

**FOURTH TITLE  
OF FOREST CONSERVATION MEASURES**

**SECOND CHAPTER  
Of Land Use Change in Forest Land**

**Article 120.** To request authorization to change the use of land on forest land, the interested party must request it through the format issued by the Secretariat, which will contain the following:

- I.** Name, denomination or company name and address of the applicant;
- II.** Place and date;
- III.** Data and location of the property or group of properties, and
- IV.** Forest area requested for the change of land use and vegetation type to be affected.

The justificatory technical study must be submitted along with the application, as well as a simple copy of the official identification of the applicant and original or certified copy of the title deed, duly registered in the corresponding public registry or, as the case may be, the document proving the possession or right to carry out activities that imply the change of land use in forest lands, as well as a simple copy for your comparison. In the case of ejidos or agrarian communities, it must be submitted original or certified copy of the assembly minutes stating the land use change agreement in the respective field, as well as a simple copy for its comparison.

The right to carry out activities that imply the change of land use, due to the Activities of the Hydrocarbons Sector in forest lands, may be accredited with the documentation that establish the applicable provisions in the matters of said sector.

*Revised paragraph DOF 10.31.2014*

The Secretariat, through the Agency, will resolve applications for authorization of change of use of land in forest lands for the realization of any of the Activities of the Sector Hydrocarbons, in the terms provided in this chapter.

*Paragraph added DOF 10.31.2014*

**Article 121.** The justificatory technical studies referred to in Article 117 of the Law, they must contain the following information:

- I.** Uses that are intended to give the land;
- II.** Location and surface of the property or set of properties, as well as the delimitation of the portion in which it is intended to make the change of land use in forest lands, through georeferenced plans;
- III.** Description of the physical and biological elements of the hydrological-forest basin where the property is located;
- IV.** Description of the conditions of the property that includes the purposes for which it is intended, climate, types of soil, medium slope, relief, hydrography and types of vegetation and fauna;
- V.** Estimation of the volume per species of forest raw materials derived from the change of land use;
- VI.** Term and manner of execution of land use change;
- VII.** Vegetation that must be respected or established to protect fragile lands;
- VIII.** Measures to prevent and mitigate impacts on forest resources, flora and wild fauna, applicable during the different stages of development of the change in the use of the ground;
- IX.** Environmental services that could be put at risk due to the change in land use proposed;
- X.** Technical, economic and social justification that motivates the exceptional authorization of the change of land use;
- XI.** Registration data in the Registry of the person who has formulated the study and, in case, of the person responsible for directing the execution;
- XII.** Application of the criteria established in the ecological management programs of the territory in its different categories;

- XIII.** Economic estimate of forest biological resources of the area subject to change of use of soil;
- XIV.** Estimation of the cost of restoration activities due to the change in the use of the soil, and
- XV.** Where applicable, the other requirements specified in the applicable provisions.

**Article 122.** The Secretariat will resolve requests for land use change on land forestry, according to the following:

- I.** The authority will review the application and the documents presented and, where appropriate, will prevent the interested within fifteen working days to complete the information missing, which must be submitted within a period of fifteen working days, counted from the date on which the notification takes effect;
- II.** After the deadline without the prevention is released, the procedure will be rejected;
- III.** The Secretariat will send a copy of the integrated file to the State Forestry Council corresponds, so that it emits its opinion within the term of ten working days following its reception;
- IV.** Once the term referred to in the preceding section has elapsed, within five business days Following, the Secretariat will notify the interested party of the technical visit to the property subject to the request, which must be made within a period of fifteen working days, counted from of the date on which the notification takes effect, and
- V.** Once the technical visit has been made, the Secretariat within the following fifteen business days and only in case the change in land use requested updates the assumptions referred to the first paragraph of article 117 of the Law, will determine the amount of compensation corresponding environmental law in accordance with the provisions of article 124 of this Regulation and notify the interested party requesting him to make the respective deposit before the Fund. After this period has elapsed without the Secretariat having made the request of deposit with the Fund, it will be understood that the request was resolved in a negative sense.

*Revised fraction DOF 10.31.2014*

**Article 123.** The Secretariat, through its competent administrative units, will issue the authorization of land use change in forest land, once the interested party has made the deposit referred to in Article 118 of the Law, for the economic amount of the environmental compensation determined in accordance with the provisions of article 124 of these Regulations.

The authorization will be denied in the event that the interested party does not prove that the deposit was made to referred to in the previous paragraph within the thirty business days following the effective date of the notification of the requirement indicated in section V of the previous article.

Once the deposit is accredited, the Secretariat, through its competent administrative units, will issue the corresponding authorization within ten business days. After this term without issuing the authorization, this will be understood granted.

*Article amended DOF 10.31.2014*

**Article 123 Bis.** For purposes of the provisions of the fourth paragraph of article 117 of the Law, the The Secretariat will include in its decision to authorize the change of land use in forest lands, a rescue program and relocation of affected forest vegetation species and their adaptation to new habitat, same that will be forced to fulfill the holder of the authorization.

The Secretariat should integrate the program, based on the information on the measures of prevention and mitigation of impacts on forest resources, wild flora and fauna, referred to in Section VIII of Article 121 of this Regulation.

Based on the information provided by the interested party in the justificatory technical study, the program must include the name of the species to be rescued, the density of plantation, the plan geo-referenced from the site where they will be relocated within the affected ecosystem, preferably in neighboring areas or close to where the land use change works will be carried out, as well as the actions that ensure at least eighty percent survival of the aforementioned species, periods of execution of these actions and their maintenance.

*Article added DOF 24-02-2014*

## GENERAL LAW OF SUSTAINABLE FORESTRY DEVELOPMENT

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### FIFTH TITLE OF FOREST CONSERVATION MEASURES CHAPTER I. Of Land Use Change in Forest Land

**ARTICLE 117.** The Secretariat may only authorize the change of land use in forest lands, for exception, prior technical opinion of the members of the Forest State Council in question and based on the justificatory technical studies that demonstrate that biodiversity is not compromised, nor will the soil erosion, deterioration of water quality or decrease in catchment; and what uses alternatives of the soil that are proposed are more productive in the long term. These studies should be consider together and not in isolation.

In authorizations for land use change in forest land, the authority must respond duly founded and motivated to the proposals and comments made by the members of the Board State Forest.

Authorization to change the use of land on a burned ground without having past 20 years, unless the Secretariat is credibly credited that the ecosystem has totally regenerated, through the mechanisms established for this purpose in the regulation correspondent.

The authorizations that are issued must meet what, if any, the programs of corresponding ecological ordinance, the official Mexican norms and other legal dispositions and applicable regulations.

The Secretariat, with the participation of the Commission, will coordinate with the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food, the policy of land use to stabilize its agricultural use, including the slash-and-burn system, developing permanent practices and preventing the agricultural production grow at the expense of forest land.

The land use change authorizations must be registered in the Registry.

The Secretariat, with the participation of the Commission, will coordinate with various public entities, actions jointly to harmonize and make efficient the construction programs of the electric, hydraulic sectors and communications, with compliance with the corresponding regulations.

**ARTICLE 118.** Those interested in the change of use of forest lands, must prove that granted a deposit to the Fund, for the concept of environmental compensation for activities of reforestation or restoration and its maintenance, in the terms and conditions that establish the rules.