**Response by MIRA Companies to concerns over local impacts of Tres Santos development, Mexico**

29 September 2015

*Business & Human Rights Resource Centre invited Black Creek Group, part-owner of MIRA Companies, to respond to the following items:*

*-       “When Mindfulness Goes Wrong: a Mega-Development’s Deceptive Branding in Mexico”, Professor Viviane Mahieux, in CounterPunch, 18 Sep 2015:* [*http://www.counterpunch.org/2015/09/18/when-mindfulness-goes-wrong-a-mega-developments-deceptive-branding-in-mexico/*](http://www.counterpunch.org/2015/09/18/when-mindfulness-goes-wrong-a-mega-developments-deceptive-branding-in-mexico/)

*-       “La Semarnat autoriza mina y además condominios en zona sin agua y pueblo mágico”, Carlos Álvarez Acevedo, [SinEmbargo.mx](http://SinEmbargo.mx), 18 Sep 2015: <http://www.sinembargo.mx/18-09-2015/1490653>*

*-* [*TruthSantos.org*](http://TruthSantos.org)*: main site* [*http://truthsantos.org/*](http://truthsantos.org/) *and FAQs* [*http://truthsantos.org/faqs/*](http://truthsantos.org/faqs/)

*In response, MIRA Companies, the developer of Tres Santos, sent the following response.*

September 29, 2015

Gregory Tzeutschler Regaignon, Research Director

Karen Hudlet, Mexico, Central American & Caribbean Researcher & Representative

Business & Human Rights Resource Centre

630 Ninth Avenue, Suite 304

New York, NY 10036

Dear Mr. Regaignon and Ms. Hudlet,

Thank you very much for the opportunity to respond to misinformation about the impact of the Tres Santos development on the local community in Todos Santos in Baja California Sur, particularly as related to water use and the local fishermen. We welcome the opportunity for MIRA Companies and Black Creek Group, to clear up the numerous factual errors these articles and the website contain.

We are not aware of research that supports materials in either of the articles or the website mentioned, nor was MIRA Companies and Black Creek Group contacted for facts or details regarding Tres Santos for these publications. We are unaware of the author or authors responsible for the website.

**WATER USE**

Regarding water use in Todos Santos, we are deeply aware of the effects of the drought and the basic water infrastructure problems that many Todos Santos residents deal with on a regular basis. Many residents do not have a way to store water, and the municipality regularly shuts off the water supply as it works to pave streets and replace old pipes.

To minimize the impact from the Tres Santos development on the town (both while under construction and ongoing), Tres Santos is creating its own water supply and infrastructure (<https://tressantosbaja.com/tres-santos-water-sustainability/>). First, we are building a land-based desalination plant (<https://tressantosbaja.com/tres-santos-desalination-plant/>) that received environmental approval by SEMARNAT (The Secretariat of Environment and Natural Resources) based on a number of scientific studies. We will be providing periodic reports on environmental impact to ensure the plant is performing as specified within the ecosystem. The plant is scheduled to begin operation mid-2016.

Until then, Tres Santos has paid the local water authority (OOMSAPAS) for water rights to bring additional water into the local water supply so as not to put any further demands on the local system. All of the water that Tres Santos is currently using, and will use prior to the operation of the desalination plant, is to be added to the existing municipal supply.

Water will be a focus of the small-scale experimental research farm at the Colorado State University Center (CSU) in Todos Santos. CSU has particular expertise in agricultural, environmental and veterinary education, all of which align with the vision for Tres Santos and a key reason Tres Santos built the CSU campus before anything else. Their agricultural research in particular will work with the local farm community to explore more water-efficient farming techniques and develop drought-resistant crops. In addition, the Farm Advisory Board, comprised of local farmers, will work together to explore issues affecting the area. Interested parties can learn more [at http://todossantos.colostate.edu/faq/](http://todossantos.colostate.edu/faq/).

**THE FISHERMEN & PUNTA LOBOS**

Tres Santos supports the long legacy of the fishermen at Punta Lobos and the important contribution they make to both the culture and food supply of the region. The Beach community at Tres Santos will not take over any part of the beach that has been concessioned to the fishermen. We have committed to that in word as well as in writing. The fishermen have not been displaced from the main area they have always used for their activities.

Tres Santos is working closely with the support of the two area fishing cooperatives to make improvements at Punta Lobos. In addition to some beach homes and a small hotel, Tres Santos is making several improvements that will benefit the fishermen directly, specifically dedicated parking, boat access and improved facilities, including sanitary fish-cleaning stations. In addition, we are adding bathrooms and an open-air market and retail fish store where both locals and tourists can buy the day’s catch. We are restoring the historic fishing cannery on the beach with hopes it will be used for community functions. We have also talked with the fishermen about expanding their trade (and income potential) by using their boats for sport fishing and whale-watching tours. You can hear directly from leaders and representatives from both local fishing co-ops here:<https://tressantosbaja.com/todos-santos-fishing/>.

The grading that occurred above Punta Lobos prior to construction removed Sweet Mangrove (*Maytenus phyllanthoides*), but not any of the protected species of mangroves—Red Mangrove (*Rhizophora mangle),* White Mangrove (*Laguncularia racemosa*), Black Mangrove (*Avicennia germinans*) and Mangle botoncillo (C*onocarpus erectus*). Inspectors from SEMARNAT conducted a site inspection and confirmed the species before any plants were removed. SEMARNAT recommended we move some other second growth plant species, care for them in a nursery and then replant elsewhere in the area, which we have done. (A photograph published with the article on [www.sinembargo.mx](http://www.sinembargo.mx/) referenced removal of the endangered mangroves, when, in fact, the photo, originally published on Tres Santos’ Facebook page on August 29, showed Tres Santos’ equipment removing mud from Topete, the main and only artery connecting the old town with the “otro lado,” where more than half the townspeople live. The request was made by the BCS Ministry of Finance local office, because their equipment was unavailable for the work. We received official recognition from the Mayor of La Paz for similar efforts after we rallied with the community and mobilized our resources to provide machinery and manpower for the massive clean-up effort after Hurricane Odile devastated the area in the Fall of 2014.)

We have built a sea wall at Punta Lobos, designed by coastal engineers to protect both the beach and the new construction. Recent swells related to Tropical Storm Linda demonstrated the sea wall’s effectiveness. The temporary beach erosion that occurred during the swell was filled back in as anticipated once the swell subsided.

**COMMUNITY IMPACT**

Some are concerned that Tres Santos may be too big for Todos Santos. If it were built all at once, that would be true. The first phase of development includes just 34 homes in Town and 40 at the Beach. The plan also calls for a boutique hotel, a restaurant, a coffee shop, the garden and a farmer’s market. None of the buildings will be taller than two stories, and the average home size is 1,500 square feet. While the zoning for Tres Santos allows for a large number of homes over 25 years, our plans do not. New homes will be built as the market and infrastructure allow. Our goal is to contribute in a positive way to the growth that is anticipated in this region due to the new highway that connects Todos Santos to Los Cabos, a project of the Baja California Sur to improve tourism.

We chose Todos Santos as the site of our project because of its rich history, the culture and natural beauty. We respect and honor its status as a Pueblo Magico and hope to increase the profile of its two major historically significant industries—fishing and agriculture. We have taken steps, and will continue to take steps, to build Tres Santos in a way that does not harm the environment or the people who live in the area. Our goal is to be respectful and build Tres Santos in a way that is both self-sustaining and offers something back to the community, whether it be in programs that promote inclusiveness and connectivity such as the new 5K beach-to-town path, good stewardship or tourism that generates economic growth.

For more information, please see<https://tressantosbaja.com/the-movement/community-impact/>.

Thank you again for the opportunity to submit these facts to contradict allegations by parties unknown to us at this time. We request a balanced presentation of them such that Tres Santos is not unfairly stigmatized or otherwise harmed by rumors or, in the more extreme case, false information calculated to unfairly inhibit the project.

Please do not hesitate to contact me if you have follow-up or additional questions.

Sincerely,

Javier Barrios

President

MIRA Companies

México D.F.