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14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
15 **SAN FRANCISCO-OAKLAND DIVISION**

16 SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION,

17 *Plaintiffs,*

18 v.

19 DONALD J. TRUMP, President of the United
20 States, in his official capacity; MARK T. ESPER,
Secretary of Defense, in his official capacity;
21 KEVIN K. MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity; and
22 STEVEN MNUCHIN, Secretary of the Treasury,
in his official capacity,

23 *Defendants.*
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27
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Case No.: 4:19-cv-00892-HSG

**APPENDIX OF DECLARATIONS IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

Date: Nov. 20, 2019

Time: 10:00 AM

Judge: Honorable Haywood S. Gilliam, Jr.

Dept: Oakland

Date Filed: Oct. 11, 2019

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**DECLARATIONS IN SUPPORT OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

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Exhibit 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

<p style="text-align: center;">SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official capacity; MARK T. ESPER, Secretary of Defense, in his official capacity; KEVIN K. MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Robert Ardo vino</p>
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I, Robert Ardo vino, declare as follow:

1. My name is Robert Ardo vino. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. This declaration reflects my personal opinions and judgement.

2. My primary residence is in El Paso, Texas. I grew up in El Paso and my extended family owns property in New Mexico close to the U.S.-Mexico border. I am a professional photographer, and I own a restaurant in Sunland Park, New Mexico.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I am a lifetime member of the Sierra Club and I first joined in 2005. I previously submitted a declaration in this case outlining my concerns with the El Paso Sector 1 wall construction project. My first declaration was attached to the Sierra Club and Southern Border Communities Coalition June 12, 2019 filing titled "Appendix of Declarations in Support of Plaintiffs' Motion for Partial Summary Judgment". I submit this additional declaration because I am concerned that the proposed El Paso 2 and El Paso 8 projects would similarly harm me aesthetically and recreationally in addition to having significant impacts on desert species.

5. As I mentioned in my previous declaration, I have utilized the desert lands of southern New Mexico my entire life. This includes the area along the U.S.-Mexico border where I understand the Department of Homeland Security's plans to replace vehicle fencing with a pedestrian wall in El Paso Project 2 and 8, including additional secondary fencing in El Paso 8. I once again worry that the replacement of the existing low vehicle barrier with a tall pedestrian wall would negatively impact the recreational activities I enjoy and harm the delicate desert ecosystem in this region.

6. I currently recreate in what I understand to be the El Paso Project 2 and 8 areas, and I have done so for several decades. I enjoy doing many forms of outdoor recreation. I frequently photograph, hike, camp, and target shoot in these areas. I intend to continue these activities for many years to come. I am concerned that wall construction in this area will mar my enjoyment of my hobbies. For example, currently, I can see across the desert into Mexico when I recreate in the sprawling vistas near Antelope Wells. I worry wall construction will drastically change my ability to appreciate these views. Instead of open landscapes and vistas, I would see a tall metal wall. The current vehicle barrier is much shorter and therefore has not impacted my desire and ability to recreate in this area. Throughout this desert area you can see for miles. In some spots that sightline extends around 20 miles. I am almost always in the sightline of these border projects when I'm camping and doing other forms of outdoor recreation.

7. Since I often camp in these project areas, I also am concerned about the lighting that the government plans to install. This is a desert wilderness and the lighting would completely change the landscape. It would no longer be a dark desert wilderness but an artificially lit militarized landscape.

8. I grew up in the desert and have learned through my activities here that the desert's unique ecology remains poorly understood. I discussed these concerns in my first declaration and they are directly relevant to these new proposed project areas as well. When the wildlife of the desert floor is disturbed, it

can take decades for it to recover. I worry that unintended consequences of wall construction on this ecosystem could be irreversible.

9. I have already seen this happen as new roads are created throughout the desert to increase access to the border. I fear that the additional roads needed to allow construction equipment to reach the U.S-Mexico border to build the wall, in addition to the construction process itself, would result in immense destruction of the desert floor.

10. I am also deeply concerned that a pedestrian wall would result in habitat fragmentation. This desert is home to many species. While camping I see many types of snakes, rabbits, and other invertebrate. I also have seen mule deer tracks and this part of the desert is also known to be home to ringtail cats, mountain lions, jaguars and many other species. These animals would be harmed by the physical barrier fragmenting their habitat and also by the construction process disturbing the desert floor. Also, for several years now, I have seen burrowing owls nearly disappear due to increased dirt roads and associated actions. A complete barrier to passage for burrowing owls could cause the loss of this species.

11. From childhood, I have enjoyed dirt bikes, hiking, taking photographs, and target practice. I enjoy camping and doing recreational activities in the El Paso

2 and 8 project areas and intend to do so for as long as I am able. A pedestrian barrier wall could impact my ability to enjoy these hobbies.

12. I am aware that President Trump declared a national emergency on February 15, 2019 with the principle goal of building a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has said that they intend to begin construction on El Paso 2 and 8.

13. If a pedestrian wall is constructed in the El Paso 2 and 8 project areas, I believe my use and enjoyment of these areas could be permanently ruined. An order declaring the national emergency and thus this construction project invalid would remedy these harms.

I declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: October _11, 2019.


Robert Ardovino

Exhibit 2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official capacity; MARK T. ESPER, Secretary of Defense, in his official capacity; KEVIN K. MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Dr. Orson S. Bevins</p>
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I, Dr. Orson S. Bevins, declare as follow:

1. My name is Dr. Orson S. Bevins. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. This declaration reflects my personal opinions and judgment.

2. My current address is 3091 S. 31st Drive, Yuma, AZ 85364. I have lived in Yuma since August 2011.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the

quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I am a current member of Sierra Club and I first joined in March 2008. I previously submitted a declaration in this litigation describing my concerns regarding the construction of the Yuma Project 1. My declaration was attached to Sierra Club and Southern Border Communities Coalition June 12, 2019 filing titled “Appendix of Declarations in Support of Plaintiffs’ Motion for Partial Summary Judgment. I submit this second declaration because I also visit areas that fall within the proposed Yuma Project 6 project and would be harmed by border wall construction in the area in similar ways.

5. I work for the Quechan Indian Tribe on the Fort Yuma Indian Reservation as a project planner, where I plan and implement civil construction projects that benefit tribal members. I primarily work on sanitation projects, such as upgrading wastewater management systems or drilling wells for new sources of water.

6. As I mentioned in my previous declaration, I live a few miles from the U.S.-Mexico border. I frequently drive and walk close to the border directly in the site-line of where I understand the Secretary of Defense has authorized some of the Yuma Project 6 primary and secondary construction.

7. I visit the town of Los Algodones almost every week, and I also drive along the US-side of where the wall is proposed a few times each year. I can see from one side of the border to the other. I enjoy the town of Los Algodones just over the border because it has many shops and medical professionals I visit. When I visit Los Algodones, I frequently walk a couple

of blocks away from the town center and I can see back across into the United States. This is exactly where part of the Yuma 6 primary and secondary wall would be built. A wall would fragment this vista and further divide communities and this riparian border landscape. As I stated in my declaration regarding Yuma Project 1, I am very concerned about the aesthetic impacts that construction and the completed border wall would have on the local landscape. I share these same concerns about the newly proposed Yuma 6 project as well. The tall and intrusive pedestrian barrier would disrupt the desert views and inhibit me from fully appreciating this area.

8. The area surrounding the proposed project is unique. It is currently not heavily fortified. I can still appreciate the wildlife and the natural features of the land. I especially enjoy watching the local birds including cranes and buzzards, with their vast wingspans, on both sides of the border. As I said in my previous declaration, I am worried about the aesthetic impacts of the construction and permanence of the primary and secondary wall. This natural environment should be preserved. Building a 30 foot wall that divides the landscape would greatly degrade my experience visiting and living in this area.


9. I am aware that president Trump declared a national emergency on February 15, 2019 in order to construct a border wall along the U.S.-Mexico border. It is my understanding that DHS intends to commence wall construction in the Yuma Sector Project 6 area.

10. I am familiar with the litigation, filed by the Sierra Club and the Southern Border Communities Coalition, which challenges the federal government's unlawful construction of a border wall. This construction and a completed wall would greatly impede my ability to enjoy the areas along the border that fall within Yuma Project 6 in addition to my previously outlined

concerns regarding Yuma Project 1. The sole way to avoid these aesthetic injuries outlined in this declaration is to order the national emergency invalid and stop the construction of this project.

I declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: October 8, 2019.



Dr. Orson S. Bevins

Exhibit 3

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of
the United States, in his official capacity;
MARK T. ESPER, Secretary of Defense, in
his official capacity; KEVIN K
MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity;
and STEVEN MNUCHIN, Secretary of the
Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**THIRD DECLARATION OF
KEVIN BIXBY, EXECUTIVE
DIRECTOR, SOUTHWEST
ENVIRONMENTAL CENTER**

My name is Kevin Bixby and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Executive Director and founder—as well as a member—of the Southwest Environmental Center (“SWEC”) in Las Cruces, New Mexico, an organization that forms part of the Southern Border Communities Coalition (“SBCC”). In addition, for over one year I have served on SBCC’s Steering Committee, directing and coordinating SBCC’s decisions at the organizational level.
3. I founded the Southwest Environmental Center in 1991 with the mission to reverse the accelerating loss of plants and animals worldwide through protection and restoration

of native wildlife and their habitats in the southwest. SWEC has approximately 2000 dues-paying members, the majority of whom live in Southern New Mexico. It works statewide in New Mexico, and our campaigns extend into Eastern Arizona and West Texas.

4. As I stated in my previous declarations, our hands-on restoration work is to identify habitats that have been harmed in the past and to rehabilitate them. For example, over the last several decades SWEC has been actively involved in restoring riparian and aquatic habitats along the Rio Grande in southern New Mexico and west Texas. Our first restoration project, to create the Picacho Wetlands on a 55-acre tract of land near the town of Mesilla in Doña Ana County, was expanded into a 1000-acre nature park called Mesilla Valley Bosque State Park in Doña Ana County.

5. SWEC also engages in public education and advocacy in furtherance of its conservationist goals. The organization and our members cherish these lands in their native conditions, and our work includes research and documentation, grassroots organizing, and petitioning the government about preservation and restoration.

6. Our education work seeks to make the public aware of the variety of habitats and wildlife species in the southwest, why they are important, and how they are threatened. We send regular updates to our list of 12,000 people regarding all of the issues we work on. We have done an oral history project, documenting interviewees' stories of the Rio Grande and how they used it, to preserve memories of a landscape that has been and is constantly threatened by human development and abuse. Since 1995, we have hosted thousands of people on our "Back by Noon" Saturday morning natural-history outings, leading guided nature tours to showcase unique natural features of the Las Cruces/El Paso area for both SWEC members and members of the

public. These tours are fairly easy so that people of all ages can go on them, and they are very popular. We recently did a medicinal plant walk in the Organ Mountains as well as a tour of our wetland restoration sites along the Rio Grande.

7. To preserve a record of the Chihuahuan desert shrublands along the southwestern border that have been or are threatened to be walled off, we laid wildlife cameras to collect videos of wildlife that people rarely see and might not expect. Our goal has been to collect videos and share information with the public about the wildlife that live in these habitats, often hidden from human view.

8. In addition, SWEC offers educational programs on a variety of topics throughout the year. This includes a monthly series where we invite local experts to speak on a range of topics related to wildlife, ecology, and sustainability. We also host book readings, workshops, film screenings and trainings. We're hoping to build grassroots power organically through community organizing—bringing people in who care about wildlife but do not know much about the issues, and empowering them to become part of the campaign.

9. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a contiguous wall along the U.S.-Mexico border. I understand that the U.S. Department of Defense (DOD) intends to commence wall construction in what has been designated as “El Paso Project 2” and “El Paso Project 8,” which include lands where SWEC members, including myself, recreate. The new construction threatens advocacy work that SWEC does along the southwestern border.

10. The ‘Bootheel’ region of New Mexico is a national treasure due to its habitat and wildlife diversity, and wildlife corridors must be kept intact in order to permit movement among

species whose habitats traverse both sides of the U.S.-Mexico border. For example, there are small reintroduced populations of endangered Mexican gray wolves in both Mexico and the U.S. The long-term recovery of both populations depends on wolves being able to travel along historic movement corridors in the Bootheel to interbreed and exchange genetic material. The Bootheel is also a historically important corridor for endangered jaguars. A portion of designated critical habitat for the species is located in the Hidalgo County.

11. The border wall construction projects in “El Paso Project 2” and “El Paso Project 8” threaten to destroy lands along the border that I frequently recreate in. I have spent time at and toured the Diamond A Ranch, a privately-owned conservation property that has intact grassland—which, sadly, is becoming increasingly uncommon—and goes right up to the border. The Nature Conservancy, which owns a conservation easement on the property, calls it “truly one of the most significant natural sites in the nation.” I have also hiked to the top of Hatchet Peak and enjoyed the spectacular views from the top. A trip to the Bootheel is always an opportunity for unparalleled wildlife viewing, including the chance of sighting the free-roaming herd of bison that traverses the international border.

12. As a result of the emergency declaration and the recent announcement to divert military construction funds, I have had to devote a considerable amount of time tracking the latest developments and trying to figure out exactly which lands are designated for construction. Key SWEC staff and I have had to pore over federal register notices, court filings, and other government documents to stay on top of the Administration’s ever-changing plans for new wall construction, and participate in numerous meetings with allies and members to both inform about and be informed about construction and its impacts.

13. The lack of notice and transparency surrounding the Administration's plans for border wall construction using military funds has frustrated SWEC's ability to provide meaningful input about potential environmental and ecological harms. A key aspect of our work is to advocate for the protection of wildlife and natural habitats in the context of federal land management agencies' planning processes and actions. For example, we monitor the Las Cruces District Office of the Bureau of Land Management for notices of significant actions, such as installing communication equipment in the Big Hatchet Peak wilderness study area in Hidalgo County, New Mexico. We provide comments to the agency when a proposed action has the potential to harm wildlife or their habitats, in an effort to stop the action or mitigate harmful effects. With respect to the latest border wall construction, however, the absence of a notice-and-comment process and the rapid commencement of construction soon after a project is announced have hindered our ability to protect sensitive border habitats.

14. SWEC has also been organizing pushback against the proposed construction in southern New Mexico. For example, we are planning an event at the border wall featuring elected officials, community members, environmental advocates, and school board officials from New Mexico and Texas. The goal is to showcase the diversity and resilience of border communities and speak with one unified voice against the additional wall construction that will separate and harm our vibrant communities. The rushed announcement and impending construction of new wall projects this month has frustrated our planning and made it more difficult for SWEC to coordinate logistics with coalition partners and invited legislators. Planning the event has taken time away from our ongoing work, including organizing public support for protecting wildlife and pristine habitats, such as New Mexico's Otero Mesa, and

restoring wetland and aquatic habitats along the Rio Grande.

15. The emergency declaration has required SWEC to shift its focus to more urgent, defensive campaigns. Staff time and resources that would normally go towards our longer-term restoration efforts to protect landscapes and wildlife species through grassroots advocacy and policy initiatives are instead being channeled to immediate border wall advocacy. This work is different than what we are used to, and sometimes it has been overwhelming trying to figure out how to best divide our limited resources.

16. SWEC has had to devote less time to its wetland restoration project, natural history outings, and programmatic public education. Instead of regularly offering “Back by Noon” outings, we have switched to offering trips to the border wall in order to raise awareness about the potential destruction it can cause to the surrounding environment and wildlife. Whereas I would normally spend about 20% of my time traveling and meeting with regional stakeholders about SWEC’s wildlife restoration projects and campaigns, I am now devoting only 5% of my time to that work.

17. As a conservationist who has lived and worked in southwestern New Mexico for decades, it has been discouraging to contend with the devastation the proposed border wall construction will cause our communities and the landscapes I cherish. The emergency declaration harms SWEC’s core organizational mission and work and causes irreversible damage to border lands that SWEC’s members enjoy and cherish.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 11th day of October, 2019.

A handwritten signature in blue ink that reads "Kevin Bixby". The signature is written in a cursive, flowing style.

Kevin Bixby

Exhibit 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity; MARK T. ESPER,
Secretary of Defense, in his official capacity;
KEVIN K MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity; and
STEVEN MNUCHIN, Secretary of the Treasury,
in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**SECOND DECLARATION OF
BILL BROYLES**

I, Bill Broyles, declare as follows:

1. I am over the age of eighteen, and I am competent to make this declaration. This declaration is based on my personal knowledge, and if called upon to do so I would testify under oath to the facts herein.

2. I reside in Tucson, Arizona, about sixty miles from the U.S.-Mexico border. I also own land at Ajo, Arizona, near Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and the Barry M. Goldwater Range. The Refuge and much of the Range are open to the public under a permit system.

3. I have been a member of the Sierra Club since 1989.

4. As I stated in my previous declaration, for the past 50 years I have spent considerable time working in and exploring southwestern Arizona, including Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and the Barry M. Goldwater Range. I have

also explored and enjoyed lands in northwestern Mexico adjacent to the Range and Refuge, including the Pinacate volcanic region just south of the border, now a biosphere reserve and UNESCO World Heritage Site. Those reserves are dedicated to protect wildlife, wildlife habitat, scenic, and cultural resources, and they provide extraordinary opportunities for wilderness-based recreation and eco-tourism. I have hiked, camped, vacationed, and traveled through the above-described areas, studying and observing the region's human and natural history. I have traversed thousands of miles, and spent hundreds of days and nights in these areas. I continue to visit these areas four to six times a year, and intend to continue doing so. I have scheduled visits to the Goldwater Range and Cabeza Prieta NWR within a week of submitting this declaration, as well as another trip there before year's end.

5. I have substantial professional and personal connection to the lands identified for construction as projects Yuma 2 and 10/27 (on the Goldwater Range) and Yuma 3 (on Cabeza Prieta). I stated in my previous declaration that I was a volunteer with Cabeza Prieta National Wildlife Refuge and worked several thousand hours counting desert bighorn, surveying desert waterholes, measuring rainfall, and removing litter. I also wrote a brochure for the Refuge.

6. I also stated that I have written and edited several books and articles on Cabeza Prieta and the Goldwater Range, including: *Our Sonoran Desert*, *Dry Borders: Great Natural Reserves of the Sonoran Desert*, *Sunshot: Peril and Wonder in the Gran Desierto*, *Cowboys and Cowgirls around Ajo Arizona*, and *Field Man*. My 2012 book with Gayle Hartmann and others, called *Last Water on the Devil's Highway: A Cultural and Natural History of Tinajas Altas*, grew out of several dozen trips spent studying Tinajas Altas, a series of pools that provide one of the most important sources of water in the region, that is located on the Goldwater Range.

7. I also co-wrote and co-published a visitor's road guide to the historic trail, El Camino del Diablo, that the proposed wall parallels and crosses, and that would be harmed by construction vehicle traffic. Almost all roads in the Refuge and Range are single-lane dirt or sandy trails, unsuited to large earthmovers, heavy trucks, and cranes.

8. My professional and personal interests have inspired me to participate over the past 30 years in meetings sponsored by the Range and Refuge concerning their natural resources management plans, cultural resources management plans, Wilderness plans, and Range renewal studies. For example, in the 1990s Gayle Hartmann and I worked with a subcontractor and the Range Management Office to investigate historic and cultural sites on the range. Too, we encouraged the Range to hold regular public meetings; following good faith and creative discussions by all parties, the renewal legislation enshrined open, public meetings every four months to include other federal agencies, civil and tribal governments, NGOs, stakeholders, and the public regarding range management and attendant issues. Using the principle of NEPA, Sikes Act, and other legislations, these meetings have proven quite successful and are seen as important steps to current and future management of the Goldwater Range as well as its upcoming application for range renewal. At these meetings, the military departments provide updates of their plans and activities, and members of the public and stakeholders may ask questions and discuss concerns.

9. The proposed wall is antithetical to these successful cooperative efforts of the Range and Refuge partners, and frighteningly, the Range and the Refuge's Fish and Wildlife Service appear to have been excluded from the wall planning process.

10. Through my travel and time on the Range and Refuge, I have come to know several dozen Border Patrol agents, and my experiences with them allowed me to co-write *Desert Duty: On the Line with the U.S. Border Patrol*, featuring interviews with nineteen active-duty and retired agents who have worked at the Wellton Station (Arizona) that patrols much of the Range and Refuge looking for smugglers and undocumented foreign entrants. It is rewarding to see Border Patrol working with the executive committee to comply with environmental and other requirements.

11. However, we have not seen any of the wall planners or contractors at these meetings, nor their plans, schedules, cost-benefit analyses, or rationale and predicted outcomes. The Range, Refuge, local land managers, civic leaders, NGOs, and public have been kept in the dark.

12. I have camped in these areas, on both sides of the border, for almost 50 years, without incident or problem with strangers. I have hiked on both sides of the border, written about these areas, and appeared on television to talk about them. These areas are very special. And with our collaboration, I feel that the agencies involved, military and civilian, have come to appreciate and respect these lands as well, acting as fair stewards of what even the military has characterized as “the largest and most pristine desert environment in North America.” This is a beautiful, natural region. Indeed, the military has professed and affirmed that its mission is to keep these areas natural—to help preserve the Range, Refuge, and the Mexican lands connected with them, as the largest natural Sonoran Desert habitat in the world.

13. The Departments seeking to build the border wall make no such commitments. This thirty-foot steel wall—reportedly to be visible from miles away, floodlit at night, and to include roads and other equipment—will bisect this grand natural area that includes a U.S. wildlife refuge, two national monuments, and a biologically crucial military range, as well as two contiguous, large and magnificent Biosphere Reserves in Mexico. This region has been, and should again be, considered for international peace park status, much like Waterton-Glacier International Peace Park on the U.S.-Canada border.

14. To build a wall here is to desecrate a National Historic Trail—the El Camino del Diablo that dates from 1701. And if built, this wall will, like the internment camp at Manzanar National Historic site, become a symbol of America’s injustice, intolerance and its heavy-handed solutions to what should be negotiated solutions. I will perceive this wall to deny our country’s history and legacy of tolerance.

15. As I stated in my previous declaration, my study and travels through these borderlands are critically enhanced by the presence of a wide array of species—some of which are endangered, rare, or uncommon. Some, such as the Sonoran Pronghorn and Desert Bighorn, use and require habitat that spans the border and have historically moved throughout northwestern Sonora and southwestern Arizona, including Goldwater Range and Cabeza Prieta, and I understand that the

construction of walls that such species cannot cross harms such species, by increasing disturbances and preventing animal passage.

16. These harms will be magnified by the transfer of control from agencies concerned with Range and Refuge management to an agency purporting to follow no environmental or other laws, especially as it will take my and others' ability to provide public and stakeholder input.

17. My enjoyment of these areas also will also be damaged by the incessant lighting associated with the wall and its construction, and the widening of roads and attendant noise and dust associated with construction. It will damage biological resources, create conditions for erosion of fragile and soft desert soils from construction and construction vehicles, misguide drainages for water, block passage of fauna, and sever two interlinked biological communities. Construction, maintenance, and illumination of the wall will disturb the dark skies and star-watching that I and others cherish when we visit these lands, disturb that natural quiet of the area for many months, displace wildlife from areas near the wall, exacerbate soil erosion, scar the ground far beyond my lifetime, and substantially diminish my and others' pleasure in experiencing the area.

18. The proposed barrier construction will also blight a landscape whose core attractions include unimpeded views across the border. The Yuma projects at issue here, adjacent to the volcanic cones and peaks of Mexico's Pinacate Biosphere Reserve, will interfere with these views, as well as disturb the solitude and quiet, the shared heritage, history, and culture of our two bordering nations. In essence, the presence of a thirty-foot wall would reduce the size of the Refuge and Range available for enjoyable public use—who will want to camp or hike within visual or auditory range of the wall? That distance is certain to be miles.

19. I am particularly concerned by the absence of environmental review or public discussion in carrying out these projects. Such review is necessary to preserve these lands, select sound alternatives, and motivate collaboration among our agencies and stakeholders.

20. For these reasons, the Yuma 2, 10/27, and 3 projects will injure me aesthetically, recreationally, morally and professionally. An order stopping these construction projects would prevent this harm.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 10 day of 10, 2019.

William F. Broyles

Exhibit 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.:4:19-cv-00892-HSG

**DECLARATION OF ALBERT DEL
VAL**

My name is Albert Del Val and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information.
2. I live in the town of Yuma, Arizona and have lived in Yuma County my whole life.
3. I am a current member of the Sierra Club and support its mission to explore, enjoy and protect the environment.
4. On April 4, 2019, I submitted a declaration for this case in connection with Yuma Sector Project 1. I now submit this new declaration for Yuma Sector Project 6.
5. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. It is my understanding that the government imminently plans to construct Yuma 6 and several other recently announced

project areas. I am concerned that this border wall project would harm the surrounding environment and its natural beauty, which would impact my ability to enjoy the area.

6. As I wrote in my previous declaration, I enjoy the desert landscape and the animals and plants that occur here. As I child I hunted quail and rabbits throughout this region. I am concerned about the aesthetic and environmental impacts that border wall construction and upkeep will have on the landscape I have treasured for so many years. I think the native vegetation like the cottonwood and mesquite trees surrounding the border are beautiful, and I would hate to see them harmed or removed to build a wall. I also love the desert dark skies that are so special to this region, and I'm angered to think of the floodlights that would ruin this phenomenon should wall construction move forward.

7. I also worry a wall would be incredibly ugly and detract from the natural beauty of the environment I grew up with. I regularly drive along the levee road. When I see other wall projects they feel ominous and oppressive to me, diminishing the pleasures I felt as I child in this desert landscape.

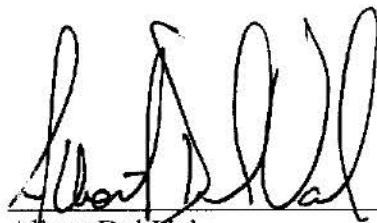
8. This is personal for me. It's painful to see what's happening to my home. The increase in border patrol agents, surveillance, and infrastructure at the border makes me uncomfortable and unhappy in the place I have lived my entire life. The new border wall project would bring more disturbances to this area with floodlights, ground surveillance, heavy machinery and more.

9. I understand Sierra Club brought this litigation, in part, to challenge the government's unlawful construction of a border wall. I am participating in this case because the government has announced it will soon begin wall construction of the Yuma 6 project. This construction and a completed wall would impede my ability to enjoy the areas in Yuma along the border.

I hereby declare under the penalty of perjury pursuant to the laws of the United States

that the above is true and correct to the best of my knowledge.

Executed October 8, 2019.



Albert Del Val

Exhibit 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF RICARDO A.
GARZA, TEXAS CIVIL RIGHTS
PROJECT**

I, Ricardo A. Garza, declare as follows:

1. I am over the age of eighteen, and I am competent to make this declaration. This declaration is based on my personal knowledge, and if called upon to do so I would testify under oath to the facts herein.

2. I am a Staff Attorney in the Racial and Economic Justice Program of the Texas Civil Rights Project, a member organization of the Southern Border Communities Coalition ("SBCC"). In addition, I am a member of SBCC's Steering Committee, in which capacity I help determine SBCC's strategic priorities and activities.

3. TCRP is native to South Texas and the Rio Grande Valley. Now headquartered in Austin, our offices throughout the State are comprised of Texas lawyers and advocates for Texas communities. We serve the movement for equality and justice in and out of the courts, envisioning and fighting for a Texas where all communities thrive with dignity and justice and without fear. The

organization is comprised of separate programs, including our Racial and Economic Justice Program, Voting Rights Program, and our Criminal Justice Reform Program.

4. I am based in South Texas, and the majority of my work focuses on issues facing South Texas communities. For example, my office is actively engaged in monitoring and responding to the separation of migrant families at the border. Since May 2018, this has required daily attendance at the federal courthouse in McAllen, to speak to migrants about their families before their court proceedings begin. In addition to monitoring, we directly communicate with separated families, provide legal information, and formally represent some of them in immigration court or in federal litigation.

5. TCRP has been involved in border wall advocacy for over a decade. We have seen that border wall construction in South Texas most severely impacts Latinx and Mexican-American communities, in its direct destruction of lands and property as well as the effects that ripple outward. The counties of Hidalgo, Cameron, and Starr where lands have been and will be condemned are among the lowest-income in the State and nation. A wall is the antithesis of our shared communities, destroying the natural resources we cherish and rely upon and standing as a symbol of division between families and communities with shared languages.

6. Beginning in 2006, as hundreds of often low-income landowners had their property condemned for the border fence, TCRP began representing families in condemnation cases brought by the federal government. Condemnations poured in, and many people in the communities we serve struggled to identify or retain private counsel.

7. Landowners approached us for advice or representation. The path of the wall can run over a mile inland due to bilateral restrictions on construction on the floodplain of the Rio Grande and the government's decision to build along the path of already-existing earthen levees in Cameron and Hidalgo County, increasing the impact of border-wall construction beyond the immediate vicinity of the river. A condemnation action initiates a flurry of legal proceedings, causing the immediate divestment of title and, in most cases we have seen, a "quick take" divesting possession

as well. In our experience, an order of immediate possession can follow shortly after the filing of a condemnation action in order to expedite condemnation procedures as much as possible and hastening ultimate construction.

8. TCRP could not represent all of the people who requested our help a decade ago, as these representations are costly and time intensive. They can last many years—for example, we continue to litigate a condemnation case first filed in 2008. We lack the resources to represent all of the low-income landowners who are or will be impacted by border wall construction in the Rio Grande Valley this year or next.

9. The dynamic caused by a condemnation action is complex and difficult for landowners in the communities we serve. They are subject to the loss of their lands, livelihoods, and intergenerational family and community history. They feel powerless from the moment title divests, and worry about not only their own fate but the fates of their communities. Our representation provides a measure of due process to landowners as well as advocacy against a powerful government that will divest title and possession and seek to minimize compensation provided, especially for landowners who could otherwise not afford representation.

10. In addition to imminent construction in the Rio Grande Valley, the announcement of imminent land seizure and “military construction” across 52 miles of borderlands in Laredo, Texas has caused and will continue to cause TCRP to divert scarce resources in protection of Texas landowners.

11. Immediately after the announcement of 52 miles of construction in Laredo, we participated in an event for concerned community members and landowners in Laredo. In late September, several members of our team, including myself and two other attorneys, two community organizers and a legal fellow traveled from Alamo and elsewhere—a distance of about 170 miles—to present to community members and landowners about their rights, to share our experience with condemnation litigation, and to collaborate on next steps and strategy with community members and allies in Laredo.

12. The event alone required a substantial use of resources and planning. In addition to research and preparation, we had several meetings regarding novel issues raised by the purported military construction, the rights of landowners in these cases, how best to serve the Laredo community, and the commitments we could make to community members at a substantial distance from the nearest TCRP office. It is prohibitive to directly represent anyone in a region where we do not have a physical TCRP office in these cases and we have never done so. Laredo, in Webb County, is approximately a three-hour drive from our South Texas Office in Alamo, TX where I am based.

13. Over 150 people attended the event in Laredo. Over the course of several hours, we announced our commitment to protect landowners, either through direct representation or referral to pro bono attorneys. After the event, several community members came forward with questions and seeking advice. We are currently investigating issues raised by community members at the event, and have proposed further discussions with community members. We, including myself and other TRCP staff members, will continue to research, answer community questions and concerns about, and fight back against the government's military construction projects. We will identify local pro bono and low cost attorneys to build a network of advocates capable of supporting our commitment to fight for the community.

14. Soon after the event, inquiries from landowners in Laredo and neighboring Zapata County began coming in to our South Texas Office, where our paralegal and office manager conducted telephonic intakes. We continue to receive inquiries from Laredo and Zapata County landowners by both phone and email, and are actively engaged in responding to them.

15. We will honor our commitment to represent or secure representation for every low income landowner threatened with condemnation. If a Laredo landowner contacts us, we will do all we can to assist them ourselves or identify a local pro bono partner who, with our help, can take on their representation.

16. The need to react to this construction has diverted our time away from our other projects on issues impacting border communities. Construction on these 52 miles is only possible pursuant to the declaration of emergency and the commitment of the Secretary of Defense to undertake military construction projects in Laredo. If a court blocks the undertaking, we no longer will be forced to research the impacts of the emergency declaration on Laredo communities, to investigate on behalf of Laredo landowners threatened with condemnation, to travel to Laredo to do community outreach, education, or representation on this issue, or to work to build a network of counsel capable of taking on condemnation actions at this time.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 11 day of October, 2019.

/s/ Ricardo A. Garza
Ricardo A. Garza

Exhibit 7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of
the United States, in his official capacity;
MARK T. ESPER, Secretary of Defense,
in his official capacity; KEVIN K
MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity;
and STEVEN MNUCHIN, Secretary of the
Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**THIRD DECLARATION OF VICKI
B. GAUBECA, DIRECTOR,
SOUTHERN BORDER
COMMUNITIES COALITION**

My name is Vicki B. Gaubeca and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if I were called upon to do so.

2. I am the Director of the Southern Border Communities Coalition ("SBCC"). I joined SBCC in 2017, became the interim director in March 2018, and have served as Director since June 2018.

3. SBCC brings together 60 organizations from California, Arizona, New Mexico, and Texas to fight for policies and solutions that improve quality of life in border communities.

THIRD DECLARATION OF VICKI B.
GAUBECA

CASE NO: 4:19-cv-00892-HSG

Formed in March 2011, SBCC's membership spans the borderlands from California to Texas. The communities we serve are as diverse as our geographies, and include community, environmental, immigrant rights, human rights, faith, direct service and labor groups. We are united to amplify the voices of border communities.

4. As stated in my previous declarations, SBCC's principal goals are to protect human rights, dignity, and safety against increasingly unaccountable border law enforcement, and to promote rational and humane immigration policies affecting the border region. In furtherance of these goals, SBCC engages in oversight of U.S. Customs and Border Protection and its components, including Border Patrol, and advocates for accountability and transparency in the government policies and practices that impact border communities.

5. Since 2017 SBCC has dramatically increased its involvement in the appropriations process. For example, we have devoted more resources to a communications strategy that helps educate legislators and other advocacy groups about the harms to border communities that will stem from the President's proposed wall. In response to the Administration's attempts to circumvent Congress for border wall funding, we have had to ensure that funding is paired with accountability mechanisms, such as reporting requirements. This has made our advocacy around accountable, smart border funding infinitely more challenging and complex.

6. Advocacy around the appropriations process is critical for SBCC because it is through the funding process that the Administration is able to operationalize its policy priorities. We believe that legislators are accountable to constituents, and we must engage in the appropriations process because Congress ultimately holds the purse strings and decides which

projects should be funded. Funding is a reflection of what issues and communities our government prioritizes, and we believe that by engaging in the appropriations process, we can shape it to reflect positive values at the border.

7. Through the appropriations process, SBCC pushed back on the proposed appropriation of \$25 billion to build a wall in Fiscal Year 2018, and \$5.7 billion in Fiscal Year 2019. The appropriations process provided a forum for SBCC and its members to make our voices heard, and the Consolidated Appropriations Act of 2019, significantly, but not completely, reflected our input on the amount, location, and requirements of new border wall construction.

8. As I stated in my prior declarations, the "national emergency" declaration shattered the security several of the communities we work for had obtained through the democratic appropriations process and undermined the mobilizing, advocacy, and education efforts that had gone into the process. As a result, SBCC has been forced to devote substantial staff time and resources to analyze, mobilize, and respond to the harms a wall will cause along the southern border. For several months, we have been surprised by new project announcements and rapidly mobilized against new projects wherever possible. The absence of democratic accountability, transparency, meaningful public input, and the ever-shortening time between announcement of a project and construction have created a constant diversion of resources, straining our institutional capacity and forcing us to redefine our priorities and restructure our advocacy.

9. SBCC has diverted substantial resources to prevent construction by the diversion of non-DRS funds. For example, in addition to our programmatic work and ongoing advocacy,

we actively engaged with congressional efforts to terminate the national emergency declaration and thereby prevent the military seizure of and construction on public and private lands. We organized a public awareness campaign and mobilized our staff and communities to put pressure on members of Congress. We created a social media toolkit with state-specific messaging featuring graphics and video, and shared it with our members and border communities. We created and provided background and educational material, wrote up action alerts, worked with coalition partners to design an advocacy campaign, and organized and disseminated call tools to enable border communities to have their voices heard.

10. Each new border wall project impacts our network in different ways, and supporting affected members and communities against construction that is solely enabled through military construction resources has strained our capacity in different ways. Given the lack of transparency surrounding emergency wall construction, more members of the community are turning to SBCC for information, education, and resources to push back. SBCC provides resources and educational materials about new border wall construction to member of Congress interested in doing site visits to areas along the border. Given our presence on the ground in affected areas, SBCC has also fielded inquiries from legislators seeking information about where government contractors are moving equipment and poised to break ground on construction.

11. SBCC staff and member organizations have spent a significant amount of time trying to determine the exact locations of construction, mapping coordinates, and determining which communities, habitats, and sacred and cultural sites will be threatened. We have engaged organizations and individuals in or near affected areas, and supported their efforts to organize local resistance. For example, we have organized a series of border-wide actions from San

Diego to Brownsville, beginning October 1 and continuing throughout October 2019. These events, organized to coincide with the anniversary of Operation Gatekeeper, include several events at or near the site of ongoing or imminent border wall construction.

12. The emergency declaration and imminent construction have caused us to reduce the time that we devote to our core projects. The national emergency declaration has frustrated SBCC's mission of advancing the dignity and human rights of border communities and improving their quality of life through economic empowerment and advocacy for more accountability and oversight of government actors. We have been forced to expend resources on countering the emergency instead of on our other initiatives, including Border Patrol accountability, community engagement on local health and education issues, and public education about immigration policies more broadly. Rather than doing the affirmative work of forming alliances with partner groups and advocating for law enforcement, health, education, and economic policies that our communities would benefit from, we are diverting resources to defensive work responding to member inquiries and pushing back against the border wall. Since the President declared the national emergency, more than 60 percent of my time has been spent on border-wall related advocacy. We often feel like we are constantly in a reactionary posture, responding to unpredictable, new construction announcements with little or no time to plan advocacy, communications, or legislative strategies.

13. SBCC has worked tirelessly to proactively counter the "emergency" narrative that is being thrust upon our communities. Migration is not an emergency, and a wall will not resolve the failure of leadership to treat individuals seeking refuge at our border in a compassionate, humane way. However, this Administration's immigration policies-including its unilateral

determination of where, when, and how to build a wall regardless of the impact on border communities-has forced SBCC to reevaluate our broader strategy and devise a new, alternative "back-to-basics" border vision that establishes a common-sense, people-first border governance model that (1) protects human rights and life, (2) expands public safety, and (3) welcomes newcomers and residents.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 10th day of October, 2019.

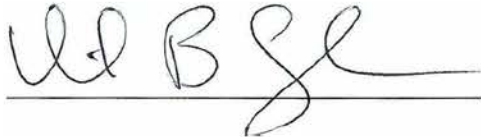
A handwritten signature in black ink, appearing to read "V B Gaubeca", is written over a horizontal line.

Exhibit 8

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity; MARK T. ESPER,
Secretary of Defense, in his official capacity;
KEVIN K. MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity; and
STEVEN MNUCHIN, Secretary of the Treasury,
in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF
RICHARD GUERRERO**

My name is Richard Guerrero and I declare as follows:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.
2. I currently reside in San Diego, CA and have lived here for two years.
3. I am a current member of the Sierra Club. I support the Sierra Club's mission to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment.
4. I work as an organizer for the Service Employees International Union.

5. Throughout my time living in the San Diego area, I have come to love the remote desert wilderness that exists west of the city. I visit and hike trails within Otay Open Space Preserve and to the Southwest about once a month. One of the principal reasons I visit this area is because of its vastness. This desert landscape is a spiritual and peaceful place for me. I often hike in areas that are within the sightline of where I understand the government plans to construct San Diego Project 4.

6. Building a primary and secondary wall within this desert wilderness would forever change my experience visiting these places. The wall would add a destructive human-created element to this otherwise peaceful open desert landscape. A wall would directly impact my ability to enjoy recreating in this area in addition to having serious negative implications for desert plant and animal species.

7. The border region east of San Diego, including the San Diego 4 Project Area, is home to many species of plants and animals. I have seen coyotes, rabbits, snakes, and scorpions to name a few. The Quino Checkerspot Butterflies and the Wetland Burrowing Owl are both endangered and are also found along this part of the U.S-Mexico border. Building a wall here would cause habitat fragmentation by eliminating important migration corridors. Additionally, the construction process would destroy native vegetation.


8. Where I hike is in view of the proposed San Diego 4 Project there are many impact-sensitive plant species. While hiking, I enjoy coastal sage scrub and southern mixed chaparral. Building a primary and secondary wall in this area would destroy native species as the ground would be cleared of all vegetation, along with additional impacts from new access roads.

9. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding for Project 4 in the San Diego Sector. I plan to return to the areas outlined above for as long as I am able but I am concerned that the border wall and its construction would adversely impact my ability to enjoy trails within and surrounding Otay Open Space Preserve and harm local desert species that call the border region home.

10. For all of these reasons, the proposed wall construction in San Diego Project 4 would injure me recreationally, aesthetically, and morally. An order halting the wall's construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: October 10, 2019

A handwritten signature in black ink, appearing to read 'Richard Guerrero', with a long horizontal flourish extending to the right.

Richard Guerrero

Exhibit 9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity; MARK T. ESPER,
Secretary of Defense, in his official capacity;
KEVIN K MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity; and
STEVEN MNUCHIN, Secretary of the Treasury,
in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**SECOND DECLARATION OF
GAYLE G. HARTMANN**

I, Gayle G. Hartmann, declare as follows:

1. I am over the age of eighteen, and I am competent to make this declaration. This declaration is based on my personal knowledge, and if called upon to do so I would testify under oath to the facts herein.

2. I have lived in Tucson, Arizona for over 50 years.

3. I joined the Sierra Club in the 1970s, and am a Life Member. I was the Co-chair and then Chair of the Rincon Group of the Sierra Club, which encompasses the city of Tucson and the surrounding region, including Organ Pipe Cactus National Monument and Cabeza Prieta National Wildlife Refuge.

4. As I stated in my previous declaration, for decades I have spent considerable time working in and exploring southwestern Arizona, including the Barry M. Goldwater Range, Cabeza

Prieta National Wildlife Refuge, and northwestern Mexico, including the Pinacate volcanic region just south of the border, now a biosphere reserve and UNESCO World Heritage Site.

5. I went to high school in El Centro, California, where my father was stationed with the military. I spent a lot of time doing what other kids in the area did—which was drive out and spend time in the desert. I grew to love the desert, and love turned into a profession. I received a bachelor's degree from the University of California at Berkeley in anthropology and a master's degree from the University of Arizona, also in anthropology.

6. I first traveled to southwestern Arizona and northwestern Sonora in the late 1960s with my husband, Bill Hartmann. We studied the geology and cultural history, took photos, and read as many books as we could find about the region. The first time I went to the Goldwater Range, I was enchanted by it. Part of the reason for my first trip to the Range was to learn more about the history of the region for a book my husband wrote entitled *Desert Heart: Chronicles of the Sonoran Desert*; it was published in 1989.

7. As I stated in my previous declaration, I have decades of professional and personal experience working on and recreating at the Goldwater Range and Cabeza Prieta National Wildlife Refuge (for decades of these experiences, the Wildlife Refuge was considered part of the Range). I began working in the Barry M. Goldwater Range in the 1980s through the University of Arizona as part of a team of scientists studying the lands and creating the very first natural and cultural resources management plan for the Range. That was the beginning. Our project helped make the military more aware of their impacts on these special lands, and over time they adopted measures we recommended to preserve them—including hiring archaeologists. Throughout the decades that have followed, I have worked on, fought to protect, and explored the Range and Cabeza Prieta.

8. For several years, I worked at the Arizona State Museum, the archaeological research arm of the Department of Anthropology at the University of Arizona; there I edited dozens of archaeological documents, several of which reported on archaeological surveys and excavations that been conducted on the Range of the Wildlife Refuge. I also became interested in “rock art,”

principally pictographs (images painted on rocks) and petroglyphs (images pecked into the surface of rocks).

9. As stated in my previous declaration, I later lived on the range to study the history and prehistory of Tinajas Altas, a series of pools that provide one of the most important sources of water in the region and are located on the Range a few miles north of the border. The work culminated in a 2012 book entitled *Last Water on the Devil's Highway: A Cultural and Natural History of Tinajas Altas*, which I co-authored with Bill Broyles and others.

10. The work we did at Tinajas Altas was sponsored by the Air Force Range Management Office. There have since been dozens of archaeological projects on the Range, especially in the northern reaches of the Range where the Air Force and Marine Corps conduct their exercises, to learn about and protect against the impacts of bombing, laser, and other training activities before archaeological resources are damaged

11. Bill and I, working with others, encouraged the creation of a committee to oversee resource management on the Goldwater Range. The Air Force created the committee, which became enshrined into the withdrawal legislation allowing the Goldwater Range to continue its operations. The committee meets three times per year and is chaired by a member of the Air Force or U.S. Marines. Its purpose is to enable discussion among stakeholders, and it meets in different places—Tucson, Yuma, Gila Bend, and elsewhere—to maximize its public accessibility. At the meetings, the military departments provide updates, and members of the public and stakeholders get to ask questions and make suggestions. These meetings are traditionally cordial, and enable compromise. For example, in 2005, an increase in smuggling vehicles traveling across Cabeza Prieta led to a discussion about whether to put vehicle barriers. Though we, as environmentalists and conservationists did not like the idea of these vehicle barriers across pristine desert, we understood the severity of the problem presented and did not oppose them.

12. In addition to encouraging the creation of the executive committee, Bill and I and others thought it would be a good idea for the Goldwater Range and Cabeza Prieta to institute permit

requirements. Before the 1990s there were no clear restrictions on public range access. The agencies did not know who was on the Range, and we were concerned about people picking up archaeological artifacts, camping at inappropriate places, and not understanding the need to carry plenty of water and have a good vehicle when visiting the area. The permits are not intended to limit public accessibility, but to educate potential users—helping inform people about cultural objects, as well as potential hazards like old pieces of weaponry. It also allows the military to tell people when they cannot visit—if roads are too muddy, or if the military is doing remediation from a plane crash, for example.

13. Over the course of this work, and countless times in a personal capacity, I have regularly visited and enjoyed the area in the vicinity of the proposed wall-construction projects labeled Yuma 2 and 10/27 on the Goldwater Range and Yuma 3 in Cabeza Prieta. I intend to return to the Goldwater Range within the next six weeks to visit archaeological and other sites with colleagues. This winter I plan to take my two granddaughters camping on the Range and Cabeza Prieta—they, too, enjoy the lands and activities that caused me to fall in love with the deserts: the pristine valleys and dunes where, in the spring, there are magnificent displays of flowers; the stark, white, steep-sided mountain ranges; the chance to see a bighorn sheep or a desert pronghorn; cooking over an open stove; talking around a campfire. It is easy to get to these lands traveling west from Ajo, Arizona, east from Yuma, or south from Interstate 8. Traveling the length of the Camino del Diablo, across the Cabeza Prieta Wildlife Refuge and the Goldwater Range is a lifelong dream for many people who love the desert.

14. As I stated in my previous declaration, a central element of my enjoyment of these areas has been learning, understanding, and appreciating the wildlife and plants, as well as the human history of the region. The connected nature of its geography—both human and ecological—is particularly important to me.

15. The proposed wall segments will be rather like having a 30-foot wall built through my living room. Southwestern Arizona and northern Mexico, together, are a cultural and historic

universe; for me, the splendor of a 100-year, or 500-year or 1,000-year perspective, when people survived by moving from one water source to another, will be scarred by the wall. The wall segments will fundamentally alter my experience of these lands, by intruding upon the natural beauty, and historical connectedness of people and species, that I visit these areas to experience. The roads and lighting will likewise diminish the features I hold dear.

16. I am especially concerned about the impacts on wildlife of further fragmenting the cross-border habitat of species that rely on lands on both sides of the border to survive, much like the spirit of connectedness that allowed indigenous peoples to live and thrive in this arid, beautiful, and seemingly inhospitable place; the bright and ever-present lights, piercing the darkness; and the drum of construction and permanent maintenance transforming the once-tranquil desert.

17. For these reasons, the Yuma 2, 10/27, and 3 projects will injure me aesthetically, recreationally, morally and professionally. An order stopping these construction projects would prevent this harm.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 10 day of Oct 2019.

GAYLE G. Hartmann

Gayle G. Hartmann

Exhibit 10

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF NANCY L.
MEISTER**

My name is Nancy L. Meister and I declare:

1. I am over 18 years old. I currently reside in Yuma, Arizona. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would truthfully testify competently to these facts.
2. I currently reside in Yuma, AZ at zip code 85366. I have lived in Yuma for a little over 40 years.
3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

4. I am a current member of the Sierra Club; I joined the Club in September 1983 and have been a member continuously since then.

5. I am an avid bird watcher. I began bird watching several decades ago. I was interested in the different birds I would see at the park, so I bought some binoculars to see them better, then I bought some better binoculars, and I fell into birding from there. I have been bird watching in the Yuma area ever since I moved to the town of Yuma. Every Wednesday from November to April I do a bird walk along the Colorado River.

6. I enjoy being out in nature with the birds. I like the challenge of seeing a bird and trying to figure out which one it is. I also like going bird watching in groups and interacting with people who are as interested in birding as I am.

7. I put all of my bird sightings on eBird.org, which is a website run by Cornell University, so scientists can monitor how birds are doing in my area. I consider myself a citizen-scientist and I enjoy helping professional scientists research and protect all the beautiful bird species we have in Yuma.

8. I was elected President of the Yuma Audubon Society in 2011, and have served continuously since then. In my role as President I organize nature walks and bird watching outings, among other things. An example of an event I have organized in the past is our annual Christmas Bird Count around the Colorado River area.

9. In addition to organizing events, as President of the Yuma Audubon Society I have engaged in advocacy to try to get the water flowing in the Colorado River continuously down to the Gulf of California, so people can enjoy the beauty of this large river that borders our town.

10. One of the areas where I bird watch is across from Morelos Dam, right off of West Levee Road in Yuma at the border with Mexico. There are marshy areas on the Mexican side surrounding Morelos Dam where we can get a good view of several different bird species using our spotting scopes and binoculars. Some of the numerous birds I have seen in that area are the White Faced Ibis, Spotted Sandpiper, Snowy Egret, Ring-necked Duck, and Red-winged Blackbird.

11. I first birded at Morelos Dam in 2014 during the Colorado River pulse flow that was part of the Minute 319 agreement. I went down to see the pulse, and I realized there was water and a lot of birds in the area, and so I decided to come back.

12. I have been taking a group down to Morelos Dam to bird watch several times since the Pulse. The last time I went was in April 2019.

13. I have scheduled a bird watching outing to the Morelos Dam on February 15, 2020 in my role as President of the Yuma Audubon Society. We have advertised this outing publicly; a public advertisement can be viewed here: <https://perma.cc/V8KT-L6BY>.

14. It is my understanding that the project known as “Yuma 6” involves both primary and secondary wall construction along the Colorado River, from the border between Arizona, California, and Mexico up to the Morelos Dam. I am worried that these construction projects would block my view of the birds that gather around the Dam.

15. Specifically, I believe that the double wall that is contemplated, with a no-man’s land in between, would deter my ability to look at birds north of the dam, where there is some open water and marshy areas. I am especially worried about the wall’s effect on my ability to see smaller birds like the Spotted Sandpiper that can only really be observed from very close by. I

believe the Yuma 6 project would disrupt my Audubon Society's planned February bird watching outing to the Dam.

16. Further, even currently without the walls I feel uncomfortable that Customs and Border Patrol (CBP) agents are watching me when I bird watch next to the Morelos Dam. I am concerned that the potential construction of this wall and the potential increased patrolling of the border would significantly decrease my enjoyment of birding there; to the point that I could not bird watch next to the Morelos Dam whether or not my view was blocked by the wall.

17. I am also concerned that the loud construction noise and harsh lights that would accompany construction will scare birds away. If the construction occurs during nesting season in the spring, birds likely will be scared away from nesting in the area.

18. If construction occurs during other time periods, I am still worried it will scare away the birds from the area while construction is occurring. When bird watching, we are told not to make any noise and not to wear bright colors; the intense noise and lighting coming from the wall construction is in clear contrast to these best practices.

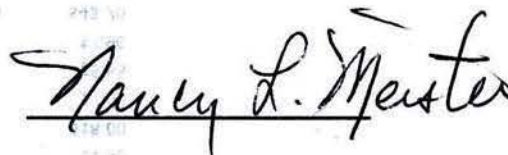
19. I am further upset that the proposed Yuma 6 project would destroy my ability to enjoy the Colorado River and the beautiful view of Pilot Knob beyond, because that view would be totally blocked by the wall.

20. It would be a real shame to lose my ability to go bird watching at the Morelos Dam in the future and to lose the views of the Colorado River. Bird watching and being with nature brings me much joy, and Morelos Dam is a good location to see birds in my hometown; I have a lot of fond memories from my visits there and hope to continue visiting this area as long as I am able.

21. While the birds can always fly over a wall, we humans cannot. The idea of building a gigantic wall that would block my view of the birds, the Colorado River, and my neighbors in Mexico truly saddens me.

I hereby declare under penalty of perjury pursuant to the laws of the United States that, to the best of my knowledge, the above is true and correct.

Dated: October 8, 2019



Nancy L. Meister

Exhibit 11

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF THOMAS
MILLER**

My name is Thomas Miller, and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.
2. My primary residence is 902 Crestview Drive, Laredo, TX 78045. I have lived in Laredo for 38 years.
3. I am an active member of the Sierra Club, Grand Canyon Chapter. For the last 20 years I have worked as the director of the Lamar Bruni Vergara Environmental Science Center at

Laredo College. At the college I work with students on environmental research in the Rio Grande Valley.

4. During my time in the town of Laredo, I have conducted extensive research in the Rio Grande River on local species, and have gained a great appreciation for this largely undeveloped area to the west of the town of Laredo along the Rio Grande River. Many of the places where I have conducted my research are within the area where the Secretary of Defense has authorized the Laredo 7 border wall construction project.

5. I first started driving through what is now the Laredo 7 project area back in the 1980s. I would pass the project area during my trips up to Lake Amistad with my students. I have lots of students from Nuevo Laredo, Mexico and I would also drive along the Mexican side of the border to get a feel for that side of the river as well.

6. For the last 15 years, my research has largely focused on the now endangered Texas Hornshell Mussel. This is the largest population of Texas Hornshell Mussels within Webb County. Since many of the river areas can be difficult to access because of private landowners, I conduct much of my research by boat. These are often long river trips where I camp overnight and paddle the river in a canoe or kayak. I have paddled a canoe from Eagle Pass all the way to Columbia. The Texas Hornshell was first proposed as an endangered species in 1999 and there was a large buildup to it actually being listed in 2018. I am currently in the process of securing a new grant to continue researching local freshwater mussel populations. This area is good habitat for other endemic mussel species including the rare Mexican Fawn Foot.

7. Presently, there is not much urban development along the Rio Grande River in this area, so it is habitat for many species of plants and animals beyond the freshwater mussels

that my research is focused on. It is rugged terrain and at the southern end of this proposed project area there are numerous major and minor arroyos. One of these arroyos near the Laredo project area is Santo Tomas Creek and its flood plain extends miles from the river. These areas are all extremely susceptible to flash flooding. It is my understanding that the proposed bollard walls can act as dams when debris accumulates during large storms resulting in the risk of flash flooding. Building a 30 foot border wall here, a place already prone to flooding, would permanently harm this area and the species that rely on the land.

8. The area in and around Laredo Project 7 is habitat for the best fauna in the Rio Grande Valley. We have river otters, alligators, mountain lions, and white tail deer just to name a few species. The river and connected arroyos are key freshwater sources for local species. The border wall would cause unimaginable harm to species by cutting off access to important water sources. I am very concerned about such habitat destruction and would be harmed were the wall constructed here.

9. The endangered Texas Hornshell mussel is a fragile species. The hornshell mussel is highly sensitive to organic pollution and extensive siltation. I am concerned that the construction process and the existence of a wall would lead to river siltation when parts of the desert soil and rocks are displaced. Additionally the construction process could lead to chemicals polluting the water sources.

10. I love the biodiversity that exists in this section of the Rio Grande Valley. It is a fundamental part of my work and my livelihood. As I mentioned above, I am currently trying to get funding for additional research. I hope to be able to continue my research of freshwater mussels and introduce undergraduate students to environmental research. In any case, with or

without additional funding, I plan to return to the areas along the river that falls within Laredo Project 7 for as long as I can. I am concerned that the border wall would impact the Hornshell mussels that I have dedicated many years to studying and protecting among other species. In addition to the negative impacts on habitat, it would impact me aesthetically as I study and recreate along the river.

11. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding, and imminently plans to construct, Laredo Project 7. I am concerned that the border wall and its construction will destroy essential habitat for freshwater mussels and other species of plants and animals.

12. For all of these reasons, the proposed border wall in Laredo will injure me professionally, recreationally, and aesthetically. An order halting the wall's construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: October 8, 2019

A handwritten signature in cursive script, appearing to read "Thomas Miller", written over a horizontal line.

Thomas Miller

Exhibit 12

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official capacity; MARK T. ESPER, Secretary of Defense, in his official capacity; KEVIN K. MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Carmina Ramirez</p>
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I, Carmina Ramirez, declare as follows:

1. My primary address is 1281 Sandalwood Drive, El Centro, California 92243.
2. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.
3. I am a longtime supporter of the Sierra Club and an active member. I previously submitted a declaration outlining how the El Centro Project 1 would impact my life as a resident of El Centro. My first declaration was filed on May 29, 2019. For many of the same reasons, I

of El Centro. My first declaration was filed on May 29, 2019. For many of the same reasons, I am concerned that the proposed El Centro 5 and El Centro 9 construction projects would harm me aesthetically, environmentally, and culturally.

4. As I mentioned in my El Centro 1 declaration, I have spent my entire life in this area surrounding the U.S-Mexico Border that includes the El Centro Sector where the U.S. Department of Homeland Security's (DHS) Projects 5 and 9 wall construction is proposed. I have worked in the Calexico area around 15 years and lived in El Centro for the past 11 years. I regularly travel alongside the stretch of border in which the El Centro Projects 5 and 9 would occur. I am deeply engaged with the local community on both sides of the border. I currently work as a librarian for the school district in Calexico; a job where I interact with K-12 students, teachers, and district administration staff on a daily basis.

5. Our community refers to the area around the El Centro Sector as the "Valley"--a single place, spanning the U.S.-Mexico border. From the U.S. side you can see across the border into Mexico. This is a beautiful landscape with mountains that exist on both sides of the border. The existing fence already has divided our landscape and this proposed secondary wall would only further obstruct this view and divide my community. This community extends beyond this geographic boundary and this is a key part of our identity. Adding a secondary bollard wall and further militarizing the border would have tremendous cultural and aesthetic impacts. Continued construction along the border, involving this tall secondary wall, would drastically impact my ability to enjoy the local natural environment. Construction along the border will make me less likely to hike Mount Signal and enjoy outdoor recreational activities; and when I do undertake those activities, my enjoyment of them will be irreparably diminished. This additional barrier will further obstruct my sight line into Mexico.

6. Not only is the permanence of this wall especially concerning to me because the construction process would have significant impacts on this fragile desert landscape. We already suffer from air pollution from desert dust storms and the environmental disturbance involved with the construction process will only exacerbate the existing problems as dust is released as the government bulldozes and rips up the area, displacing local plants and animals. I also worry that vehicles and machinery required during the construction phase will impact traffic (and related pollution) on one of the main roads that connects Calexico with the surrounding area, Route 98. I and others are less likely to utilize that road, as a result of the proposed project.

7. As I mentioned with regards to El Centro 1, the wall construction in El Centro Project 5 and 9 would drastically impact my cultural identity by further fragmenting my community. The local community extends over to Mexico; there is unity along the border. I cross the border regularly to visit my family and attend cultural events on the other side of the border in Mexicali. Many of my students and colleagues also spend a great deal of time on both sides of the border. The continued construction in the El Centro Sector is meant to divide that community. As a dual citizen of the U.S. and Mexico, with family on both sides of the border, this hits close to home and directly affects my cultural identity. I regularly cross the border to enjoy festivals, concerts, and other cultural events in Mexicali--the largest urban center in our shared community. Through my work as the school district librarian and previously as a science teacher for many years in Calexico, many families also have similar connections on both sides of the border. Even though we are two countries, we are one community.

8. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexican border. It is my understanding that the Secretary of Defense has recently authorized funding for Project 5 and 9 in the El Centro Sector.

I am concerned that the proposed pedestrian fencing will divide my community that exists on both sides of the border and negatively impact wildlife species that reside in this border region.

9. If construction proceeds in El Centro 5 and El Centro 9, I will be harmed culturally and aesthetically as outlined in the previous paragraphs of this declaration. The sole way to avoid these injuries is to order that the national emergency is invalid and stop construction of this project.

Dated: October 10, 2019

A handwritten signature in black ink, appearing to read 'Carmina', with a stylized flourish extending from the end.

Carmina Ramirez

Exhibit 13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States, in his official capacity; MARK T. ESPER, Secretary of Defense, in his official capacity; KEVIN K MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF PEDRO
RIOS, SAN DIEGO PROGRAM
DIRECTOR, AMERICAN FRIENDS
SERVICE COMMITTEE**

I, Pedro Rios, declare as follows:

1. I am over the age of eighteen, and I am competent to make this declaration. This declaration is based on my personal knowledge, and if called upon to do so I would testify under oath to the facts herein.
2. I am native to San Diego, California, and live in the city of Chula Vista, in San Diego County.
3. I am director of the American Friends Service Committee's U.S./Mexico Border Program, and have been on staff with AFSC for 16 years. AFSC is a member organization of the Southern Border Communities Coalition ("SBCC"). I also am a member of SBCC's Steering Committee, in which capacity I help guide SBCC's policies and activities, and an Ex Officio representative of the San Diego Immigrant Rights Consortium's Advisory Committee.
4. Founded in 1917, AFSC is a Quaker organization that works to express faith in

action, promoting peace through justice. AFSC works on several programs internationally and throughout the United States, including youth leadership development and transformative and healing justice.

5. As director of the U.S./Mexico Border Program, I oversee a program to document abuses by law enforcement agencies, collaborate with community groups, and work with migrant communities. For example, we in the U.S. Mexico Border Program work with community members—residents of a city or neighborhood—to address local issues. Consistent with our leadership development initiatives, we invite and encourage community members to identify an issue, assist them in creating a work plan, and then train them to put the plan into action. We regularly organize community forums, host rights trainings, and train individuals go out and lead and train other members of the community.

6. We also rapidly respond to community member complaints, documenting arising issues and analyzing their impacts on communities and families. We then work with affected families. For example, in response to an enforcement action earlier this year, we worked with 31 impacted families who solicited our help. We helped them navigate the immediate fallout, led them in a rights training, and are working with them toward what we consider to be transformative change—so they no longer see themselves as victims, but as social actors as well. In that and similar circumstances, we help people secure legal representation, accompany people to legal proceedings, and make ourselves available if issues arise. We also will assist people designated as material witnesses, helping them navigate legal proceedings, and fight for their related rights if there have been issues perpetrated by the persons against whom they are testifying, including labor violations.

7. The communities we serve on the border are deeply concerned about and affected by border wall construction. In the San Diego area, the wall is slated to go through natural lands up the Otay Mountain that serve as recreational areas for some San Diegans and will parallel heavily populated areas in Tijuana, Mexico. There also will be construction near Tecate that would impact U.S. communities who live near construction. We share the concerns expressed by our

communities—not only with the symbol of the wall, which stands in opposition to our core values, but to its practical consequences, including biological, economic, and community impacts, and because walls can be lethal. We understand from studies and our own experience that border walls funnel would-be migrants to dangerous crossing points, and over time have led to thousands of known deaths. We fear the walls in San Diego and El Centro would have precisely this effect. We are aware of border crossers across the Otay Mountain area, and, while we understand that walls are intended to deter this crossing by making it more perilous, we fear that they will effect more danger without resolving the humanitarian needs and realities driving migration. To be clear, we understand that most migrants are seeking to turn themselves into Border Patrol; it is not a matter of whether they are ultimately apprehended, but whether they are forced to areas where they are more likely to die before encountering Border Patrol. Moving migration away from urban centers may deter migration; but almost certainly it creates new dangers.

8. We both organize and serve a grassroots movement that opposes these walls, and more broadly the imposition of mortal danger on migrants. If new construction snakes its way up a mountain, people will have to go to more isolated areas to cross. This is an issue that deeply troubles AFSC, and deeply troubles me. In my personal capacity, I have joined members of the community to volunteer with a group that places water at stations in the Imperial County deserts. It is not our intention to encourage unlawful migration; but it is our priority that human beings seeking refuge not die of dehydration.

9. In the event of new wall construction, our staff will physically monitor the construction of border wall wherever it happens in San Diego and surrounding areas, including Calexico. It is not a matter of reading an article and noting that wall construction is happening, and using a stock photo. Each wall project is unique, and must be monitored individually. Each terrain is unique. The surrounding communities are unique. We need to understand the possible impacts border wall construction may have on local U.S. communities, as well as adjacent Mexican communities, to educate the public and the communities we serve and work with media and

lawmakers to curb their worst effects. Environmental or archaeological treasures, some known, some unknown, may be impacted. Homes or structures may be damaged.

10. As we have in the past, we likely will visit once every week to two weeks while walls are being built. We visit the projects regularly, to honor our obligation to inform the public of the progress the wall, how the wall is being constructed and what its implications might be. We focus on and try to identify whether the construction will harm human beings: we document where such harm happens, to expose the dangers of border wall construction and fight against its normalization. We share our findings with key stakeholders, to educate people who might not be aware of what is taking place, or support communities that are affected. We therefore likewise try to turn our findings into action—supporting community members who themselves are troubled by or opposed to these projects, including by generating the tools by which our communities can act. For example, we have in the past and intend to again provide outreach resources for community members who are impacted.

11. If these projects go forward, we would monitor San Diego Projects 4 and 11 and El Centro 5 and 9. This monitoring work is time intensive because of the speed of the construction and the locations chosen, as well as attendant restrictions on public access. In light of these restrictions, potentially increased by the transfer of lands to military jurisdiction, we have found that we must travel to Mexico to document the construction happening in the U.S.

12. Our staff of four on AFSC's US-Mexico Border Program will be spread thin by this work. We will visit the sites of construction in San Diego weekly or biweekly, and Calexico monthly. Any travel to Tijuana to monitor San Diego construction on our part, even if for a few hours, we consider to be a lost day because of the uncertainty of how much time it will take us to return to San Diego. Calexico is a four-hour round trip. Nonetheless, we would go at least once every three weeks, at least at the start of construction.

13. Doing so would certainly impact other projects we work on or will work on between now and the end of 2020. Our organization is not only about monitoring, and most of our work is not

publicized. We typically do know-your-rights trainings 3-5 times per month, and a longer 20 hour program on human and civil rights a few times per quarter. We would have to decrease the amount of times that we would offer these much-needed know-your-rights sessions and leadership development courses. Further, the nature of our work, especially our rapid response work, requires flexibility to accommodate community requests as they come in. These requests often come during working days. The immediacy of breaking ground—for example, in November, will demand our attention. We have to be thoroughly informed, witnessing, so we're able to discuss what we saw and the implications for surrounding communities and surrounding area. An order blocking these projects would alleviate our need to do monitoring work, and allow us to conduct trainings and engage with our communities as we currently do and intend to do.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 11 day of Oct, 2019.

P. RIOS

Exhibit 14

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity; MARK T. ESPER,
Secretary of Defense, in his official capacity;
KEVIN K MCALEENAN, Acting Secretary of
Homeland Security, in his official capacity; and
STEVEN MNUCHIN, Secretary of the Treasury,
in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF GARY W.
ROEMER**

My name is Gary W. Roemer and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.

2. I currently reside in Las Cruces, New Mexico.

3. I am a Full Professor in the Department of Fish, Wildlife and Conservation Ecology at New Mexico State University, where I have been teaching and conducting research for more than 18 years. I submit this declaration on my own behalf, and the opinions reflected herein are my own.

4. I joined the Southwest Environmental Center ("SWEC"), a member organization of the Southern Border Communities Coalition, in 2010 and continue to be involved as an active

member. From 2012 – 2015, I was a member of SWEC's Board, and served as President of the Board from 2013 to 2015. As a current active member of SWEC, I participate from time to time as an expert on wildlife management and conservation issues.

5. Over the years, I have spent a considerable amount of time in the southwestern United States, particularly in several areas along the border including Big Bend National Park, the Animas and Hatchet Mountains in the 'Bootheel' region of New Mexico, and the Chiricahua and Dragoon Mountains of southeastern Arizona. I moved to Las Cruces in 2001, drawn by the magnificent beauty of the desert landscape and the opportunity to pursue my professional interests in studying the diverse wildlife inhabiting the border region.

6. My professional career is dedicated to studying wildlife and the environment. As a professor of wildlife ecology, I study the population ecology and landscape genetics of vertebrate species, with a focus on mammalian carnivores and birds of prey. My research seeks to uncover the mechanisms affecting vital rates (survival and fecundity), which ultimately drive population growth rates, and to elucidate the genetic structure and connectivity among wildlife populations. This information is then used in the management of wildlife species.

7. My research often takes me to different areas along the United States Mexico border. This region is likely the most biodiverse region in the coterminous United States owing to the confluence of several biomes/topographic regions, including the southern Rocky Mountains from the north, the Chihuahuan and Sonoran Deserts from the east and west, respectively, and the Sierra Madre Occidental and Sierra Madre Oriental to the south. Further, this region is typically referred to as the 'Sky Islands', a series of isolated mountain ranges separated by a 'desert sea' but connected via undisturbed landscapes that act as conduits and

filters to movement. The connectivity between these isolated mountain ranges is critical to maintaining the long-term viability and persistence of many different species of plants and animals.

8. I routinely visit the Bootheel region of New Mexico and other border regions to study the population ecology of different wildlife species. I have examined impacts of invasive species, including feral hogs and bullfrogs, to native species in Big Bend National Park; studied the landscape genetic structure of both mountain lions and black bears within the southwestern states of Arizona, New Mexico, Texas and Utah, including the border region; studied small mammal demography and the influence of parasites on their survival in the Chiricahua Mountains; studied the impacts of climate change on the current and future distribution of a Chihuahuan Desert endemic species, the Banner-tailed kangaroo rat; and studied the prevalence and occurrence of several mesocarnivore species directly along the border of Arizona and Mexico including gray foxes, ringtails and both striped and western spotted skunks. The mountain lion, black bear, and mesocarnivore studies are on-going.

9. In addition to my professional work, I also utilize this region for recreational and nonprofessional activities. The confluence of varying landscapes and rich biodiversity of the southwest borderlands make it an ideal location for me to go big game hunting, birdwatching, camping, and motorcycle riding. I visit the border region at least twice a year for either camping or motorcycle riding/camping trips. The regions I visit most often are the Chiricahua Mountains and Big Bend National Park.

10. The Sky Islands region is a special place. The diversity of wildlife, the vistas and spectacular geomorphology, and both the paved and back roads are the reasons I frequent this

area. It is a great place to get away, to commune with nature, and to spend time with close friends.

11. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a contiguous wall along the U.S.-Mexico border. I understand that the U.S. Department of Defense (DOD) intends to commence wall construction in what has been designated as “El Paso Project 2” and “El Paso Project 8,” which are adjacent to and in close proximity to where I conduct my professional and recreational activities.

12. Border wall construction near Hidalgo and Luna counties, pursuant to “El Paso Project 2” and “El Paso Project 8,” would negatively impact my research studies and disrupt connectivity among wildlife populations, which could decrease colonization rates and potentially negatively influence the long-term viability of various wildlife populations. The border wall would create a barrier to wildlife movement, which would hamper my ability to uncover the natural processes that have contributed to the spatial distribution and genetic relationships of the wildlife that I study.

13. Whereas the current vehicle barriers are permeable to wildlife, the proposed pedestrian fencing will prevent cross-border migration of species whose habitats straddle both sides of the border. For example, our work with black bears shows that the populations south of Interstate 10 are genetically different from those north of Interstate 10, and that they are likely connected to other bear populations in northern Mexico. A border wall would prevent bears from moving freely between suitable habitat that straddles the border and this could have numerous negative impacts on both my research and on the viability of bear populations. First, by preventing movement of bears, a border wall would negatively influence our ability to uncover

the existing spatial genetic pattern that has resulted since the Pleistocene and the retreat of the glaciers; the cessation of movement would artificially alter the spatial distribution of genes across the landscape. Second, by preventing the continued movement of bears between these areas, the wall could negatively impact the long-term persistence of bear populations within the Sky Islands region, because movement between populations allows areas that are extirpated to be recolonized and can bolster existing populations in what ecologists refer to as 'demographic rescue.' Finally, it would muddle our ability to track the effects of other anthropogenic disturbances to bear movement. For example, we suspect that in time, Interstate 10 will act as more of a barrier to bear movement as traffic increases, this has happened in other carnivore populations. I think we should be building bridges with Mexican scientists to study species on both sides of the border, rather than building a wall that would discourage our neighbors from working with us.

14. The actual border barriers aren't the only aspect of the proposed construction that would harm the species and habitats that I study. The installation of massive floodlights along the border wall could deter nocturnal species. Many species that are active at night avoid artificial lighting as this might make them more vulnerable to predation or simply be a perceived risk. I am aware of several scientific studies that have shown the potential negative effects of artificial light on the ecology of nocturnal species.

15. In addition, wall construction in the designated areas will negatively impact my personal use and enjoyment of these lands. In particular, the fencing that extends west toward the Arizona border is adjacent to the Coronado National Forest and likely within view from the Geronimo Trail, and the region that extends west of Columbus, New Mexico running adjacent to

but south of Highway 9 are both areas where I ride motorcycles. It would be unfortunate to place pedestrian barriers which would hamper my unobstructed views of the scenic vistas as well as diminish wildlife observations.

16. I have deep concerns about the devastating impact of border wall construction on the wildlife and biomes that I study and recreate in. If the federal government proceeds to build a wall in "El Paso Project 2" and "El Paso Project 8," which include Hidalgo and Luna counties, and additional segments within the border region, I will be injured professionally, aesthetically, and recreationally, as set forth in the previous paragraphs of this declaration.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 11th day of October, 2019.

Gary W. Roemer

Exhibit 15

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF JERRY D.
THOMPSON**

My name is Jerry D. Thompson and I declare:

1. I am over 18 years old. I currently reside in Laredo, Texas. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would truthfully testify competently to these facts.

2. My current address is 1301 Mier Street, Laredo, TX, 78040. I have lived in Laredo for about 51 years.

3. I am a current member of the Sierra Club and have been a member since May 1971. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

4. I am the Regents Professor of History at Texas A&M International University. My teaching and research focus on Texas history, border history, and the history of the American Civil War. Some of the courses I teach are History of Texas, Survey of American History, and History of Laredo.

5. I have written over 26 published history books, many about the Texas – Mexico border and its history. These books include *Wild and Vivid Land: An Illustrated History of the South Texas Border*; *Juan Cortina and the Texas-Mexico Frontier, 1859-1877*; *Tejano Tiger: Jose de los Santos Benavides and the Texas-Mexico Borderlands, 1823-1891*; and *Cortina: Defending the Mexican Name in Texas*; among others.

6. I have received numerous awards for my work, including the T.R. Fehrenback Award from the Texas Historical Commission and the Kate Brooks Bates Award (twice) from the Texas State Historical Association. I received the Brooks Bates Award this year for *Tejano Tiger: Jose de los Santos Benavides and the Texas-Mexico Borderlands*.

7. I believe that when you write history, you have to go see the place that you are writing about. I believe you cannot write about something you have not seen and visualized. Therefore, site visits are an essential part of my research.

8. Because I write often about the Texas – Mexico border, I have visited it numerous times.

9. It is my understanding that the federal government is pursuing a project known as “Laredo 7” that involves the construction of a primary pedestrian wall along the Rio Grande River on the U.S. side, starting next to the Laredo–Colombia Solidarity International Bridge and following the Rio Grande River northwest.

10. The area in which the Laredo 7 wall segment would be built plays a very important role in the history of the region. There are several old mining communities in the area. It is also possible that the Laredo 7 wall segment would go through or near several historic cemeteries in the area.

11. Because of its historical importance, I have visited the area around twenty times in my research on the Texas – Mexico border. I usually visit different points of the border along the Rio Grande River to help me visualize what the area was like. This area is filled with natural beauty. I sometimes photograph the area when I visit to appreciate its beauty, and to help me understand what the area looks like for my research. There are few other places I can view that segment of the border from except for right along the Rio Grande, because the vast majority of the land is privately owned. The land surrounding the river is one of the few areas that is public property.

12. I intend to return within the next few years to view the section of the Rio Grande where the Laredo 7 project is slated for construction. I plan to continue to write about the Texas – Mexico border, that section of the border has a lot of historical value, and I do not believe I can accurately write about it without viewing it in person. While I have visited the area many times in the past, there is still much I have not seen, and I am particularly interested in visiting the coal mining towns that existed on the Texas side of the river in the late Nineteenth Century and the early Twentieth Century.

13. The Laredo 7 project would make it either impossible or extremely difficult for me to visit this historic section of the border in the future. It would block my access to and view of the Rio Grande River from the American side. Viewing that section of the border from the

Mexican side would be too dangerous due to the cartels and drug violence in that part of Mexico. In fact, my University refuses to reimburse staff who do any kind of research on the Mexican side of the river—unless they are going to interior cities like Monterrey, Saltillo, and Mexico City—because they believe researching along the border in Mexico is too dangerous. I also do not believe I could fly a drone above the wall to look at the Rio Grande through a camera, because I am worried Border Patrol agents would shoot it down or order me to stop flying it.

14. If the Laredo 7 project were built, I would try to get permission from the Border Patrol to go across the wall and continue to do my research. Even if such permission were granted, it would require me to jump through numerous bureaucratic hurdles to get the necessary paperwork and permissions to cross the border wall every time I wanted to do research in the area, adding serious delay to the progress of my research.

15. If I were not able to access that section of the Rio Grande River in any way, it would be extremely detrimental to my research and career as it would foreclose my ability to do site visits and visualize the area before writing about it.

16. In addition, I enjoy spending time in that border section among nature and imagining what it was like in the time periods I write about. I would be saddened to lose the ability to visit and photograph that beautiful area.

17. I am further concerned about the impact that construction of the wall will have on the numerous historic cemeteries in the area. The cemeteries can tell me a number of things that are useful for my work, such as the infant mortality rate at the time and the safety of mining during different eras. I often cross-reference gravestones with newspaper entries to find out

important historical information. I am worried the wall construction will result in the destruction of these cemeteries, thus severely impacting the historical record.

18. I believe the Laredo 7 project would cut off an essential area of research from me forever. My scholarship, as well as Texas historical scholarship in general, would suffer for it.

I hereby declare under penalty of perjury pursuant to the laws of the United States that, to the best of my knowledge, the above is true and correct.

Dated: October 11, 2019

A handwritten signature in dark ink, reading "Jerry D. Thompson", is written over a horizontal line.

Jerry D. Thompson

Exhibit 16

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

DECLARATION OF CYNDI C. TUELL

My name is Cyndi C. Tuell and I declare:

1. I am over 18 years old. I currently reside in Tucson, Arizona. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would truthfully testify competently to these facts.

2. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

3. I am a current member of the Sierra Club; I joined the Sierra Club in 2014 and have been a member on and off since then. I previously submitted a declaration discussing the impacts of construction in Tucson Sector Project 1 and 2 on my livelihood in May, 2019.

4. I have been a volunteer with the Sierra Club's Borderlands Team since 2011. As a volunteer, I have been actively engaged in work to protect the borderlands in southern Arizona from the negative ecological impacts of: border walls, related roads and infrastructure; border surveillance equipment, installation, and related roads; border patrol agent travel within the federal public lands found in southern Arizona including: Cabeza Prieta National Wildlife Refuge and the Barry M. Goldwater Bombing Range, including areas that are in the vicinity of the proposed Yuma Sector Projects 3 and 10/27. As a Borderlands Team volunteer I have conducted reviews of scientific literature, compiled this research and drafted letters to federal agencies regarding the impacts of border patrol agents' presence on federal public lands to wildlife, water, and the land itself; given presentations to members of the public regarding the impacts of border patrol presence and operations on the federal public lands in southern Arizona; participated in Interagency Executive Committee meetings between federal land managers, representatives of the Tohono O'Odham Nation, border patrol representatives, and members of the public; and organized and participated in political protests against border patrol presence and operations in southern Arizona.

5. Prior to working as a volunteer with the Sierra Club Borderlands Team, I was employed at the Center for Biological Diversity as a Public Lands Advocate. The purpose of my work at the Center for Biological Diversity was to reduce the impacts of roads and off-road vehicle use on federal public lands in Arizona and New Mexico. As a part of that work I engaged

with local residents of Ajo, Arizona and learned of and began trying to stop the devastating impacts that border patrol agents, infrastructure, and border walls were having on the protected federal lands in southern Arizona. I engaged with the Cabeza Prieta National Wildlife Refuge land manager to prevent the official designation of an illegal vehicle route through the designated Wilderness area that was heavily used by border patrol agents in order to protect the Wilderness character of the wildlife refuge and to protect the habitat for the Sonoran desert pronghorn.

6. Since 2013 I have been working as a private attorney and consultant. As part of that work, I engaged with the Sierra Club, the U.S. Fish and Wildlife Service National Wildlife Refuge manager Sid Sloan, the representatives of the Barry M. Goldwater Bombing Range, and the U.S. Customs and Border Patrol staff to prevent the official designation of the “Los Vidrios Road” from the U.S. – Mexico International border northeast through the Cabeza Prieta National Wildlife Refuge. As part of this work, which was in part a result of my personal interests in protecting the border area near Los Vidrios, I visited the area and was excited that this area was still available for wildlife migration across the U.S.-Mexico border. This work also included filing a Notice of Intent to sue the U.S. Fish and Wildlife Refuge for failing to comply with the Endangered Species Act, among other laws, for harming wildlife interests in the area of the Los Vidrios Road.

7. I am greatly concerned about construction in the Yuma 3 area because, were a wildlife-friendly vehicle barrier replaced with an impassable bollard wall, it would completely eliminate wildlife passage for species I care deeply about, including the Sonoran desert pronghorn, desert tortoise, badger, and also includes the destruction of native plants. This pedestrian wall would also permanently alter the way water flows across the land in this area,

exacerbating the impacts of drought and climate change, and pushing wildlife species already threatened with extinction closer to being eliminated from this area, and possibly from the entire planet. This is deeply disturbing to me professionally, scientifically, emotionally, and from an ethical perspective.

8. Since 2016 I have been a board member of Wilderness Watch, an organization dedicated to protecting and keeping wild the National Wilderness Preservation System. As a board member for Wilderness Watch I have ensured the organization is aware of and participating in public land management planning processes to ensure the protection of the designated Wilderness areas in both the Cabeza Prieta National Wildlife Refuge and Organ Pipe Cactus National Monument, including submitting comment letters to federal land managers, attending meetings with land managers and members of the public, and educating the public about the impacts of border patrol presence and operations in southern Arizona on federally protected public lands.

9. I have camped in Cabeza Prieta National Wildlife Refuge at least three times in the last ten years with my friends, professional colleagues, and my son. I hope to camp there in the future. When I am in the wildlife refuge I always visit the area in which the border wall projects are planned, including the Yuma 3 and 10/27 areas, because of my professional and personal interests in the protection of the public lands in the southern Arizona border and my desire to protect the wildlife and wildlands there. I have plans to return to Cabeza Prieta National Wildlife Refuge in November of 2019 to celebrate my son's 11th birthday. He has asked me repeatedly for the past six months to let him know when we are going back. When we travel to the wildlife refuge we travel through Bureau of Land Management Lands, Organ Pipe Cactus

National Monument, and Barry M. Goldwater Bombing Range and we always stop to view wildlife and plants and historic objects. We always look for signs of badgers, tortoise, lizards, snakes, bighorn sheep, pronghorn, and owls. The proposed new sections of border wall construction threaten our November 2019 plans and have caused me great distress personally and professionally.

10. In late August of 2019 I had planned to visit Organ Pipe Cactus National Monument with my son, specifically we planned on visiting Quito Boquito Springs. Our plan was to visit this area so my son could see it before the planned border wall construction for this area took place and permanently destroyed it. I had heard that the border wall construction was on at least a temporary hold for this area and would take place only near ports of entry, so I delayed my trip thinking I could wait until it was not so hot to take my son on the several mile walk needed to visit Quito Boquito and return to camp. Unfortunately, almost immediately after my decision to delay our trip the construction of wells to provide water for border wall construction resulted in closures to the area and heavy equipment and heavily armed and extremely aggressive border patrol agents appeared in this area. I feel it is unsafe for my son and me to visit this area, that it may be impossible for us to visit Quito Boquito Spring because of possible closures of the area by border patrol or the Department of Homeland Security, and because I am fearful of exposing my son to this extreme militarization of our public lands. I am afraid this same thing is going to happen in the areas of Yuma 3 and 10/27 and my future trips to Cabeza Prieta, including one planned for my son's 11th birthday later this year, would be marred by the proposed wall construction..

11. I am deeply disturbed by the presence of the border wall infrastructure. I am aware that the type of barrier in place through most of the Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, and the Barry M. Goldwater Bombing Range is “wildlife friendly”, allowing both large and small animals, as well as water, to move freely across the border to ensure connectivity of wildlife corridors. I am most disturbed by the border barrier because it completely stops the movement of nearly all mammals and most other animals such as lizards, frogs, snakes, and some birds. The bollard wall also stops the flow of water causing significant damage to these protected lands. It is personally and professionally important to me that the “wildlife friendly” type of fencing remain to ensure the free movement of wildlife and water across these protected lands.

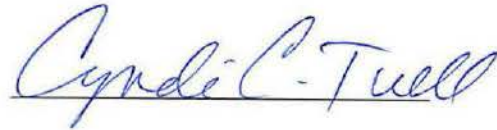
12. On two of my Cabeza Prieta National Wildlife Refuge camping trips I was accompanied by a close friend. I enjoy visiting these areas with my friends and family so that we can share an intergenerational experience on these lands. I am deeply concerned that the construction of new border walls to replace the existing “wildlife friendly” walls would destroy wildlife migration through these protected lands which would harm the wilderness character. I plan to return to these outdoor spaces for as long as I am able, but I fear that the wall construction would diminish my ability to recreate and enjoy these natural spaces and prevent me from passing this tradition down through my son to our future generations.

13. The construction of new border wall projects, or the replacement of the existing barriers in the proposed Yuma Sector Projects 3 and 10/27, would harm my interests and that of my son because it would impact multiple federally listed threatened and endangered species,

including the Sonoran desert pronghorn, jaguar, and many others. Border wall construction and related infrastructure would impact wildlife, water, soil, and my personal recreational experiences. My enjoyment of my visits to Cabeza Prieta National Wildlife Refuge and the Barry M. Goldwater Bombing Range areas would be injured if these border wall sections are replaced or extended.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: October 9th, 2019

A handwritten signature in blue ink that reads "Cyndi C. Tuell". The signature is written in a cursive style with a horizontal line underneath the name.

Cyndi C. Tuell

Exhibit 17

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF ELIZABETH J.
WALSH**

My name is Elizabeth J. Walsh and I declare:

1. My name is Elizabeth J. Walsh. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.
2. I reside in El Paso, Texas near Sunland Park, New Mexico in close proximity to the United States-Mexico border.
3. I have been an active member of the Sierra Club since 1993.
4. I previously wrote a declaration for this case in connection with El Paso Sector Project 1. My declaration was submitted on April 4, 2019. I now submit this new declaration for El Paso Sector Project 2 ("El Paso 2").

5. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. It is my understanding that the government imminently plans to begin construction on the El Paso 2 project and several other recently announced projects. As a professor of biological sciences and someone who cares deeply about this desert ecosystem, I am concerned that a border wall and its construction would wreak havoc on the plants, animals, and natural processes of this region. It would also detract from the natural beauty of the area and diminish my recreational experiences.

6. As I wrote in my previous declaration, I visit the New Mexico and Texas border areas routinely as part of my bird watching activities, and have done so since I moved to El Paso in the early 1990s. I often drive from my home in El Paso to Hachita, New Mexico using New Mexico Route 9 where it largely runs parallel to the U.S.-Mexico border. I like to pull off the road to observe the desert birds in this area. I have seen Golden eagles, Scaled quail, Gambel's quail, Loggerhead shrike, and many other Chihuahuan desert residents and migrant birds along this route.

7. I also enjoy bird-watching and hiking around Antelope Wells, New Mexico – an area known as a good spot to observe Ferruginous hawks, Prairie falcons, and Burrowing owls. Agricultural development and overgrazing contributed to the decline of species Aplomado falcon, which is now considered regionally extirpated and listed as endangered. This area could provide much needed habitat for range expansion of grassland species, but construction and a border wall would degrade it and render it unsuitable habitat.

8. Much of my professional career has focused on studying the aquatic diversity of ephemeral wetlands, known locally as playas. In the eastern most proposed construction site of the El Paso 2 project, there are many temporary playa sites that serve as important sources of

food and water for migrating species including a variety of sandpipers, American avocets, White pelicans, Sandhill cranes, and occasionally terns. The border wall could change drainage patterns and could disrupt species' ability to access to these playa sites. I plan to continue studying playa systems, and this area of the El Paso 2 project could potentially serve as a research site for me and my students. But I am worried that construction of a border wall would frustrate my research opportunities.

9. The potential impacts to mammals are also deeply troubling to me. I am concerned that the construction and existence of a wall in El Paso 2 could disrupt migration patterns, and fragment or destroy habitat for mammals such as antelopes, which are not that common in the southwest, badgers, mountain lions and other species that are sensitive to human activities.

10. As I outlined in my first declaration, I have personally observed the adverse impacts caused to wildlife by earlier border wall projects in Texas. I am also aware of scientific studies and other information demonstrating such adverse impacts, as well as the cascading negative ramifications to areas adjacent to barriers. These areas tend to have high levels of human disturbance, including roads, lighting, and removal of vegetation, which further expand negative impacts of barriers on wildlife populations. Thus, the adverse impact of wall construction in El Paso 2 will not just adversely impact my personal interests and ability to enjoy the wildlife in this area, but also my interest in enjoying and recreating in a large geographic zone in the El Paso Sector that I also routinely visit and intend to continue to visit in the future.

11. I am also aware that barriers to wildlife movement exacerbate the current extinction threats posed by human-altered landscapes and human activities. Scientists warn that animals whose ranges would be halved by the border wall would be impeded in their ability to

reproduce with other members of their species, thereby creating a less diverse gene pool and increasing the probability of inbreeding.

12. Again, I would object to the federal government's plans to construct a border wall in New Mexico's El Paso Sector without engaging in a thorough review of the impacts such construction would have on the local environment and on vulnerable species that live here. I am afraid the environmental devastation and loss of biodiversity would negatively impact my aesthetic enjoyment of borderlands wildlife. I am especially concerned about what would happen when so many species' habitats are fully and permanently bisected by an impassable wall. The likely result—ecological devastation and likely regional extirpation of species —has made me worried and upset. This concern is magnified because the President has announced an intention to construct along the entire southern border. My interest in observing all wildlife as well as threatened and endangered species is also severely at risk.

13. If the federal government constructs a wall in New Mexico's El Paso Sector, I would be injured aesthetically, recreationally, and morally, as set forth in the previous paragraphs of this declaration. The only way to redress these injuries is to declare the declaration of a national emergency invalid and enjoin construction of the wall.

Elizabeth Walsh

Dated: October 11, 2019

Elizabeth J. Walsh, Ph.D.

Exhibit 18

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; MARK T.
ESPER, Secretary of Defense, in his official
capacity; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF DANIEL J.
WATMAN**

My name is Daniel J. Watman and I declare:

1. I am over 18 years old. I currently travel back and forth between San Diego, California and Tijuana, Mexico. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would truthfully testify competently to these facts.
2. My current address is 422 7th St., Imperial Beach, CA 91932. I have been living in the border region on both sides for about twenty-three years.
3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

4. I am a current member of the Sierra Club; I joined the Club on January 1, 2018 and have been a member continuously since then.

5. I care deeply about protecting the native flora of the California – Baja California border area. I believe that every plant that is removed from our environment has a chain effect on the whole ecosystem. In our region, without the root systems of the native flora, the possibility for erosion and landslides during a storm is high—there have been several landslides in the area in the past decade, and I believe some of them were caused by removal of native flora to install border walls. To try to promote the conservation of our native flora, in March 2007 I started the Binational Friendship Garden of Native Plants in Friendship Park, San Diego/Tijuana. This Garden stretches across both sides of the border and contains approximately twenty-five different plant species that are native to the area and typical to the chaparral. I tend to the Garden several days per week with other volunteers.

6. I enjoy being out in nature and I hike often around the border between San Diego and Baja California. Hiking connects me with nature and makes me feel refreshed by allowing to get away from the hustle and bustle.

7. One of the areas I regularly hike in is the Otay Mountain Wilderness. It is one of the only places along the border where there is complete tranquility. It feels like an oasis—there are no cars whizzing by or music blasting. It's where I can go to get away from it all. There are not many places like that.

8. In addition to hiking by myself and with friends in the Otay Wilderness, I also lead what are called “border tours.” The Otay Mountain Wilderness is bisected by the U.S.—Mexico border. Currently, there is fencing at the border through part of the Otay Wilderness, but

much of the border that runs through the area is not fenced. In my tours, I take a mix of American and Mexican citizens to the border at the unfenced part of Otay and we look out across the border.

9. The goal of these tours is to show that the environment has no borders. I aim to convince the tour members that in order to protect the environment, we all need to work together and collaborate across borders and barriers.

10. I have been to the border in the Otay Mountain Wilderness at least forty times. I have been going every few months since 2007 or 2008. I most recently visited this area about four months ago.

11. I intend to return within the next few weeks to the section of Otay that the border runs through. After that I intend to return every month or every other month, as I have been doing in the past.

12. It is my understanding that the government intends to extend the border wall in the Otay Mountain Wilderness in a project known as “San Diego 4.” I believe this project would block my ability to enjoy the Otay Mountain Wilderness. I would no longer be able to lead my border tours because the purpose of the tours—to see nature continuing unimpeded across the border—would be lost. I believe getting around the San Diego 4 wall segment would not be possible because we would have to climb too far up into the mountains to do so, and that would be too difficult for most people.

13. Further, the construction of the wall would remove the feeling of tranquility I have while hiking through the Otay Wilderness. What I love about Otay—the feeling of being alone with nature—would be destroyed by having to look at a big, concrete wall while I hike.

14. Finally, I am worried that the construction will harm the plant, tree, and microbial life along the border in the Otay Wilderness, will kill animals, and may block the migration of wildlife. This would reduce the beauty of the Otay Wilderness and reduce the happiness I get from hiking there.

15. Another area I like to visit near the border is the town of Tecate. I mostly go to the Mexican side of this bi-national town—I have been to Parque El Profesor and to a nature center run by Fundación La Puerta in Tecate, Mexico several times. The American side across the border has great, big mountains, and I greatly enjoy looking out at this view of rugged, unspoiled wilderness.

16. I enjoy visiting Tecate—at one point I wanted to move there—and I intend to return in the near future. I hope to return to the area a couple of times per year.

17. Currently, there is a small fence separating the Mexican and American sides of Tecate. It is my understanding that in a project known as “San Diego 11,” the government intends to build a much bigger secondary wall at the border separating the American side of Tecate from the Mexican side.

18. I believe that the San Diego 11 project would seriously reduce the enjoyment I get from the area, because seeing this large, out-of-place wall would mar my views of the beautiful mountain range on the American side.

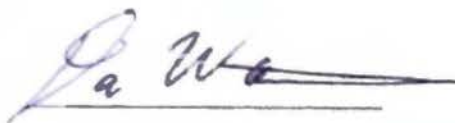
19. Further, I am very concerned about how the construction of the San Diego 11 wall segment would affect the native flora in the area. It is my understanding that while building wall segments in the past, the government has torn up massive amounts of native flora and significantly set back the development of the ecosystem in the areas. I am worried that the

construction of San Diego 11 will cause extensive and possibly irreparable damage to the native flora and would directly set back my goal of preserving and protecting the native flora of the California - Baja California border area that the Binational Friendship Garden I run works to advance.

20 The idea of the U.S. government further dividing the Mexican and American people of the region I live in and curtailing our ability to work together to protect this environment that we all share and that we are all affected by goes against everything I've been fighting for over the past several decades of my life. It gives me great pain.

I hereby declare under penalty of perjury pursuant to the laws of the United States that, to the best of my knowledge, the above is true and correct.

Dated: October 11, 2019

A handwritten signature in dark ink, appearing to read 'D. J. Watman', with a long horizontal flourish extending to the right.

Daniel J. Watman

Exhibit 19

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official capacity; MARK T. ESPER, Secretary of Defense, in his official capacity; KEVIN K. MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Ann Wellhouse</p>
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My name is Ann Wellhouse, and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.

2. I live in Campo, CA. I have lived in Campo for the past 29 years and in the San Diego area since 1974.

3. I am an active member of the Sierra Club, San Diego Chapter. My work and personal life centers around enjoying outdoor spaces and studying plants and animals that are native to Southern California.

4. I am a trained biologist, environmental educator, and avid birdwatcher. I have a Bachelor of Science in Biology and a Master of Arts degree in learning design and technology. For many years I worked as a field biologist at Anza-Borrego Desert State Park for two years. In this job I conducted original endangered species mapping. I now work as a private consultant. Currently I work with Earth Discovery Institute which focuses on exposing children to the outdoors and environmental conservation. Through my work, I have also developed a site key program that helps children identify native birds and plants. I have devoted my life to studying and protecting plants and animals and these border wall projects would cause unimaginable harm.

5. I live about four miles from the U.S-Mexico border. This is very close to where I understand the Secretary of Defense has authorized the construction of San Diego Project 11. I also frequently visit areas to the east that I understand to include San Diego Project 4 area. I visit both of these areas around twice a week. I enjoy visiting these areas to birdwatch and study other plants and animals. I am worried these construction projects would significantly harm local species particularly low level flyers and terrestrial species.

6. The San Diego Project 4 area is south of Otay Open Space Preserve. There are many unique species that dwell in this area and I am concerned that wall construction would destroy their habitat and ability to migrate. I often see ground dwelling birds like California Quail. The Otay area also has several vernal pools. Many species rely on reaching one of these

pools to reproduce. Adding a primary and secondary wall in this area will fragment fragile habitat, permanently dividing low flying and terrestrial species.

7. In both the San Diego 4 and San Diego 11 project area, we have important habitat for pollinators, including bumblebees. Because they are low flying and rely on various plant species, the tall bollard wall would fragment their populations. Additionally clearing the land for construction would also destroy their habitat. The Tecate area which includes San Diego Project 11 is also home to extensive wildlife. Because of the close proximity to my house, I frequently spend time in this area. In the project area, I have seen tarantula hawk wasp, spadefoot toads, western toads, tree frogs, anniella (legless lizards), and granite night lizards. The rocky areas along the border in the Tecate area are prime habitat for the granite night lizard.

8. I love the natural environment in this area. Being able to explore the landscape along the border and observe wildlife is an important part of my life. Constructing the tall pedestrian wall here would severely impact my enjoyment of these spaces. I plan to return to these areas for as long as I am able, but I am concerned that the process of clearing the land for construction and the immense bollard wall would limit my ability to enjoy the natural views and observe and study native species because of habitat fragmentation and destruction of key habitat.

9. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding, and imminently plans to construct the border wall in San Diego Project 4 and San Diego Project 11. I am concerned that the border wall and its construction will destroy the natural beauty and ecosystems near Tecate and Otay Open Space Preserve.

10. For all of these reasons, the proposed border wall in San Diego Project 4 and 11 will injure me recreationally, aesthetically, and morally as outlined in the previous paragraphs. An order halting the wall's construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: October 11, 2019

A handwritten signature in black ink, appearing to read "Ann Wellhouse", written over a horizontal line.

Ann Wellhouse