



[TRANSLATION FOR REFERENCE PURPOSES]

Secretariat of the Commission for Environmental Cooperation
(CEC) Legal Affairs and SEM Unit
700 rue de la Gauchetière, Bureau 1620 Montreal,
Quebec, Canada H38 5M2, via email: sem@cec.org

PAOLO SOLANO TOVAR
Director of Legal Affairs and
Submissions on Enforcement Matters (SEM)

Subject: REVISED SUBMISSION on the effective enforcement of environmental law,
submitted pursuant to Article 24.27 of the United States-Mexico-Canada
Agreement, to protect fragile ecosystems with high environmental and
social value in Quintana Roo, against works on the Tren Maya.

Address and email to receive notifications:

[REDACTED ADDRESS AND EMAIL]

Respectable CEC Secretariat:

In reference to your determination issued pursuant to Articles 24.27(2) and (3) of the United States-Mexico-Canada Agreement, regarding the Submission on the effective enforcement of environmental law, to protect fragile ecosystems of high environmental and social value in Quintana Roo, against work on the Tren Maya, which was registered under the number **SEM-22-001 (Tren Maya)**.

As stated in the above-mentioned determination, the submission does not meet all the admissibility requirements; however, it informs the submitters that a **revised submission** is necessary and should include information clarifying the legal status of the organizations that sign the submission, data to identify the submitters, both individuals and organizations, and electronic copies of the technical documents



quoted in the submission or links to download them. It also indicates that the Submitters may submit further information on other citizen complaints or proceedings that have been filed in connection with the matter raised in the submission, as well as other documentation that they consider relevant to substantiate their assertions. To this end, the Secretariat informs that a revised submission that includes the requested information within 60 calendar days, i.e. October 21, 2022.

In this regard, and following the instructions of the CEC Secretariat, a Revised Submission is submitted as follows:

- I. Attached to this letter is information on the legal status of the signatories (individuals and organization), which prove their existence and relationship to the localities of Quintana Roo affected by the Tren Maya, consisting of “Movimiento Ciudadano y Ecologista Yax Cuxtal A.C.” (MOCE), “Grupo Gema del Mayab A.C.” and “Jaguar Wild Center A.C.”, as well as a digital copy of the official identities of the signatories who are natural persons. In light of the constant discrediting of the individuals and groups that oppose the Tren Maya mega-project by the President of Mexico, we request the protection of the personal data contained in these documents, such as names, addresses, and any data that makes the submitters identifiable, for security reasons.

In the case of the groups Red de Formadores Socio Ambientales, Selvame Del Tren, and Cenotes Urbanos, it is clarified that these are **collectives that lack a formal and legal constitution** as associations or legal entities, so they do not have legal personality; however, a brief overview of what each one does is provided for more context on their work to improve the environment in the State of Quintana Roo and their relationship with the Tren Maya project:

- **Cenotes Urbanos.** In the Yucatan Peninsula it is estimated that there are more than 10,000 caves and cenotes, but only **30%** of them have been explored. Until recently, in Quintana Roo there was no exact record of how many of these natural formations were in the state, so the idea arose to start to discover them. This is how the Cenotes Urbanos project in Playa del Carmen began. Its main objective is “To achieve the conservation of the underground environments of Playa del Carmen, through the social appropriation of them.” As secondary objectives they have: Generate a registry of cenotes, caves, and caverns in Playa del Carmen, as well as encourage citizen participation in these efforts. Currently, **250** underground formations have been located in Playa del Carmen and, thanks to the **more than 100 volunteers for the project**, they have



begun to create topographic maps of each of them. Once the characteristics of the caverns are known, it will be possible to determine the problems they present and design a strategy for their conservation and enjoyment by the public.

For more information about the work of Cenotes Urbanos, see the following website, as well as their Facebook page:

<https://www.naturalista.mx/projects/cenotes-urbanos-pdc>

<https://www.facebook.com/CenotesUrbanosPlayaDelCarmen/>

In this sense, the people who sign do so as members of the project or collective.

- **Red de Formadores Socio Ambientales.** Multidisciplinary group focused on disseminating knowledge about the application of good socio-environmental practices in different sectors of the community. They promote experiential environmental education with a socio-ecosystem approach to generate awareness about environmental protection and respect for environmental laws, and also seek environmental justice. They work to spread the human right to a healthy environment for present and future generations.
- **Selvame Del Tren.** A group of citizens concerned about the environment who, aware of the terrible risk posed by the change of the route for Section 5 Cancun-Tulum, raised their voices to respectfully request that the work be stopped, that the prodigious system of the great Mayan aquifer be explored and that the best option be found to continue with the Tren Maya project.

For more information about Selvame's work related to the train, check out the following website, as well as the Twitter account for the collective:

<http://selvamedeltren.com.mx/>

@SelvameMX (<https://twitter.com/SelvameMX>)

In this sense, the person who signs does so in their capacity as a member of the collective and also attaches a copy of their official identification.

- II. With regard to the technical documents cited in the submission, the following is provided:



- M. Villasuso and R. Ramos, "A Conceptual Model of the Aquifer of the Yucatan Peninsula IN: Population, Development, and Environment on the Yucatan Peninsula: From Ancient Maya to 2030," International Institute for Applied Systems Analysis, Laxenburg, 2000.

The document containing this article is attached to this document in PDF file.

- Jo De Waele, Stein-Erik Lauritzen and Mario Parise, "On the formation of dissolution pipes in Quaternary coastal calcareous arenites in Mediterranean settings." Article in Earth Surface Processes and Landforms · February 2011.

Available at:

[file:///C:/Users/dlaut/Downloads/On the formation of dissolution pipes in Quaternar.pdf](file:///C:/Users/dlaut/Downloads/On%20the%20formation%20of%20dissolution%20pipes%20in%20Quaternar.pdf).

- Monroy-Rios E (2016) How were caves and cenotes formed? Speleogenesis. Environmental Biogeochemistry - Personal blog. Posted on May 20, 2016.

Available at: <https://sites.northwestern.edu/monroyrios/author/emo217/>

- The following references are contained in the article entitled "Soil distribution in tectokarstic environments in the eastern portion of the Yucatan Peninsula, Mexico". GEOS, Vol. 36, No. 2 (2016), annexed hereto as a PDF file.
 - Bocco, G., Mendoza, M.E., Velázquez, A., Torres, A., Torres, M.A. 1996. Ecological regionalization of the state of Michoacán. Technical Report. DERN. Morelia, Michoacán.
 - Bautista, F., Estrada, H., Jiménez, J.J., González, J.A. 2004. Relation between relief and soil units in karstic zones of Yucatán. Latin American land.
 - Frausto, O., Ihl, T. 2008 Chapter 2. Map of exoclastic forms of northern Quintana Roo at scale 1: 50000. In: Geohydrological Study of Northern Quintana Roo, Mexico.
 - Aguilar, Y., Mendoza, M., Frausto, O., Bollo, M., Bautista, F. 2010 Spatial distribution of karstic depressions in tropical karst plains. Presented at the Annual Meeting of the Mexican Geophysical Union, Geos, Mexico.
 - Frago, P., Bautista, F., Frausto, O, Pereira, A. 2014. Characterization of karstic depressions (shape, size and density) at 1:50000 scale and their flood types in the State of Quintana Roo, Mexico. Revista Mexicana de Ciencias Geológicas, V, 31, num 1.
 - Lugo-Hubp, J., Aceves, J., Espinasa, R. 1992. Major geomorphological features of the Yucatan Peninsula. Journal of the Institute of Geology. UNAM 101.



- III. As for the possibility of presenting more elements that support the evidence of what is stated in the submission, we provide the links to Twitter accounts and posts from people who have been documenting the **progress and damage generated by the work done for Section 5 of Tren Maya on the jungle, caverns, and caves** located in the municipalities of Solidarity, Puerto Morelos, and Tulum, Quintana Roo.

@cris_n0

https://twitter.com/cris_n0/status/1575900971586048002

https://twitter.com/cris_n0/status/1580584880907649024

https://twitter.com/cris_n0/status/1581380645741215744

https://twitter.com/cris_n0/status/1581364101531385856

https://twitter.com/cris_n0/status/1581373503072190464

https://twitter.com/cris_n0/status/1575197664287035394?cxt=HHwWhMDU7cH7nNwrAA

@tiburon_pepe

https://twitter.com/tiburon_pepe

@gchristy65

<https://twitter.com/gchristy65/status/1508870833091100672>

<https://twitter.com/gchristy65/status/1520036289424338944>

<https://twitter.com/gchristy65/status/1573054867505123328>

<https://twitter.com/gchristy65/status/1573056643205832704>

On the aforementioned social media pages you will find a series of videos and photographs taken in the areas of caves and caverns affected by the construction of Section 5 (South and North) of the Tren Maya. In some of them, they are recorded just as the heavy machinery that clears the jungle passes over the caves and you can hear the vibration it generates on the karstic roof of the caves, demonstrating its fragility and risk of collapse.

Also, a link is provided to a video that shows part of the execution of Section 5 of the Tren Maya and its impacts on the jungle, the caves, and caverns of Quintana Roo:

<https://fb.watch/gfiwVee7q7/>



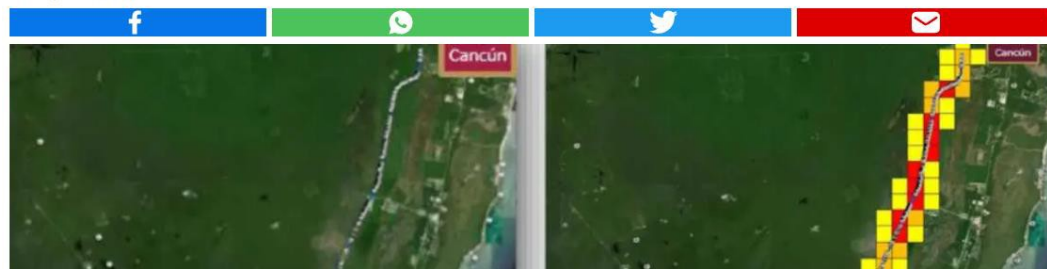
In relation to what is happening in the area of Section 5, several newspaper articles have been published that report what is documented by the citizens every week. Among the highlights we can find the following:



SedenaLeaks: El Ejército advierte que el Tren Maya se construye sobre zonas de ‘peligro severo’ por hundimiento

Documentos extraídos por el colectivo Guacamaya retratan la fragilidad del terreno donde se realiza la megaobra, según un análisis realizado por tres empresas a petición de la propia Sedena.

Redacción AN/ SBH
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Note available at: <https://aristeguinoticias.com/1110/mexico/ejercito-construye-tren-maya-sobre-zonas-of-danger-severe-by-sinking/>.

According to the above article, documents in the possession of the National Defense Secretariat (Sedena) since 2020 establish the risks of building in the area, due to “one of the largest cave systems in the world, the Sac Actun system and the phenomenon of suffusion.” In addition, a graph is shared in which the sections with severe danger are drawn in red (according to a scale to assess karstic risk):



As can be seen, severe danger is practically all along the line.



Another article discusses the “discovery” of another cave on the 5 South stretch:

Descubren nueva cueva en 'Playa' en el trazo del Tren Maya

En el espacio con gran biodiversidad encontraron 75 especies diferentes de animales



La cueva fue bautizada como Yorogana 3, al estar a un costado de la finca Yorogana, ubicada en la avenida Juárez, al poniente de Playa del Carmen. La descubrieron el 6 de febrero y tres semanas después llegó al lugar la maquinaria del Tren Maya, pues su entrada quedó justamente sobre el trazo que cruza la ciudad. Al enterarse, los exploradores acudieron al lugar para ver si había sufrido daños y se encontraron con que la vegetación fue removida y gran parte del acceso estaba sellado.



Full article available at: <https://www.lajornadamaya.mx/quintanaroo/192231/descubren-nueva-cueva-en-playa-en-the-maya-train-path>.

It should be noted that the existence of these types of caverns were reported by groups such as Urban Cenotes and other divers since the beginning of the



land-clearing; however, the authorities turned a deaf ear and continued with the land-clearing of the Mayan jungle with heavy machinery until they reached the caverns and ended up saying that they "discovered" them, when the truth is that they never carried out trips to the field to survey the area where they intended to establish Section 5 in order to confirm what they had been informed.

In addition, a digital copy of two **citizen complaints filed with PROFEPA** on March 7 and August 16, 2022, respectively, for the work of clearing the forest of the municipalities of Solidarity, Tulum, and Puerto Morelos, corresponding to the so-called Section 5, is annexed hereto. Of these complaints, only the one submitted in March 2022 was collected in file **PFPA/5.3/2C.28.2/00011-20**, as stated in the agreement that is also annexed to this; while the second complaint, submitted in August 2022, has only resulted in a letter informing us that the complaint would be sent to the General Directorate of Complaints of PROFEPA, so a document is provided with the screenshots of the submission of the complaint and the letter confirming receipt.

It should be noted that the complaints were filed because at the time this work was executed, there were no authorizations regarding environmental impact and land use change in forest land, although at the date of this submission the authorizations regarding environmental impact have been issued, and regardless of their illegality for **violating the preventive nature** of the Environmental Impact Assessment, the truth is that they **DO NOT YET HAVE THE AUTHORIZATIONS ON LAND USE CHANGE FOR FOREST LAND**, which, as stated in the initial submission, **cannot be issued for at least 20 years because the clearing was carried out illegally without the respective authorizations, as established in Article 97 of the General Law of Sustainable Forest Development.**

Of the complaints in question, **PROFEPA has failed to address them and to exercise its powers to effectively enforce environmental law** and has also allowed federal environmental crimes to continue to be committed, in accordance with **Article 418**, sections I and III of the **Federal Criminal Code**, which states:

Article 418.- A penalty of six months to nine years' imprisonment and a fine of 100 to 3,000 days shall be imposed, provided that such activities are not carried out in urban areas, for which unlawfully:



- I. Remove or destroy natural vegetation;**
- II. Cutting, grubbing up, felling or felling some trees; or**
- III. Change forest land use.**

In this context, the CEC Secretariat is respectfully requested to consider the facts presented, as well as the reference to the environmental legal provisions that are considered to be violated and the technical and legal comments on the mega-project contained in the initial submission, so as not to repeat its content unnecessarily in this Revised Submission.

The signatories and beneficiaries of the environmental services provided by the Mayan jungle, aquifer, underground rivers, cenotes, caverns, and caves that are part of the largest and most important underwater system in the world known as **Dos Ojos-Sac Actún**, as well as the **Pool Tunich System**, **Sac Muul System** and **AluxSystem**, which in turn are habitats for endangered species such as the jaguar, in the municipalities of the State of Quintana Roo, express their concern at the obvious effects of the execution of Section 5 of the Tren Maya, in full violation of the national and international environmental legal frameworks, and may generate irreversible damage to these ecosystems of high environmental value and verifiable fragility, infringing on their human rights to a healthy environment, water, health and culture, both for present and future generations.


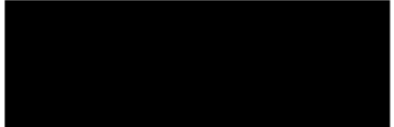

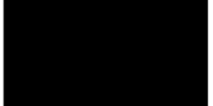










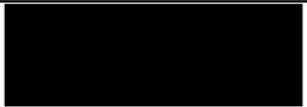






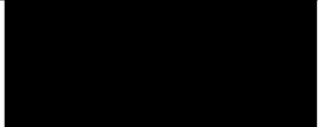
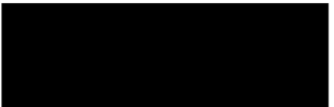

In the light of the foregoing, we kindly request **the following from you**, the Secretariat of the CEC:

FIRST.- To have the Revised Submission submitted to the CEC, complying with the requirements set forth in Article 24.27.

SECOND.- The Submission must be admitted, an investigation must be carried out and, in due course, a Factual Record must be published on the case and brought to attention.

Nombre	Organización	Firma
[Redacted]	MOCE YAX CUXTAL A.C.	[Redacted]
[Redacted]	GRUPO GEMA DEL MAYAB A.C.	[Redacted]



	JAGUAR WILD CENTER A.C	
	MOCE YAX CUXTAL A.C.	
	CIUDADANO	
	BUZO	
	RED DE FORMADORES SOCIO AMBIENTALES	
	CIUDADANA	
	CIUDADANA	
	CIUDADANA	
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