

Via Electronic Mail

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Re: Update and Request for Committee and IUCN/Centre Review of El Pinacate World Heritage Site and U.S. Border Wall Construction

As you are aware, in May 2017, the Center for Biological Diversity, the O’odham Tribe in Sonora, Greenpeace México, Centro Mexicana de Derecho Ambiental, Wildlands Network and other conservation groups petitioned the World Heritage Committee (“the Committee”) to include Mexico’s El Pinacate and Gran Desierto de Altar Biosphere Reserve World Heritage property (“El Pinacate” or “Pinacate Site”) as “in danger.”¹ At the time, the United States planned to construct a massive, impermeable wall along the U.S.-Mexico border, including along the northern boundary of El Pinacate, which abuts the border. The petition explained how El Pinacate and its Outstanding Universal Values (“OUVs”) are threatened by “serious and specific dangers” from border wall construction and enhanced U.S. security efforts and will prevent cross-border migration and habitat use by Sonoran wildlife, as well as by the O’odham people.

We write now to provide a critical update: U.S. officials have now issued contracts for the construction of 119 km of new border wall directly abutting El Pinacate border, and construction of this 30-foot-high, concrete-filled steel bollard barrier has already begun. The U.S. border wall is no longer merely a plan – the wall has already begun to divide the ecologically-critical Sonoran habitat that El Pinacate was designated, in part, to protect. Urgent action is needed by the Committee to consider and recommend measures to mitigate the wall’s impacts on El Pinacate.

¹ Center for Biological Diversity, the O’odham Tribe in Sonora, et al., Petition to Include the El Pinacate and Gran Desierto de Altar Biosphere Reserve World Heritage Site on the List of World Heritage in Danger (May 23, 2017), available at: https://www.biologicaldiversity.org/programs/international/borderlands_and_boundary_waters/pdfs/Pinacate_WH_In_Danger_Petition_5_23_17.pdf

A. Update on Wall Construction on El Pinacate's Border

U.S. President Donald Trump's administration is quickly moving forward with border wall construction across nearly the entire northern boundary of the El Pinacate Site, specifically, in Organ Pipe National Monument, Arizona. The U.S. government is already working to replace existing vehicle barriers, which are permeable to wildlife, with 69 km bollard wall in Pima and Yuma counties, Arizona, adjacent to El Pinacate Site, across the majority of El Pinacate's northern boundary.² We have included two photographs of the border wall construction in the U.S. Organ Pipe National Monument, which directly abuts El Pinacate.

To rush this construction, the Trump administration waived 41 U.S. laws that protect endangered wildlife, cultural resources, Native American graves, clean air, clean water, and public lands³ through two U.S.-federally protected wilderness areas directly adjacent to the El Pinacate Site: Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge (see map below). To pay for these projects, President Trump declared a "National Emergency" and diverted more than \$6 billion for wall construction with no approval from the U.S. Congress.

This new section of the U.S. border wall is composed of 30-foot high, concrete-filled steel bollards. This style of barrier will impede migration of all terrestrial wildlife larger than a kangaroo rat and fragment cross-border wildlife populations. The project also includes the construction of roads, installation of lighting, and extraction of millions of gallons of groundwater from border-region aquifers to mix concrete for the wall.

In late January 2020, the U.S. Department of Homeland Security bulldozed a massive swath of desert near Quitobaquito Springs in Organ Pipe Cactus National Monument, touching the El Pinacate boundary, in preparation for wall construction (see photos below). Despite repeated requests from the O'odham Tribal Chairman to avoid ground disturbing activity at this sacred site, the U.S. government bulldozed the area without giving notice to the public, land managers, or the O'odham Tribe.⁴

² Pima and Cochise Counties Border Infrastructure Projects

<https://www.cbp.gov/document/environmental-assessments/pima-and-cochise-counties-border-infrastructure-projects-may-2019>

³ 84 CFR 21798. May 15, 2019. Pages 21798-21800 <https://www.federalregister.gov/documents/2019/05/15/2019-10079/determination-pursuant-to-section-102-of-the-illegal-immigration-reform-and-immigrant-responsibility#print>

⁴ Arizona Republic. 2020. Tohono O'odham Historic Sites at Risk as Border Wall Construction Advances in Arizona. 2020. Rafael Carranza. January 20, 2020.



U.S. Customs and Border Protection (CBP) proposed border barrier project (red line)⁵



Concrete/steel 30 ft. high border wall under construction at Organ Pipe Cactus National Monument. Photos: January, 2020. Laiken Jordahl/Center for Biological Diversity

⁵ Pima and Cochise Counties Border Infrastructure Projects

<https://www.cbp.gov/document/environmental-assessments/pima-and-cochise-counties-border-infrastructure-projects-may-2019>



Concrete/steel 30 ft. high border wall under construction at Organ Pipe Cactus National Monument. Photos: January, 2020. Laiken Jordahl/Center for Biological Diversity



Bulldozing near Quitobaquito springs area, USA, Organ Pipe Cactus National Monument.
Photo: January 27, 2020. Credit: Laiken Jordahl, Center for Biological Diversity.

B. Impacts of the U.S. Border Wall on El Pinacate's OUVs, Species, and the O'odham Tribe

As detailed in our 2017 petition, the construction of a border wall by the U.S. government will imperil both wildlife and the traditional and ceremonial use of the El Pinacate Site by the O'odham. The Committee has particularly recognized the El Pinacate Site's "extraordinary habitat diversity" and "species endemic to the Sonoran Desert" – including specifically the endangered Sonoran pronghorn – as part of the Site's OUVs.⁶

If completed, these border walls will cut off all habitat north of El Pinacate to most terrestrial wildlife, blocking critical migration and impeding recovery of imperiled, transboundary species. Border walls and fences "can cause declines and even local disappearance of species."⁷ These barriers impede the essential mobility for many species' dispersal, migration, search for food and water, and escape from predators; fragment habitat and populations; and can even cause direct mortality.⁸ Limiting species' dispersal can harm wildlife by "reduc[ing] gene flow between populations . . . , which can lead to genetic divergence between populations and rapid loss of genetic diversity in small populations."⁹ In fact, "[e]ven slight decreases in dispersal may have large consequences for species' populations," and "smaller isolated populations may . . . be subject to an increased risk of extinction."¹⁰ "Human disturbance, vegetation removal and additional barriers, roads and lighting that accompany fences likely further reduce border permeability" for wildlife.¹¹ At least 93 species at risk of extinction will be further imperiled by border wall construction, including impacts to critical habitat for 25 of these species.¹²

Habitat connectivity is particularly important in the Sonoran Desert region, as geography, elevation, and moisture gradients severely limit the range of many Sonoran species.¹³ The species most affected by the construction and operation of the wall will be terrestrial species that have restricted habitats, low reproductive capacity, require large territories, and/or exist in low densities. As such, large carnivores and large herbivores will be impacted most severely,¹⁴ especially at-risk species like Sonoran pronghorn, bighorn sheep, jaguar, and others.¹⁵ However, barriers can also "affect small creatures like reptiles, insects, and . . . birds," including ferruginous pygmy owls, and even plants "by affecting processes like seed dispersal and pollination."¹⁶

⁶ WHC Decision 37 COM 8B.16, at 167-68.

⁷ Trouwborst, A., F. Fleurke, & J. Dubrelle. 2016. Border Fences and their Impacts on Large Carnivores, Large Herbivores and Biodiversity: An International Wildlife Perspective. *RECIEL* 25(3) 2016. DOI: 10.1111/reel.12169.

⁸ *Id.*; Cordova & del la Parra (2007), at 78.

⁹ Lasky, J.R., W. Jetz, & T.H. Keitt. 2011. Conservation biogeography of the US-Mexico border: a transcontinental risk assessment of barriers to animal dispersal. *Diversity Distrib.* (2011) 1-15. DOI: 10.1111/j.1472-4642.2011.00765x.

¹⁰ *Id.*

¹¹ *Id.*

¹² A Wall in the Wild: The Disastrous Impacts of Trump's Border Wall on Wildlife by Brian Segee; Curt Bradley; Noah Greenwald; Tierra Curry. May 1, 2017

¹³ Flesch, A.D., C.W. Epps, J.W. Cain, M. Clark, P.R. Krausman, & J.R. Morgart. 2009. Potential Effects of the United States Border Fence on Wildlife. *Conserv. Biol.* 24: 171-181. doi:10.1111/j.1523-1739.2009.01277.x.

¹⁴ Trouwborst, et al. 2016.

¹⁵ López-González, C. A., N. E. Lara-Díaz, D- Ávila-Aguilar & M. F. Cruz-Torres. 2012. Áreas de interés binacional para mantener la conectividad de poblaciones de fauna silvestre compartida con potenciales afectaciones por la construcción del muro fronterizo. Informe Final de la Universidad Autónoma de Querétaro al Instituto Nacional de Ecología. 292 pp.

¹⁶ Trouwborst, et al. 2016.

Border wall construction also requires the extraction of millions of gallons of groundwater from border-region aquifers to mix concrete for the wall. Groundwater aquifers in this region span the international border and are a binational resource shared by communities and wildlife on both sides of the border. The extraction of millions of gallons of groundwater to build the border wall will harm groundwater resources in El Pinacate Site by further drawing down fragile desert aquifers near the border.

These walls will also cut off the Tohono O’odham people’s access to traditional lands and sacred sites, including tribal members’ ability to conduct the ceremonial salt pilgrimage — an ancient ritual that, according to the O’odham, has occurred since time immemorial.¹⁷ In June 2019, the Traditional O’odham Leaders of Sonora passed a resolution opposing border wall construction in this region on the grounds that it would threaten the future of the ceremonial salt pilgrimage, stating: “plans for a new wall would make it impossible to carry out the salt ceremony and threaten to end this sacred tradition forever.”¹⁸ Walling off the El Pinacate Site from habitat north of the border is destroying O’odham sacred sites, draining fragile desert aquifers, and cutting the world’s largest swath of protected Sonoran Desert habitat in two. Continued wall construction will be a disaster for the wildlife the El Pinacate Site was designated to protect and will alter the traditional ceremonies of the O’odham people, whose use of this sacred landscape must be preserved.

While existing border walls have had severe and demonstrable impacts on wildlife, these walls have had little to no discernable impact on reducing illicit crossings of people or drugs.¹⁹ The border wall is part of a larger strategy of ongoing border militarization that damages human rights, civil liberties, native lands, and international relations. The border wall impedes the natural migrations of people and wildlife that are essential to healthy diversity.

C. Recommendations

In sum and as explained in our 2017 petition, the United States government’s ongoing construction of a border wall directly adjacent to El Pinacate World Heritage Site constitutes a “serious and specific danger” that threaten the El Pinacate property and its OUVs, justifying the property’s listing as World Heritage “in danger.” Specifically, the United States’ actions are a “specific and proven imminent danger” to the El Pinacate property because the U.S. actions constitute: (1) “major public work[s]” that will cause “[s]evere deterioration of the natural beauty or scientific value of the property,” and (2) “[h]uman encroachment on boundaries . . . which threaten the integrity of the property,” including its OUV-recognized wildlife species like the Sonoran pronghorn, desert bighorn sheep, and ferruginous pygmy-owl. Additionally and alternatively, the United States’ construction of a border wall and enhanced border security activities are “major threats which could have deleterious effects on [the property’s] inherent characteristics” because they constitute “planned . . . development projects . . . so situated that the impacts threaten the property” and its OUV-recognized wildlife.

Accordingly, the El Pinacate and Gran Desierto de Altar Biosphere Reserve World Heritage property qualifies for “in Danger” listing. To evaluate the impacts of the border wall on this Site

¹⁷ Tohono O’odham Legislative Council. 2007. Resolution NO. 07-714, Authorizing Delegation to Explore Means of Preserving Salt Pilgrimage Sites. November 9, 2007.

¹⁸ Traditional O’odham Leaders of Sonora. 2019 Acta/Resolution passed June 16, 2019.

¹⁹ U.S. Government Accountability Office. 2017. Southwest Border Security: Additional Action Needed to Better Assess Fencing’s Contributions to Operations and Provide Guidance for Identifying Capability Gaps. GAO-17-331.

and to ultimately recommend mitigation measures, we strongly urge the Committee to, at its 44th Session in Fuzhou, China:

- (1) Request a report from the United States and Mexico regarding the Site, the wall, construction progress, and its effects on El Pinacate, and
- (2) Request the IUCN/World Heritage Centre evaluate the Site, with a view to considering inscription of the El Pinacate property on the List of World Heritage in Danger at the Committee's 45th Session.

These efforts will bring much-needed international attention to this emerging conservation issue.

We welcome the opportunity to discuss this matter with you and your staff or answer any questions you may have. We look forward to seeing you in China this summer.

Sincerely,



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