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**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; and
CHAD F. WOLF, Acting Secretary of Homeland
Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

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

Judge: Hon. Haywood S. Gilliam, Jr.
Trial Date: None Set
Action Filed: February 28, 2020

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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**

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; CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF ROBERT
ARDOVINO**

I, Robert Ardovino, declare as follows:

1. My name is Robert Ardovino. 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 own property in New Mexico close to the U.S.-Mexico border. I am a photographer and am an owner-operator of a multi-use restaurant, events facility, and Roadside Inn in Sunland Park, New Mexico.
3. I am a lifetime member of the Sierra Club and have been since 2005. 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 previously submitted a declaration in this case, 4:19-cv-00872, 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 submitted an additional declaration, Case No.: 4:19-cv-00892-HSG, because of my concerns with the El Paso 2 and El Paso 8 projects.
5. I am submitting this declaration because I am concerned that the proposed Tucson A, Tucson B, El Paso B, and El Paso C projects will specifically harm me aesthetically and recreationally in addition to having significant impacts on desert ecosystems and all animal species.
6. I have visited, studied, photographed, and recreated in the desert lands of southern New Mexico and Arizona my entire life. This includes the Tucson B Project Area, where my understanding is the Department of Homeland Security plans to build new pedestrian walls and convert existing vehicle barriers to pedestrian walls. I currently visit the Tucson B Project Area at least two to three times a year to hike, photograph, and generally recreate, and have done so as recently as this past year.
7. I often start vacations and outdoor recreational activities in the Tucson B Project Area because of the gorgeous landscape, natural beauty, and diverse wildlife of the area. I enjoy going to this area because of the sense of open nature it provides. In this area, I often see diverse desert species, including many types of snakes, rabbits, mule deer, mountain lions, and other invertebrate.

8. I have looked at the border wall segments that will be constructed in the Tucson B Project Area. The current fencing in this area allows for wildlife to traverse between the border lands and does not impede on my sense of being in the open wilderness. The proposal to construct new pedestrian fencing, replace the primary pedestrian wall, and convert the existing vehicle barrier to a pedestrian wall will change my ability to recreate and photograph the openness of the area, which is the reason I have continued to return. The changes to the border wall will create a constant barrier and take away my ability to recreate in the open wilderness.
9. The new walls, and the lights and increased vehicular traffic associated with these walls, will prevent wildlife from traversing across the border and from being in this area, in general. I have continued to return to the Tucson B Project Area for decades because the area provides me a way to get “away” and be out in the open. I would no longer have a reason to return to the Tucson B Project Area if all the reasons I have continued to return for decades is devastated by a border wall and the effects of the border wall.
10. I also frequently visit the El Paso B and Tucson A Project Areas and have done so for many years. This includes the project areas where, to my understanding, the Department of Homeland Security plans to construct new primary pedestrian walls and replace secondary fencing in the Tucson A Project Area. It also includes the areas where, to my understanding, the Department of Homeland Security plans to replace vehicle fencing with pedestrian walls and build new pedestrian walls in El Paso B Project Area.
11. I currently camp, hike, and photograph in the Tucson A and El Paso B Project Areas and have done so for several decades. I generally go to the Tucson A and El Paso B Project Areas at least ten to twelve times a year, and sometimes more frequently. I visit this region to experience the beauty of the southern border and its diverse vastness, mountainous vistas,

and giant planes of grasslands. I enjoy taking my family and friends to these areas to show them the immense beauty that can be found there. I plan to continue going to these areas by myself and with my friends and family for years to come.

12. I continue to visit the El Paso B and Tucson A Project Areas to experience the vastness of the wilderness that can be found there. This area provides the type of openness and ability to “be” with diverse wildlife species that I have not found anywhere else. Because of the openness of the desert, any lineation in the area due to a border wall will destroy the reason I visit these areas and create a giant scar on the landscape. While there are smaller fences in parts of the border region currently, as well as short ranching fences, these fences are not intrusive in the way that a 30-foot steel structure will be.

13. I am concerned that the changes to the existing border fencing and the construction of additional walls will result in habitat fragmentation in the Tucson A and El Paso B Project Areas. These areas are home to many desert species, including ringtail cats, mountain lions, jaguars, snakes, rabbits, and other invertebrate. Not only will these animals be harmed by a physical barrier fragmenting their habitat, but the entire desert ecosystem will be affected by this fragmentation. I camp in this area so I can be there at night to view the wildlife migration and to experience how the desert comes alive at night. I understand that the new and replacement border walls will include lights. These lights and the fragmentation of the border will prevent me from being able to see and photograph these diverse desert species in their natural habitat.

14. I am very familiar with the proposed replacement primary fencing in the region I understand to be titled El Paso C. I grew up in this area and own property in Sunderland Park, New Mexico, very close to the El Paso C project area, where I understand the Department of

Homeland Security plans to replace primary pedestrian fencing. I am in Sunderland Park nearly every day of the year and currently serve on the Sunderland Park Planning and Zoning Commission. I travel widely throughout the El Paso C area to go on hikes and recreational drives, both with my family and friends and by myself. Because I live so nearby, I am able to go for a hike or recreational drive in the El Paso C desert about every other week, and I plan to continue visiting every other week. This is open desert land, with abundant wildlife, including deer and jaguars. There are beautiful rolling hills, vast open scrublands, and wildflowers throughout the landscape.

15. The proposed replacement wall is very troubling to me. This area is a pristine, open desert. It would be scarred and torn apart by the proposed border wall construction. I am aware that there is currently some fencing along the border here, but I generally can't see it when I'm recreating here. It's small enough that its presence minimally affects me. I only really see the border fence when I drive directly along the border. The proposed new wall will be much more obstructive because of its massive size and nature. The replacement wall would obstruct my view and make it harder for wildlife to migrate, taking away their ability to openly roam the desert. Jaguars, especially, need open places to roam. They can't scale a thirty-foot wall. I would be devastated to no longer see wildlife on my hikes, especially because I've been seeing them here for my entire life.

16. When I go on hikes and drives throughout this land, I do not currently see any border wall; instead, I can just look out into the rolling hills and the open desert. This land gives me a peaceful state of mind. A border wall would not let me have the same mental wellbeing I currently find here. It would be a constant reminder of political views. While I would still be able to walk along the wall, the reason I hike and recreationally drive here is to see the

untouched landscape. The border wall would change the entire psyche of what the desert ecosystem is about. The idea of a border wall defacing the desert I've known for my whole life is devastating to me.

17. I am aware that on February 13, 2020, the Trump Administration announced they were reprogramming funds from the fiscal 2020 budget to fund further construction of the border wall, which includes the Tucson B, Tucson A, and El Paso B Project Areas.

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: April 11, 2020.

A handwritten signature in black ink, appearing to read "Robert Ardovino", is written over a horizontal line.

Robert Ardovino

Exhibit 2

**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; and
CHAD F. WOLF, Acting Secretary of Homeland
Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

DECLARATION OF KEVIN BIXBY

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 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 SWEC in 1991 to reverse the accelerating loss of plants and animals worldwide through the protection and restoration of native wildlife and their habitats in the U.S. 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. To carry out its mission of protecting sensitive wildlife and ecosystems, SWEC engages in restoration work as well as public advocacy and education. Through our hands-on restoration work, we identify habitats that have been harmed and try to rehabilitate them. For example, for decades we have been actively involved in restoring riparian and aquatic habitats along the Rio Grande in southern New Mexico and west Texas, to create a “string of pearls” of restored and protected habitats along this reach.

5. SWEC’s public advocacy and education in furtherance of its goals includes research and documentation, grassroots organizing, and petitioning the government about preservation and restoration. We seek 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. SWEC sends regular updates to its list of over 12,000 people regarding all of the issues we work on. Since 1995, we have hosted thousands of people on our popular “Back by Noon” Saturday morning natural history outings, which are guided nature tours highlighting the unique natural features of the Las Cruces/El Paso areas.

6. 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, on February 13, 2020, the U.S. Department of Defense (“DoD”) announced that it intends to

commence wall construction in what has been designated as “El Paso Project A,” “El Paso Project B,” and “El Paso Project D.” The proposed construction includes lands where SWEC members, including myself, recreate and threatens advocacy work that SWEC does along the southwestern border.

7. The new construction in El Paso Project A includes “approximately 20 miles of primary pedestrian replacement fencing.” El Paso Project B includes “approximately 6 miles of vehicle barrier replaced with primary pedestrian fence” in addition to “five segments of non-contiguous new primary pedestrian fencing” totaling 62 miles. El Paso Project D includes “approximately .5 miles of new primary pedestrian fencing” in Doña Ana County, NM and additional segments in El Paso County, TX. The primary pedestrian fencing will consist of “steel bollard fencing” and be accompanied by a Linear Ground Detection System, construction of access roads, and new lighting.

8. Wall construction in these project areas will have a devastating impact on surrounding wildlife and SWEC’s restoration work. The area designated as El Paso Project A runs along the Rio Grande and is an important habitat for a variety of wildlife, especially birds. Taller, steel bollard fencing will make it difficult for birds to traverse the barrier and threaten their survival. In addition, the new steel bollard design may prevent the passage (and access to the Rio Grande) of some animals that were previously able to crawl through a gap at the base of the mesh fencing that is being replaced. The new barriers in El Paso Project B will cut off several critical wildlife movement corridors in the bootheel. In particular, the Peloncillos and Animas Mountains, which connect with the Sierra San Luis just across the border in Mexico, are a corridor for jaguars and Mexican wolves. A collared female Mexican

wolf crossed the border in this area in February 2020. The Whitewater Mountains gap has been used by free-roaming bison herds that cross the international boundary in the bootheel. The construction would also influence wildlife movement, distribution, and abundance in the Big Hatchet Mountains, where there is a reintroduced population of desert bighorn sheep, as well as in the Alamo Hueco Mountains, which are important for bats. A wall in El Paso Project D will close off the wildlife corridor on Mount Cristo Rey that was used by a collared, endangered Mexican wolf in 2017.

9. The bootheel has some of the highest levels of bird, reptile, and mammal biodiversity in the U.S. As a wildlife advocacy organization with a focus on the Southwest, this is one of SWEC's highest priority areas that we enjoy and seek to protect.

10. Not only is the preservation of these treasured lands vital to SWEC's organizational mission, I also recreate in the areas now designated for new wall construction.

11. The bootheel in general, and the section designated as El Paso Project B in particular, is one of the most beautiful, wild, and interesting parts of New Mexico. I value this area for its public lands including the Coronado National Forest, as well as its private lands, such as the Diamond A Ranch. I have been invited to and spent time at the Diamond A Ranch, which is managed for conservation. I treasure the tranquility and solitude the Ranch offers and hope to visit it again in the future.

12. I enjoy hiking and have climbed Big Hatchet Peak. The view from the top is breathtaking. I have also explored Alamo Hueco Mountains, surveying the area for bats, reptiles, and bison. The proposed wall will block the movement of the bison herd that has crossed the border in this area from Mexico onto the William Hurt Ranch, private land in the

southeast corner of the bootheel. It will also tarnish my unobstructed views of the surrounding landscape from Big Hatchet Peak.

13. I have climbed Mount Cristo Rey, which affords an excellent panorama of the surrounding urban area. I intend to return to this area, but am concerned that the proposed wall segment will be built on Mount Cristo Rey and mar the views I treasure, diminishing my enjoyment of the area.

14. I have driven along the parts of El Paso Project B that is located in Luna and Doña Ana County and intend to return. I enjoy this area for its remoteness, solitude, scenery, plants, and animals. It is a scarcely populated part of the Chihuahuan desert ecosystem that is home to many species of wildlife including mountain lions, bobcats, coyotes, gray foxes, kit foxes, badgers, javelina, and mule deer. All of these species would be harmed by the proposed construction.

15. As a conservationist who has worked for decades to protect and restore the precious wildlife and natural habitats of the Southwest, it is disheartening to be confronted with a border wall that will destroy these areas that are so treasured by myself and other SWEC members. The proposed construction will cause irreversible harm to my ability to

recreate in and enjoy these areas, and to SWEC's organizational mission of environmental protection and restoration.

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 9th day of April, 2020.

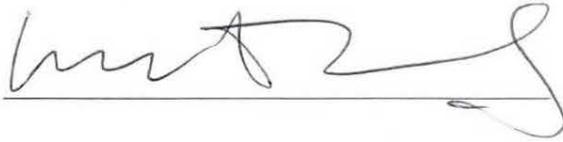
A handwritten signature in black ink, appearing to read "Kevin Bixby", is written over a horizontal line. The signature is stylized and cursive.

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,
U.S. Secretary of Defense, in his official capacity;
and CHAD F. WOLF, Acting U.S. Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF CHRISTIE
BROWN**

My name is Christie Brown, 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 4569 Burro Dr. Sierra Vista, AZ 85650. I have been living in Sierra Vista for over 30 years.

3. I am an active member of the Sierra Club's Grand Canyon Chapter. I first became a Sierra Club member back in 1995.

4. During my years in Sierra Vista, I have been actively involved in environmental work within the community. In the past couple years I have become involved with the Sierra

Club's Water Sentinels Program through my local chapter where we monitor the flow and water quality of the San Pedro River. In addition to my interest in local conservation efforts, I have done work for years as an environmental educator both in relation to climate change issues and local sustainable agriculture.

5. It is my understanding that the federal governments are proposing extensive construction along the border within the Coronado National Forest. I also understand that this construction would involve new steel bollard wall and replacing existing barriers with a bollard wall beginning in Coronado National Memorial and moving west. I would be harmed by the Tucson B project.

6. I am opposed to the construction of a wall along the United States and Mexico because it would impact the local environment and my ability to enjoy it. I have hiked, picnicked, gathered firewood, and enjoyed the natural beauty of this area along the border during my 35 years as a Sierra Vista resident. I often hike in the Huachuca Mountains. In many places you can see right across right across the border into Mexico. The landscape looks the same across the border and I cannot imagine what a 30 foot bollard wall would do to the view and the local ecosystem.

7. Several times each year I go hiking within and around Coronado National Memorial. I often hike the trails around Montezuma Pass including Joe's Canyon Trail down to the Memorial Visitor Center. This trail includes a side trail which goes down to the border and has great views across into Mexico. If this project continues, in many places I would see a wall instead of this broad expansive natural landscape. I also frequently walk close to the border to gather firewood and enjoy the landscape. If the wall is built and there is increased border patrol in these areas, it will be unpleasant to explore these areas.

8. The area within Tucson Project B is home to many species of plants and animals and I fear what the border wall would do to their natural habitat. During my hikes in the area and walking and driving down to the border, I have seen many unique species. I have seen deer, coyotes, javelina, snakes, rabbits, squirrels, and many, many birds. My interest in our native plants has led me to do volunteer work with Baja Arizona Sustainable Agriculture. With this organization, we teach people about native plants and how they are important sources of food. For example we show people how mesquite can be made into flour and the food value of plants like the prickly pear cactus. If Tucson B goes forward, it would disrupt natural drainage and greatly harm key habitat for plants and animals.

9. This fragile high desert grassland/oak forest is subject to extreme environmental damage from the placement of an unnecessary wall in Tucson Project B. Many larger animals such as jaguars, mountain lions, bobcats, javelin, and bears pass through this area in their migratory patterns between mountain ranges north and south of the international border. The wall would disrupt migratory patterns and would subject these animals to stress and genetic isolation. A 30-foot high fence would impede the recovery of jaguar population in Arizona and push the majestic jaguar another step closer to extinction. These species have become accustomed to their migration patterns and this wall would not only be an inconceivable disruption from the beauty of the area, but also would completely destroy the migratory pathways of many species. As has been seen in many past government actions, we do not realize the severity of the many negative impacts on the environment until years later.

10. An increased border patrol presence in the area and the 30 foot wall would greatly detract from the landscape that I enjoy so much in this area and harm local species. I intend to continue hiking in the area, walking and exploring the landscape along the border, and studying

local plant species for as long as I am able, but this proposed project would greatly detract from my ability to enjoy these activities.

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 on February 13, 2020 the Secretary of Defense authorized funding to construct Tucson Project B. I am concerned that the border wall and its construction would destroy the natural beauty of an area I have come to love over my more than 30 years in Arizona and harm many species of plants and animals.

12. For all of these reasons, the proposed Tucson B border wall would 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: April 9 2020


Christie Brown

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,
U.S. Secretary of Defense, in his official capacity;
and CHAD F. WOLF, Acting U.S. Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

DECLARATION OF JANAY M. BRUN

My Name is Janay Maurine Brun, 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 currently live in Tucson, AZ. I have lived in Tucson off and on since 1994. I moved back to the area in 2018 after a six year absence. In addition to Tucson, I have also lived in the southern Arizona border towns of Arivaca and Sasabe.

3. From 2000 to 2011 I researched mountain lion and jaguar sign in the border region. During my time as a researcher, I worked collaboratively with the Buenos Aires National Wildlife Refuge (BANWR) as an intern for the Masked Bobwhite Quail program and as a volunteer who shared my puma research with the refuge as it was the first presence-absence

survey of the species on the refuge. During this time, I frequently hiked within BANWR and in the neighboring Coronado National Forest from Sasabe to Nogales. Since returning to Tucson two years ago, I have visited the wildlife refuge and/or the surrounding national forest and wilderness areas to the east on a weekly basis.

4. It is my understanding that the government plans to construct a combination of new and replacement pedestrian wall through and around the BANWR and Coronado National Forest. I would be harmed by Tucson B and Tucson C construction as I recreate in BANWR and next door in the Coronado National Forest, located west of Nogales.

5. I am an active member of the Sierra Club, Grand Canyon Chapter. Over the past two years I have been actively engaged with the Chapter's Borderlands team. As part of my Sierra Club volunteer work I give presentations to the local community and visiting educational and religious groups about the cultural and environmental impacts of border wall construction. In these presentations, I discuss how border barriers divide communities, cause habitat fragmentation, and impact access to local desert water resources.

6. From living and studying this ecosystem for well over a decade, I know what this landscape was like before, during, and after the seven mile long pedestrian fence was built in the Sasabe area in 2007. The existing wall, which is shorter in length and height than its intended replacement, caused environmental destruction immediately after it was built. Previous wall construction destroyed plants and trees and cut off wildlife migration in the area, In addition, the summer after this barrier was built, the area flooded during the monsoon season creating gullies of various sizes under the new wall. As I understand it, this new proposed Tucson C project involves replacing this current pedestrian barrier with a taller wall, replacing existing vehicle barrier with 30 foot bollard wall, and building miles of new 30 foot bollard wall along the U.S.-

Mexico border. This is a fragile desert ecosystem and the flooding impacts would only become more severe with the newly proposed wall segments. Flooding is just one of many concerns about this border wall that would harm the landscape and thus my enjoyment of this place.

7. I have already seen a decrease in wildlife near the current pedestrian wall since it was constructed. Hawks, migrating and resident, are less frequent in the area, as well as, deer, coyote, and other terrestrial animals. Despite the decrease in wildlife sightings around the current wall, the Tucson Project C area around the BANWR and Coronado National Forest is a unique ecosystem that is home to a diversity of species. If this entire area gets walled off, existing migration corridors for mountain lions, two deer species: Coues white-tail and mule deer, four species of skunk, snakes, birds, and the endangered jaguar would disappear. I'm afraid of the impact of habitat fragmentation on them and other local and migrating wildlife.

8. I visit BANWR, within the Tucson C project area, almost weekly to enjoy hiking, camping, and observing the local wildlife. Several times each year, I also enjoy hiking and visiting areas in the adjacent Coronado National Forest such as areas around the ghost town of Ruby and Bear Valley Ranch, specifically the California Gulch and Sycamore Canyon areas. They both originate a few miles north of the border area. California Gulch is close to where Tucson B meets Tucson C and Sycamore Canyon drains to the U.S. Mexico border within the Tucson B Project area. I have hiked down to the border from these areas in the past and plan to do so again in the future.

9. California Gulch area contains riparian areas and a diversity in wildlife and plant species. In the past, I have heard the call of the rare Five-Striped Sparrow and tracked the endangered jaguar. Fruit from trees and bushes planted in the area by miners decades ago can still be foraged from if one knows their locations. There is also a secret stand of wild chiltepin

chiles, rare this far north. Sycamore canyon, part of the designated Pajarita Wilderness and Goodding Research Natural Area, is one of the few places along the border where water can be found year-round. According to the official U.S. Forest Service website, Sycamore Canyon is home to over 600 species of plants and at least 160 species of birds. There is also diversity in wildlife species: black bear, mountain lion, opossum, grey fox, coati, coyote, javelina, raccoon, Coues whitetail deer (the “ghost” deer) and many, many more. Personally, I have tracked the jaguar in this canyon, encountered the neotropical vine snake and heard the calls of the rare elegant trogon and western yellow-billed cuckoo. Recently, I was startled by the helicopter sound of a spooked Gould’s turkey—a species that had been extirpated from the area but came back to recolonize on its own authority over the past few decades using the migration routes that the wall will permanently cut-off. I enjoy hiking and exploring these areas. This borderland ecosystem within the Coronado National Forest would be negatively impacted by western Tucson B and Tucson C border construction.

10. As I mentioned before, I regularly visit the Buenos Aires National Wildlife Refuge to hike. The refuge was solely founded to protect the Masked Bobwhite quail but also became a refuge for other endangered and threatened species such as Kearney’s Blue Star, Pima pineapple cactus, Sonoran pronghorn, cactus ferruginous pygmy owl, desert tortoise, and the Chiricahua leopard frog in addition to all the other native plants and animals. Within the past month I encountered a female Masked Bobwhite while hiking along the border in the refuge. If a 30 foot bollard wall is constructed in Tucson Project C, essential quail habitat would be destroyed and the skittish birds would be stressed with the consistent disturbance.

11. This border area is a migration corridor for many species. Each week when I visit, I look for tracks of the jaguar and other mammals. Not only would a wall physically isolate

species, impacting genetic diversity, but it would separate many animals from key water sources. Without access to water like the perennial source found in Sycamore Canyon or the seasonal water tanks found throughout the BANWR (including in Arivaca Creek) and adjacent forest lands many species would be forced to find unknown sources of water to them (knowledge is passed down to progeny or shared within a community like deer) or die. The construction of the border wall would directly detract from my enjoyment of these areas because it is directly linked to the wildlife it is home to.

12. Since the original fence was built in what is now described as Tucson C, I have also become concerned about the migration routes and lives of butterflies and bats because of their role as pollinators in this ecosystem. An extension of this wall and its infrastructure that includes floodlights would impact many of these pollinator species and have a ripple effect throughout the borderlands ecosystem.

13. I travel from Tucson to the border region almost every week because of the beautiful natural environment and I plan to return to the wilderness within the Tucson B and Tucson C project areas. One unique aspect of the area is how quiet and dark it is. The remoteness of this area makes it a prime area to view stars and the night sky. Besides Arivaca, Nogales, and the port of entry in Sasabe, there are very few sources of artificial light within the Tucson C project area and the western portion of Tucson B. The intense lighting that is a component of the border wall construction projects would negatively impact my ability to enjoy camping in these places.

14. It would be devastating to see such a vast, contiguous, and diverse landscape permanently altered or destroyed. Border wall construction trucks and equipment would further damage this landscape that bears the effects from the first round of border wall construction and

the increased border enforcement presence. Having the new wall, and virtually this entire area divided because of it, would be the final nail on the coffin of a rich and diverse area. Hiking, camping, and observing local species in the BANWR and Coronado Forest area are important parts of my life. This wall would be devastating for me and for other people who enjoy recreating in these areas.

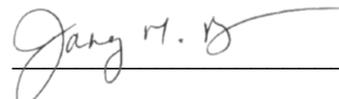
15. The area on each side of the border is one ecosystem. However, in addition to a wall's strain on habitat, a wall has immense cultural impacts. This is another aspect I often discuss in my presentations to local communities. The towns of Sasabe, Arizona and El Sasabe, Sonora were divided when the first wall was built back in 2007. Creating a wall that would extend many more miles will further divide border communities and adversely impact the people who live on both sides of the U.S.-Mexico border.

16. 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 Tucson B and Tucson C.

17. If the government moves forward with the Tucson B and Tucson C wall projects, I would be injured 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: April 13, 2020



Janay M. Brun

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,
U.S. Secretary of Defense, in his official capacity;
and CHAD F. WOLF, Acting U.S. Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF JO ANN
CARUTHERS**

My name is Jo Ann Caruthers, 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 4968 E. Marble Drive, Hereford, Arizona 85615. I have lived at this residence since 2011 and I have spent my entire life in the Tucson area.

3. I am an active member of the Sierra Club and belong to its Grand Canyon Chapter. In addition, I have been involved in local environmental conservation efforts for many years.

4. Throughout my time living in both Sierra Vista and most recently in Hereford, I have spent time in the wilderness areas surrounding Coronado National Memorial including Copper Canyon which contains the proposed border wall construction project identified as Tucson Project B.

5. As a child, I visited Harshaw and the greater Santa Cruz River area with my family where we explored the great outdoors. My love of the outdoors and interest in environmental conservation have led me to work with Sky Island Alliance. The Sky Island Alliance is a local non-profit organization based in Tucson. The organization works on both sides of the border to protect local plants, animals, and water resources. My interest in environmental conservation, particularly issues surrounding habitat fragmentation, led me to become a volunteer wildlife tracker with the Sky Island Alliance. I began this work over 15 years ago. I received training from the organization on how to monitor transects, which are paths along which people count and record species. I currently monitor one such transect around Copper Canyon. As the name of this non-profit organization suggests, this region of southern Arizona and northern Mexico encompasses a unique ecosystem where desert lands border different mountain ranges - some mountains are around 10,000 feet. Members of the same species of flora and fauna get isolated from one another. I care deeply about preserving the genetic diversity of species, in particular, key focal species like coatis, bobcats, mountain lions, black bear, and in some cases even jaguar and ocelots. I also care about maintaining the essential migration corridors for species moving between southern Arizona including around Copper Canyon and Mexico. In addition to the focal species I have identified in Copper Canyon, I have identified tracks of gray foxes, raccoons, wild turkeys, javelina, deer, and coyotes. My observations are documented formally in the iNaturalist database with photos, time and date stamps, and location

details. I visit my assigned transect approximately five times a year in varying seasons and intend to continue this work in the future. Based on my observations, I am extremely concerned about the impact of the proposed border wall construction on these sensitive species.

6. In my years of studying native plant and animal species, I have had the privilege of seeing coatis, javelina, deer, raccoons, turkeys, foxes, coyotes and seeing tracks of mountain lions, bears, and bobcats among other unique animals that rely on the migration corridors near the border. The mountain ranges and the desert that comprise the Sky Islands exist on both sides of the U.S.-Mexico border. The existing vehicle barrier is already disruptive to wildlife, but new construction of a pedestrian wall would greatly exacerbate those impacts. A bollard wall would disrupt key migration corridors, fragment populations and cut off species from vital water supplies. For example, springs in the Huachuca Mountains north of the border are essential water sources for regional wildlife.

7. The natural ecosystem within the proposed Tucson Project B, which includes the Huachuca Mountains, Coronado National Monument, Copper Canyon, and areas to the west, is relatively undeveloped, providing habitat to numerous at-risk species. I am disgusted that unnecessary wall construction could destroy such valuable habitat. Since the Huachuca Mountains are a remote natural environment, few of the existing roads are large enough to handle the type and scale of construction equipment required to build the proposed wall. This construction process, in addition to the wall itself, will destroy crucial wildlife habitat.

8. The wildlife tracking I do, mentioned above, is very important to me and frequently brings me to the border area around Coronado National Memorial and Copper Canyon extending west towards the San Rafael Valley. I last visited my transect on January 5, 2020 and intend to return between now and April 1, 2020, and then several more times throughout the

year. Border patrol agents frequently drive by as I track species, and sometimes they approach me – both of which I find disruptive to my tracking. The increased traffic is likely impacting wildlife, especially night patrols which I am confident occur frequently since night time is optimal time for migrant as well as animal activity. However, the impacts of the patrols pale in comparison to the impacts the proposed construction would have on habitats and on animals directly, through increased human presence, use of heavy equipment, drilling of wells, and other construction activities. It would also diminish my future enjoyment of the beautiful and unique experience of monitoring wildlife in this area.

9. I have been volunteering with the Sky Island Alliance for approximately fifteen years. The proposed wall construction would negatively impact my transect monitoring efforts by harming and isolating the species that migrate between these “Sky Islands” including those within my transect. The drainage around Copper Canyon allows for movement of wildlife between the surrounding mountain ranges. The proposed wall would disrupt migration patterns and cut off animals from key water supplies; it is heartbreaking.

10. As I’ve mentioned, I frequently visit the areas to the west of Coronado National Memorial. I am concerned that wall construction would disrupt the natural environment and impact the plants and animals I study. I have plans to return to my transect in the next two weeks and I intend to continue to go back in the future. In addition to dramatic habitat destruction, I am deeply concerned that the wall construction would destroy my ability to visit and enjoy these borderlands.

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. As I understand it, the Trump Administration recently announced they were reprogramming funds to begin border wall

construction in Arizona, which includes Tucson Project B. The construction would gravely impact wildlife and my ability to enjoy and study local species.

12. For all of these reasons, the proposed border wall in Tucson Sector Project B will 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: March 19 2020



Jo Ann Caruthers

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; MARK T.
ESPER, Secretary of Defense, in his official
capacity; and CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity;

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF LAURA
CHAMBERLIN**

I, Laura Chamberlin declare as follows:

1. My name is Laura Chamberlin. 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. My primary residence is 7525 Derryberry Drive, Flagstaff, Arizona. I have lived at my current address for two years.
3. I am a current member of the Sierra Club. I joined the Sierra Club in 2016. I support the Sierra Club's mission 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 work part-time as a river guide, primarily in the Colorado River, and I own my own catering company.
5. I have been visiting Yuma, Arizona, for my entire life, as the paternal side of my family has lived in Yuma for generations. Specifically, I currently visit the Yuma A Project Area once to twice a year where I understand that the U.S. Department of Homeland Security is proposing to replace primary pedestrian fencing and convert vehicle fencing to a pedestrian barrier,.
6. I plan to continue visiting Yuma at least once to twice a year to visit my family. I do not imagine this changing, as many family members continue to live there. I will continue to visit Yuma for the foreseeable future because of my familial ties to the area and because I enjoy recreating there.
7. Each time I visit my family in Yuma, I go for a hike or walk along the Yuma biking/walking trail, which is in the Yuma A region. I plan my visits with my family to go on this trail. There is a section of the biking trail that is right off the Colorado River. I like to bike along this path and go down to the River to see great blue herons, king fishers, cormorants, and other waterfowl. I also often see smaller mammals here, such as coyotes, foxes, ground squirrels, and chipmunks.

8. I enjoy hiking and biking on the river path trail in Yuma because of its proximity to the Colorado River, which flows right next to it. Yuma is pretty bare overall, so the river path offers a unique opportunity in a dry desert landscape. Usually, when I visit Yuma, I have already been traveling for many hours via car. This opportunity to get out to stretch my legs is important to me. I chose the river path because of its natural beauty, shade, wildlife, and peacefulness. I am drawn to these trails because they provide a way for me to reconnect with the natural landscape of this region each time I visit. One would be hard pressed to find another trail in Yuma that offers this all. When I bike and hike here, I cannot see any border walls; instead, I can see clear across the border. I do not know of any other opportunity like this in Yuma, and so this trail is especially important to me.
9. I am concerned that replacement of the primary pedestrian border wall and the conversion of the vehicle barrier to a pedestrian border wall will affect my ability to continue finding outdoor opportunities when I visit my family and property in Yuma. While there is currently a vehicle barrier in this area, that barrier cannot be easily seen from the trail. Replacing that barrier with a pedestrian wall will be much more intrusive.
10. I am also concerned that the construction of the border wall will lead to increased vehicular traffic, light, and dust. I would be worried about my

health and safety walking and biking in this type of active construction zone

I am also concerned that the border wall will cause habitat fragmentation and prevent mammal migration. If the Yuma trail was crowded with vehicles and provided less views of wildlife and the Colorado River, it would be very much less special to me.

11. I also often visit property that my family owns in Yuma, which has been in my family for generations. This property is not used for agricultural purposes. From the property, the view afforded of the agricultural valley allows me to appreciate that food is grown for so many people at this special place. I enjoy knowing how my familial property is being used in such a beneficial way. I also enjoy visiting this property because of my familial ties to the land. I love to gaze out over land that has been in my family for generations, and to see sweeping views of the surrounding mountain ranges visible from the property—including the Gilas, Cabeza Prieta, Cargo Muchacho, Castle Dome. The towering border wall would mar this view and greatly reduce the enjoyment I get from visiting my family's property.
12. I am aware that on February 13, 2020, the Trump Administration announced they were reprogramming funds from the fiscal 2020 budget to fund further construction of the border wall, which includes the Yuma A Project Area.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing
is true and correct.

Executed April 8, 2020.

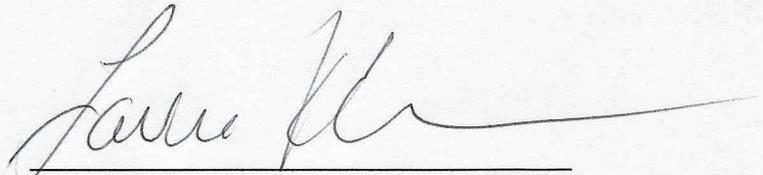

Name _____

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; and CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF HOWARD J.
DASH**

My name is Howard J. Dash and I declare:

1. I am over eighteen years old. I currently reside in Las Cruces, New 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 1534 Las Cruces, NM 88007. I have lived in Las Cruces for about eleven years. I retired to Las Cruces from New Paltz, NY, where I worked for the Metro-North Commuter Railroad as the Assistant Director of Operations Planning for many years.

3. I am a current member of the Sierra Club and have been a member since December 2010. 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 currently the Chair of the Southern Group of the Rio Grande Chapter of the Sierra Club and was heavily involved in the campaign to create the Organ Mountains–Desert Peaks National Monument.

5. I love being in nature and hiking in wild areas. Being in nature has always improved my spirits; I have always liked the feeling of being lost in a natural setting with minimal impacts of man. One of the reasons I moved from New Paltz, NY to Las Cruces was because of the beauty of the natural environment of southern New Mexico.

6. It is my understanding that the federal government is planning to build a new border wall that it has titled “El Paso D.” My understanding is that this project would involve the construction of four different segments of new or replacement border fencing, including a new 0.5 mile pedestrian wall along the side of the Mount Cristo Rey at the border of New Mexico and Mexico.

7. I have hiked up Mount Cristo Rey three times. The first time I went was about seven years ago. I most recently went about three years ago. I only go on guided hikes, which take place every few months, because I enjoy listening to the guide explain the rich history of the mountain and broader area, and about how the large statue of Jesus Christ at the top of the mountain was installed. I am hoping to hike Mount Cristo Rey again this December, if the annual December guided hike still happens this year.

8. The hike up Mount Cristo Rey is like nothing I’ve ever experienced. The mountain is on the border of New Mexico, Texas, and the state of Chihuahua in Mexico. I can’t think of any other place where there is a mountain right on the border that’s accessible like Mount Cristo Rey. At the top of the mountain you can get a 360 degree view into both countries

and all three states. On a clear day, you can see up to Las Cruces and the Organ Mountains to the north, the Potrillo Mountains to the northwest, El Paso and the Franklin Mountains to the east, and Ciudad Juárez and the Sierra Juárez Mountain range to the south. The beauty of the mountain and the natural environment below it make me feel like I am in an oasis away from civilization. Plus, the immense statue of Jesus Christ is beautiful to behold.

9. Beyond the amazing view and the satisfaction I get from being in nature, I am drawn to this mountain because it is a place where the U.S. and Mexico feel joined together. I believe strongly that all of us in the border community are just one big family, and that the border is an artificial boundary between us. On Mount Cristo Rey I am able to experience a landscape without borders, as the mountain and the landscape below it certainly knows no boundaries.

10. The construction of the El Paso D wall segment would ruin what I love most about Mount Cristo Rey. Because it is a desert mountain, there are no trees or any other barriers that would hide the view of a wall cutting right through the mountain as you look into Mexico. It would ruin the sweeping panoramic vista provided by this mountaintop by placing a big, ugly wall in front of me and anyone else who has hiked to the top of the mountain.

11. The proposed border wall would ruin the feeling I get at the top of the mountain of being in a beautiful oasis amongst the cities surrounding me. This man-made wall is an unnatural thing that would look completely out of place sprouting from the mountainside.

12. The wall would also mar my feeling of being in a boundless landscape without borders. It would be a symbolic dividing line between our two countries that are so closely related to each other.

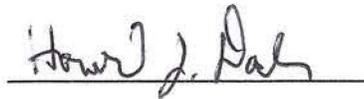
13. Finally, I shudder to even imagine the impact the construction of the wall will have on the mountain. To build a thirty foot wall, and all the support infrastructure that wall requires, on steep mountainside would almost certainly require immense destruction of the natural environment. I just imagine what kind of earth-moving equipment would have to go across the mountain and all the blasting and digging that would be required to build the wall. I fear it would destroy the mountainside.

14. As previously stated, I am hoping to hike Mount Cristo Rey again in December and hope to continue visiting in future years, too. I am worried that with all the construction that would be required by the El Paso D project, the December hike will not be able to take place.

15. For all the reasons I have just described, the El Paso D border wall would take away the joy I get from visiting what I believe is one of the most beautiful locations on the U.S.—Mexico border.

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: April 8, 2020

A handwritten signature in black ink, appearing to read "Howard J. Dash", is written over a horizontal line.

Howard J. Dash

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,
U.S. Secretary of Defense, in his official capacity;
and CHAD F. WOLF, Acting U.S. Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF HENRY
NICHOLS ERVIN**

My name is Henry Nichols Ervin, 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 currently reside in San Diego, CA. I moved to San Diego in 1977 and have been visiting and hiking in the Jacumba Mountains for approximately 40 years. The Jacumba Mountains Wilderness is a rugged desert ecosystem. This unique mountainous area along the border has been a retreat of mine for many years. I would be harmed by the proposed El Centro A construction project as it would wall off the border area within and surrounding the Jacumba Mountains Wilderness.

3. I am an active member of the Sierra Club San Diego Chapter. I first joined the Sierra Club around 40 years ago. Because of my knowledge of the terrain, in the late 1980s and early 1990s I brought fellow Sierra Club members, friends, and even reporters doing stories on the California Desert Protection Act, out to what is now the Jacumba Mountains Wilderness. I still occasionally take fellow Sierra Club members and friends out to these areas and I hope to continue to do so in the future.

4. As I understand it, the El Centro A construction project includes building a new primary pedestrian wall along the U.S.-Mexico border through the Jacumba Mountains Wilderness and surrounding areas in Imperial County, California.

5. The Jacumba Mountains Wilderness touches the U.S.-Mexico border along its entire length. This part of the desert has a rare, even unique topography. There are areas where rugged high mountain peaks step down to deep valleys at much lower elevations. And there are few desert wilderness areas anywhere where you get this degree of altitudinal gradient. The extreme changes in altitude create a wide variety of distinct life zones. The highest mountain in the wilderness is over 4,000 feet in the west while the valleys drop to around 500 feet in the east. This is a massive difference creating rich and diverse habitats.

6. I have been an avid hiker for many years and I care deeply about the desert wilderness. I helped work on the California Desert Protection Act back in the 1990s. One key feature of a statutory wilderness is that there is little evidence of man. Despite the fact that an interstate freeway wraps around part of the wilderness, it is completely silent when you cross over the peaks into the interior. I would be injured recreationally and aesthetically by construction through this rugged wilderness. Additionally, certain rare species of plants and animals that make this area special would undoubtedly be harmed as their habitat is bisected.

7. At the southeastern end of the wilderness, I enjoy visiting Skull Valley. This is a beautiful low elevation valley comprising an old, dry lake bed. Since it is one of the lowest, driest, and hottest areas within the wilderness, it is quite stark in its beauty. One of the most special features of this valley is the presence of the Crucifixion Thorn bush. This plant species is only found in a very restricted number of places north of the international border. For me as a hiker, building a wall would ruin the aesthetics of the entire place. It would then look like most of the rest of the border in California that already has a wall. I have visited this area nearly once every hiking season for more than 30 years and I plan to keep visiting this valley and other parts of the Jacumba Mountains Wilderness. Another valley within the Jacumba Mountains Wilderness that I enjoy visiting is Davies Valley which is a long valley that extends all the way to the international border in the south. Even though the locales within Davies Valley I visit now are around six miles from the border, the area has fantastic sightlines and you can see well into Mexico.

8. I also greatly enjoy visiting Myer Valley, the southern end of which is perhaps two miles from the border. This is a rich and scenic archeological area. You can find abundant bedrock mortars and pottery shards here and elsewhere within the Jacumba Mountains Wilderness. There are so many areas within this border region that are important to me and constructing a wall here would cause a vast and almost unfathomable amount of destruction.

9. Another area impacted by the proposed El Centro A wall construction project that I have frequented for years is the Smugglers Cave vicinity, previously known as the Jacumba Outstanding Natural Area. This precise area is not part of, but immediately adjacent to, the actual wilderness. Nonetheless, it is an extraordinary place that is important habitat and a travel corridor for the endangered Peninsular Bighorn Sheep. The peaks here are the highest in the area,

with Blue Angels Peak measuring over 4,500 feet. This is a popular weekend destination for campers as it is accessible for four wheel drive vehicles. I enjoy hiking in this area during the week when it is less busy. It is a spectacular area with incredibly long sightlines from the surrounding peaks. A wall would massively destroy the view from Blue Angels Peak; you would be able to see the extent of the wall going through this landscape for many miles. The terrain in this area is so steep that it would look like a bomb had been dropped if the area were contoured and levelled to make way for wall construction. I also hike in Valley of the Moon, an area within the wilderness adjacent to Smugglers Cave. This is absolutely one of the most scenic places in the desert along the border and is a favorite for photographers.

10. Over the years I have seen bighorn sheep in the wilderness and I have repeatedly seen tracks and traces of their presence in the area, particularly in the vicinity of Smugglers Cave. They have habitat on both sides of the border. The areas surrounding Smugglers Cave and within other parts of the Jacumba Mountains wilderness, are marvelous places where the bighorn sheep cross the border to meet other herds. A barrier here would be deadly to this endangered species as it will inhibit genetic flow in a prime area.

11. In addition to bighorn sheep and the Crucifixion Thorn bush, I have observed a bobcat on at least one occasion, among other species. I also have heard from others who have observed mountain lions and golden eagles in the wilderness.

12. A wall through the Jacumbas and the surrounding area would also have dire impacts on drainage patterns in some places. Davies and Skull Valley are two places that I visit where I believe the impacts would be especially severe. This is an arid area, but over the years there have been periodic, if irregular, intense rain storms. These occasional big storms pour tons

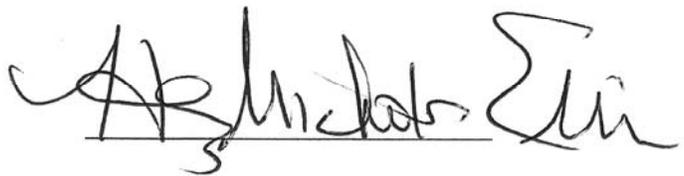
of water onto the desert floor from the surrounding highlands. A 30 foot bollard wall would obstruct the existing dry wash patterns, likely causing local flooding and erosion.

13. As I have mentioned, the area within the El Centro Project area is a beautiful, rugged mountain landscape. I firmly believe that in order to construct a wall in many of these areas the government would necessarily have to flatten and contour extensive portions of the landscape. The process of constructing roads to bring in equipment would also greatly impact the local environment. This would create incredible erosion and visually blight the place. It is hard for me to imagine and describe what this degree of destruction would look like.

14. 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 on February 13, 2020, the Secretary of Defense reprogrammed funds to start construction in El Centro Project A. For the reasons outlined above, the proposed El Centro Project A will injure me aesthetically and recreationally. An order stopping this construction project would prevent this harm.

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: April 9, 2020

A handwritten signature in black ink, appearing to read "Henry Nichols Ervin", written over a horizontal line.

Henry Nichols Ervin

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; and CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF EDITH G.
HARMON**

My name is Edith G. Harmon and I declare:

1. I am over eighteen years old. I currently reside near Ocotillo, California. 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 990 East Highway 98, Ocotillo, CA 92259. I have lived about six miles southeast of the small town of Ocotillo for almost forty-three years. I live adjacent to the Bureau of Land Management (BLM) Jacumba Mountains Wilderness, and surrounded by BLM's Yuha Desert Area of Critical Environmental Concern (ACEC), near the Mexican border. I moved to the Ocotillo area specifically to escape exposure to aerial spraying of pesticides and herbicides on agricultural lands surrounding El Centro. I had been diagnosed with pesticide poisoning when I lived in El Centro for a couple of weeks.

3. I am a current member of the Sierra Club. I first joined in 1976 and have been a member continuously since 1986. 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 moved to Ocotillo after going to graduate school at San Diego State University and being hired to teach at San Diego State's Imperial Valley Campus in Calexico. Since late 1977, I have essentially been doing full-time research work on environmental issues and public health in a volunteer capacity. I have worked with the Bureau of Land Management over the past several decades on different projects, including working with my husband doing botanical surveys in the Jacumba Mountains Wilderness and hosting groups of Student Conservation Association crews working on BLM public lands rehabilitation projects. Since 1978, I have also prepared written and oral comments in response to many proposed BLM Land Use Plans and proposed private development projects on BLM lands. When I was convinced such projects would harm the environment or destroy cultural resources and sacred sites important to Native American tribes or nations, I have participated in Sierra Club lawsuits against those massive private development proposals on federal lands managed by BLM.

5. I love being out in nature and spend hours almost every day walking in the Yuha Desert ACEC and Jacumba Wilderness. The world seems like a better place when I'm hiking in wilderness. I have heart issues, and in the past the only way I knew to get my heartrate down was to walk in the wilderness, because I find the wilderness so relaxing and inspiring. My idea of a house is a place where you store things you don't want damaged by the rain and wind, and then

you live outside. Being out in wilderness is better than being inside a building. I live pretty much the way I did as a Peace Corps volunteer in rural Uganda and Botswana in the 1960s and 1970s, with the exception that instead of teaching, my volunteer work in the U.S. has been research for challenging projects with adverse environmental impacts.

6. I live just to the east of the Jacumba Mountains, near the Mexican border. From my house, I can easily walk to the border. My home is surrounded by federal lands, with the wilderness border coming up to the state highway which my residential property adjoins. I often say I have the best front-yard the American taxpayers are willing to provide. In response, I feel like I have an obligation to protect the Jacumba Mountains Wilderness and the ACEC.

7. It is my understanding that the federal government is pursuing a new wall project that it has titled "El Centro A." My understanding is that the El Centro A project involves approximately ten miles of new border wall construction beginning thirty-six miles west of the Calexico West Port of Entry continuing east in Imperial County. That wall would be built across the Jacumba Mountains Wilderness, including valleys and drainages that meet the border, and would include extremely rugged and difficult terrain.

8. This desert is my home and where my heart is. I have spent decades researching environmental and environmental justice issues related to project proposals on federal lands, especially in Imperial County. One of the aspects I have spent a lot of time on is the area's Native American heritage. Part of the Yuha Desert ACEC is considered for listing on the National Register of Historic Places because of the abundance of cultural resources that provide unique evidence of prehistoric human use of the area.

9. I have hiked through much of the Jacumba Mountains Wilderness Area. My husband and I had a goal of exploring every north-south and east-west canyon, hillside, mountain

tops, and flats. My husband passed away thirteen years ago and we were not able to accomplish our ultimate goal because of how steep the mountains and canyon walls are in places, but we hiked hundreds of miles through the Wilderness Area. Walking from our home, we hiked through Skull Valley, which is the easternmost valley that the El Centro A wall would go across; through Davies Valley, which is the valley just to the west of Skull Valley; all the way over to Pinto Canyon. Once, we explored an abandoned mine tunnel north of Skull Valley. Another time, we discovered an open pit mine in the area that has an enormous billowing swarm of bees that we could hear from long before the pit could be seen.

10. My husband and I started hiking in the Jacumba Mountains when I first moved to the area in the late 1970s. We would often go with family whenever they would visit from New Hampshire. In fact, my niece ended up becoming a plant taxonomist, in part because we would take her hiking in the mountains starting when she was about six years old. Plant identification became a major part of every hike and my husband would give her a nickel every time she identified a specific species of cactus that he had selected for that hike. Hiking the Jacumbas has been an important part of our experience as a family over the past several decades.

11. I would like to hike around Skull Valley and Davies Valley again this spring. I recently returned from a hospitalization from pneumonia so I can't go immediately, but plan to go when I have recovered in the next few months before it gets too hot. Rains have been fantastic this winter and the blooms of desert wildflowers and cacti have been nothing short of magnificent this April.

12. I love my Jacumba Mountains that I feel an obligation to watch and protect on behalf of the American public. The Jacumba Wilderness is incredibly diverse—in one area you'll have clay, in another area it'll be sandy, and in other areas it is very rocky with enormous granite

boulders too steep to climb over. The east-west canyons follow along earthquake faults and in places the geology is shockingly different on each side of the canyon. There's so much to explore that I feel lucky—I don't have to go very far to be inspired or to find an interesting place to take someone for a hike. As an example of the area's beauty, we named one of the canyons "No Wheels" canyon because the dry waterfalls are so rugged and steep that one could not even carry a bicycle through it.

13. The construction of the El Centro A wall would be very destructive to wildlife. I know bighorn sheep, which is a federally endangered species, use the area where the wall would be built. Wildlife biologist Mark Jorgensen, retired Superintendent of Anza Borrego State Park, has monitored radio-collared bighorn sheep moving through the mountains and across the international border. The wall would block the movement of the bighorn sheep and other large mammals such as mountain lions. Another species the wall would affect are tarantulas. On one occasion, when hiking with friends, we were amazed to see a large group of tarantulas on an alluvial fan in Skull Valley on the move in advance of a rain storm. On my property, I have one place between rocks in a retaining wall where, several times a year, tarantulas will come up out of holes in the ground and either fight or mate, a slow motion dance that can last hours. Observing that tarantulas respond to changes in barometric pressure, I worry that vibrations related to construction of a wall across the Jacumba Mountains border would adversely impact them in the valleys with alluvial fill. I am sure there are many more animals I have enjoyed seeing in the past that will be adversely impacted by the wall

14. I am also worried that the El Centro A wall may cause huge drainage problems when it rains. I live about a mile from the base of the mountains. When it rains hard, water comes rushing out of the mountains across the desert until it gets to a sink or lower ground. To

give just one example, in 1976 flooding down Pinto Canyon in the wilderness was so sudden and severe that after destroying Highway 98, flood waters also destroyed a portion of the Imperial Irrigation District's West Side Main Canal. This resulted in serious flooding of major portions of Imperial Valley to the point where people were using rowboats in the streets. I have experienced three major flash flooding events and seen the damage caused when flood waters came down canyons in the Jacumba Mountains in 1976, 1977, and 1981. It is not unreasonable to believe that such floods could occur in the future, and be made more damaging by a border wall across the Pinto Canyon, if a wall could survive. Flash floods can be devastating to humans, animals, and vegetation. I cannot imagine what will happen to these drainage patterns if the government were to build a wall between and across the mountains blocking the southern ends of Skull Valley (with impacts on the US side), Davies Valley, Pinto Canyon, and other drainages that flow into Mexico. I worry it would seriously increase the risk of flooding damage downgradient and across the border from where I live, thereby harming the natural environment by scouring vegetation and destroying wildlife and bird habitat once again.

15. Finally, it is hard to overstate how destructive the construction process for the El Centro A wall would be to the environment of the Jacumba Mountains Wilderness that I love. I can't imagine how the government or any private contractor would or could get the materials in to build the wall where the international border is, with such challenging geology. Some of these areas are so steep that no one could walk across; I don't know whether they can get the vehicles they need up there, even if the government used helicopters to avoid construction of new roads. If this construction is possible, I think the kind of blasting and bulldozing they would do would fundamentally destroy the area at the border. As just one example, it would likely destroy much of the cultural resources and prehistoric trails that were used by the original human occupants of

the area many thousands of years ago. All of this makes me wonder whether anyone involved with this proposal has actually ever walked the path of this wall they want to build or calculated financial costs for construction of a wall and repairs following future flood damage to the wall.

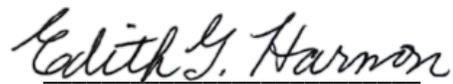
16. I can't tell you how much it hurts to think that they are going to destroy this area I can see from my house and where I have hiked so many times in the past. I like the memories I have there. The good times exploring the Jacumbas with my husband. Destroying the Jacumbas to build such an expensive and unnecessary wall would be destroying those memories. I would be devastated to see a wall in a place that is so beautiful that I've only known without a wall. What would Skull Valley or Davies Valley look like with that big, ugly object towering over them? It's an insult to the environment and to the values for which this wilderness was designated in 1994. And it's an insult to the people like me that live here.

17. Because there is a Border Patrol repeater tower with mounted cameras that monitor the open desert border near my home, and other mounted cameras monitoring Highway 98, I am well aware that the government has other technology to monitor the border in even more rugged terrain, where cross border travel would be even more difficult. From personal experience I know that the Border Patrol has numerous vibration sensors at various places in the wilderness and wilderness canyons. I know that I have triggered sensors when hiking. On such occasions I find a Border Patrol vehicle waiting for me when I cross Highway 98 to get to my home. There are also several pull-outs along Highway 98 and Interstate 8 where Border Patrol vehicles regularly park to watch for any foot traffic moving north or east from the Jacumba Mountains. For me, these and other technologies would appear to provide reasonable, less expensive, and less damaging ways to monitor cross-border human activity without destroying

cross-border wildlife corridors or creating more water-related damages during heavy rain and flood events.

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: April 11, 2020

A handwritten signature in cursive script that reads "Edith G. Harmon". The signature is written in black ink and is positioned above a solid horizontal line.

Edith G. Harmon

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; and CHAD F. WOLF, Acting Secretary of Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-1494-HSG

DECLARATION OF RICK LOBELLO

I, Rick LoBello, 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 El Paso, Texas, and am a member of plaintiff Sierra Club. I served on the Executive Committee of our local group for many years.

3. It is my understanding that the government defendants are going to undertake substantial construction to replace segments of existing barriers near El Paso, Texas. I will be injured by construction in projects "El Paso A" and "El Paso D."

4. I have spent most of my adult life living and working on the US-Mexico border in west Texas and northern Mexico. I have family living on both sides of the border dividing this binational community. Over the past 50 years, I have interacted with all of the stretches of land to be

impacted by this construction, and I will continue to do so.

5. I understand that El Paso A is 20 miles of primary pedestrian replacement fencing in El Paso County. It will replace wall originally built in 2008-2009, primarily on rural and agricultural land south of El Paso down towards Rio Bosque Wetlands Park. El Paso D is four segments: new wall near Mount Christo Rey in New Mexico; replacement fencing near downtown El Paso adjacent to Interstate 10; replacement wall along Loop 375, including at Chamizal, a binational urban park; and additional replacement further south along Loop 375.

6. Except for New Mexico, these walls replace existing structures. The construction and modification will nonetheless be significant. I understand this will include replacing existing barriers with a 30-foot fence comprised of narrowly-placed bollards, as well as installation of a ground detection system, creation of or modification to roads, extension of grid power where necessary and installation of lights and camera systems.

7. Over 5 decades, I have worked countless hours educating the public about the importance of the natural resources in this area and how the Rio Grande gives life to an ecosystem and community. I have spoken about our natural environments to tens of thousands of people as a park ranger at Big Bend National Park, at the El Paso Zoo, on El Paso television shows and print media, at local, regional and national conferences attended by people from all walks of life living on the border. The message is simple: these lands need to be protected.

8. I frequent the areas where these projects will be undertaken, and they will harm the fragile ecosystems I have dedicated my life to protecting, as well as alter the landscape of my daily life.

9. My entire life's work with the National Park Service, the El Paso Zoo and working with civic groups like Rotary International is threatened by these projects, including efforts to save endangered animals like Mexican wolves and Mexican black bears. For these species and many others to survive in this area they need to be able to move freely back and forth across the border. Existing structures do violence to these migrations. Additional construction, widening roads, adding

lighting, and heightening the structures will exacerbate the problems.

10. For me, personally, daily experiencing heightened thirty-foot walls will injure me spiritually, aesthetically, and recreationally. It is a menacing symbol that is contrary to the spirit of my community; it will alter my feelings of safety and security in my own home. It is violence to the natural lands I have devoted my life to protecting.

11. This wall is designed to be imposing and will be visible from miles away. It will be floodlit at night. The impact of the projects is not merely the end result, it is the construction that will be required, the inevitable maintenance and damage control during weather events, and the attendant infrastructure like lighting.

12. I am also concerned by the absence of environmental review or public discussion in carrying out these projects. These projects are at or adjacent to places I spend time every day. I would want to know whether the government is complying with environmental regulations designed to protect me and my community, like the National Environmental Policy Act, in undertaking these projects. Such review is necessary to preserve these lands, select sound alternatives, and motivate collaboration among our agencies and stakeholders.

13. For these reasons, the El Paso A and D 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 26th day of March, 2020.

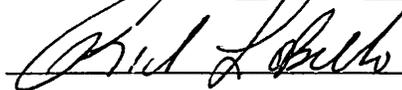


Exhibit 11

**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; and CHAD WOLF,
Acting Secretary of Homeland Security, in
his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF JUAN
BENITO MANCIAS**

My name is Juan Benito Mancias and I declare:

1. I am over eighteen years old. I currently reside in Floresville, 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 1250 Roemer Lane, Floresville, TX 78115. I have lived in Floresville for about fourteen years.

3. I am a current member of the Sierra Club and have been a member since September 2019. 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 Chair for the Esto'k Gna tribe, which is commonly known as the Carrizo / Comecrudo tribe. In that role I serve as a spokesperson for the tribe, gathering all the information the tribe is interested in and getting it out to the public.

5. The Esto'k Gna tribe has not been recognized by the federal government due to our previous lack of awareness of the tribal acknowledgement process and our current lack of funding for research and legal assistance to properly pursue this process. We have also been unable acquire a piece of land to put in trust due to lack of funding. However, beyond our members' understanding of our history and stories passed down through the generations, there has also been numerous outside documentation of our tribe's existence. Much of this documentation is recounted in the book *Indians of the Rio Grande Delta: Their Role in the History of Southern Texas and Northeastern Mexico* by Martìn Salinas, which discusses, among other things, the reports the Spanish fighter José de Escandón wrote about the Comecrudo in 1746, 1751, and 1753.

6. The Esto'k Gna tribe is a migrating people and we have traveled up and down the Rio Grande and even further, going as far north as Kansas and as far south as the Gulf of Mexico. However, by and large our people established themselves in Texas. We have been here for centuries—we are the original people of Texas. Over time, we established villages at several sites along the Rio Grande, spanning from Brownsville in the south to Presidio in the north.

7. It is my understanding that the federal government is pursuing two new wall projects that it has titled "Del Rio A" and "Del Rio B." My understanding is that Del Rio A involves the

replacement of a primary pedestrian fence with a much bigger wall along the Rio Grande on the U.S. side, beginning just north of the Eagle Pass Port of Entry and continuing north for approximately one mile; and Del Rio B also involves the replacement of a primary pedestrian fence with a larger wall along the Rio Grande on the U.S. side, beginning just southeast of the Del Rio Port of Entry and continuing northwest for approximately two miles.

8. The Del Rio A project would be built on top of an ancestral Esto'k Gna village called Ali Kuitan Yenhe'l len in our language—which translates to The Burnt Village, or the Burnt by Fire Village. This village spanned both sides of the Rio Grande and extended into present-day Piedras Negras. Piedras Negras translates to “black rocks.” Both Piedras Negras and Ali Kuitan Yenhe'l len were given their name due to the large coal deposits in the area. Our tribe has a recreation story that explains that the reason for these coal deposits was what we call the burning of bad feelings, when Patope the caretaker came to bring teachings of non-greed and not-killing at this place and defined the Esto'k Gna as the Human Beings. When Patope did this, he took all the bad feelings and bad things that were present and put them in the ground and burned them. By putting the bad feelings into the ground, he allowed the Earth to heal them. And over the years those bad feelings did heal and turned into the coal we see today.

9. There is documented evidence of the presence of the Esto'k Gna in the Eagle Pass area. Starting in 2008, the Dos Republicas Coal Partnership engaged in a consultation process required under Section 106 of the National Historic Preservation Act to construct the Eagle Pass Coal Mine. That mine (which has since started operation) is located about six miles northeast of the Del Rio A project area. That consultation process found at least thirty-one prehistoric Native American sites. The surveyors also found a Native American burial site with intact human

remains in one area. At the time of the surveying, our tribe sent a letter to the Texas Railroad Commission protesting the conduct of the survey because we believed the burial site was Esto'k Gna and that the surveyors' handling of the burial site disrespected our ancestors.

10. I have visited the site where Ali Kuitan Yenhe'l len was located many times. I used to work for the Kickapoo tribe, and one of the reasons I chose to work with them was because their reservation is very close to the site of Ali Kuitan Yenhe'l len, and I could thus visit the site easily. I intend to return to that site often in the future.

11. Because the new border wall would be built over my tribe's village, any construction will ruin the graves of our ancestors who are buried at that site. I also worry that the construction will turn up artifacts from the village that will be destroyed or looted by construction workers. I have heard reports of construction workers on the Trans-Pecos pipeline looting Native artifacts they found in the Big Bend area during construction of that pipeline, and I am worried the same will happen to our artifacts.

12. The destruction of my tribe's ancestral land would deeply harm me and my tribe in a way that is difficult to express in words. The land is who we are—we are that land. We have inherent rights to that land, not because we own it, but because it owns us. For us, our culture is provided through the land, not just spiritually, but physically.

13. The Del Rio B project would also be built on top of an ancestral village of our tribe called Punta de Sur. Unlike the village of Ali Kuitan Yenhe'l len, which served a more nomadic group of Esto'k Gna people, this village was more sedentary and had, for example, domesticated buffalo and elk. Tribe members who lived there would make cordage, nets, and blankets out of the lechuguilla plant that grows around the area. Our tribe established a village there because

there are several creeks nearby that flow into the Rio Grande, and it is easier fishing out of the creeks than the river because the current is not as fast and it is easier to deploy nets.

14. There is documentation of our tribe's presence in the Del Rio area. In the time of building railroads in Texas, around 1871, employees of the G H & S. A. Railroad Co. and G. W. T. & P. Railway Co. found a mass grave off of the Devil's River just north of Del Rio while surveying the land for a railroad track. In their search to find out what happened, they spoke with Manuel Cavazos, my great-great-grandfather, who described to them a massacre of our people that occurred in 1801 at that site. My great-great-grandfather's description of the massacre was filed with the Texas Railroad Commission, and a partial transcription of it can be found here: <https://indiancountrytoday.com/news/carrizo-comecrudo-save-cemetery-from-border-wall-but-the-war-against-it-goes-on-B-OqJDbprEqi-mgyB5KEzA>.

15. I have visited the site where Punta de Sur was located and where the Del Rio wall would be constructed several times. It is important to me to spend time on this land because it has so much history for my tribe. I intend to continue visit this place in the future.

16. I have the same fear about what construction of the Del Rio B project will do to our ancestral land as I do for the Del Rio A project. I believe that construction crews will dig up our ancestors who are buried at that site. I also worry that the construction will destroy artifacts from the village.

17. When the federal government digs up our ancestors, they are killing us again. It would be an attempt to erase our connection to the area, and we cannot allow that. Those are our relatives buried there, and any harm to them is a harm to us.

18. While the land at both Del Rio A & B has already been disturbed somewhat by the existing fencing, the new fencing is on such a larger scale that I believe it will cause much more damage. I do not believe the government has dug up all of the remains of our ancestors yet. Further, even if there has already been desecration of our ancestral land in the past, that is not an excuse to stop respecting and taking care of this land now.

19. Constructing a large border wall across my tribe's villages and disturbing the remains of our ancestors would take away a piece of my identity and the identity of all of my tribe. It would be a grave disrespect of our most treasured monuments, and would cause me deep distress.

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: April 13, 2020

DocuSigned by:
Juan Benito Mancias
ECFE07C79E5040D...

Juan Benito Mancias

Exhibit 12

**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, U.S. Secretary of Defense, in his
official capacity; and CHAD F. WOLF, Acting
U.S. Secretary of Homeland Security, in his
official capacity,

Defendants.

Case Nos.: 4:20-cv-01494-HSG

DECLARATION OF MELISSA OWEN

My name is Melissa Owen, 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 currently live outside of the small town of Sasabe, Arizona. My home is just over three miles from the U.S-Mexico border.
3. I am an active member of the Sierra Club's Grand Canyon Chapter. I first joined the Sierra Club back in 2005. 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 currently own and reside at the Sierra Vista Ranch. This property borders the Buenos Aires National Wildlife Refuge (BANWR). The ranch is around 640 acres and its main purpose is to protect the natural environment. My husband and I are working to restore the degraded riparian and wetland zones, replace the wooded vegetation with native grasses, and preserving the open space by protecting it from development. Prior to purchasing the ranch, I worked, lived, and volunteered for over 5 years at BANWR. At the wildlife refuge some of my duties included managing volunteers, coordinating and overseeing various projects, and leading tours. I continue to visit the wildlife refuge oftentimes almost daily and plan to continue to do so in the future. I frequently drive through it and I still do volunteer work there. Recently I have been working on grassland restoration projects. It is my understanding that BANWR and surrounding lands to the east which I visit fall within part of the proposed Tucson Project C.

5. The Sierra Vista Ranch often works with the refuge because other than a legal boundary the ranch and the refuge are one biome and ecosystem. For example, we have worked with BANWR on prescribed burns. The refuge fire crew is currently working on a prescribed burn plan for the ranch which could be put into effect as early as this coming fall. I have also worked with the refuge volunteers to put up feeders on the ranch for the endangered masked bobwhite quail (Buenos Aires National Wildlife Refuge was founded

to protect this species). I'm currently in the process of creating a 501(c)(3) for the ranch so we can do more research on the land to preserve and restore this land. I hope to do new and innovative conservation research. I already have set up five game cameras to better track migratory species. The last camera check showed mountain lion, bobcat, coati, white-tailed deer, Mexican opossum, red-tailed hawk, Montezuma quail, turkey vulture, and spotted skunk among others. The ecosystem in this border region is home many unique species. I care deeply about protecting the natural environment and I'm concerned that the proposed pedestrian wall would destroy desert habitat within an area that was created to protect it, the Buenos Aires National Wildlife Refuge.

6. The wildlife refuge and my ranch are home to many species of plants and animals. In my time exploring the surrounding area I have spotted white tail deer, mule deer, javelina, bobcats, mountain lions, coyotes among others. Essential migratory pathways exist between areas south of the border and the refuge. If a wall is built these migration paths would be degraded. In addition to the permanent physical wall, construction activities in Tucson Project C would also harm both plants and animals. The construction of the proposed wall segments would require more roads and the widening of existing ones for miles in this desert wilderness.

7. I also ride in a helicopter, oftentimes around once a week, with my husband to monitor my ranch. When we are taking these trips, we fly over where the wall is proposed in the wildlife refuge and can see where the other segments are proposed. It would be horrible to see more and more of this landscape drastically divided by a wall.

8. I am also concerned about the light pollution caused by this wall project. The wildlife refuge exists within an extremely remote desert. These lights would change the night sky for me, other residents, and visitors and in addition to having significant implications for many species. This is a desert and almost all of the animals are active at night. The impacts could be severe since a great deal of the activity is at night and we do not yet know the impact of flood lights on these animals.

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 Tucson Project C. I am concerned that the border wall and its construction would adversely impact the Buenos Aires National Wildlife Refuge and the surrounding area by destroying migratory pathways and artificially lighting up this wilderness. I regularly spend time in this project area and I through the mission of my ranch and my work at BANWR, I am dedicated to the conservation of this unique landscape. The construction of the border wall would harm my ability to enjoy this landscape and destroy the habitat of many species and the lands I have been working to protect.

10. For all of these reasons, the proposed Tucson Project C wall construction will 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: March26, 2020



Melissa Owen

Exhibit 13

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>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; and CHAD F. WOLF, Acting Secretary of Homeland Security, in his official capacity,</p> <p><i>Defendants.</i></p>	<p>Case No: 4:20-cv-1494-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 two declarations outlining how El Centro Project 1, and El Centro Projects 5 and 9, would impact my life as a resident of El Centro. My first declaration

was filed on May 29, 2019 and my second was filed on October 11, 2019. For many of the same reasons as highlighted in my other declarations, I am concerned that the proposed El Centro Project A construction would harm me aesthetically, environmentally, and culturally.

4. As I mentioned in my previous declarations, I have spent most of my life in the area surrounding the U.S-Mexico Border that includes the El Centro Sector where the U.S. Department of Homeland Security's (DHS) El Centro Project A 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 hike and visit the stretch of the border where the El Centro Project A is proposed. 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. There are two specific areas in the proposed El Centro Project A with which I interact frequently. The first is the Imperial Valley Desert Museum, a public museum located in the center of the Yuha Valley, which serves as a starting point for group hikes that are led in the late Winter and early Spring. Every year, I visit the museum and participate in four to five group hikes in the surrounding area. It is very important for me to be able to hike in these open areas where I am able to enjoy the outdoors. It is vital that this area is protected so that members of the community, including myself, are able to continue to explore and visit these remaining wild places. The construction of new pedestrian fencing in this area would drastically impact my ability to enjoy the local natural environment. Construction along the border will make me less likely to hike in the area around the Imperial Valley Desert Museum and enjoy

outdoor recreational activities; and when I do undertake those activities, my enjoyment of them will be diminished.

6. The proposed El Centro A project is also near the Desert View Tower, a historical landmark located on Interstate 8. Many years ago you could look out from the Tower and see a pristine view of the valley and desert. Existing construction, including power lines and windmills, has already divided our landscape. This proposed new pedestrian fencing would further obstruct this view and divide my community. I feel that there is one community that exists beyond this geographic boundary and that this land is a key part of our identity. 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. 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. Adding this fencing will destroy the aesthetic landscape and create irreparable separation throughout the community.

7. Not only is the development of this border wall concerning to me from a cultural and recreational perspective, but the construction process would also have significant impacts on this fragile desert landscape. The landscape around El Centro Project A is home to a variety of different species, including cottontail rabbits, coyotes, lizards and hundreds of species of birds that live in this border area. I care deeply about these animals and I am very worried about the damage that would be caused by the construction of invasive pedestrian fencing.

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 A in the El Centro Sector. I am concerned that the proposed pedestrian fencing will damage the natural environment and limit my enjoyment of these open spaces, divide my community that exists on both sides of the border, and negatively impact wildlife species that reside in this border region.

9. As outlined in the previous paragraphs of this declaration, if construction proceeds in El Centro Project A, I will be harmed both culturally and aesthetically. The ongoing and proposed construction fundamentally impacts how we view both the desert and ourselves, and deters me from wanting to go outside and spend time in the outdoors. The sole way to avoid these injuries is to order that the national emergency is invalid and stop construction of this project.

Dated: April 3, 2020



Carmina Ramirez

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; and CHAD F. WOLF, Acting
Secretary of Homeland Security, in his official
capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF SARAH
ROBERTS**

I, Sarah Roberts declare as follows:

1. My name is Sarah Roberts. 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. My primary residence is 1829 North Rolling Stone Drive, Tucson, Arizona. I have lived in Tucson since August 1982.
3. I am an active member of the Sierra Club and belong to its Grand Canyon Chapter. I originally joined the Sierra Club after moving to Tucson in 1982. I support the Sierra Club's mission 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 visit the area where I understand the Tucson A Project Area to be proposed at least once a month and plan to continue visiting monthly. I was most recently there for recreational hiking on February 14 and 15, 2020. I am planning another trip to hike in this region on March 20, 2020, and plan to continue returning to hike at least monthly for the foreseeable future.
5. I frequently hike in the easternmost segment of the Tucson A Project Area. I often hike in the southernmost part of the Peloncillo Mountains, in the Guadalupe Canyon, an outstanding natural area known for its birding habitat and diverse flora and fauna. I can see the border from this area. Currently when I look down along the border, I can see the vehicle barriers. This is similar to the cattle fencing at the ranches in the region and does not diminish the aesthetics of the area. It is egregious to me that this fence will be removed and replaced with a tall wall that will not allow for wildlife migration. I worry about the wildlife that will no longer be able to pass through, as well as for the plants that will be destroyed in the process. Because it is distressing to me to see this landscape destroyed, I would think

twice before returning to hike in the Guadalupe Canyon area if the proposed segment of the border wall is built.

6. I also recreationally hike near the Tucson A segments I understand to be east and west of Douglas/Agua Prieta. I visit this area for recreational hiking and to see the Sandhill crane migration. I find it amazing to see these cranes come and go through this area. They come by the thousands each day and it is a sight I do not see anywhere else. The Sandhill crane migration is a phenomenon I only witness in this area.
7. Because of the existing border wall in the surrounding area, I no longer hike in certain areas I used to frequently visit, such as D Hill, a popular hiking site outside of Douglas, Arizona. I do not enjoy looking down into the desert and seeing the militarization of the border area. I am very concerned that the segments where I understand the Department of Homeland Security proposed to construct new walls and replace primary pedestrian fencing will severely reduce my enjoyment in hiking in the Douglas area. I frequent this region to experience the open desert and would be extremely upset to see the area destroyed. And, as I stated earlier, I find it incredibly distressing and unenjoyable to hike in what has become a denuded, militarized construction zone.

8. I also recreationally hike near the Tucson A segment I understand to be to the east and west of Naco. The desert in the Naco region is immensely beautiful. The area includes stunning views of open deserts and hilly regions, with long open stretches in between. I enjoy taking drives along Highway 92 to see these desert views. I am concerned that the proposed project to replace fencing with steel walls and to construct new primary pedestrian walls will prevent me from hiking in the western region of where I understand the Tucson A Project Area to be. It is devastating to me to see the desert landscape be cut up and to witness massive manmade destruction to it. When the border was separated with just barbed wire and fencing, my view was not obstructed and I was able to still see the immense beauty of the desert wilderness.
9. I frequently hike for recreational and aesthetic purposes in the Tucson B Project Area, where I understand the Department of Homeland Security proposes to construct new primary pedestrian walls and replace vehicle barriers with primary pedestrian walls. I recreationally hike all along the eastern segment of the Tucson B Project Area, including in Coronado National Memorial, along the San Rafael Valley, on Miller Peak in the Huachuca Mountains and up through Harshaw in the Patagonia Mountains. I have been hiking in this area since the late 1970s and continue to visit this

area to hike, go birding, and take scenic drives. I continue to visit this region at least once every two years. I visit because of the beautiful high grasslands and the unique ecosystem. In these mountainous ranges, I am able to see rare sightings of birds that I do not see anywhere else.

10. The border area near Lochiel currently has barbed wire fencing and vehicle barriers. This fencing does not impact my view because it is low and not very obtrusive. I cannot fathom the destruction that would be caused if a wall was constructed in this area. I have seen other desert borderlands be destroyed due to trucks and construction vehicles used for constructing the wall. If the border is replaced with a 30-foot tall steel wall, I would be hesitant to return for recreational hiking because I would no longer be able to watch all of the bird species without seeing the border wall. The birds may also no longer migrate to this spot if the construction destroys their habitat. I have been hiking in this region for over forty years and plan to continue for as long as I am able to, but know it would be devastating to witness these massive changes to the grasslands, rivers, and mountains.
11. I also recreationally hike and birdwatch in the western segment of the Tucson B Project Area, where I understand the Department of Homeland Security proposes to construct a new primary pedestrian wall and replace an existing pedestrian wall. I hike to the west of Nogales, in Walker Canyon

and Sycamore Canyon, at least once every two years. I chose to hike in this region because of the beautiful, wooded canyons and mountains, with streams that run up through the canyons and down the steep rock walls. I also enjoy visiting in autumn to see the leaves changing. This lush region provides great opportunities to view wildlife and is world renowned for birding. I often see raptors, herons, flycatchers, and other birds when I hike in this region. I would like to continue visiting this region at least every other year, particularly in the autumn, for the foreseeable future because this area has such unique features that I do not see elsewhere.

12. When I hike in the Tucson B Project Area west of Nogales, I am not able to see any border fencing. A border wall in this area would greatly impact the beauty of the area. The canyon goes right through the border, and I cannot imagine the destruction that would be caused if a wall was built in this region. I have witnessed the border wall being constructed in less mountainous regions, and the destruction to the ecosystem is very evident. You can see the desert floor destroyed by construction equipment. In this region, the destruction would be even worse because the Department of Homeland Security would need to destroy parts of the canyon to even get construction equipment to the border. I cannot see how the steep walls and cliffs of the canyon could recover from this type of irreparable damage.

I've been visiting this area since the 1970s and would like to continue visiting but would be devastated to see the impact a border wall had on the beauty of this area.

13. I frequently hike in the Tucson C Project Area, where I understand the Department of Homeland Security proposes to construct new primary pedestrian walls, replace vehicle barriers with primary pedestrian walls, and replace existing primary pedestrian fencing. I visit the Tucson C Project Area quite often, as well as for humanitarian aid purposes, and was most recently there the week of February 24, 2020. I currently have plans to return to this area in late March 2020. I plan to continue returning here to hike at least twice a month for years to come.
14. I also visit this region to see the Buenos Aires Wildlife Refuge. I enjoy hiking the Pronghorn Loop through the Refuge, which goes along the Refuge, down to the border, and loops back up. In the Wildlife Refuge, I often see birds, hawks, deer, pronghorns, and other wildlife species. The refuge is quiet and peaceful to visit.
15. I am concerned that the construction of a new wall will impact wildlife migration, cause harm to wildlife habitat, and make the wildlife refuge less enjoyable to visit. Currently, animals are able to migrate throughout the

region. Currently, there is no fencing that prevents their movement. A border wall may prevent these species from migrating freely.

16. I also enjoy hiking in the San Luis Mountains. I often visit the Cumero Mountain area, which is part of a wildlife travel corridor between mountain ranges, as well as the mountain range south of the town of Arivaca. When I visit this region, I hike, swim, and take scenic drives to take in the views of the mountains. I am aware that there is currently a pedestrian border wall in the Sasabe segment of the Tucson C Project Area. While this fence is imposing, the wildlife is able to move around it and I can still find areas to hike that do not have the fence in my view.
17. I am concerned that the replacement of the current fencing with much a taller steel bollard wall will cause such harm to the mountains and the desert that I would no longer visit to hike. I visit to see the wilderness and to experience nature and am very concerned that a border wall would make it more difficult for me to do this, as a wall would bisect the land and scar the desert and mountain landscape.
18. I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed April 8, 2020.

A handwritten signature in cursive script that reads "Sarah M. Roberts". The signature is written in black ink on a light-colored background.

Name

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; and
CHAD F. WOLF, Acting Secretary of Homeland
Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-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 Dripping Springs 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 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. 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) diverted additional funds in February 2020 to the Department of Homeland Security (DHS), and that DHS intends to commence wall construction in what has been designated as “El Paso Project B,” which includes “approximately 6 miles of vehicle barrier replaced with primary pedestrian fence” in addition to “five segments of non-contiguous new primary pedestrian fencing” totaling 62 miles. The primary pedestrian fencing will consist of “steel bollard fencing” and be accompanied by a Linear Ground Detection System, construction of access roads, and new lighting.

11. These projects are adjacent to and in close proximity to where I conduct my professional and recreational activities.

12. Border wall construction pursuant to El Paso Project B 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. Any construction along the border between Mexico and New Mexico that is away from the city centers has the potential to disrupt 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 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 installation of massive floodlights along the border wall could also 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 to Columbus, New Mexico running adjacent to but south of Highway 9 is an area 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. As I stated in my previous declaration as to El Paso Projects 2 and 8, I have gone motorcycle riding on State Highway 81, which runs down the Bootheel to Antelope Wells and I have ridden across the border on Federal Highway 2, on the Mexican side of the border. I have also used FR 63, the Geronimo Trail, that spans across the Coronado National Forest on the southern end of the Peloncillo Mountains and I have frequented the Cloverdale area where I have also hunted mule deer.

17. The areas where I ride include the lands designated as El Paso Project B. The surrounding landscape is uniquely beautiful because it is a confluence of many different ecosystems. The diversity of wildlife, the vistas and spectacular geomorphology, and both the paved and back roads are the reasons I frequent this area. Isolated mountain ranges intersect with long stretches of desert and make the Sky Islands a special area to see incredible plant and wildlife diversity. It is a great place to get away, to commune with nature, and to spend time with close friends. I hope to return to these areas soon.

18. The level of disturbance caused by erecting 30-foot-high barriers, equipped with floodlights, and a patrol road will be much greater than that of the existing barriers. From Highway 2, the wall segment in El Paso Project B should be clearly visible. And, given the scale of the construction, the impact of the wall will be felt not only in its immediate vicinity, but throughout the surrounding environment. It will most likely be visible from afar and blot the majestic vistas and scenic views that draw me to recreate in these lands.

19. 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 B 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 7 day of April, 2020.

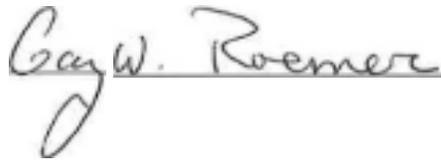
A handwritten signature in cursive script that reads "Gary W. Roemer". The signature is written in black ink and is positioned above a horizontal line.

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; and CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF MICHAEL L.
ROOD**

My name is Michael L. Rood and I declare:

1. I am over eighteen years old. 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 am a resident of El Centro, California which is located in Imperial County, California. I have lived in Imperial County for most of my life. I am a retired attorney and have been retired since 2015. My license status since retirement has been "inactive." My legal career included, among other things, serving as City Attorney for the City of Calexico for about twelve years, City Attorney for the City of El Centro, and County Counsel for the County of Imperial for about seven and a-half years. Having lived and worked in this border community my entire life, I am familiar with the County of Imperial.

3. I am a current member of the Sierra Club. I have been a member continuously since August 2016, but first became a member several decades ago. My hobbies include bird watching and camping and hiking in the deserts and mountains in and around the Imperial and San Diego Counties. This has included the Jacumba Mountains, Jacumba Wilderness, Meyer Valley, Pinto Canyon, and Davies Valley.

4. 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.

5. It is my understanding that the federal government is pursuing two new wall projects that it has titled "San Diego A" and "El Centro A." My understanding is that San Diego A involves the replacement of about fourteen miles of primary pedestrian fencing, beginning approximately four miles east of the Tecate Port of Entry and continuing west for about fourteen miles. My understanding is the project also involves the construction of two new wall segments. The first segment would be constructed just to the west of the town of Jacumba Hot Springs. My understanding is the second segment of San Diego A would link up with the El Centro A project, which involves approximately ten miles of new border wall construction. This combined wall segment would cross an area of beautiful and extremely rugged mountains and valleys beginning just east of the town of Jacumba Hot Springs in Southeastern San Diego County. It would continue east along the Mexican border into Imperial County, reaching the southern boundary of the Jacumba Wilderness and Davies Valley.

6. In pursuing my hobby of hiking, I have hiked with friends and groups in the proposed El Centro A project area too many times to count since the 1980's, and especially frequently since I retired in 2015. I most recently hiked in the area in October of 2019. I was planning on hiking to Blue Angel's Peak, which is very close to the border, in March of this year, but the hike was cancelled because of Covid-19. I intend to return to the project area within the next two months and hope to lead hikes of groups here when Covid-19 issues allow later this year. This is a very rugged area of mountains, valleys, and huge granite boulders. There are ancient Indian trails, tools, pottery, petroglyphs, and pictographs found in these areas. Wildlife there includes the Desert Bighorn Sheep, occasional wild horses, mountain lions, bobcats, coyotes, rattlesnakes, and many others. It is truly a remarkable and wild area of Imperial and San Diego Counties.

7. The El Centro Project A would greatly impact me and many other hikers from Imperial, San Diego, and Los Angeles Counties. I occasionally lead hikes for a group of hikers called the "Jacumba Hikers." This group hikes once a week for ten months of the year, often in the El Centro A project area. The Jacumba Hikers has over 200 members and is associated with the Imperial Valley Museum Society that owns and operates the Imperial Valley Desert Museum, Inc. in Ocotillo, California. We have hiked from the northern boundary of the Jacumba Wilderness through Davies Valley to the Mexican border, which is also the southern edge of the Jacumba Wilderness. I have also explored the Pinto Canyon from Mountain Springs Grade to the Mexican border. If the El Centro A wall segment is built, wildlife that includes Bighorn Sheep and wild horses will suddenly be cut off from areas of natural habitat south of the Mexican Border and vice versa. Further, the steep rock canyons that will be destroyed during construction

of a border wall and its service roads will no doubt eliminate habitat for many birds and wildlife. While I am not an expert, I believe that the Canyon Wren could be one bird that I presently enjoy hearing and seeing on my hikes that could be eliminated in many canyons. My enjoyment of the pristine wildlife and fauna found in this area would thus be severely impacted by the construction of a border wall as proposed.

8. The El Centro A Project would further impact the natural beauty of many areas near the border that the Jacumba Hikers and I have visited and plan to continue to visit in the future. These include Valley of the Moon, Blue Angel's Peak, Carpeted Cave, and Smuggler's Cave. The construction of a border wall, as proposed, would become a visual impediment, detracting from the pristine beauty of this area.

9. The proposed El Centro A Project would further require a massive construction effort through approximately fifteen miles of beautiful and relatively untouched portions of the Jacumba Mountains and the Jacumba Wilderness. The elevation change in this area extends from approximately 3,000 feet above sea level to less than 1,000 feet at Davies Valley. The project will require the creation of construction roads and massive excavation and movement of boulders, streams, and waterways. This could easily obliterate Indian drawings and artifacts that I have greatly enjoyed seeing. It would cause irreparable harm to this wild and beautiful area by its destruction of the natural terrain and the installation of a wall of some twenty-six feet in height. For all these reasons, the proposed border wall would negatively impact my enjoyment of this beautiful and primitive area.

10. In addition, my wife and I have hiked over 100 miles of the historic Pacific Crest Trail (PCT) from the Mexican border north to Warner Springs. We most recently hiked in this

area in May of 2019. We intend to return to the PCT sometime in 2020 after Covid-19 issues resolve. The proposed San Diego A project would create a wall of such height that it would be visible for several miles along this trail. A twenty-six foot tall wall and its accompanying service roads will present an artificial modern scar across this area of mountains presently covered by chaparral. It will be visible for miles as it will rise many feet above the shrubland, and it would thus negatively impact enjoyment of the PCT while hiking in this area. It will be a constant visual reminder of the hectic world from which the PCT hiking experience otherwise provides a brief respite.

11. Finally, as one of my hobbies since retirement, I have flown in glider airplanes from the San Diego County rural airport located about ½ miles east of Jacumba and next to the Mexican border. I have flown in this general vicinity many times, and intend to continue flying in the area in the future. From the glider airplane and at the airport, I have enjoyed watching wild horses that travel back and forth between Mexico and the United States across the border east of the airport. This is an area that was left open to wildlife crossing in the last border wall construction but that would apparently now be closed by the proposed San Diego A (easternmost segment) and El Centro A projects. Closing this open space would impact my enjoyment of this uniquely wild area.

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: April 11, 2020



Michael L. Rood

5

DECLARATION OF MICHAEL L. ROOD

CASE NO: 4:20-cv-01494-HSG

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; and CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF KARLAIRETH
MENDOZA TERRY**

I, Karla Terry declare as follows:

1. My name is Karlairerth Mendoza Terry. 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. My primary residence is 10390 East Windstorm Drive, Tucson, Arizona. I have lived in Tucson since 2005. I grew up in San Diego, California, and spent several years in Hampton, South Carolina, before returning to Tucson.
3. I am an active member of the Sierra Club and belong to its Grand Canyon Chapter. I currently serve as the Co-Chair of the Borderlands Team for the

Grand Canyon Chapter. The Sierra Club's Borderlands Team works to defend and restore the natural values of America's northern and southern borderlands. I have been a member of the Sierra Club since December 2019.

4. I support the Sierra Club's mission 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.
5. I have been visiting the Yuma, Arizona area for several decades, as my father, aunt, and cousins live in the region. My father moved to San Luis, Arizona in 1999. Before I moved back to Tucson from San Diego, I would visit my father in San Luis every few months, or at least three to four times a year. Since moving back to Tucson in 2017, I am now able to visit my father at least every other month, but often more frequently. My father is currently 82 years old, and so I find it very important to visit him as often as possible.
6. It is my understanding that the Department of Homeland Security is planning to construct new or replacement border walls in two project areas it has titled "Yuma A" and "Yuma B." I understand that Yuma A involves the conversion of a vehicle barrier to a pedestrian wall and the replacement of

secondary fencing. I understand that Yuma B involves replacing a primary pedestrian wall and constructing new secondary fencing.

7. My father lives in San Luis, Arizona, in a neighborhood that is very close to where the Yuma A secondary fencing replacement project is proposed. San Luis, a small, close knit community, is located south of Yuma. I was most recently there in February 2020 and plan to continue visiting at least every other month. I am hoping to visit again in May 2020 if I am able to.
8. Every time I visit my father, we take long walks in the undeveloped area of San Luis, as long as my father is feeling well, in order to get out and enjoy the desert landscape. Our walks primarily take us near Felita Road, close to Friendship Park and near the San Luis Port of Entry. When we walk here, we can see a border wall near the Port of Entry, but not as we continue walking towards the canal. We walk in this area because there is nothing out there—it's quiet, peaceful and gives us a lovely view of the desert. You can see out to the horizon from these areas. We enjoy the openness that we get on these quiet walks out of town. The San Luis desert is a different desert than I'm used to seeing. I love that there are these easily accessible areas to enjoy the desert views with my dad. The fact that these walks are so nearby makes it much easier and more comfortable for him.

9. I am very concerned that the construction of the Yuma A border wall will prevent me from being able to take these walks with my father. The roads we usually walk on might be completely closed off once construction starts. I have seen the government do this in other areas where the border wall is being built, preventing any access.
10. If construction starts in this area, I will also be hesitant to take any walks with my dad in the vicinity because of the dangerous conditions from the construction. The large vehicles create so much dust that it would not be safe for us to be outside. This area is already so dry and dusty and the construction workers have very little ability to control the dust and make sure the air quality is safe. This is very concerning to me due to my father's health.
11. I believe my enjoyment of the area would be severely impacted after construction as well. One of the main reasons we walk in this area is because of the openness of the desert. We love being able to look out and see straight to the horizon. If a border wall is built, we would no longer be able to take in these same views or see anything, really, other than a giant wall. This would me feel very caged in and I would not want to walk there with my dad anymore. There is no beauty in feeling caged in. We would need to find a

new place to walk, which means we would need to drive to a whole new area, which would be much more difficult. I think I would not be able to take these long walks with my father as frequently anymore.

12. I further would not want to walk in an area with a border wall, like the one proposed in Yuma A, because of concerns for my safety. I have seen that in places where there is a new border wall there is increased and continuous Border Patrol patrols of the area. The presence of Border Patrol vehicles is unappealing because they treat innocent citizens like criminals and constantly question us just for going out on a walk. As a Latina woman, I am especially worried about being profiled by Border Patrol. I feel that it would be unsafe for me to walk in this area if the wall was built.
13. When I walk in San Luis, we always see small and medium sized mammals moving along near the Colorado River. The proximity to the River makes this area a natural migration path, with animals flocking here. I usually see rabbits, small deer, javelinas, and coyotes, and I know larger mammals come out at night.
14. I can't imagine what a border wall would do to these animals. There is currently nothing to obstruct them from their natural migration along the border, and a wall would completely cut off access to one side of the

Colorado River. One of the beautiful aspects of living in an area like this is being able to see the natural flow of animals as they migrate. I look forward to this natural communion with animals when I visit San Luis. A thirty-foot border wall would make this communion impossible. I believe that a healthy ecosystem is representative of the health of a community. Cutting off the connection to animals is disrespectful to nature, to the animals, and to the community.

15. Each time I visit my father, we visit my aunt and cousins who live in Yuma, which is about ten miles from where my father lives. When we visit them, we take a scenic route which takes us right along where I understand the federal government plans to replace vehicle barriers with a thirty-foot tall pedestrian wall in the Yuma A project. I was most recently there on my last visit to my father in February, and I plan to visit again in May 2020. Because of my family ties to the area, I plan to continue these visits into the future.
16. We take the scenic drives to go between my aunt's house and my cousin's house, and then to visit my father's friend's house, also in Yuma, where we pick fresh dates. These drives are beautiful, with views of the agricultural fields, open desert, and mountains to the west. We take this drive because of the unique views available of the canals, the Colorado River, the mountain

ranges near the United States-Mexico border, and the open desert. This is not a sight you can see in many other places.

17. A border wall in this area would completely cut off views of the landscape. I would no longer be able to see the water or the desert, which is the purpose of the drive. Instead, all I would see is a monstrous wall. Right now, I can occasionally see the smaller vehicle barriers on these drives, but it is so minimal it does not obstruct my view of the desert. These scenic drives often take us right along the perimeter roads, right up near the border. I can't imagine these roads would be accessible anymore. It takes longer to get from the different places we visit when we take these scenic routes, but the point is to see the mountains, water, and desert. The border wall would make this drive no longer scenic and less enjoyable for us.
18. My father and I also take scenic drives in the area that I understand the federal government has titled Yuma B. We drive this route when we visit our family in Mexico. During these drives we travel from San Luis to Yuma, and then from Yuma to the Andrade Port of Entry. We have been making this drive every six months or so since 2017. This is not the fastest route—we could, for example, take I-95 instead. We choose to take this route because it is so scenic and beautiful, with open desert views. We plan to

continue to see our family in Mexico at least twice a year. I plan to continue taking this scenic drive from San Luis each time I visit.

19. The Yuma B region is a lovely area, with unobstructed views of the desert, agricultural fields, and undeveloped land. There are not many houses or structures that block the view. This area is so special to me because you can truly understand the natural flow of the living desert, with the animals, open fields, and canals leading to the Colorado River. While we almost always stay in the car when we take these trips, this drive gives me such an opportunity to view the natural environment with my father. We can only really see the border wall near the Andrade Port of Entry, but besides that one area, the view is really quite open and unobstructed.
20. The construction of two new border walls in this area would make me less interested in taking these scenic drives because my view would be completely obstructed. As I said earlier, I could get to my destination faster by taking I-95 but choose not to because of the gorgeous desert views. There would be no purpose of driving along a road that makes you feel like you're caged in.
21. The border wall in the Yuma B area would also likely cause destruction to the area to make it accessible for the large construction equipment. I imagine

the access road would need to be clear-cut and widened during the construction. This would make the views even less palatable because instead of seeing the natural desert, which is why I take this scenic route, I would be looking at unnecessary manmade destruction. I would choose to go another way rather than see this massive destruction of the desert landscape. I would miss taking these scenic drives greatly, but I would rather drive in an area that is already built up then to witness the destruction of this beautiful landscape.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed April 12, 2019.

Name 

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; and CHAD WOLF, Acting Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF JERRY D.
THOMPSON**

My name is Jerry D. Thompson and I declare:

1. I am over eighteen 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 fifty-one 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 the American Southwest.

5. I have written over twenty-six 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 in 2019 for *Tejano Tiger: Jose de los Santos Benavides and the Texas-Mexico Borderlands*.

7. I previously wrote a declaration in a separate lawsuit filed by the Sierra Club in which I explained how a proposed border wall project that the Trump Administration has labeled Laredo 7 would impact my historical research.

8. What I wrote in that previous declaration about my research method still holds true: 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.

9. Because I write often about the Texas – Mexico border, I have visited it numerous times and hope to continue to do so well into the future.

10. It is my understanding that the federal government is pursuing two new wall projects that it has titled “Del Rio A” and “Del Rio B.” My understanding is that Del Rio A involves the replacement of a primary pedestrian fence with a much bigger wall along the Rio Grande on the U.S. side, beginning just north of the Eagle Pass Port of Entry and continuing north for approximately one mile; and Del Rio B also involves the replacement of a primary pedestrian fence with a larger wall along the Rio Grande on the U.S. side, beginning just southeast of the Del Rio Port of Entry and continuing northwest for approximately two miles.

11. The area in which the Del Rio A wall segment would be built plays a very important role in the history of U.S.—Mexico relations. El Camino Real de los Tejas, which was the original significant highway of commerce between the American Gulf and Mexico and ran all the way from New Orleans to Mexico City, passes just south of that area. The proposed wall would be right next to the remains of Fort Duncan, which was one of a chain of forts that the U.S. Army built following the Mexican-American War to monitor El Camino Real and other border areas.

12. Because of its historical importance, I have visited the Del Rio A site over a dozen times in my research on the Texas – Mexico border. I first visited around the year 1969, and have gone back about once every three years since then. I also drive past that site multiple times a year. My most recent visit to the Del Rio A site that involved more in-depth research was about three years ago when I visited the remains of Fort Duncan in order to obtain a better understanding of exactly what the fort looked like following its establishment in 1848, and its geographic setting relative to Eagle Pass and Mexico. I also wanted to see what parts of the fort

had survived the urbanization in Eagle Pass and examine any exhibits at the on-site museum relating to the presence of the military on the frontier in the 1800s.

13. I am writing a book about the American general John Ellis Wool, who led an invasion into Mexico in 1847 during the Mexican-American War. I would like to follow as much of his route from the border city of Guerrero in Coahuila, Mexico to the Battle of Buena Vista as I safely can. That trip will take me down El Camino Real and likely to the Del Rio A project site.

14. The area in which the Del Rio B wall segment would be built also plays an important role in the U.S.—Mexico historical relationship, but is especially important for what it can teach us about the area’s pre-European history. Archaeologists have found Native American campsites along the Rio Grande in that area. There is also a network of ancient pictographs in caves along the Rio Grande in and around the site of the proposed Del Rio B wall. I think of these as the oldest “books” in North America. While I study the post-European history of the border area, understanding its earlier history is vitally important to my work because I do not think we can understand any era in our history without understanding how previous eras influenced that time period. And with the pre-European time period, we have to depend on the archaeology and pictographs to understand what happened, due to lack of written records.

15. I have visited the Del Rio B site over a dozen times for my research. I first visited around the year 1969, and have gone back about every two or three years since then. My most recent in-depth visit to the site was about three years ago, when I visited the Rio Grande right near the Del Rio border crossing in order to get a view of the river and compare it with maps from the 1850s.

16. I had intended to return to the Del Rio B project area in late May with a group of students from my American Southwest class so that I could show them pictographs around the project area and the Lower Pecos River, as well as what the border looks like in general. However, that visit has been cancelled due to the coronavirus pandemic. I still intend to take my next American Southwest class to the Del Rio B site in June of 2021.

17. The Del Rio A & B projects would make it extremely difficult for me to visit these historic sections of the border in the future. While fencing already exists at these sites, my understanding is it is short chain-link fencing, while the new wall will be made up of much taller steel bollards. I do not even remember seeing the fencing at either the Del Rio A or B sites when I have visited in the past. It was not a barrier to my research, and does not stick out at all in my memory.

18. I believe the new steel bollard wall would be much more likely to block my access to and view of the Rio Grande from the American side. I am also worried that increased patrolling of that area will come along with the wall, and it will become impossible for me to visit the river at those sites without permission, as I have been doing in the past.

19. Viewing that section of the border from the Mexican side might be too dangerous due to violence in that part of Mexico. While I have crossed the border to visit Piedras Negras and Ciudad Acuña in the past, at the present moment I believe it is too dangerous to attempt this again. 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.

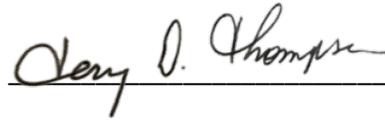
20. In addition, I am very worried that archaeological artifacts that likely exist at the site of the Del Rio B project would be destroyed by the construction of the wall. Construction crews would have to bulldoze the surface of the earth to build the new wall segments and the new roads and lighting systems they plan on installing. There is no telling how much archaeological damage this would do, especially because my understanding is that the government has waived all historic and environmental surveys that are usually required before this kind of construction. The loss of this important history would cause immeasurable harm and deeply saddens me.

21. Similarly, I am concerned about the impact that construction of the wall will have on historic cemeteries. I believe there are several historic cemeteries along the Del Rio B project area, and there may be some cemeteries along the Del Rio A project area as well. As I explained in my previous declaration, 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 am worried the wall construction will result in the destruction of these cemeteries, thus severely impacting the historical record.

22. Just as with the proposed Laredo 7 project, I am concerned the Del Rio projects would cut off an essential area of research for me forever and irrevocably damage the archaeological history of the area. 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: April 1, 2020

A handwritten signature in black ink that reads "Jerry D. Thompson". The signature is written in a cursive style and is positioned above a solid horizontal line.

Jerry D. Thompson

Exhibit 19

**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; and CHAD WOLF,
Acting Secretary of Homeland Security, in
his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

**DECLARATION OF
ELIZABETH J. WALSH**

My name is Elizabeth J. Walsh and I declare:

1. I am over eighteen years old. I currently reside in El Paso, Texas near Sunland Park, New Mexico in close proximity to the United States-Mexico border. 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 have been an active member of the Sierra Club since 1993, having served on number of volunteer committees. For example, I was a national Sierra Club Board member from May 2012—2018, serving as fifth officer from 2015—2016 and treasurer from May 2016—May 2018. Currently I am the volunteer co-lead of the Our Wild America campaign, a member of the national Finance and Risk Management Board Advisory Committee, a member of the national

Sierra Club Wildlife & Endangered Species Activist Team (WESACT), and a member of the Executive Committee of the El Paso Regional Sierra Club Group. I have been involved in various advocacy and academic discussions, protests, and meetings regarding the border region, including being co-organizer of a Sierra Club Border Wall event hosted by the WESACT team in south Texas in 2008, and the lead presenter on the Border Wall and Wildlife forum at the Universidad Autonoma de Ciudad Juárez in October 2008. I also have given a local presentation and served on a panel about the border wall in El Paso in the past few years.

3. My professional career is dedicated to environmental issues. Since 1994, I have been a tenured professor in biological sciences at a Texas university. I moved to the area after completing my Ph.D. in Environmental Biology at the University of Nevada, Las Vegas. My work focuses on desert springs and wetlands. I specifically spend a lot of time studying the aquatic diversity of ephemeral wetlands formed after rainstorms that are known locally as playas. I look into how these systems contribute to biodiversity and how diverse species interact with these varied systems that are very temporary in nature. As part of that work, I collect samples from playas and other water bodies throughout the Chihuahuan Desert.

4. My work and advocacy on behalf of wildlife in the border region goes back more than two decades. I was active in advocating for environmental and wildlife interests during prior border fencing projects under the George W. Bush administration in the early 2000s.

5. 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.

6. I previously wrote standing declarations in a separate lawsuit filed by the Sierra Club in which I explained how two proposed border wall projects that the Trump Administration has labeled El Paso Sector Project 1 and El Paso Sector Project 2 would impact my research and recreation abilities.

7. It is my understanding that the federal government is pursuing a new wall project that it has titled “El Paso C.” My understanding is that El Paso C involves the replacement of a primary pedestrian fence with a much bigger wall just west of Anapra, and the replacement of another primary pedestrian fence with a larger wall in the area of the Mexican city of Palomas.

8. I often visit the border area immediately west of El Paso, Texas in New Mexico to sample water for my academic research at a river that runs adjacent to the eastern segment of the proposed El Paso C project. I visit that area to sample water about twice a year on average, with my last visit being around April 2019. I intend to continue to visit the area in the future—we typically visit this area during the monsoon season, so I hope to visit again sometime between July and September of this year.

9. From where we sample the water, we can see the currently existing border fencing. If the El Paso C project is completed and a much larger wall is built, I believe that it will bring with it more Border Patrol infrastructure and personnel. I worry that I would need to jump through more hoops to get permission to get the water samples I need by, for example, having to contact more people to let them know I will be in the area. This would make it harder for me to do my research and potentially harm my academic work.

10. I also visit the western segment of the El Paso C project regularly to go hiking and birdwatching. I have been regularly hiking and birding for decades—since I was in college in the 1980s. I enjoy birding because as a biologist, I like seeing species in their natural setting, and

learning more about their biology and how they are adapted to the desert. I enjoy hiking because I enjoy getting outside, connecting with nature, and seeing the natural beauty of the desert.

11. I visit the western segment of the proposed El Paso C project about two times a year on average. I last visited around June of 2019, and I plan to visit again at some point this year. I enjoy hiking in this area because it affords great views of the open, boundless desert. It is further not a high-use hiking area, so I am less likely to be disturbed by other people. I bird in that area because I have found it to be a good area to see a lot of desert bird species. Some species I have seen in that area include the Prairie Falcon, Swainson's Hawk, Canyon Towhee, Bell's Vireo, and Scaled Quail. While I know there is currently border fencing in this area, I do not remember seeing it in my past visits. I may not have been close enough to the border to see the fencing.

12. I believe that if the western segment of the El Paso C border wall is constructed, it will be very noticeable when I go back to that area to hike and bird in the future. The wall would be a major disruption while I am out trying to enjoy nature. A wall is not part of the natural landscape, and would detract from the connection I have with nature in that area. It would also ruin the views of the vast desert landscape and the feeling of boundlessness. The wall would further fragment habitats that were previously either undisturbed or minimally disturbed, and that are critically needed by many species. Numerous species would have their ranges halved by the border wall, which would impede their ability to reproduce with other members of their species, thereby creating a less diverse gene pool and increasing the probability of inbreeding. Because the new wall would be so much taller than the existing fencing, I believe it would prevent the movement of a much larger range of animals than the current fencing affects. Finally, this wall would be a sad reminder of how people can no longer interact with other people on opposite

sides of the border like they did for years before the border began being militarized in the mid-2000s.

13. The process of constructing the wall and the additional infrastructure it would bring would further affect my enjoyment of the natural beauty of the area. The lights, new roads, and additional Border Patrol vehicle traffic that will come along with this new wall would disturb the wildlife nearby and make it less likely they visit the area. The process of building the wall would damage the desert area, and I know from experience that the desert is very fragile. It will take a long while for the natural environment around the wall to recover from construction, if it ever would.

14. Because I am a biologist, I recognize the importance of the species that inhabit the border area in maintaining healthy ecosystems for both humans and other animals. I appreciate the diversity of life, and I appreciate being able to see that diversity when I bird and hike near the border. I would like to see habitat protected so these species can persist long-term. For these reasons, I oppose construction of this border wall.

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: April 13, 2020

A handwritten signature in cursive script that reads "Elizabeth J. Walsh". The signature is written in black ink and is positioned above a horizontal line.

Elizabeth J. Walsh

Exhibit 20

**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,
U.S. Secretary of Defense, in his official capacity;
and CHAD F. WOLF, Acting U.S. Secretary of
Homeland Security, in his official capacity,

Defendants.

Case No.: 4:20-cv-01494-HSG

DECLARATION OF LINDA WHITAKER

My name is Linda Whitaker, 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 1520 E. Bristol Drive, Nogales, Arizona 85621-1221. I have lived in Nogales for twenty-four years.
3. I am a current member of the Sierra Club and first joined the organization in 2003. 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. In my many years living in Nogales, I have enjoyed spending time outdoors in the rare desert grasslands and mountains of Southern Arizona. I live around 2 miles from the

US/Mexico border and frequently hike in the areas along the border identified as Tucson Project B and Project C.

5. I live 2 miles from Kino Springs and I hike in this area on a nearly-daily basis near the border. I also drive and hike in areas within and surrounding San Rafael Valley, Coronado National Memorial, and the Atascosa Highlands several times each year. In addition to hiking, I also enjoy other forms of outdoor recreation, including birding and hunting.
6. This area in Southern Arizona is home to many unique species of plants and animals, making my time spent outdoors that much more special and important to me. The border area is also an important migratory corridor for some animal species. Jaguar habitat exists on both sides of the border, and both Projects would drastically fragment their habitat. This is also true for the Montezuma quail (an important hunting resource for Arizona), as this part of Arizona is the northernmost edge of their territory. I also see javelina, white tail deer, and turkeys in the area near the proposed Tucson B and C Projects. I also enjoy bird watching. I participate yearly in the official Yellow Billed Cuckoo and Elegant Trogon survey counts. I have often seen Yellow Billed Cuckoos down along the border in this project area.
7. A 30-foot wall and its associated construction would obliterate migratory pathways and damage key habitat for many species. The project area also impacts numerous designated Arizona Important Birds Areas, such as the San Rafael, Huachuca Mountains, Atascosa Highlands IBAs and the Buenos Aires National Wildlife Refuge which “elevates the profile of an area as being important for birds and acknowledges the stewardship of the landowners and managers” (AZIBA.org).
8. Since I have lived here for many years, I have become very familiar with the weather patterns of the area and the past development along the border. In this part of Arizona, we have a monsoon season. It usually lasts from mid-June to mid-September. Sometimes we get two to three inches of rain in a very short period of time. I have seen previous border construction projects get wiped out because rainwater was not allowed to flow through.

New construction would cause significant erosion if the unique desert grassland is destroyed. The updates to existing roads and the creation of new roads for the required construction equipment would also disturb local wilderness areas, the wildlife, and exacerbate flooding. I have seen what the government has tried to do in the past to keep erosion down - but in the process they are only making it worse. I am afraid of the impact of increased flooding from additional border wall. The border wall and the construction process will wreak havoc on this area.

9. I love Southern Arizona; it is a paradise. It is a unique landscape made up of mountains, canyons, and desert grasslands. In many places, when I look out, I can see right across into Mexico. I have been enjoying this natural environment for over twenty years and plan to continue doing my outdoor recreational activities for years to come. However, a 30-foot bollard wall would destroy the beauty of this area, in addition to harming local species and increasing the risk of flooding.
10. 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 Tucson Project B and Tucson Project C. I am worried that the border wall and would destroy the beauty of this landscape, negatively impact the habitat of area species, and contribute to severe flooding events.
11. For all of these reasons, the proposed Project B and C wall construction in the Tucson Sector 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: March 13, 2020



Linda Whitaker