

El Mogote:

Federal Authorities allow predatory tourism development in BCS

By César Angulo*

Mexico's Office of the Attorney General for Environmental Protection (PROFEPA) and the Environmental Protection Agency (SEMARNAT) have allowed the real estate tourism development *Paraíso del Mar* in La Paz, Baja California Sur, to operate both without final approval of their environmental impact statement and in violation of a ruling from the Federal Court of Tax and Administrative Justice, reports CEMDA, the Mexican Center for Environmental Law.

In August, 2009, the 11th District Court of the Federal Tax and Administrative Justice Court determined that the authorization, erroneously granted to *Paraiso del Mar* by SEMARNAT, was illegal and therefore invalid. In spite of this ruling and the Federal appeals court's subsequent refusal to stay the judgement, the two federal agencies have permitted the company to continue operations nonetheless.

The controversial tourism complex has been developed on a sand dune and mangrove forest known as El Mogote, located across the bay from La Paz's waterfront promenade, on land that has historically been set aside for conservation and local public access.



The construction of the real estate development on El Mogote's sand bar places it at high risk during a hurricane or tropical storm

In a press release, CEMDA states that *Paraíso del Mar* tried to obtain the stay, but that the 4th District Administrative Law Court in Mexico City denied their appeal.

“For all practical purposes, SEMARNAT and PROFEPA are joining forces to assure that the court’s rulings are just empty words lacking the force of law,” points out Agustín Bravo, CEMDA’s representative for the Gulf of California. “This only adds to the enormous problem of environmental management in Mexico: the lack of compliance to and enforcement of, the law.”

The real estate consortium plans to build 3,922 residential units, a hotel complex with 2,500 rooms, two 18-hole golf courses and a 500-berth marina, all in an environmentally fragile area.

El Mogote has been declared a Ramsar site—a wetland of international importance—based on the criteria set out at the Convention on the Conservation of Wetlands that took place in the Iranian city of the same name in 1971.

Because of the development, the area now suffers from the impacts of the loss of habitat of various endangered species, such as the least tern, whale shark and bottlenose dolphin.

*Director, Bionero.org and winner of the 2006 Reuters Regional IUCN Award for Excellence in Environmental Reporting.

La Paz / Punta Abreojos