

# THE GUIDELINES AND PRIORITIES OF THE NEW SEMARNAT

OCTOBER 2024

## Ejecutive Summary:

- On October 4, 2024, the new head of SEMARNAT presented the main guidelines that will guide her administration, focused on strengthening sustainable development, environmental justice and the protection of biodiversity.
- She emphasized that she will promote innovative projects and will demand that environmental value be present in all stages of the projects, seeking to balance development and infrastructure with environmental conservation.

On October 4, 2024, the new head of the Ministry of the Environment and Natural Resources ("SEMARNAT" for its acronym in Spanish), the Biologist Alicia Bárcenas Ibarra, gave a welcome message to the new officials who will hold some of the most important positions in the agency, as well as the heads of the Federal Attorney for Environmental Protection ("PROFEPA" for its acronym in Spanish), the National Water Commission ("CONAGUA" for its acronym in Spanish), the National Agency for Industrial Safety and Environmental Protection in the Hydrocarbon Sector, among others; therefore, we can conclude that the most important decision-makers of the national environmental policy were at this meeting.

In this message, the head of SEMARNAT highlighted the most important pillars of her administration, which will surely guide the actions of all environmental authorities, so it will be important to consider them when developing projects in Mexico, or to reinforce those projects already operating in our country.

That being said, at Santamarina y Steta, we ensure

that these are kept in mind and have deemed it appropriate to list them, along with some general strategies for their compliance. In addition, we will periodically publish a guide to specifically address each of them, along with tips for compliance:

## 1. STRENGTHEN SUSTAINABLE DEVELOPMENT:

More concrete and effective strategies for the compensation of environmental impacts should be considered during the environmental impact assessment in order to obtain an environmental impact authorization.

## 2. THE APPROPRIATION OF NATURAL RESOURCES SHOULD NOT GENERATE INEQUALITIES:

Social impact assessment and/or indigenous consultation are excellent tools to learn how a project can impact a community and transform adverse impacts into genuine opportunities for individual and collective development.

### 3. ENVIRONMENTAL JUSTICE:

Which means that PROFEPA will strengthen its inspection and enforcement efforts, as well as shut down polluting projects. Therefore, it is important to practice preventive environmental audits, implement improvement plans, and ensure that the terms and conditions of permits, authorizations, and licenses are in compliance, otherwise, it is better to **voluntary and preventive regularization** than regularization resulting from an inspection.

### 4. PREVENTING AND REMEDIATE ENVIRONMENTAL DAMAGE:

Environmental impact assessments may be more stringent, but compensatory measures such as the restoration of rivers, soils, and/or forests could be an attractive option that facilitates project approval.

### 5. PROTECTING BIODIVERSITY:

In addition to environmental impact measures, it is possible that this administration will use instruments to protect traditional natural resource practices more effectively, which could be more restrictive to activities involving genetically modified organisms.

### 6. SANITATION OF WATER AND RELATED ECOSYSTEMS:

Similar to PROFEPA, this means that CONAGUA will implement more aggressive inspection and sanction actions, which could lead to the closure of activities that generate contaminated water, therefore, we recommend ensuring adequate compliance with the discharge permit, especially with regard to possible particular discharge conditions that may exist in the permits. In addition to making investments to improve the wastewater treatment plant.

### 7. INTERNALIZE PAST, PRESENT, AND FUTURE IMPACTS:

This point could be controversial, since SEMARNAT could try to blame past pollution on companies in the present. However, it is more important to know the history of the place where a project is going to be developed in order to know if there is an environmental liability (historical contamination),

therefore, the elaboration of baseline studies or "phase I" should be common practice before starting a project.

### 8. PROJECTS NEED TO INCORPORATE ENVIRONMENTAL VALUE FROM THEIR DESIGN:

Environmental compliance must be present in all stages of a project, from design, operation, and abandonment.

### 9. PROMOTE INNOVATIVE PROJECTS:

Those projects that manage to demonstrate some innovative environmental protection measure will be able to pass the corresponding evaluations and obtain their authorizations more easily.

### 10. STEWARDSHIP OF NATURAL RESOURCES:

1.The concept must be understood in relation to the natural resources over which SEMARNAT and the environmental authorities have jurisdiction, which are listed below, together with some advice:

- Water: in this case, CONAGUA has been favoring those concessions related to projects that manage to demonstrate that they will not cause overexploitation of aquifers; therefore, we consider that this policy will have to be followed.
- Federal maritime-terrestrial zone: in this case, SEMARNAT could prioritize those concessions that ensure public use of the beach.
- Forests: SEMARNAT has been imposing conservation or reforestation measures beyond what the law stipulates, such as conserving 30% of the land's vegetation, so these measures may continue.

These guidelines should not be understood as a prohibition for the development of infrastructure in the country; they should only be understood as a measure to protect ecosystems, and compliance with them will help us to make projects more susceptible to being authorized and developed in favorable social environments, reducing the risk of closure.