with the applicable legal systems in environmental matters and, where appropriate, with the land use regulations;
- IV.** Description of the environmental system and identification of the environmental problems detected in the project's area of influence;
- V.** Identification, description and assessment of the environmental impacts;
- VI.** Preventive and mitigation measures of environmental impacts;
- VII.** Environmental forecasting and, where appropriate, assessment of alternatives, and
- VIII.** Identification of the methodological tools and technical elements that support the information indicated in the previous sections.

Regional Modality

- I.** General data of the project, the promoter and the person responsible for the environmental impact study;
- II.** Description of works or activities and, where appropriate, of partial development programs or plans;

¹⁴ Article 420 Bis, Criminal Federal Code – Fine from three hundred to three thousand units of measure and update.

- III. Linkage with applicable planning instruments and legal systems;
- IV. Description of the regional environmental system and identification of the development trends and deterioration in the region;
- V. Identification, description and evaluation of the environmental impacts, cumulative and residual of the regional environmental system;
- VI. Strategies for the prevention and mitigation of cumulative and residual environmental impacts of the regional environmental system;
- VII. Regional environmental forecasting and, where appropriate, assessment of alternatives, and
- VIII. Identification of the methodological tools and technical elements that support the results of the environmental impact statement.

The analysis of the document will be carried out in a period of 60 working days and a resolution will be issued that authorizes it in the requested terms or, if applicable, with additional conditions. In the event of finding any legal contravention of the environmental regulations, missing or endangered species, SEMARNAT will deny the authorization.

Timeline for the environmental impact evaluation procedure of a project:



Image 6. Environmental Impact Evaluation Procedure.

Scientific Collecting Permit – SEMARNAT¹⁵ – DGVS¹⁶

Applies to species at risk or endangered species - Contained in the STANDARD - 059 - SEMARNAT – 2010.

Rationale:

¹⁵ Secretariat of Environment and Natural Resources

¹⁶ General Directorate of Wild Life.

- Articles 83, 84, 85 and 97 - General Wildlife Law.
- Articles 123 and 124 of the General Wildlife Law Regulations.

Requirements:

To collect endangered species, priority should be given to restoration, restocking, re-introduction and scientific research. The administrative unit responsible for issuing the authorizations is the Directorate General of Wildlife of SEMARNAT

To obtain the authorization under treatment, an application must be submitted containing¹⁷:

- I. Name, denomination or business name, address for hearing and receiving notifications, as well as telephone, fax or e-mail.;
- II. Corresponding registration number, in the case of a previously established UMA;
- III. Name of the legal representative or name of persons authorized to hear and receive notices;
- IV. Autograph or electronic signature of the interested party;
- V. Place and date of the application;
- VI. Information that the promoter considers confidential, reserved or commercially confidential under the terms established in the Article 19 of the Federal Law on Transparency and Access to Government Public Information, and
- VII. Specific information required for each specific procedure, in accordance with the Law and these Regulations.

In addition, in the case of collection of species or populations at risk or critical habitat:

- a) A curricular summary of the applicant, and
- b) Executive summary of the project including the following:
 1. Title of the Project;
 2. Name of the responsible persons and collaborators, and participating institutions;
 3. Objective and rationale;
 4. List of species, categories and families to be collected and approximate quantity of specimens, parts or derivatives;
 5. Description of the methodology and techniques of scientific collection;
 6. Site where the scientific collection is intended to be developed and map of location, locality or region, indicating the protected natural areas that are located in it;
 7. Start and end dates of the field activities;
 8. The justification for the collection, and
 9. Letter of endorsement from a recognized Mexican institution regarding the implementation of the activities foreseen in the project.

¹⁷ Permit application form for scientific collection available at:
<https://drive.google.com/file/d/0BBytCpnzrGoQ3cWxDMVJrYjBfa1U/view?usp=sharing>

Terms: Twenty working days and its duration will be one year, at the end of which the activity reports must be submitted.

Discharge authorization – SEMAR¹⁸.

The discharge into the marine area is considered to be "the placement of materials or objects of any nature, with the purpose of creating artificial reefs, piers, jetties, breakwaters, or any other structure", for which reason the Secretary of the Marine is required to obtain an authorization for such activity.

To proceed with the request, the following information must be submitted:

- I. Application form, duly completed, signed by the applicant and the person responsible for the discharge operation;
- II. Authorization for environmental impact, issued by the Ministry of the Environment and Natural Resources;
- III. Dumping program indicating the works or activities to be carried out;
- IV. Result of the toxic, physical, chemical and biological analysis and characterization of structures, wastes or other materials intended to be dumped, carried out in accordance with applicable regulations and practiced by accredited laboratories before the Mexican Accreditation Entity;
- V. Environmental monitoring programs, bathymetric, hydrodynamic and benthic composition studies of the dumping zone, before, during and after the same;
- VI. Proposal of a firing range, taking into account the oceanographic, biological, geographical position, recreational activities, natural beauty, cultural or historical interest, scientific importance, natural refuges; spawning, breeding and restocking areas; migratory routes; seasonal and critical habitats; fishing areas; waterways; technological uses of the seabed; exclusion areas and other legitimate uses of the sea.
- VII. Proof of payment of fees for processing, study and authorization of dumping, as established in the Federal Law of Rights;
- VIII. Tripling of documentation and electronic archiving, and
- IX. As the case may be, as established in the relevant format, the opinion of the following authorities:
 - a) The municipal authority, with respect to the non-existence of a place on land for the disposal of waste or other materials, including dredged material;
 - b) The Secretariat of Communications and Transport, with respect to the impact on maritime traffic in the dumping area, its operations or dumping, and
 - c) The Secretariat of Energy, through the National Commission on Nuclear Safety and Safeguards, when it is presumed that the materials or substances to be dumped contain radioactive materials.

The response time will be sixty working days.

¹⁸ Secretariat of the Marine.

Fishing permit for promotion – CONAPESCA¹⁹

The fishing legislation defines development fishing as "that which has as its purpose the study, scientific research, experimentation, exploration, prospecting, development, repopulation or conservation of the resources constituted by the aquatic flora and fauna and their habitat, the experimentation of equipment and methods for this activity; the collection of live specimens in waters under the federal jurisdiction for the maintenance and replacement of scientific and cultural collections, as well as for ornamental purposes, public performances, aquariums and zoos". Applies to coral species in Mexican waters.

Objective: Is that that is carried out for the purposes of research, exploration, experimentation, conservation, evaluation of aquatic resources, creation, maintenance and replacement of scientific collections and development of new technologies

Rationale:

- Articles 41, 60, 64 - General Law on Sustainable Fisheries and Aquaculture.
- Articles 69, 71 and 78 of the Regulation of the General Law on Sustainable Fisheries and Aquaculture.

Requirements:

- Filling the CONAPESCA-01-13 format
- Accreditation of scientific and technical capacity through:
 - I. Qualifications or certificates issued by officially recognized educational institutions;
 - II. Evidence demonstrating the applicant's experience,
 - III. Curriculum vitae.
 - In the case of foreigners: proof of diplomatic representation.
- Annex the program or project of scientific study or research, which should contain:
 - I. Name of the person responsible;
 - II. Objectives;
 - III. Practical application of the results;
 - IV. Participants, materials, boats and equipment to be used, if any;
 - V. Operations to be carried out, with its timeline;
 - VI. Zones and depths of operation;
 - VII. Determination of species matter of subject of the study or research,
 - VIII. Number of samples to be collected.

Payment for issuing a promotion permit: \$565.14 national currency.

Terms: The Secretariat shall decide on applications for fishing permits, taking into account the opinion of the National Fisheries Institute, in the following terms:

¹⁹ National Aquaculture and Fisheries Commission.

I. For persons of Mexican nationality, within 21 working days, under the following procedure:

a) The Secretariat shall integrate the file within 7 working days, within which it shall request the interested party to provide the missing information or documentation. If the data subject is not required to rectify any deficiencies, the file shall be deemed to have been made up, and

b) Once the file has been integrated, within the following 14 working days, the Secretariat shall decide whether to grant or deny the requested fishing permit for promotion.

II. In the case of persons of foreign nationality, the decision shall be rendered within the terms and time limits laid down in the Article 252 of the United Nations Convention on the Law of the Sea (four months to refuse and six months to approve).

Once the deadlines have elapsed without the Secretariat having issued the resolution, the request will be considered granted, provided that it concerns projects to be developed by higher education or scientific research institutions; or technical or scientific endorsed by any of these institutions. In all other cases, the application shall be considered denied.

RESEARCH NOTICE with Flora and Fauna Manipulation in the Protected Natural Areas – CONANP – Directorate of the ANP

In the case of research and monitoring that requires the manipulation of specimens' at-risk species, it is necessary to notify the management of the natural area where they are to be developed. Once the respective permission of collection for research purposes has been obtained by the General Directorate of Wildlife.

The following documents must be attached to the notice:

- Constitutive Certainty or legal instrument by which the corporation is created, if applicable. As well as a legal instrument that accredits the status of the legal representative.
- Project of activities, including: date of the commencement of the activities authorized to carry out the scientific collection, times of entry and exit, length of stay in the protected natural area in question, location of the site or name of the locations where the activities are to be carried out and the name of the participants. In the case of scientific collector licenses, provide research line, number of specimens to be collected and equipment to be used.
- Official identification with photograph of the applicant or, if applicable, of the legal representative.
- Present the special permit of scientific collection, granted by the Directorate General of Wildlife or the license of scientific collector.

The notice does not set a response time.