

**NEW LAWS for CRIMES AGAINST THE ENVIRONMENT 2015**  
**CHAPTER I / TWENTY – THIRD TITLE**

**Article 365. occupation or invasion** will be imposed **environmental area** four to eight years in prison and a fine of one thousand to three thousand days, who illegally run the occupation or invasion:

- 1 A protected area or area of environmental value of competence of the State, in accordance with the legal provisions;
- 2 A green area found in urban land; or

III. Dunes or environmental priority areas adjacent state jurisdiction to the federal maritime land;  
The penalties under this Article shall be increased by one to two thirds when the occupation or invasion is done with violence and who instigates, promotes, directs or incites the commission of the above behaviors.

**Article 366. Illegal change of land use.** It will impose three to seven years in prison and a fine of one thousand to three thousand days, who illegally make the change of land use or give a different destination for which was authorized in :

- 1 A protected area or area of environmental value of competence of the State, in accordance with the legal provisions;
- 2 A green area in urban land; or

III. Dunes or environmental priority areas adjacent state jurisdiction to the federal maritime land;

**Article 367. Illegal waste deposit** shall be imposed for one to three years in prison and a fine of five hundred to one thousand days, who illegally download or deposited in any physical state, waste used in construction or in any production process:

- 1 A protected area or area of environmental value of competence of the State, in accordance with the legal provisions;
- 2 A canyon;

III. A recharge zone of aquifers;

- 1 A green area in urban land; or
- 2 Dunas or priority in environmental matters of state jurisdiction adjacent to federal maritime areas.  
When one or more of the acts described in this article resulting committed in the name, under the protection or benefit of a legal person, it shall be liable to the legal consequence accessory consisting of the prohibition of certain businesses or operations for up to fifteen years regardless of the liability they have incurred physical persons for the crime committed.

**Article 368. Removing unlawful environmental matters.** Be imposed from six months to five years in prison and a fine of five hundred days fifteen hundred, who illegally remove soil, sand, stone, or ground cover for a volume equal to or greater than two meters cubic, of:

- 1 A protected area or area of environmental value of competence of the State, in accordance with environmental legal provisions;
- 2 A canyon;

III. A green area in urban land; or

- 1 Dunes or environmental priority areas adjacent state jurisdiction to the federal maritime zone.
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**The protection and conservation** of the environmentally protected area is included and preserved within the **Subregional Urban Development Program** of Todos Santos – El Pescadero – and Las Playitas, (Master Plan) of the Municipality of La Paz Baja California Sur, in paragraph 5.3.1., This protection and conservation includes COASTAL DUNES.

Complemented with paragraph **5.3.1.5. General Criteria**

#### **Environmental Management Unit “UGA” 1 Conservation.**

##### **Beach Zone, Dunes and Wetlands**

The beach is the ecosystem of the coastal zone, consisting of loose unconsolidated materials of different thickness in emerged and submarine areas which show process of erosion and accumulation due to alterations of natural or anthropogenic origin, with changes in the dynamics of its contour. Coastal dunes belong to this group which allows only limited subsistence as a Natural Area and possible Alternative Tourism (with specific limitations by zone). It is NOT suitable for any agricultural, urban or industrial use. These uses shall not be permitted in any of its forms. Being in our interest, and our responsibility for the proper care of our ecological environment, our community will immediately give notice to the Federal Attorney for Environmental Protection (PROFEPA) in the event someone is not complying with the guidelines set forth for the protection and conservation for this geographic area.

In addition, any activity detrimental to the protected area and ecosystems to be conserved, is itself an element of crime, committed by the direct performer, or by who omitted to prevent it and/or by who promotes harmful activity with the purpose of making profits of any kind from it, whether it be individuals or corporations. It is the obligation of any member of the community to report it.

The following serve as a legal reference, including but not limited to:

- Subregional Urban Development Program of Todos Santos-El Pescadero-Las Playitas
- Article 5. Federal Law for the Promotion of Activities Conducted by Civil Partnerships
- Article 45 and 98 General Law of Ecological Balance and Environmental Protection
- Article 4, 18, 24, 107 General Wildlife Act
- Article 10, 25, 27 and 28 Federal Law on Environmental Liability
- Article 421 Federal Criminal Code

The sand dunes that front the shoreline of the Pacific coast of Baja California Sur are known as **coastal or barrier dunes**. This type of dune, such as those found behind the beaches in Todos Santos, act as a buffer against high surf and summer storms, protecting low lying inland areas from flooding. Equally important, these dunes provide a sand reservoir that replaces sand eroded from the beach. The benefits that these dunes provide are often not recognized much less valued monetarily. People need to understand their critical function in the natural environment and alter their recreational and developmental activities, which often lead to the destruction of these dunes.

Resources:

Las Tunas Beach Profile Analysis Jun 2015 – Jan 2016

Coastal Dunes

Impact of Dunes Development