



Secretariat of the Commission for Environmental Cooperation (CEC)

Legal Affairs and Submissions on Enforcement Matters Unit

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PAOLO SOLANO TOVAR

Director, Legal Affairs and Submissions on Enforcement Matters (SEM)

Re: Submission on enforcement matters filed in accordance with Article 24.27 of the United States-Mexico-Canada Treaty for protection of Quintana Roo's fragile ecosystems of high environmental and social value from work on the Tren Maya project

Email for receipt of all notifications relating to this submission: [CONFIDENTIAL]

To the CEC Secretariat:

As detailed in this submission on enforcement matters (SEM), filed by individuals and by environmental and social groups in accordance with Article 24.27 of the United States-Mexico-Canada Treaty (USMCA), Mexico is failing to enforce its environmental law by permitting environmental impacts on **fragile ecosystems of great environmental and social value** in Quintana Roo, due to the works and activities of the **Tren Maya megaproject**, one of three emblematic projects of the current Mexican administration and its president, Andrés Manuel López Obrador, which are responsible for the National Tourism Development Fund (*Fondo Nacional de Fomento al Turismo*—Fonatur) and the publicly owned company FONATUR Tren Maya, S.A. de C.V.

The undersigned are residents and beneficiaries of the environmental services provided by the Mayan forest and the aquifer, underground rivers, cenotes, caverns, and caves forming a part of the **world's largest and most extensive flooded cave system**, known as **Dos Ojos-Sac Actun**, as well as the **Pool Tunich, Sac Muul, and Alux systems**, which are the habitat of endangered species, in the municipalities of Solidaridad and Tulum, in the state of Quintana Roo.



Source: NASA/SRTM, INEGI, QRSS (2020)

More specifically, this submission is intended to notify the CEC of Mexico’s failures to effectively enforce its environmental law in connection with two processes related to the **Tren Maya megaproject**: 1) clearing, grading, and filling work on the Mayan forest and caverns where “Section 5 South” of the Tren Maya is to be built, **without prior environmental impact assessment and approval**, and 2) the manner in which this section was assessed and approved, without strict enforcement of federal and international environmental provisions.

The municipalities of Solidaridad and Tulum, which are to be traversed by Section 5 South, like the other municipalities of the state of Quintana Roo, are characterized by their natural riches and great biodiversity, allowing for the generation of environmental services important to all their communities. Yet this natural wealth has been affected for decades by unbridled, poorly planned tourism development as well as chaotic urban sprawl into the forest, causing the shrinkage of natural corridors and habitats for innumerable wildlife species, such as jaguar (*Panthera onca*), spider monkey (*Ateles geoffroyi*), and others, whose populations are steadily declining, leading to their endangerment.

The undeniable cause of this growth that is affecting the ecological equilibrium of Quintana Roo’s ecosystems is the failure to effectively enforce federal environmental laws and environmental public policy instruments, allowing any and every work and activity to be carried out without prior assessment and approval. Such illegal activities can be carried out with impunity since, in the best cases, projects can be “regularized” and obtain retroactive approval.

This practice of first building and then obtaining the corresponding approvals and permits was used by Fonatur and FONATUR Tren Maya, S.A. de C.V. They commenced clearing operations in the



Mayan forest without first obtaining the required approvals, and ultimately without having conducted and evaluated the studies required in order to determine whether the megaproject is viable in an area so fragile and important for the conservation of existing biodiversity. Most importantly, they failed to determine in advance whether there would be any impacts on the flooded cave systems, caverns, and cenotes that ensure **the availability of water for the entire region**; and they did not consider the risk represented by the fragility of its karst soils.

On this point, it is important to note that the Yucatán Peninsula is characterized by **karst soils containing a great many fractures and faults**. The karst relief is formed by the dissolution of calcareous rocks made up of calcite, dolomite, and evaporites such as gypsum. It is characterized by the formation of closed depressions (in sizes ranging from millimetric forms such as limestone pavements to large flat areas known as poljes or karst fields) due to rapid water infiltration, the near absence of surface waterways, a subterranean water system, and an abundance of caves and caverns (de Waelle et al., 2011). This rapid infiltration of rainwater produces karst systems that are interconnected through fractures and open to the outside due to collapses that create cenotes (M. Villasuso and R. Méndez, 2000).

Cenotes are complex hydrological systems caused by the dissolution of carbonates and other soil minerals. In geology, they are called dissolution lakes, although in reality some cenotes more closely resemble rivers, since they are connected to underground currents that promote water circulation. These systems, in which fresh and salt water coexist, are called anchialine systems (Monroy Ríos, 2019). Quintana Roo has some 1,800 km of explored caves, with new ones continually being explored.

According to studies of karst in the peninsula by Bocco et al. (1996), Bautista et al. (2004), Frausto and Ihl (2005), Aguilar et al. (2010), and Fragoso et al. (2014), the larger exokarst depressions (dolines, uvalas, poljes) are dominant in the region and occupy a large area. Fractures and faults determine the position of karst forms, since more intense dissolution takes place in them (Lugo et al., 1992; Bautista et al., 2004).

As mentioned earlier, the caves of Quintana Roo harbor **the largest and most extensive flooded cave system in the world, known as Dos Ojos-Sac Actun**, with a total known length of **347 km**; however, if it is found to connect to neighboring systems, it could turn out to be a **gigantic system of up to 1000 km**.¹ It is estimated that only 10% of the complex subterranean world of Quintana Roo has been explored to date. In fact, according to Guillermo de Anda Alanís, director of the Gran

¹ Source: https://historia.nationalgeographic.com.es/a/asi-es-sac-actun-laberintico-sistema-cavernas-inundadas-mexico_12419.



Acuífero Maya (GAM) project, this system “takes the form of a giant limestone and freshwater octopus, whose tentacles may well reach out towards three other flooded cave systems of Tulum. There are, along this system, **248 known cenotes serving as points of entry, along with 198 archaeological sites, of which 138 appear to be linked to the Maya civilization and at least two skeletal remains of pre-ceramic individuals that are at least 9,000 years old** [emphasis added].”²

Despite the undeniable fragility and the environmental, historical, and cultural importance of the region through which Section 5 South of the Tren Maya is to be built, the federal government’s hurry to complete the emblematic project “on time,” before the end of the president’s six-year term, has led to violations of Mexican environmental law by government institutions themselves.

It should be noted that although the clearing and filling work on the Mayan forest has been made known to the Office of the Federal Attorney for Environmental Protection (*Procuraduría Federal de Protección al Ambiente*—Profepa), the federal environmental authority competent to investigate the facts of which it was notified, Profepa **did not exercise its constitutional and legal powers and obligations to inspect**, order safety measures and, as applicable, apply sanctions and order the repair of the harm caused, as prescribed by environmental law, such that the work now continues with impunity.

In this regard, the production of a factual record could help clarify law enforcement processes in Mexico, giving citizens an accounting of environmental decisions made by the authorities. What is occurring with Section 5 South, and indeed with the whole Tren Maya megaproject that is to traverse five states of southeastern Mexico (Chiapas, Tabasco, Campeche, Yucatán, and Quintana Roo), may be considered as a case study of what should not be permitted to happen. The lessons learned could be replicated in order to improve the effectiveness of environmental law in Mexico and prevent further destruction of its natural resources to the detriment of its inhabitants’ human rights.

² Information and statements obtained from the website of the National Institute of Anthropology and History (*Instituto Nacional de Antropología e Historia*—INAH), online at <https://www.inah.gob.mx/boletines/6927-promoveran-al-sistema-sac-actun-ubicado-en-tulum-mexico-como-bien-mixto-ante-la-unesco>.



Statement of the facts

a. Background

1. Since 2020, clearing and construction work has been taking place on the first four sections of the Tren Maya megaproject, which crosses the states of Chiapas, Tabasco, Campeche, and Yucatán.

2. On 22 November 2021, the “Order instructing the agencies and entities of the Federal Public Administration to take the measures indicated in relation to those projects and works of the Government of Mexico that are considered to be in the public and national security interest as well as strategic priorities for national development,” issued by the President of the United Mexican States, was published in the Official Gazette of the Federation (*Diario Oficial de la Federación*).

The Order reads as follows:

ORDER

ARTICLE 1. Those projects and works under the responsibility of the Government of Mexico that are associated with infrastructure for the roads, telecommunications, customs, border, hydraulic, water, environment, tourism, health, railroads, rail transport in all its energy modalities, ports, and/or airports sectors, and those that, in view of their object, characteristics, nature, complexity, and magnitude, are considered priorities and/or strategic for national development, are hereby declared to be of public and national security interest.

ARTICLE 2. The agencies and entities of the federal public administration are hereby instructed to grant provisional approval, upon the filing and/or obtaining of reports, permits, or licenses necessary to initiate the projects or works contemplated in the preceding article, so as thereby to ensure their timely execution, the anticipated societal benefit, and the disbursement of the approved budgets.

Provisional approval shall be granted within a maximum period of five working days as from the date of filing of the corresponding application. Where said period elapses without express provisional approval having been granted, such approval shall be deemed to have been granted.



ARTICLE 3. Provisional approval shall be effective for the twelve months following the date it is granted, during which period final approval shall be obtained in accordance with the applicable provisions.

We consider this order to be contrary to constitutional, conventional, and legal human rights and environmental protection provisions in that it restricts access to information, civic participation in environmental decision-making, legal security and certainty and, of course, the right to a healthy environment. In addition, it **violates the principles of prevention, precaution, progressive realization, and non-regression of human rights** governing environmental matters and enshrined in the *Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean* (Escazú Agreement), which was signed and ratified by Mexico, as well as the principle known as *reserva de ley*, according to which powers not expressly vested in the federal government are presumed to rest with lower levels of government. We hold this view because the order **aims to supplant and/or circumvent** environmental laws enacted constitutionally and legally by the Congress of the Union, in particular the General Act on Ecological Balance and Environmental Protection (*Ley General del Equilibrio Ecológico y la Protección al Ambiente—LGEEPA*), the General Act on Sustainable Forest Development (*Ley General de Desarrollo Forestal Sustentable—LGDFS*), and the National Waters Act (*Ley de Aguas Nacionales*) and their respective regulations. These laws require that prior to the execution of any work or activity that may cause significant environmental impacts or harms, as is the case of the Tren Maya, the developer must apply for and obtain environmental impact and forested land use change approvals, The only way to obtain these authorizations is by presenting the studies contained in the respective environmental impact assessment (EIA) and a technical justification study (*estudio técnico justificativo—ETJ*).

The above-mentioned executive order sidelined and circumvented these studies in order to “expedite” progress on the Tren Maya. It must be emphasized that Mexican environmental law provides for no such “provisional approvals;” ordering the agencies of the Federal Public Administration to issue them amounts to abrogation of the rule of law and the division of powers in a democratic country.

Along these same lines, although the order declares the Tren Maya to be a matter of **public and national security interest**, it is important to address and analyze the concept and purpose of “national security” as this term is generally understood. When one does so, it becomes clear that this term bears no relationship to the Tren Maya megaproject. The nature of this concept is such that it can hardly be said to apply to such a megaproject, which lacks the sort of planning, including a master plan and corresponding studies, that would normally accompany a “national security” project.



Article 3 of the National Security Act (*Ley de Seguridad Nacional*) defines “national security” as **measures immediately and directly intended to preserve the integrity, stability, and permanence of the Mexican State** and that serve to:

- 1. Protect the country from risks and threats.**
- 2. Preserve national sovereignty and independence and the defense of the territory.**
- 3. Maintain the constitutional order and the unity of the federation, as well as strengthen the democratic institutions of government.**
- 4. Defend the country from other states or subjects of international law.**
- 5. Preserve democracy, founded on the economic, social, and political development of the country and its inhabitants.**

With reference to these points, it is evident that the Tren Maya would not protect the country from risks and threats. It would not be a piece of infrastructure serving to preserve the country’s sovereignty or defend its territory from invasion by other countries, since that is not in principle its function. Likewise, the constitutional order, the unity of the federation, and the reinforcement of democratic institutions do not depend on its construction, since those aims are the responsibility of other types of legal instruments and measures designed to preserve the safety and peace of the nation, not of a transportation system.

This is corroborated by the act’s specification that **the concept of national security refers to the responsibilities of the National Intelligence Center (*Centro Nacional de Inteligencia—CNI*) and the rest of the institutions making up the National Security System (*Sistema de Seguridad Nacional*)**, which do not include **Fonatur or FONATUR Tren Maya, S.A. de C.V.**

As to item 5 on the preservation of democracy, founded on the economic, social, and political development of the country and its inhabitants, it should be noted that any such measure that invokes or proclaims itself to be a matter of national security **must be governed by the principles of legality, accountability, transparency, efficiency, and respect for the fundamental rights of human beings and for individual and social guarantees**, as prescribed by Article 4 of the Act.

Although the executive order makes reference to the National Development Plan 2019–2024, that plan is merely programmatic, as it depends on other bodies for the executive planning of each heading; proper and exhaustive planning is to be based on studies and information supporting and guaranteeing the success of its objectives. Most importantly, the plan must be implemented with **full respect for the legal framework and the rule of law** and not summarily, by decree, without clear studies and justifications.



In fact, and contrary to the actions of the responsible authorities, the order, and its “provisional approvals,” it should be remembered that **water is a vital, vulnerable, finite public good with social, economic, and environmental value, the preservation of its quantity, quality and sustainability is a fundamental task of the state and society as well as a priority and a MATTER OF NATIONAL SECURITY. This means that the conservation, preservation, protection, and restoration of water quantity and quality is a MATTER OF NATIONAL SECURITY, and that unsustainable water use and its attendant adverse ecological effects must therefore be avoided,** as prescribed by LAN Articles 1, 7 Bis paragraph I, and 14 Bis 5 paragraphs I, IX, and XX.

Consequently, it is considered that the Tren Maya megaproject and its passage over **the world’s largest and most extensive flooded cave system, Dos Ojos-Sac Actun**, which in turn connects with innumerable cenotes, caverns, and subterranean rivers in the region, jeopardizes its ecosystemic integrity and functionality, and therefore **the human right to water in the regions depending on this system**, not to mention that these are the habitats of endangered species such as the jaguar. The risks associated with the project that could cause irreversible harm to the Dos Ojos-Sac Actun system are discussed below.

3. On 7 December 2021, the General Directorate of Environmental Impact and Risk (*Dirección General de Impacto y Riesgo Ambiental—DGIRA*) of the Ministry of the Environment and Natural Resources (*Secretaría de Medio Ambiente y Recursos Naturales—Semarnat*) granted the “provisional approval” contained in file no. SGPA/DGIRA/DG-05891-21 for Section 5 of the Tren Maya megaproject.

4. On 8 December 2021, the General Directorate of Forest and Soil Management (*Dirección General de Gestión Forestal y de Suelos—DGGFS*) of Semarnat granted the “provisional approval” contained in file no. SGPA/DGGFS/712/2070/21 for Section 5 of the Tren Maya megaproject. It is important to note that these approvals **are not available to the public**, so citizens have no access to their contents.

5. On 19 January 2022, an announcement by Javier May Rodríguez, the new director of Fonatur, was published in various media to the effect that the route of Section 5 of the Tren Maya would no longer enter the urban area of Playa del Carmen, Quintana Roo and that it would no longer be elevated, but rather would run parallel to the highway at ground level. This was reported along with



the statement that “it was decided that the Tren Maya will no longer be elevated at any point, so that the work can be completed on time, in July 2023.”³

b. Enforcement failures by Profepa

6. As of 28 February 2022, residents of the locality of Playa del Carmen, municipality of Solidaridad, Quintana Roo, discovered that the Mayan forest was being cleared with heavy machinery in that municipality.

7. As a result of the above, we filed various citizen complaints, as residents of Playa del Carmen, with the Profepa office in Quintana Roo, in the city of Cancún, municipality of Benito Juárez, notifying it of the aforementioned acts and facts, requesting that the necessary procedures be carried out and that safety, emergency, and corrective measures be applied with the aim of stopping the activities and work complained of, since these lacked proper authorization under the LGEEPA and the LGDFS.

8. From 17 to 20 March 2022, we, the complainants, received a document by email issued in file no. **PFPA/5.3/2C.28.2/00011-20** whereby the Director-General of Environmental Complaints and Social Participation of Profepa informed us that her office had consolidated the complaints, stated that Profepa was in the process of investigating the facts, acts, or omissions related to the megaproject, and added that we would be apprised of the measures taken at the appropriate procedural moment.

Despite this statement by the Director-General, **clearing is continuing as of the date of this submission, without the authority taking the relevant steps to stop it and to prevent irreparable harm.** This conduct results from a clear instruction not to intervene.

c. Illegal approval of Section 5 South

9. On 18 May 2022, Special Environmental Gazette (*Gaceta Ecológica Extraordinaria*) no. DGIRA/22/22 was published on the Semarnat portal, giving notice of receipt of an environmental impact assessment in the regional modality (MIA-R) for the “Tren Maya Section 5 South” megaproject, filed by FONATUR TREN MAYA, S.A. DE C.V. and registered under number 23QR2022V0020.

³ Online at <https://www.infobae.com/america/mexico/2022/01/20/tras-tirar-miles-de-arboles-en-playa-del-carmen-fonatur-cambiara-la-ruta-del-tren-maya/>.



10. On 19 May 2022 (one day after publication of the EIA for purposes of assessment), the DGIRA gave notice in Environmental Gazette no. DGIRA/23/22 of commencement of public consultations on the megaproject in question, indicating a period of 20 working days to run from 23 May to 17 June 2022.

11. During this period, various observations and comments on the megaproject were submitted, including those of the undersigned submitters, requesting effective enforcement of the environmental law in the form of rejection or denial of environmental impact approval due to **violations of the preventive nature and character** of that environmental policy instrument, and for creating a risk of irreversible harm to ecosystems of high environmental value in Quintana Roo, in view of the fragility of its karst soils and the presence of the world's most extensive flooded cave system; in addition, for lack of information and studies supporting and justifying the technical, environmental, and legal viability of the megaproject. This point is discussed further below.

11. On 20 June 2022, the DGIRA issued file no. SGPA/DGIRA/DG-03703-22 **granting conditional environmental impact approval** to the works and activities of Section 5 South of the Tren Maya, as per the notices published in various news media.⁴ It should be noted that **the text of this approval is not available to the general public.**

d. Human rights violations and environmental non-compliance

12. We contend that the actions and omissions of the responsible authorities caused violations of the human rights of the submitters and of the communities of Solidaridad and Tulum, Quintana Roo, as well as failures to enforce the following provisions of the international and Mexican federal environmental legal framework: Articles 1, 4, 6, 14, 16, 26, and 35 paragraph III of the Mexican Constitution (*Constitución Política de los Estados Unidos Mexicanos*); Articles 1, 8.1, and 25 of the *American Convention on Human Rights* (ACHR); Articles 1, 3, 4.1, 4.3, 5.1, 5.2, 5.3, 6.1, 6.3, 6.5, 6.10, 6.12, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.10, 7.13, 8.1, 8.2, 8.3, and 8.4 of the *Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean* (Escazú Agreement); Articles 1, 2, and 11 of the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (San Salvador Protocol); Articles 2 and 14 of the *International Covenant on Civil and Political Rights* (ICCPR); Articles 2 and 12 of the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR); principles 8, 10, 15, and 17 of the Rio Declaration in relation to Articles 5 paragraphs III, VIII and XI, 15 paragraph XII, 28 paragraphs I and VII, 34, 162, 170, 189,

⁴ Online at <https://www.excelsior.com.mx/nacional/en-tiempo-record-autoriza-semarnat-la-mia-del-tramo-5-sur-del-tren-maya/1522734>.



192, 193, 194, and other related articles of the General Act on Ecological Balance and Environmental Protection (*Ley General del Equilibrio Ecológico y la Protección al Ambiente—LGEEPA*); Articles 93, 97, 154, and 155 paragraphs VII and XII of the General Act on Sustainable Forest Development (*Ley General de Desarrollo Forestal Sustentable—LGDFS*); Articles 5 paragraph I, 58(a), 107, and other applicable provisions of the General Wildlife Act (*Ley General de Vida Silvestre—LGVS*); and Articles 7 Bis paragraph I and 14 Bis 5 paragraphs I, IX and XX of the National Waters Act (*Ley de Aguas Nacionales—LAN*).

e. Technical and legal observations on the megaproject

13. We have annexed to this submission a document containing the comments that were presented during the public consultation in an effort to motivate the DGIRA to reject or deny environmental impact approval to Section 5 South of the Tren Maya.

The following are the main points presented in the annexed document:

- ✓ It is essential to recover and prioritize the **PRIOR AND PREVENTIVE nature of environmental impact assessment** as being indispensable to the effectiveness and efficiency of this environmental public policy instrument. The approval of Section 5 South violated the applicable legal framework and the rule of law as well as the principles of **PROGRESSIVE REALIZATION AND NON-REGRESSION IN ENVIRONMENTAL MATTERS**. Despite the fact that the work and activities had already commenced—which would in other cases have resulted in denial of approval, as the Semarnat itself has previously done, along with a Profepa order to restore the site—the **DGIRA improperly approved the megaproject**. **This shows that the government itself regards environmental impact assessment as mere red tape and not an essential preventive environmental public policy instrument whose purpose is to study the viability of works and activities on any given project prior to its execution, not in hindsight.**
- ✓ **The Tren Maya megaproject was improperly divided and fragmented** for purposes of the assessment. Notwithstanding this improper fragmentation, one must not ignore its nature as a megaproject slated to encompass five states of the country, a megaproject whose divisions or fragments, now called sections, are intrinsically and dependently interrelated. The project’s viability cannot be assessed solely in terms of the impacts that it would cause in and of itself, or the impact of each section taken in isolation; rather, **a comprehensive assessment of the entire megaproject should have been conducted in order to identify and assess the significant, cumulative, synergistic, direct, indirect, and residual impacts** that would result from the interaction of the entire megaproject with the works and activities



already existing in the affected ecosystem or ecosystems. Most importantly, there should have been an assessment of the impacts it would have on fragile ecosystems of high environmental value in terms of both the environmental services provided to Mexicans by these ecosystems and their value as habitats and zones of refuge for a wide variety of species, some of them endangered, such as jaguar and spider monkey.

On this issue, the first chamber of the Mexican Supreme Court (*Suprema Corte de Justicia de la Nación*), in its judgment on amparo proceeding no. 54/2021, which challenged several official documents containing approvals to carry out work and build infrastructure to expand the port of Veracruz, Mexico, ruled on the improper fragmentation of projects submitted to Semarnat for assessment. The Supreme Court wrote:

“276. In the case at issue, even though the requested approvals are related to the project to expand the port of Veracruz, these were **assessed in fragmentary fashion by the environment authority, such that the environmental viability of the entire project was not correctly assessed**, as the complainant rightly stated.

...

292. It is for this reason that when conducting an environmental impact assessment, Semarnat must assess whether the interaction of the works, activities, and projects planned for different sites with the various regional environmental components may foreseeably produce significant or relevant cumulative, synergistic, or residual impacts likely to cause the destruction, isolation, or fragmentation of ecosystems.

293. Thus, Semarnat has the obligation to issue the corresponding decision in a manner consistent with law and fact, ruling on the entirety of the project submitted for approval with reference to the relevant, timely, sufficient, and trustworthy information available to facilitate decision-making, and in particular that which enables it to identify the environmental viability of the project under assessment.

294. **Only by conducting a comprehensive, holistic assessment can it determine whether to approve or deny the work, activity, or project and**, where it is approved, whether approval it is to be conditional on the application of additional preventive and mitigation measures whose purpose is to compensate for any adverse environmental impacts likely to be produced. In addition, only a comprehensive and complete analysis can allow for the imposition of ad hoc conditions and requirements to be observed at the stage prior to commencement of the work or



activity as well as during its construction, operation, and abandonment phases, thus ensuring adequate environmental protection.”⁵

In view of the foregoing, it is clear that in the case of the **Tren Maya**, there was a **failure to account for the nature of the project as a megaproject and to properly and appropriately assess all of its impacts**. It was difficult or impossible—and this was apparently deliberate—to assess the megaproject’s interaction with works and activities already existing in the affected ecosystems or to consider the **CARRYING CAPACITY, RESILIENCE, AND FUNCTIONAL INTEGRITY** of the affected ecosystems, thus jeopardizing their equilibrium and continued existence.

- ✓ Lack of soil mechanics and geophysical studies for an appropriate assessment of all the impacts, as well as violation of **the human rights to life, integrity, a healthy environment, and water**. The impacts and the lack of studies to analyze and assess them are as follows: risk of **subsidence** of the Tren Maya for failure to consider **the fragility of karst soils** in the Yucatán Peninsula.
- ✓ **No study of the risks associated with fuel transportation and service stations (gasoline, other hydrocarbons, and gasoline or fueling stations), potentially JEOPARDIZING BODILY INTEGRITY AND EVEN HUMAN LIFE in the event of an accident. This risk was not acknowledged or established in the EIA (regional modality), in violation of the provisions requiring submission of all information, along with studies of the entirety of the works and activities to be conducted in the context of a megaproject, for comprehensive assessment thereof.**
- ✓ **Threats to the human right to water of communities** as they contend with potential contamination and irreversible effects on subterranean rivers, caves, cenotes, and the aquifer, in the event of a **soil collapse or fracture** resulting in a fuel spill **into highly permeable ground**.
- ✓ Lack of information and studies on wastewater treatment. They admit that the design of the treatment plans has yet to be determined. It should be noted that one of the main causes of soil and aquifer contamination is failure to treat, or insufficient treatment of, wastewater.
- ✓ No information on water disposal and supply for the operation of the megaproject. They say it will be supplied from the municipal grid, but there is no available infrastructure in that

⁵ Pp. 77, 78, 82, and 83 of the public version of the decision.



part of the forest. This means that other works will have to be built and that these are not being assessed.

- ✓ **Loss of habitat for endangered species.** The Tren Maya’s crossing of the Mayan forest in the Yucatán Peninsula threatens to result in **the fragmentation of ecosystems** that are the habitat of a large number of species, some of them endangered. The planned wildlife crossings are insufficient to avoid loss of their habitat and displacement of species by **new residential, commercial, and industrial works and projects as well as irregular settlements associated with and driven by the Tren Maya megaproject.**

II. Procedural requirements

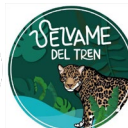
14. The Submitters have pursued available remedies under the applicable law, such as citizen complaints, as well as comments made during public consultations in accordance with the environmental impact assessment procedures established by the LGEEPA and its environmental impact assessment regulation.

15. In addition, the submission is not exclusively based on mass media reports, since it is also accompanied by a set of documents, including official documents, presented as evidence of its assertions.

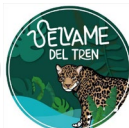
16. Finally, it is necessary to recall the objectives of USMCA Chapter 24, which include **promoting high levels of environmental protection and effective enforcement of environmental laws**, but most importantly, **protecting and preventing a danger to human life or health**. In this regard, it is imperative to recognize the fundamental role played by forests and jungles in the provision of numerous ecosystem services, including carbon sequestration to fight climate change, maintenance of water quantity and quality, soil stabilization, and wildlife habitat, and to emphasize **the economic, social, and environmental benefits to be derived by present and future generations.**

In view of the foregoing, we hereby request that the **CEC Secretariat:**

1. Acknowledge that this submission has been filed with the CEC in compliance with the requirements of Article 24.27.
2. Allow the submission, conduct an investigation and, as applicable, publish a factual record of the matter submitted to you.



Name [CONFIDENTIAL]	Organization/Citizen	Signature [CONFIDENTIAL]
	Moce Yax Cuxtal, A.C.	
	Grupo Gema del Mayab, A.C.	
	Red de Formadores Socio Ambientales	
	Sélvame del Tren	
	Cenotes Urbanos	
	Citizen	
	Citizen	
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	Jaguar Wild Center, A.C.	