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13
 14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 15 **SAN FRANCISCO-OAKLAND DIVISION**

16 SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION,

17 *Plaintiffs,*

18 v.

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

23 *Defendants.*

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

**SECOND APPENDIX OF
 DECLARATIONS IN SUPPORT OF
 PLAINTIFFS' REPLY AND
 OPPOSITION TO DEFENDANTS'
 CROSS-MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Date: Nov. 20, 2019
 Time: 10:00 AM
 Judge: Honorable Haywood S. Gilliam, Jr.
 Dept: Oakland
 Date Filed: Oct. 11, 2019

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**DECLARATIONS IN SUPPORT OF PLAINTIFFS' REPLY AND OPPOSITION
TO DEFENDANTS' CROSS- MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Exhibit 1

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; KEVIN K. MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Second Declaration of Dr. Orson S. Bevins</p>
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I, Dr. Orson S. Bevins, declare as follows:

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

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

3. I am a current member of Sierra Club. 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 wrote a declaration for this case in connection with the Yuma 6 border wall project. My declaration was submitted on October 11, 2019. I now submit this supplemental declaration in order to clarify the following facts.

5. The government writes that I “complain[] that the construction of secondary fencing at Yuma 6 will ‘fragment the vista.’” ECF No. 236 at 39. I want to clarify that I did not say secondary fencing alone would fragment the vista. I was referring to the view from the outskirts of Los Algodones toward the Colorado River and into Arizona. Currently, there is no pedestrian wall here. It is hard for me to believe that a mile-long, 30-foot wall would not obstruct this view or have significant aesthetic impacts.

6. In my previous declaration I said that the “area surrounding the proposed project... is currently not heavily fortified.” ECF No. 210-1 at 13. The existing fencing further south on the Colorado River is vehicle barrier fencing, which feels far less intrusive and fortified than pedestrian fencing.

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: November 1, 2019.



Dr. Orson S. Bevins

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; KEVIN K MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,

Defendants.

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

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

My name is Kevin Bixby and I declare:

1. I am over the age of eighteen and I am competent to make this declaration. I provide this declaration based upon my personal knowledge and would testify under oath to the facts herein 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, as well as a dues-paying member of the organization. SWEC forms part of the Southern Border Communities Coalition (“SBCC”), and I serve as a member of SBCC’s Steering Committee, in which capacity I participate in and help guide SBCC’s activities across the southern border.

3. I write this declaration to supplement my previous declaration filed in *Sierra Club v. Trump*, because I understand Defendants have referred to “existing Normandy-style vehicle barrier” and an existing patrol road as diminishing my interests in the lands designated for construction by El

Paso Projects 2 & 8. Defendants further assert that “there appears to be only private land surrounding [El Paso 8]” and that there will be “a small construction footprint relative to the size of the surrounding land.”

4. I understand that the government will replace vehicle barrier with primary pedestrian barrier and construct new secondary pedestrian barrier through El Paso Project 8, thus sandwiching an existing patrol road between two thirty-foot bollard walls and including lighting and power. I understand that the government will additionally replace over 23 miles of vehicle barrier with primary pedestrian barrier through El Paso Project 2, including the addition of lighting and power.

5. As I stated in my previous declaration, SWEC members, including I, recreate in lands designated for construction through El Paso Projects 2 & 8. Not only do I and SWEC members recreate in these lands, but the preservation of these lands is vital to my organization’s mission. As I stated in my previous declaration, we exist to protect intact nature in this region, which unifies ecosystems into what are called Sky Islands, where tall mountain ranges rise high above the desert.

6. That the land surrounding El Paso 8 is private reflects, rather than diminishes, this ecological significance. It is my understanding, based on information provided by the government, that El Paso 8 will occur on the Diamond A Ranch. As I stated in my previous declaration, I have been invited to and spent time on the Ranch. The Ranch is a working livestock operation devoted to land management and conservation, including grassland restoration. As also stated in my previous declaration, the Nature Conservancy owns a number of conservation easements on the property and calls it “a 500-square-mile gem nestled in the boot heel of New Mexico.” The Ranch hosts more than 700 species of plants, hundreds of species of mammals, reptiles and amphibians, and birds, and is, according to the Nature Conservancy, “one of the most significant natural sites in the nation.”

7. Defendants’ efforts to diminish the significance of these lands or the consequences of proposed construction are inconsistent with my experience of them. Both at the border and far away from it, new 30 foot barriers will blight landscapes I cherish. They are intended, and their effect will be, to fundamentally alter the landscape. Their impact will not merely be felt in their vicinity, but far

beyond the construction corridors, including from the peaks of surrounding mountains. The walls themselves, as well as the attendant lighting, will impede the sweeping vistas and dark skies that have for decades made me to feel connected to these lands, and to which I have devoted my time and career to protect. I attach a photo of 30-foot bollards built in New Mexico in 2019—in what Defendants called “El Paso Project 1”—to demonstrate the likely impact of these projects. In addition to the aesthetic and physical impacts of these walls, they will, including by sandwiching a patrol road between two of these barriers in El Paso 8, undoubtedly interfere with wildlife migration.

8. These impacts are precisely why I have devoted so much of SWEC’s time to tracking the latest developments and trying to figure out exactly which lands are designated for construction, in order to keep updated and participate in numerous meetings with allies and members. I described this work at length in my previous declaration, as well as the frustration caused by the lack of notice and transparency surrounding the administration’s plans. As stated in my previous declaration, monitoring the construction of a border wall through diverted military construction funding has forced SWEC to devote resources away from our longer-term restoration efforts and public education.

9. For the reasons stated in my previous declaration, the impacts of this construction will reverberate far beyond the time required for construction and the area to be cleared. They will irreparably harm areas I cherish and that SWEC is devoted to protect.

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 1st day of Nov, 2019.

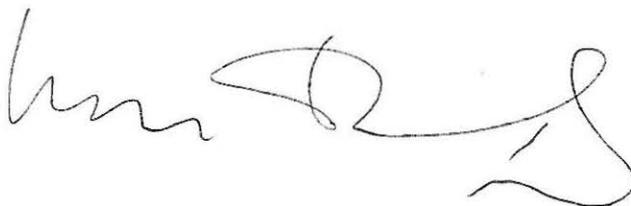
A handwritten signature in black ink, appearing to be "L. D. ...", written over a horizontal line.

Exhibit A

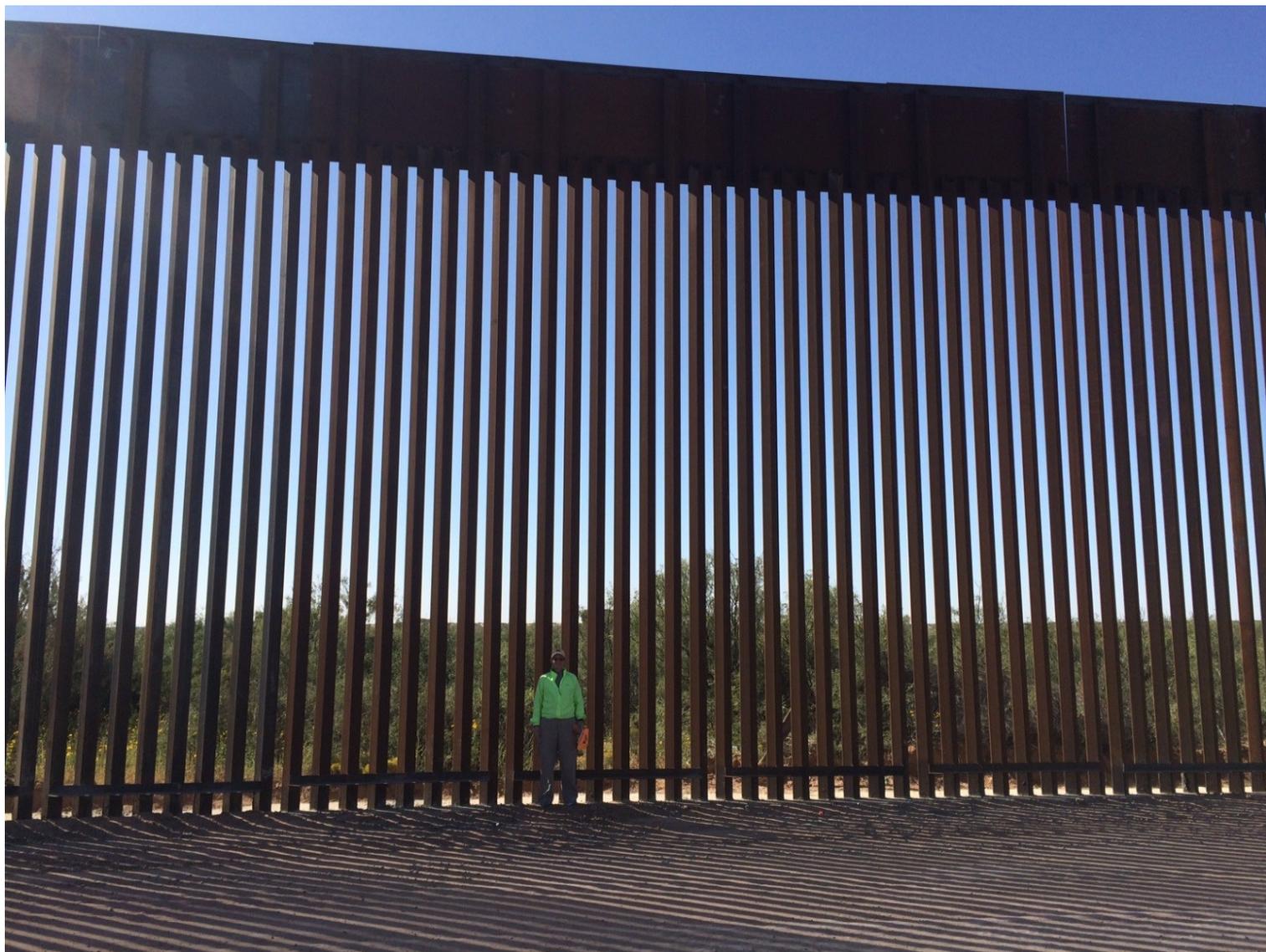


Exhibit 3

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

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

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

Defendants.

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

**THIRD DECLARATION OF BILL
BROYLES**

I, Bill Broyles, declare as follows:

1. I am over the age of eighteen, and I am competent to make this declaration. This declaration is based on my personal knowledge, and if called upon to do so I would testify under oath to the facts herein.
2. I reside in Tucson, Arizona, and have been a member of the Sierra Club since 1989.
3. I submitted two previous declarations to this Court, including to speak about the Yuma 2, 10/27, and 3 projects. I understand that Defendants have referred to existing barriers in these areas, as well claimed that “the small corridor required for construction already functions like a law enforcement zone, and construction impacts will be temporary,” to diminish the significance of these projects. Their statements about these lands are inconsistent with my experience of them.
4. As I stated in my previous declarations, I have spent the past 50 years working in and exploring the Barry M. Goldwater Range and Cabeza Prieta Wildlife Refuge, as well as the adjacent

lands in Mexico. I have worked on and continue to work professionally on these lands, have written and edited several books and articles about them, have hiked, camped, vacationed, and traveled through them, and have traversed thousands of miles and spent hundreds of days and nights underneath their skies. I continue to do so.

5. I am familiar with existing infrastructure and with the Range and Refuge requirements for access and use. As stated in my previous declaration, for 30 years, I have participated in meetings sponsored by the Range and Refuge concerning their natural resources management and range renewal plans. I participated in discussions to create the executive committee (IEC) of Range managers and worked as a volunteer for the Refuge.

6. I understand that the government intends to replace 12-foot mesh fencing with 30-foot bollard fencing and add lighting and power in the Range, in the area designated as Yuma 2; to erect 31 miles of 30-foot fencing in the Range, in the area designated as Yuma 10/27; and to build 31 miles of 30-foot fencing and add lighting and power in Cabeza Prieta, in the area designated as Yuma 3.

7. These projects are far worse than the existing infrastructure. The construction impact will not be comparable or limited. The impacts of the walls will not have a small footprint or low visibility. And these projects propose to transform pristine desert into law enforcement zones, prison-like “no-man’s lands,” really. Instead of being able to walk to the actual international borderline, as now, I will be kept 150-feet distant by two barriers and a corridor of denuded ground.

8. There is no comparison between existing infrastructure and the proposed 30-foot fences. The current vehicle barriers are not impediments to sight. Even the areas that have mesh screens are limited to ten-foot fences. The 30-foot barriers are not only substantially taller than existing barriers, they are 20 feet taller than any tree in the area. While vehicle barriers, and even the mesh screens, can blend into the surrounding environment, this bollard wall will be visible from miles away and block the view of scenery, wildlife, or persons beyond, whether I’m in the U.S. or Mexico. And this is to say nothing of the dusk-to-dawn flood lighting, which is not part of existing

infrastructure and will dramatically disturb the environment, including my view of the night sky and heavens.

9. These impacts will be caused by every inch of new construction, whether on a publically accessible portion of the Range and Refuge, or a portion that is currently closed to the public like the Western end of the Range. Not only will the wall and its lighting be visible far beyond the construction footprint, they will immediately disturb my recreation in Mexico, where I can and do enjoy these lands adjacent to proposed construction. As I stated in my previous declaration, the Sonoran desert spans the United States and northern Mexico to constitute what the military has called “the largest and most pristine desert environment in North America.” I have hiked and camped on both sides of the border, and several times enjoyed unimpeded vistas from Mexico into the United States. I currently enjoy the rolling sand dunes on the Range, visible from Mexico, draped with flowers in spring, including sand verbenas, Ajo lilies, and primroses. A 30-foot black or rusty wall along the border will block that view, interfering with my recreation and work. The wall will block my view of my own country, disrupting the beauty of the Sonoran desert to impose a monument to fear and division.

10. I also believe the impacts of construction will be significant. In contrast to the current Range and Refuge managements’ publicly inclusive approach and careful ecosystem-based land management, plans for the border wall are opaque and issued with seemingly no public input. As I stated in my previous declaration, almost all roads in the Refuge and Range are single-lane dirt or sandy trails, unsuited to large earthmovers, heavy trucks, and cranes. Construction will entail concrete foundations and 30-foot bollards, all of which will require workers and power and water. I anticipate that construction will impede my immediate plans to recreate on the Range and Refuge, and will likely do so for at least a year or more.

11. Further, while the construction may be temporary, the structure and its lighting will be permanent, and its maintenance recurring and perennial. These are the impacts I am principally concerned about, and the ones I spoke about at length in my previous declaration.

12. Though Defendants suggest these are “law enforcement zones,” that is not my experience. There are several differences between the current military management and that purported by builders of the wall. The proposed mitigation strategies do not compare to the Range’s robust “best management practices” in their attention to and care for the natural environment. And while the military trains in the Range, it does so in a way that facilitates restoration and rehabilitation—part of its pact with the public. The wall, in contrast, is forever.

13. There are roads, to be sure, that Border Patrol uses as “drag roads” which they daily wipe clean of all tracks in order to spot footprints left by illegal aliens or smugglers. But these 10 to 15-foot wide drag roads are a far cry from the 90-foot or 150-foot wide construction zones of new primary and secondary construction, adjacent to or sandwiched between 30-foot border walls. I see the expansion of the patrol road and cleared zone as a major and permanent scar across the desert that will not heal in my lifetime. One that would be very difficult to humanly restore to its current state of mature growth, whether by hydroseeding—unlikely to work in this portion of the arid Sonoran Desert—or otherwise. A scar that will even be visible from Space.

14. I reiterate all of the impacts this construction—in its execution, and in the ultimate barriers and lighting—will have on me professionally and personally. Contrary to Defendants’ portrait of a blighted law-enforcement zone, what exists is a virtually pristine, intact, and unimpeded desert ecosystem that spans countries and welcomes travelers. These values are not just mine, but they are touted in the Range and Refuge management plans. The Range is “nationally significant as a critical component in the largest remaining expanse of relatively unfragmented Sonoran Desert in the U.S.” (the Defendants refer to the INRMP as their exhibit 6, and I am here quoting 1.1[2]), and 93% of the Refuge is a congressionally designated Wilderness Area. The Pinacate Biosphere Reserve, adjacent to the Range’s and Refuge’s southern boundaries, is a UNESCO World Heritage Site. The Yuma projects will disturb the views into and out of the United States, the solitude and quiet, the shared heritage, history, and culture of our two bordering nations, all of which are important to me. The impact of the wall will be felt everywhere the wall and its lighting can be seen.

These known impacts likely pale in comparison to the several likely impacts of destruction of lands and fragmentation of habitats, impacts that have not been subject to ordinary and necessary environmental review, and mitigated only by discretionary policies that fall short of the Range's or Refuge's best management practices.

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

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

EXECUTED this 31 day of Oct 2019.

William F. Broyles

Exhibit 4

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

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

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

Defendants.

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

**THIRD DECLARATION OF GAYLE
G. HARTMANN**

I, Gayle G. Hartmann, declare as follows:

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

2. I have lived in Tucson, Arizona for over 50 years, and am a Life Member of the Sierra Club.

3. I have submitted two previous declarations to this Court, including to testify that border wall construction on lands designated as Yuma 2, Yuma 10/27, and Yuma 3 will injure me aesthetically, recreationally, morally, and professionally. I understand that Defendants have referred to existing infrastructure, claimed that construction will happen on a “narrow” corridor, and asserted that these lands “already function[] as a law enforcement zone,” to diminish the impacts of the proposed wall projects.

4. As I have twice submitted to this Court, I have spent significant periods of time in the Barry M. Goldwater Range and Cabeza Prieta National Wildlife Refuge. I have worked in the Range, lived on the Range, published about the Range, and devoted my time, with its custodians, to protecting the Range. I was part of a team that created the very first natural and cultural resources management plan for the Range, including Cabeza Prieta. With Bill Broyles and others, I called for the imposition of a permit requirement for visitors at the Range and Cabeza Prieta, and advocated for the creation of a committee to oversee resource management on the Range, led by military but including various stakeholders. I continue to regularly visit both the Range and Cabeza Prieta, and intend to do so several times this winter.

5. I understand that the government intends to replace 12-foot mesh fencing with 30-foot bollard fencing and add lighting and power in the area designated as Yuma 2; to erect 31 miles of 30-foot fencing in the area designated as Yuma 10/27; and to build 31 miles of 30-foot fencing and add lighting and power in Cabeza Prieta, in the area designated as Yuma 3.

6. As previously stated, the Yuma 2, 10/27, and 3 projects will injure me spiritually, aesthetically, recreationally, and professionally.

7. I am aware of existing barriers on the Range and at Cabeza Prieta. There is no comparison between existing barriers and the 30-foot barriers that will be built. Most of the infrastructure consists of vehicle barriers, which are approximately four feet tall and allow passage of wildlife. In my previous declaration, I referred to executive committee discussions in 2005 about whether to erect vehicle barriers on the Range and Cabeza Prieta. I did not oppose the installation of these three-to-four foot barriers because I understood them to be a compromise between the stated needs for such barriers and the impacts of the proposed solution. These barriers do not obstruct views across the desert landscape. They are more visually friendly, and blend more easily into the natural environment. Though I am less fond of the existing mesh fencing, the intended 30-foot bollards are far worse. In a landscape where trees and cacti rarely grow taller than ten feet, the 30-foot barriers will completely block the interconnected landscape of the Sonoran desert, including the

Pinacate volcanic region just south of the border. The 30-foot bollard fencing will obstruct more light, and its rust coloring or black paint will blight the desert landscape. The attendant lighting will pierce the night sky.

8. Further, any suggestion that these are “law enforcement zones” is inconsistent with my experience. Besides a corridor on the western edge of the Range which the military uses for exercises (and which are not blighted, but blend into the natural environment), permitted visitors can walk right up to the border. Whether on the restricted training ranges or publically accessible areas, the Range management makes substantial efforts at promoting and preserving these intact desert landscapes. As I stated in my previous declaration, I have visited these areas countless times in my professional and personal capacities, and intend to continue doing so with friends and with my family. Though they are not currently law enforcement zones, I fear they will become such when Defendants erect one or two 30-foot fences, add lighting, sensors, and expand patrol.

9. The impacts of construction are significant. Though the Range’s management and executive committee practice transparency and stakeholder inclusion, I am in the dark about the plans for border wall construction. Based on my current understanding of their design, I believe that the erection of these barriers will be time and resource intensive, and that the drum of construction during the proposed schedule will interfere with my current plans for recreation on the Range and Cabeza Prieta.

10. What is more important, I understand the structures themselves are intended to be permanent. In a relatively flat desert landscape, they will be visible from miles away, severing the sweeping vistas that inspire my love of these lands and my enjoyment of them. I also fear that the intended structures, compared to the existing infrastructure, will fragment the cross-border habitat of species that rely on lands on both sides of the border to survive.

11. By design, these walls will have a large footprint. They will be visible from miles away. They will pollute the night sky. They are a scar on pristine desert that divides what otherwise

would be, with northern Mexico, historically, ecologically, and spiritually unified land. This unity is profoundly meaningful to me.

12. As I stated in my previous declaration, these walls will injure me spiritually and aesthetically and recreationally, as an archeologist and conservationist and grandmother. 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 1 day of Nov, 2019.



Exhibit 5

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; KEVIN K. MCALEENAN, Acting Secretary of Homeland Security, in his official capacity; and STEVEN MNUCHIN, Secretary of the Treasury, in his official capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Second Declaration of Carmina Ramirez</p>
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I, Carmina Ramirez, declare as follows:

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

2. I am an active member of the Sierra Club and I support the Sierra Club's mission.

3. I am writing to respond to the government's claims against my previous declaration submitted on October 11, 2019, in connection with the El Centro 5 and El Centro 9 projects.

4. First, the government takes issue with a statement from my previous declaration: “[c]onstruction along the border will make me less likely to hike Mount Signal and enjoy outdoor recreational activities; and when I do undertake those activities, my enjoyment of them will be irreparably diminished.” ECF No. 210-1 at 70. The government claims that 1) “Mount Signal is located in Mexico and is thus not part of the construction footprint,” and 2) “[t]o the extent Ms. Ramirez is suggesting an inability to cross the border into Mexico to go hiking, the new secondary pedestrian fencing will not alter her ability to use the Calexico port of entry to enter Mexico and return to the United States.” ECF No. 236 at 40. To the first point, the fact that Mount Signal itself is not part of the construction footprint is irrelevant. The western most end of proposed secondary pedestrian fencing in El Centro 9 would be within three miles of the mountain’s base. If this project moves forward, I will be less likely to hike Mount Signal because the long-range views overlooking the valley would be of bulldozers and other machinery scarring the desert landscape. To the second point, I am concerned that construction in El Centro 5 and 9 will in fact slow processing times to exit and re-enter the United States at the Calexico West Port of Entry. It can already take up to four hours to cross the border, and I would hate to wait any longer. I have already noticed more dogs at the port of entry and that Customs and Border Patrol agents check more cars. Also, construction will likely require lane and road closures and the movement of heavy machinery and materials, both of which will cause congestion in Calexico.

5. Second, the government contends that my “claims are exaggerated because it is unclear how a secondary fence prohibits views of the mountains.” ECF No. 236-6 at 17. I did not say that a secondary fence would “prohibit” my view of mountains. I said that “[t]he existing fence already has divided our landscape and this proposed secondary wall would only further

obstruct this view and divide my community,” and that “[t]his additional barrier will further obstruct my sight line into Mexico.” ECF No. 210-1 at 70. The existing pedestrian fencing already obstructs views of the valley landscape and the mountains, as shown in Attachments A and B. I took these photos on October 31, 2019 as I drove west from Calexico along Mandrapa Road. I believe that another pedestrian fence north of the existing pedestrian fence would further obstruct these views and detract from the overall beauty of the area. I also believe that new pedestrian fencing would obstruct my sight line into Mexico more generally. One of the schools I work in, Jefferson Elementary, is a few blocks from the border. From the school, I can see through the existing pedestrian fencing into Mexico. I can see the Mexican flag, old buildings, and landmarks in the city of Mexicali. An added layer of fencing would make it harder to see across the border. As I said in my previous declaration, Calexico and Mexicali are one community and building another wall would further fray our ties.

6. Third, the government focuses on the fact that the landscape around the port of entry is urbanized. ECF No. 236-6 at 17-18. While this is true, the urbanized area quickly turns rural, especially on the U.S. side of the border. I have seen coyotes and cottontail rabbits in the city of Calexico next to Enrique Camarena Jr. High east of the port of entry. I worry that construction and an additional wall would negatively impact these and other wildlife.

7. My previous declaration, submitted on October 11, 2019, was mistakenly not sworn under penalty of perjury. I hereby resubmit in the following paragraphs the full content of my previous declaration.

8. My primary address is 1281 Sandalwood Drive, El Centro, California 92243.

9. 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.

10. I am a longtime supporter of the Sierra Club and an active member. I previously submitted a declaration outlining how the El Centro Project 1 would impact my life as a resident of El Centro. My first declaration was filed on May 29, 2019. For many of the same reasons, I am concerned that the proposed El Centro 5 and El Centro 9 construction projects would harm me aesthetically, environmentally, and culturally.

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

12. Our community refers to the area around the El Centro Sector as the "Valley"--a single place, spanning the U.S.-Mexico border. From the U.S. side you can see across the border into Mexico. This is a beautiful landscape with mountains that exist on both sides of the border. The existing fence already has divided our landscape and this proposed secondary wall would only further obstruct this view and divide my community. This community extends beyond this geographic boundary and this is a key part of our identity. Adding a secondary bollard wall and further militarizing the border would have tremendous cultural and aesthetic impacts. Continued

construction along the border, involving this tall secondary wall, would drastically impact my ability to enjoy the local natural environment. Construction along the border will make me less likely to hike Mount Signal and enjoy outdoor recreational activities; and when I do undertake those activities, my enjoyment of them will be irreparably diminished. This additional barrier will further obstruct my sight line into Mexico.

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

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

teacher for many years in Calexico, many families also have similar connections on both sides of the border. Even though we are two countries, we are one community.

15. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexican border. It is my understanding that the Secretary of Defense has recently authorized funding for Project 5 and 9 in the El Centro Sector. I am concerned that the proposed pedestrian fencing will divide my community that exists on both sides of the border and negatively impact wildlife species that reside in this border region.

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

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

Dated: October 31, 2019



Carmina Ramirez

Attachment A



DECLARATION OF CARMINA RAMIREZ
CASE NO: 4:19-cv-00892-HSG

Attachment B



DECLARATION OF CARMINA RAMIREZ
CASE NO: 4:19-cv-00892-HSG

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; KEVIN K. MCALEENAN, Acting
Secretary of Homeland Security, in his official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**SECOND DECLARATION OF
JERRY D. THOMPSON**

My name is Jerry D. Thompson and I declare:

1. I am over 18 years old. I currently reside in Laredo, Texas. The facts set forth in this declaration are based on my personal knowledge and my review of publicly available information. If called as a witness, I could and would truthfully testify competently to these facts.
2. My current address is 1301 Mier Street, Laredo, TX, 78040. I have lived in Laredo for about 51 years.
3. I am a current member of the Sierra Club and have been a member since May 1971. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

4. I previously wrote a declaration for this case in connection with the Laredo 7 border wall project. My declaration was submitted on October 11, 2019. I now submit this supplemental declaration in order to clarify the following facts.

5. I wrote in my initial declaration that “[t]he Laredo 7 project would make it either impossible or extremely difficult” for me to conduct research into the history of the Texas – Mexico border along the area where the wall will be built. App. of Decls. in Supp. of Pls.’ Mot. for Partial Summ. J. 89, ECF No. 236. Government Declarant Alex A. Beehler wrote in response that “this claim is exaggerated since all land along this project is private land.” Beehler Decl. ¶¶ 91.

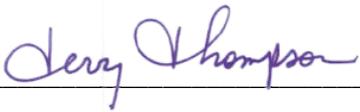
6. It is true that most land along the project is privately owned (although my understanding is that the federal government owns easements over the land directly adjacent to the Rio Grande, which I referenced in my previous declaration). However, in the past I have often gotten private landowners’ permission to access their land to view the Rio Grande border area for my research. In fact, this is my usual practice when I do site visits along the border. I intend to do the same thing in the future along the stretch of the border where the Laredo 7 project would be built, as it contains several historic areas.

7. Therefore, it is not relevant to my work that the sites I want to visit are on private land. If the government builds the Laredo 7 project, I will likely be denied access to these historic sites on private land for all the reasons I stated in my original declaration, and lose a very useful source of historical knowledge.

8. In addition, my concern still stands that the Laredo 7 project will seriously affect several historic cemeteries in the area.

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

Dated: October 31, 2019

A handwritten signature in blue 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 7

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

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

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

Defendants.

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

**THIRD DECLARATION OF
ELIZABETH J. WALSH**

My name is Elizabeth J. Walsh and I declare:

1. My name is Elizabeth J. Walsh.
2. I am over 18 years old. The facts set forth in this declaration are based on my personal knowledge 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.
3. I am writing in response to the government's contention that I exaggerated one of my claims in my October 11, 2019 declaration. I expressed that "my interest in enjoying and recreating in a large geographic zone in the El Paso Sector" would be negatively affected by border wall construction. ECF No. 210-1 at 103. This remains true. The border wall is designed to deter people from crossing the U.S.-Mexico Border. What the government fails to understand

is that the wall and construction activities also deter *people in the United States* from working, visiting, recreating, and otherwise enjoying the borderlands. The government frames this project area as a “narrow” “construction corridor” but fails to see that the project’s impacts extend far beyond the immediate construction area. Beehler Decl. ECF No. 236-6 at 21. The conversion of the existing El Paso 2 Sector from vehicle fencing to pedestrian fencing will severely impair the movement of some species of wildlife. As someone who studies biology for a living, part of my enjoyment of this land comes from observing animals like antelopes, badgers, and mountain lions and knowing that they can move freely. As far as recreation goes, I’m less likely to recreate anywhere near the border knowing that the government is planning or actively constructing border wall because I want to avoid checkpoints and other encounters with Border Patrol agents that take time and disrupt the recreational experience.

4. The government pointed out that my previous declaration was not submitted under penalty of perjury. ECF No. 236 at Note 6. I hereby resubmit in the following paragraphs the full content of my previous declaration submitted on October 11, 2019.

5. I reside in El Paso, Texas near Sunland Park, New Mexico in close proximity to the United States-Mexico border.

6. I have been an active member of the Sierra Club since 1993.

7. I previously wrote a declaration for this case in connection with El Paso Sector Project 1. My declaration was submitted on April 4, 2019. I now submit this new declaration for El Paso Sector Project 2 (“El Paso 2”).

8. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. It is my understanding that the government imminently plans to begin construction on the El Paso 2 project and several

other recently announced projects. As a professor of biological sciences and someone who cares deeply about this desert ecosystem, I am concerned that a border wall and its construction would wreak havoc on the plants, animals, and natural processes of this region. It would also detract from the natural beauty of the area and diminish my recreational experiences.

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

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

11. Much of my professional career has focused on studying the aquatic diversity of ephemeral wetlands, known locally as playas. In the eastern most proposed construction site of the El Paso 2 project, there are many temporary playa sites that serve as important sources of food and water for migrating species including a variety of sandpipers, American avocets, White pelicans, Sandhill cranes, and occasionally terns. The border wall could change drainage patterns and could disrupt species' ability to access to these playa sites. I plan to continue studying playa

systems, and this area of the El Paso 2 project could potentially serve as a research site for me and my students. But I am worried that construction of a border wall would frustrate my research opportunities.

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

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

14. I am also aware that barriers to wildlife movement exacerbate the current extinction threats posed by human-altered landscapes and human activities. Scientists warn that animals whose ranges would be halved by the border wall would be impeded in their ability to reproduce with other members of their species, thereby creating a less diverse gene pool and increasing the probability of inbreeding.

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

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

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: November 1, 2019



Elizabeth J. Walsh, Ph.D.

Exhibit 8

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

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

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

Defendants.

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

**SECOND DECLARATION
OF ANN WELLHOUSE**

My name is Ann Wellhouse and I declare:

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

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

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

4. I previously wrote a declaration for this case in connection with the San Diego 4 and San Diego 11 border wall projects. My declaration was submitted on October 11, 2019. I now submit this supplemental declaration in order to clarify the following facts.

5. The Government claims in a Declaration by Alex A. Beehler that the San Diego 4 project will have no impact on the areas around the Otay Open Space Preserve where I recreate. Beehler Decl. ¶ 71(c). I do not believe the Government has seen or understands the interconnectedness of the ecosystem of the area around the Otay Preserve. Species are not fenced in that reserve—they migrate all throughout the area, including across the border. The boundaries of the Preserve, and the U.S. – Mexico border itself, are artificial constructs that these species do not abide by. The construction of San Diego 4 would seriously damage the habitat around the Otay Preserve, thus destabilizing the Preserve itself by decreasing its diversity and adaptability.

6. The Government also states that my claims about the impact of the San Diego 4 project on my enjoyment of the land near the border is exaggerated due to the area already being impacted by construction. Beehler Decl. ¶ 71(c)(ii). I believe the Government is itself exaggerating how impacted the area surrounding the San Diego 4 project is. It is true that the land near the proposed San Diego 4 project has been somewhat disturbed already: there is relatively-short fencing with a small buffer zone and a small dirt road along the fence. However, wildlife can cross the dirt road, and low-level flying species such as roadrunners and towhees are able to fly over the fence. The Government is essentially claiming that this land is wasted land, so there would be no problem with wasting it some more. But I do not think this land is wasted. I go hiking and bird watching in that area often and find it to be a wonderful habitat filled with

natural beauty. While officials in Washington D.C. might not see this land's value, I live near the proposed San Diego 4 project, and that land is valuable to me.

7. It is my understanding that under the San Diego 4 project the Government will be replacing the current fencing with a thirty foot bollard wall, adding a large secondary wall, creating a large "no man's land" between the two walls, replacing the dirt road with a concrete one and significantly widening it, and adding flood lighting to the area. These changes will significantly worsen the impact the border fencing has on the natural environment in the area. Birds like the roadrunner and towhee likely will not be able to fly over the wall anymore, and other wildlife will not be able to cross the concrete road. The amount of damage that the environment will endure would be vastly more than it is right now if San Diego 4 is built, and my enjoyment of the area would suffer as a result.

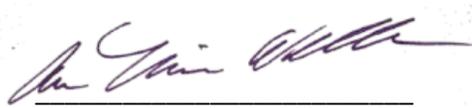
8. The Government similarly writes that the area around the San Diego 11 project is already disturbed, so the new construction would have little impact on my enjoyment of the land. However, it is my understanding that the Government will be adding a large thirty foot secondary wall to the area, creating a large "no man's land" between the primary and secondary walls, increasing the footprint of the existing patrol road, and adding flood lighting. As with the San Diego 4 project, these are significant changes that will worsen the impact the border fencing has on the natural environment in the area by, among other things, seriously restricting wildlife migration. My enjoyment of the area would suffer as a result.

9. Further, while the area around San Diego 11 is more built up than the area around San Diego 4, on the United States side the nearby town, Tecate, is very small. Because I live nearby, I go hiking and birding often around that area and am not disturbed by the infrastructure

around Tecate. The San Diego 11 project would severely exacerbate the level of disturbance in that area and negatively impact my enjoyment of the natural environment.

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: November 1, 2019

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

Ann Wellhouse