



Newsletter

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**Newsletter Number 8
Federal Maritime Zone
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- 1 Regularization regarding the amendments of the Federal Maritime Zone, caused by natural phenomenons.**



Caused by the natural phenomenons of last October 2005, specifically by Hurricane Wilma, the Federal Maritime Zone, the lands gained from the sea, and in general terms, Mayan Riviera beaches, (hereinafter referred as "FMZ"), suffered strong affectations and modifications causing that many of them totally disappeared, due to the movement of sand and the invasion of such surfaces by sea.

In view of the foregoing, as of December 2005, many activities were initiated by the Ministry of Environment and Natural Resources (hereinafter referred as "MENR"), which is the authority in charge of the administration of such area, as well as another's privates and public's institutions of the State of Quintana Roo, in order to restore the affected beaches and the FMZ.

It is important to mention, that the FMZ is a 20 meters wide strip of transitable land adjacent to the sea, which is determined from the high tide, so in the event that any phenomenon occurs which permanently changes such tide, causing that the surface of land

is covered by sea, the FMZ has to be relocated, changing its original position.

Since the FMZ is a considered a public domain asset, for its use, exploitation and management, by individuals, it is necessary to obtain a Concession Title, which determines the concession surface, its location, in accordance with the corresponding geographic coordinates, and form MENR's official delimitation.

In accordance with the foregoing, in the event that the FMZ is relocated or removed, by an hurricane which is specifically the subject of this Newsletter, the surface of the FMZ granted originally in a Concession Title, can be reduced or even disappeared by consequence of the invasion of the sea, in other words, the Concession Title does not cover the surface of land which may be used or exploited thorough the installation of chairs, palapas etc., making the installation of any objects or equipment related with tourist services impossible.

From the latter, it is extremely important to update the Concession Titles that suffered such events, in order to use, exploit and manage such FMZ.

How to legally update the Concession Titles?

The Article 18 of the Regulations for the Use and Exploitation of the Territorial Sea, Navigable Ways, Beaches, the Federal Maritime

Zone and Land Gained from the Sea (hereinafter referred as "RFMZ") provides that in case that any surface will be definitely and permanently invaded by sea water, the MENR has to define and demarcate, through topohidrographic studies **which identify the new federal zone.**

As established in the provision mentioned hereinabove, a land is considered permanently and definitely invaded when such sea water invasion lasts for an uninterrupted period of 180 natural days, and from the studies that determine a non-periodic retirement of water.

In this sense, on April, such 180 day period elapsed, as a consequence of the sea water invasion suffered by the Riviera Mayan beaches, as a result of the hurricane Wilma in October 2005. Therefore the invasion can be considered as definite and permanent. As a consequence there of, MENR, is currently carrying out various works in order to define and determine the new FMZ, which will be concluded on July 2006.

Regarding the above, in order to have legal certainty to use and exploit the FMZ, it's necessary to define, once the MENR establishes the new FMZ, if the same suffered some modification caused by Hurricane Wilma, regarding **the new delimitation, and in such case, it's necessary to file a request of modification of the Concession Title before such Authority, as soon as possible, in order to comply with the new delimitation, as well as to prevent any further contingency.**

This Firm has great experience obtaining Concessions Titles for use and exploitation of FMZ, as well as their modification and legal update; we are constantly analyzing the up-dating of such delimitations done by MENR.

The referred newsletter does not try to resolve a specific problem, it is just a personal consideration of the author with respect of the problematic mentioned on this document.

In case that you have any doubt or question with the above, please do not hesitate to contact us at the following direction:

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