

## Species at risk

### Established arrangements in official policy regarding species at risk (NOM-059-SEMARNAT-2001)

The use and management of at risk species and populations should be carried out in accordance with the provisions of article 87 of the General Law of Ecological Balance, and in articles 85 and 87 and other applicable requirements of the General Wildlife Law (Norma Oficial 059 species at risk).

### Article 87 of the General Law of Ecological Balance

- Article 87.- The use of wild species of flora and fauna in economic activities may be authorized if the individuals concerned can guarantee their controlled reproduction or development in captivity or semi-captivity, or when the rate of exploitation is less than the natural rate of renewal of the population, according to the Mexican Official Standards as issued by the Ministry of Environment and Natural Resources.

**No use may be permitted of natural populations of species which are threatened or in danger of extinction**, except in those cases in which the controlled breeding and development of populations of these species can be guaranteed.

Authorization for the sustainable use of endemic species will be awarded according to the Mexican Official Standards as issued by the Ministry, only when the proposed use does not threaten the species or put it in danger of extinction.

The use of wild species of flora and fauna **requires the express consent of the owner or lawful occupant of the land** on which they are found. Furthermore, the Ministry may issue **hunting permits** to those owners or occupiers, providing they guarantee the controlled breeding and development of wildlife populations.



The collection of wild species of flora and fauna and other biological resources, for the purposes of scientific research, requires the **authorization of the Ministry** and must abide by the terms and formalities established in the Mexican Official Standards and in other applicable legislation. In all cases, the public availability of the research results must be guaranteed. These authorizations may not extend to exploitation for the purposes of use in biotechnology, which is subject to the provisions of Article 87 BIS.

The use of non-timber forest resources and firewood for domestic use is subject to the Mexican Official Standards issued by the Ministry and other applicable provisions.  
*Revised Article DOF 13-12-1996*

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**Article 87 BIS.-** The use of wild species of flora and fauna, and other biological resources, for utilization in biotechnology requires the **authorization of the Ministry.**

The authorization referred to in this article may only be granted if one has the **prior, express and informed permission of the owner or lawful occupant of the land** where the biological resource is found.

Furthermore, these owners or lawful occupants shall be entitled to an equitable share of benefits arising or likely to arise from the utilization referred to in this article, in accordance with applicable legal provisions.

The Ministry and other relevant agencies, will establish mechanisms to exchange information regarding authorizations or resolutions relating to the use of biological resources for the purposes referred to in this precept.

*Additional Article DOF 13-12-1996*

**Article 87 BIS 1 .-** Income received by the Federation in respect of the granting of permits, approvals and licenses relating to wild flora and fauna, in accordance with the applicable legislation, is to be used for the implementation of measures for the preservation and restoration of biodiversity in areas which constitute the habitat of the wild species for which permits, licenses or authorizations were granted.

*Additional Article DOF 13-12-1996*

**Article 87 BIS 2 .-** The Federal Government, State Governments, the governments of the Federal District and Municipalities, within the scope of their respective jurisdictions, regulate the dignified and respectful treatment which must be given to animals.

*Additional Article DOF 13-12-1996*



### Articles 85 and 87 of the Wildlife Act

*Latest Revision DOF 14-10-2008*

**Article 85.-** Authorization of the use of specimens of species at risk can only be given when priority is given to the collection and harvesting for activities of **restoration, repopulation and reintroduction.** Any other use, in the case of populations in danger of extinction, will be subject to proof that it has successfully completed any of the three activities mentioned above and that:

- a) In the case of specimens in captivity, they are the product of controlled breeding, which in turn would contribute to the development of populations in programs, projects or activities supported by the Ministry.
- b) In the case of specimens in the wild, they contribute to the development of populations through controlled breeding.

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**Article 87.-** Authorization may permit exploitation by owners or lawful occupants of the land where wildlife is found, based on **an approved management plan**, which in turn is based on the results of population studies or surveys, in the case of wild specimens; or of submitted inventories, in the case of individuals in confinement, while also taking into account other information available to the Ministry, including that relating to biological cycles.

For the use of specimens of wild species at risk it is necessary to have:

- a) Criteria, measures and actions for the controlled breeding and development of said population in its natural habitat included in the management plan, in addition to that stated in the provisions of article 40 of this Law
- b) Measures and specific actions to counteract the factors that have led to the decline of populations or deterioration of their habitats.
- c) A study of the population containing a survey and stringent estimates of birth and mortality rates. eo.

In the case of threatened populations, or those in danger of extinction, both the study and management plan must be endorsed by a specialized individual or company who is recognized in accordance with the provisions of the regulations. In the case of populations in danger of

extinction, the management plan and the study must be conducted in accordance with the terms of reference developed by the Council.

**Artículo 40.-** To register the land as management units for nature conservation, the Ministry will prepare, in accordance with the regulations, a file with the **general data, titles proving ownership or lawful possession of the petitioner; geographic location, area and boundaries thereof, and a management plan.**

### The management plan should contain:

- a) Specific objectives, short, medium and long term targets, and indicators of success.
- b) Physical and biological description of the area and its infrastructure.
- c) Sampling methods.
- d) A calendar of activities.
- e) Measures of habitat management, population and specimens.
- f) Contingency measures.
- g) The monitoring mechanisms.
- h) Where appropriate, means and forms of exploitation and a system of labelling to identify the specimens, parts and derivatives which are harvested in a sustainable manner.

The management plan must be **prepared by the responsible technical officer**, who shall be jointly liable with the owner of the registered unit for the conservation of wildlife and its habitat, should authorization be granted.