

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN BORDER
COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:20-cv-1494-HSG

SECOND DECLARATION OF PAUL ENRIQUEZ

I, Paul Enriquez, declare as follows:

1. I am the Acquisitions, Real Estate and Environmental Director for the Border Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Customs and Border Protection (“CBP”), an agency of the Department of Homeland Security (“DHS”).
2. In my position I am personally aware of the border barrier projects that have been approved for construction by the Secretary of Defense that will be executed with the assistance of the Department of Defense (“DOD”) pursuant to 10 U.S.C. § 284(b)(7). This declaration is based on my personal knowledge and information made available to me in the course of my official duties.
3. On May 1, 2020, I submitted a declaration in connection with the Government’s Cross Motion for Summary Judgment.

4. I am submitting this declaration to respond to additional allegations from plaintiffs regarding the purported impacts of the Projects.
5. Plaintiffs claim that the “government’s own maps” show that more than 60 miles of El Paso B will be in the bootheel of New Mexico, which plaintiffs note is “commonly defined by the Hidaglo County, NM border with Mexico.” (Bixby Supp. Decl. ¶ 6.)
6. As stated in my May 1st declaration, and as clearly shown on the map that was attached to my prior declaration as Exhibit K, the El Paso Projects will be constructed in Luna County, New Mexico, Doña Ana County, New Mexico, and El Paso County, Texas. (First Enriquez Decl. ¶¶ 27-28.) There is a single El Paso B segment, which involves not “more than 60 miles” of fencing “in the bootheel” (Bixby Supp. Decl. ¶ 6.), but rather the construction of approximately 2.4 miles of new steel bollard fencing in Luna County, New Mexico. Plaintiffs’ assertion that the government’s own maps somehow show that El Paso B project include 60 miles of barrier construction in the bootheel of New Mexico, is incorrect.
7. Regarding El Paso D, segment 4, although plaintiffs admit that they can already see existing barriers from Mt. Cristo Rey (Dash Suppl. Decl. ¶ 7; Bixby Suppl. Decl. ¶ 9), they claim that the existing barriers are “in no way as intrusive” and will not “blight the landscape” in the same way as the “taller” border barrier that will be constructed as a part of El Paso D, segment 4 (Bixby Supp. Decl. ¶ 9). Plaintiffs assert that because the new barrier will be much bigger and closer (Dash Suppl. Decl. ¶ 8; Bixby Suppl. Decl. 9), it will “ruin” or “mar” the beautiful panoramic views from Mt. Cristo Rey and “significantly affect the enjoyment [they] get from hiking up Mt. Cristo Rey” (Bixby Supp. Decl. ¶ 9; Dash Suppl. Decl. ¶¶ 7, 9).

8. Once again, these claims are exaggerated. On the western side, the nearest existing barrier is situated approximately 450 feet (approximately .08 miles) west of the western terminus of the El Paso D, segment 4. The existing barrier is 18-foot steel bollard fencing. On the eastern side, the nearest existing barrier is situated approximately 2500 feet (approximately 0.5 miles) east of the eastern terminus of El Paso D, segment 4. The existing barrier is also 18-foot steel bollard fencing. Plaintiffs' claim that the new planned barrier is "in no way as intrusive" as the existing barrier and their assertions that El Paso D, segment 4, will ruin the beautiful panoramic views and significantly their enjoyment of hiking up Mt. Cristo Rey—an area where the existing barrier is in already in close proximity and clearly visible—is exaggerated.
9. Plaintiffs have also made additional claims regarding alleged harms from the El Centro Project. Plaintiffs suggest that El Centro Project will somehow preclude them from accessing Skull Valley within the Jacumba Mountain Wilderness, asserting that this area would be "walled off" and that it is "callous and cruel" to "tell [them] to go hike somewhere else." (Harmon Supp. Decl. ¶ 10.)
10. However, the El Centro Project will neither cut off nor prohibit public access to Skull Valley. In addition, in my prior declaration, I never stated that plaintiffs should simply "go hike somewhere else." Rather, what I pointed out in my May 1st declaration, is that the majority of the construction activity and the project footprint for the El Centro Project will be confined to a narrow strip of land that parallels the international border. Therefore, plaintiffs will continue to be able to access, use, and enjoy the 31,357 square acre Jacumba Mountain Wilderness. (First Enriquez Decl. ¶ 80.)

11. Plaintiffs also express concerns regarding potential impacts that may occur outside the narrow project corridor where the barrier will be constructed. For example, plaintiffs state that they are concerned about potential impacts to groundwater, asserting that the use of water drawn from the Octillo-Coyote-Wells groundwater basin for the El Centro Project may adversely impact drinking water availability. (Harmon Suppl. Decl. ¶ 8.) In making this assertion, plaintiffs attempt to liken the El Centro Project to another project that plaintiffs apparently opposed through litigation, a proposed gypsum mine expansion and modernization project that involves the systematic quarrying and processing of up to 1.92 million tons of gypsum annually over a period of 73 years. (*Id.*); *see also, Bureau of Land Management, Record of Decision United States Gypsum Mine Expansion/Modernization Project* at pg. 2 (January 2020).
12. Plaintiffs' attempt to liken the potential groundwater impacts of the El Centro Project to a proposed gypsum mine expansion project is misplaced. According to the Bureau of Land Management's ("BLM") Record of Decision concerning the proposed gypsum mine expansion, that project had the potential to draw 400 acre feet of water or approximately 32,500,000 gallons of water per year from the Octillo-Coyote-Wells groundwater basin *Bureau of Land Management, Record of Decision United States Gypsum Mine Expansion/Modernization Project* at pgs. 2, 10. Thus, over the 73 year life of the project, the proposed gypsum mine expansion had the potential to draw over 2.3 billion gallons of water from the Octillo-Coyote-Wells groundwater basin. By contrast, El Centro Project 1, which is situated to the east of the current El Centro Project and involved the construction of approximately 15 miles of barrier, required approximately 2.8 million gallons of water for concrete mixing and dust suppression, which is less than 10% of the

water that would have been required on an *annual* basis by the proposed gypsum mine and approximately 1% of the of the total water that would have been drawn from the Ocotillo-Coyote-Wells groundwater basin over the 73 year life of the gypsum mine project. As to any longer term use of the wells that will be used for the El Centro Project, CBP is currently working with both the United States Fish and Wildlife and BLM on a proposed plan to use them to create water holes for the benefit of Pennisular big horn sheep and other wildlife species.

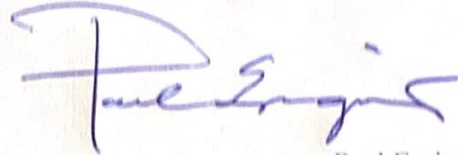
13. Plaintiffs further assert, without any basis or support, that the El Centro Project will leave a “corridor of damage” across the Jacumba Mountain Wilderness from the installation of power poles. (Harmon Supp. Decl. ¶ 7.) However, no final decisions have been made as to how power will be brought in to the area where the barrier will be situated. DHS and DOD are still discussing both the route and the means—power may be brought in via an underground utility line—by which utilities will be supplied for lighting.
14. Further, plaintiffs assert, once again without any basis, that “the government will not likely be able to fix” any surface damage to areas outside the project site, citing as evidence prior projects, including “open-pit cyanide heap leach mines and sand and gravel operations,” that were executed by other entities and bear little resemble to the El Centro Project. (Harmon Supp. Decl. ¶ 9.)
15. The assertion that the government will not be able to fix surface damage in areas outside the project site is without any basis and ignores CBP’s decades of experience executing border barrier projects, which have included successful restoration efforts in a variety of settings throughout the southwest border. To this end, for the El Centro Project, CBP has already prepared a plant salvage and site restoration plan that has been presented to the

construction contractor. Although certain measures will be contingent upon cost, the plant salvage and site restoration plan prepared by CBP includes, among other things, salvaging native plants, including cactus, yucca, and ocotillo, and crucifixion thorn, from the lay down areas and access roads to be used for construction and re-planting them in temporary use areas after construction is complete. The plan also includes salvaging the top six inches of soil in the laydown areas. The soils would be pushed to the edges of the laydown areas and placed back over the laydown areas after construction is complete. Because this soil contains seed and other native nutrients, placing it back over the laydown areas as a part of site restoration allows for a more rapid revegetation of the former laydown areas.

16. Finally, plaintiffs assert that CBP has only offered “vague” claims that it “might” mitigate potential environmental impacts, citing recent media coverage of the construction of barrier in the United States Border Patrol Tucson Sector. (Pls. Reply at pg. 9 fn 1.)
17. However, plaintiffs’ assertion that CBP has only offered vague claims that it might mitigate potential impacts is at odds with the actions CBP has already take to address potential impacts. To cite just one example, as reported in the media accounts cited by plaintiffs, CBP, in collaboration with the National Park Service, undertook extensive efforts to salvage and relocate cacti, including saguaro, ocotillo, and organ pipe, that had to be removed as a part of border barrier construction in the United States Border Patrol’s Tucson Sector.

This declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge.

Executed on this 13 day of May, 2020.

A handwritten signature in blue ink, appearing to read "Paul Enriquez". The signature is stylized with a large initial "P" and a long horizontal stroke.

Paul Enriquez
Acquisitions, Real Estate and Environmental Director
Border Wall Program Management Office
U.S. Border Patrol