

1 DROR LADIN*
NOOR ZAFAR*
2 JONATHAN HAFETZ*
HINA SHAMSI*
3 OMAR C. JADWAT*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
4 125 Broad Street, 18th Floor
New York, NY 10004
5 Tel: (212) 549-2660
dladin@aclu.org
6 nzafar@aclu.org
jhafetz@aclu.org
7 hshamsi@aclu.org
ojadwat@aclu.org
8 *Admitted pro hac vice

9 CECILLIA D. WANG (SBN 187782)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
10 39 Drumm Street
San Francisco, CA 94111
11 Tel: (415) 343-0770
cwang@aclu.org

12 *Attorneys for Plaintiffs* (Additional counsel listed on following page)

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; PATRICK M.
SHANAHAN, Acting Secretary of Defense, in his
21 official capacity; KEVIN K. MCALEENAN,
Acting Secretary of Homeland Security, in his
22 official capacity; and STEVEN MNUCHIN,
Secretary of the Treasury, in his official capacity,

23 *Defendants.*
24
25
26
27
28

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

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

Date:

Judge: Honorable Haywood S. Gilliam, Jr.
Dept: Oakland

Date Filed: June 12, 2019

Trial Date: Not set

Additional counsel for Plaintiffs:

SANJAY NARAYAN (SBN 183227)**
GLORIA D. SMITH (SBN 200824)**
SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
2101 Webster Street, Suite 1300
Oakland, CA 94612
Tel: (415) 977-5772
sanjay.narayan@sierraclub.org
gloria.smith@sierraclub.org
**Counsel for Plaintiff SIERRA CLUB

MOLLIE M. LEE (SBN 251404)
CHRISTINE P. SUN (SBN 218701)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Tel: (415) 621-2493
Fax: (415) 255-8437
mlee@aclunc.org
csun@aclunc.org

DAVID DONATTI*
ANDRE I. SEGURA (SBN 247681)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF TEXAS
P.O. Box 8306
Houston, TX 77288
Tel: (713) 325-7011
Fax: (713) 942-8966
ddonatti@aclutx.org
asegura@aclutx.org
*Admitted pro hac vice

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

Exhibit Number	Declarant	Date and ECF Number of Original Filing
1	Orson Bevins	June 12, 2019
2	Albert Del Val	April 4, 2019 (ECF No. 30)
3	Kevin Bixby	April 4, 2019 (ECF No. 34)
4	Amanda Munro	April 4, 2019 (ECF No. 31)
5	Elizabeth Walsh	April 4, 2019 (ECF No. 35)
6	Mike Evans	June 12, 2019
7	Roy Armenta Sr.	May 29, 2019 (ECF No. 150-9)
8	Carmina Ramirez	May 29, 2019 (ECF No. 150-7)
9	Gayle G. Hartmann	May 29, 2019 (ECF No. 150-1)
10	Ralph Hudson	May 29, 2019 (ECF No. 150-2)
11	Kevin Arthur Dahl	May 29, 2019 (ECF No. 150-3)
12	Bill Broyles	May 29, 2019 (ECF No. 150-4)
13	Patricia Gerrodette	May 29, 2019 (ECF No. 150-5)
14	Margaret Case	May 29, 2019 (ECF No. 150-6)
15	Christina Patino Houle	April 4, 2019 (ECF No. 33)
16	Vicki B. Gaubeca	April 4, 2019 (ECF No. 32)
17	Cyndi C. Tuell	May 29, 2019 (ECF No. 150-8)
18	Robert Ardovino	June 12, 2019

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; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Orson Bevins</p>
---	--

I, Orson Bevins, declare as follow:

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

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

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

4. I am a current member of Sierra Club and I first joined in March 2008.

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

6. My home is located a few miles from the area in Yuma where I understand that the U.S. Department of Homeland Security (DHS) is proposing to construct a new segment of wall -- Yuma Sector Project 1 -- along the U.S.-Mexico border.

7. Approximately four times per year, I drive along and then visit the levee near the proposed border wall project in Yuma. I enjoy visiting Morelos Dam just south of Los Algodones, to take in views of the beautiful landscape of the two countries on either side of the Colorado River. I also frequently drive to and visit areas along Highway 95, travelling south through the Cocopah Indian Reservation

and Gadsden down to San Luis. On these drives, I can see over sections of the existing vehicle barrier along the border, and there are stretches where I am meters away from the border and the physical barriers are not visible. I greatly enjoy these drives and viewing large swaths of farmland and riparian landscape. I am very concerned about the aesthetic impacts that construction and the completed border wall would have on the local landscape. The tall and intrusive pedestrian barrier would disrupt the desert views and inhibit me from fully appreciating this area.

8. While I really value these areas and plan to visit them in the future, the strong presence of U.S. Customs and Border Protection (CBP) agents diminishes my enjoyment and sometimes deters me from further exploring certain areas. When visiting these areas I am guaranteed to be asked questions or be detained by the CBP agents. I am deeply concerned that increased security associated with a new pedestrian wall along the border would further diminish my enjoyment of these areas.

9. Most important, I worry about the impacts construction and operation of the border wall would have on the environment, wildlife, and native plant species. The construction and presence of the border wall would fragment wildlife habitat and devastate native vegetation. There are many unique species in the desert, which have both environmental and cultural significance, such as the mesquite tree species, from which local indian tribes harvest the seeds for use in medicinal tea.

10. I am aware that president Trump declared a national emergency on February 15, 2019 in order to construct a border wall along the U.S.-Mexico border. It is my understanding that DHS intends to commence wall construction in the Yuma Sector Project 1 area.

11. I am familiar with the litigation, filed by the Sierra Club and the Southern Border Communities Coalition, which challenges DHS's unlawful construction of a border wall. This construction and a completed wall would greatly impede my ability to enjoy the areas in Yuma along the border.

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: June 7, 2019.



Orson 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; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF ALBERT DEL
VAL**

My name is Albert Del Val and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information.
2. My primary residence is 564 South 7th Avenue, Yuma, Arizona 85364. I have lived at my current address for 2 years, and before that I lived four blocks away.
3. I am a current member of the Sierra Club. I joined the Sierra Club in August 2017.
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 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 am originally from Somerton, a neighboring town within Yuma County. I have spent my entire life in this area and know it well.

6. I have been fishing in the canals along the border between Yuma, Arizona in the U.S. and Baja California in Mexico for more than 50 years. I regularly fish in West Main Canal for small mouth, big mouth, and striped bass. I enjoy the desert landscape and the animals and plants that occur there. As a child I hunted quail and rabbits throughout this region.

7. Increasingly, my ability to fish in the canals, and my enjoyment of spending time there, has been diminished by heightened security along the border. I often get stopped by U.S. Customs and Border Protection (“CBP”) agents patrolling the area, which along with cameras trained on residents, makes me feel uneasy. I am concerned that construction of border wall near the canal, along with increased security, will increase that unease and diminish my enjoyment of this place.

8. I intend to return to the canals for fishing as long as I am able but I am very concerned that the construction and maintenance of the border wall will limit or entirely cut off my access to these fishing spots.

9. I am also concerned about the aesthetic and environmental impacts that border wall construction and upkeep will have on the landscape I have treasured for so many years. I understand the Department of Homeland Security will also install lights that would create artificial light pollution interfering with the desert dark skies my wife and I treasure. I am also concerned that border wall construction and maintenance would harm native cottonwood trees, mesquite trees, and other vegetation surrounding the border, as well as the wildlife that depends on this habitat.

10. I worry the wall would be incredibly ugly and detract from the natural environment I grew up with. I regularly drive along the levee road. When I view previous wall projects they feel ominous and oppressive to me, diminishing the pleasures I have felt all my life in this desert landscape.

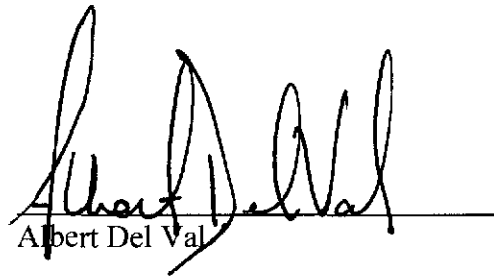
11. It is my understanding that wall construction would occur near West Main Canal and the levee road because it is located in CBP's Yuma Sector, and is referred to as DHS “Yuma Sector Project 1.”

12. I understand Sierra Club brought this litigation, in part, to challenge the government's unlawful construction of a border wall. I am participating in this case because DHS has announced it will soon begin wall construction in Yuma Sector Project 1. This construction and a completed wall would impede my ability to fish and otherwise enjoy the areas in Yuma along the border.

13. I plan to continue to fish in the canals and drive along levee roads as long as I am physically able.

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 April 4th, 2019.



Albert Del Val

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

Defendants.

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

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

My name is Kevin Bixby and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Executive Director and founder of the Southwest Environmental Center in Las Cruces, New Mexico, an organization that forms part of the Southern Border Communities Coalition ("SBCC"). In addition, for over one year I have served on SBCC's Steering Committee, directing and coordinating SBCC's decisions at the organizational level.
3. I founded the Southwest Environmental Center in 1991 to reverse the accelerating loss of plants and animals worldwide through protection and restoration of native wildlife and their habitats in the southwest. The Southwest Environmental Center 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. 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 up and down this reach.

4. In addition to restoration, our work involves grassroots organizing, public education, and petitioning the government about preservation and restoration. In one such campaign, we are working to restore highly-endangered Mexican wolves to the Southwest in Arizona and New Mexico, including by advocating for the establishment of a Mexican Wolf Center in Grant County, New Mexico. In another, we are fighting to end wildlife killing contests, and are on the cusp of New Mexico outlawing coyote killing contests.

5. The national emergency declaration, and the construction of a border wall using funds that have not been appropriated by Congress, are causing and will continue to cause irreversible damage to Southwest Environmental Center. They also threaten lands that I cherish and have devoted my life to protecting.

6. With the Southwest Environmental Center and in my personal capacity, I have on several occasions traveled the areas threatened with construction, including lands encompassed in so-called “El Paso Project 1” where the Department of Defense will finance Department of Homeland Security construction. Southwest Environmental Center members enjoy these areas for camping, hiking, hunting deer, javelina and quail, and bird watching. I enjoy hiking and camping in these areas, and intend to do so as long as I am able. They are beautiful to me—rolling Chihuahuan desert scrubland, adjacent to several mountain ranges, with arroyos and diverse vegetation creating an undulating landscape. There are several isolated desert hills and peaks that provide unique habitat for different species of plants and animals—they are called sky islands, like islands in a sea of desert. Border wall construction in these areas will harm these lands at a time when communities here are being revitalized around eco-tourism and the attraction of expansive vistas and wildlife viewing.

7. Southwestern New Mexico is one of the most biologically diverse areas of the United States due to the confluence of different biomes and northern and southern wildlife species. The Pentagon's recently-announced plan to seize \$1 billion from military personnel funding and use it to build 57 miles of new border wall, including 46 miles in New Mexico, would culminate in nearly half of New Mexico's international border being walled off. Construction in "El Paso Project 1" will completely wall off Doña Ana County, where we reside, and much of neighboring Luna County. Additional construction in New Mexico, including the threat to wall off the bootheel, would further destroy the environments that Southwest Environmental Center is devoted to protecting and restoring.

8. With Southwest Environmental Center, we frequently visited Southern New Mexico over the last year, seeking in part to learn about the wildlife that lives in the area and to educate the public about it. About one year ago, Southwest Environmental Center installed wildlife cameras in adjacent habitats immediately east of planned construction, for approximately 20 miles west of Santa Teresa, New Mexico (approximately to the point where "El Paso Project 1" begins). Our goal has been to learn and share information about the wildlife that lives in these habitats, often hidden from human view. Our cameras documented the presence of mountain lions, mule deer, coyotes, bobcats, gray foxes, badgers, birds, bats, rabbits, and other species, many of which are too large to pass through bollard-wall construction with its four-inch gaps between bollards.

9. The animals that will be impacted by construction in "El Paso Project 1" include threatened or endangered species. The wall will prevent some endangered species, such as jaguars and ocelots, from reoccupying historic habitat in the U.S. It will prevent genetic exchange between small populations of extremely endangered Mexican wolves on either side of the border. The impact on all species too large to pass will be dire. Some will likely die because they will not be able to reach the food and water resources they need to survive. Wildlife populations on either side of the border will be permanently fragmented and disconnected, and therefore more vulnerable to

catastrophic events like disease as well as the loss of healthy genetic variability. A border wall will also prevent animals from adjusting their range in response to climate change.

10. Because of the emergency declaration and the realized threat of constructing outside of the Rio Grande Valley Border Patrol Sector, the Southwest Environmental Center has been forced to carefully monitor risks to Southwestern lands, including in Texas, New Mexico, and Arizona. We have devoted significant time to identifying the location and timing of construction that will occur without congressional process or approval. For example, upon learning in March that the Secretary of Defense would provide \$1 billion to the Department of Homeland Security to build a wall, I spent two days working with coalitions to discern the location of construction. Upon receiving coordinates, I spent additional hours mapping out where the wall would go—sadly, in our backyard. We have been forced to spend this time in order to protect the land, to organize within SBCC, and to educate Southwest Environmental Center’s members and the public.

11. The Southwest Environmental Center has also been caused to devote resources to answering calls from members, the public, and government officials requesting information about what is happening and what can be done. We are mapping out not only the area identified as “El Paso 1,” but the other areas in the Southwest identified for priority construction in correspondence from the Department of Homeland Security to the Department of Defense. Our Communications Director, Amanda Munro, has begun and will continue creating media kits about the impacts of construction in all 11 of the identified projects. This work takes her away from her other responsibilities, such as our ongoing organizing to protect special places like Otero Mesa, and coordinating efforts to reform wildlife policies in New Mexico and other states.

12. We should honor and protect the lands of the Southwest. The habitats and wildlife that flourish in these lands will be injured, and perhaps forever lost, if a border wall is built. As director of Southwest Environmental Center, and speaking for myself, the consequences of such construction for my work, and the quality of my life as a visitor to these lands, are devastating.

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 4th day of April, 2019.



Kevin Bixby

Exhibit 4

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

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

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

Defendants.

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

**DECLARATION OF AMANDA
MUNRO**

My name is Amanda Munro and I declare:

1. My name is Amanda Munro. 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 1440 S Almendra Street, Las Cruces, New Mexico, 88001.

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

earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I have been a Sierra Club member since 2018.

5. I spent my childhood exploring the forests of rural Northern California, where I grew up catching lizards and climbing trees. My love of animals and the outdoors led me to advocacy on behalf of wildlife and their habitat, currently near the U.S.-Mexico border in New Mexico.

6. After graduating from the University of Portland with a degree in Environmental Ethics & Policy, I moved to Las Cruces, New Mexico in 2017. I currently work for the Southwest Environmental Center, an organization dedicated to both conservation and social justice in New Mexico. In my position, I engage in public education and outreach, generally educating local people about the socially and environmentally destructive effects of a border wall on their community. I love this work because it allows me to enjoy the unique and beautiful desert landscapes along the New Mexico border in what the U.S. Customs and Border Protection (CBP) calls the El Paso Sector.

7. I am particularly passionate about protecting New Mexico wildlife along the border such as pronghorn, bobcats, ocelots, mountain lions, javelina, badgers, mule deer, coatimundis, and bears. All of these species and more would be impacted by a border wall in the El Paso Sector. I personally visit this area numerous times per year in my public education work; but also, I am part of a team that runs a camera monitoring program to document wildlife

occurring in and migrating through this area. This work includes the El Paso Sector where the U.S. Department of Homeland Security's (DHS) Project 1 wall construction would occur.

8. The place I visit most often along the border is on the far eastern side of El Paso Sector Project 1, just south of NM Route 9. My team has a monitoring station there that allows us to capture and analyze wildlife migration patterns.

9. I am extremely concerned that a border wall in this region would be devastating to local wildlife because I care deeply about protecting and maintaining healthy populations of native species. Currently, in some places in this sector, wildlife must navigate vehicle barriers, but that type of fencing allows wildlife to pass through relatively easily. I understand that DHS intends to construct and maintain 18-foot high barrier walls that are impenetrable to wildlife. This new construction would drastically cut off their access to key sources of food and water. The construction process also clears immense amounts of vegetation as this type of work requires heavy machinery and improvements to existing roads. In addition, I understand there would be an increased presence by CBP agents along with increased lighting and upkeep activities – activities all detrimental to wildlife and detrimental to my use and enjoyment of these lands.

10. In the course of my work, I have also become familiar with destructive flooding that occurs after border wall construction. After heavy rains, debris can build up on the wall itself, trapping water and causing deadly flash floods. I am worried about loss of human and animal life along with associated environmental degradation of fragile desert lands.

11. Through my work, I hope to continue to view and enjoy a wide variety of wildlife species along the border, but I am concerned about the destruction of their habitat, especially the

loss of migratory corridors. My love of animals brought me to this unique desert landscape and I fear that a border wall will diminish that happiness and the sense of fulfillment I derive from visiting these beautiful landscapes and viewing local species.


12. During my visits to the border in the El Paso Sector, I am often approached by CBP agents patrolling the area. These encounters leave me feeling anxious because despite these areas being fully open to the public, Border Patrol agents go out of their way to intimidate and make me and other residents feel as if we are trespassing on private property, but we are not. I intend to continue to visit the El Paso Sector area, but I am deeply concerned that if the wall is built, the ever-increasing presence of CBP agents will diminish my future enjoyment of this place.

13. 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 DHS intends to commence wall construction in the El Paso Sector, Project 1 area in the near future.

14. I am familiar with the litigation filed by the Sierra Club and the Southern Border Communities Coalition which challenges DHS's intent to unlawfully construct a border wall in New Mexico. Based on my deep concerns about the negative environmental impacts associated with border wall construction near New Mexico Route 9 in the El Paso Sector, I strongly support this case. As I understand it, DHS has announced it will commence construction in the El Paso Sector for its Project 1. I have deep concerns about the impacts that border wall construction and maintenance would likely have on native wildlife and plant species, and on my ability to enjoy both during my time near the border.

15. If DHS constructs a wall in New Mexico's El Paso Sector, I would be harmed professionally, aesthetically, and spiritually, as set forth in the previous paragraphs of this declaration. The only way to avoid these injuries is to declare the declaration of a national emergency invalid and enjoin construction of the wall.

Dated: April 4, 2019



Amanda Munro

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

Defendants.

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

**DECLARATION OF ELIZABETH J.
WALSH**

My name is Elizabeth J. Walsh and I declare:

1. My name is Elizabeth J. Walsh. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.

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

3. I have been an active member of the Sierra Club since 1993 having served on a number of volunteer committees. For example, I was a national Sierra Club Board member from May 2012-2018, serving as fifth officer 2015-2016 and treasurer from May 2016-May 2018. I am currently 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), the Executive Committee of the El Paso Regional Sierra Club Group, as well as actively working with the borderlands team. 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 was the lead presenter on the Border Wall and Wildlife forum at the Universidad Autonoma de Ciudad Juarez in October 2008.

4. 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.

5. My work and advocacy on behalf of wildlife in the border region goes back more than a decade. 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.

6. For more than fifteen years I have also co-hosted the Animal Concerns of Texas radio show on KTEP-El Paso, the El Paso National Public Radio affiliate. The show focuses on animal interests and issues, including environmental concerns and the impact on wildlife. I have frequently featured the impacts of the border wall on news segments of the show.

7. As part of my professional and academic work I routinely visit and study the border area immediately west of El Paso, Texas in New Mexico along Route 9 which parallels the border. It is my understanding that this is referred to as El Paso Sector Project 1. I supervise several ongoing and long-term biology studies in this area with graduate students on the aquatic diversity of ephemeral wetlands known locally as playas. I also study habitat fragmentation and population trends of several indigenous lizard species, *Uta stansburiana* and *Aspidoscelis marmorata*, in this same region.

8. In addition, I utilize this same area for recreational and non-professional purposes, primarily bird watching and hiking. This includes observing a wide range of species that call the border area their home, including road runners, scaled quail, Southwestern willow flycatcher, and other species. 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.

9. 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. I understand that the U.S. Department of Homeland Security (DHS) intends to commence wall construction in its El Paso Sector which is adjacent to and in close proximity to where I lead biology studies with my students and where I frequently birdwatch and hike.

10. Border wall construction in the El Paso Sector, especially Project 1, would negatively impact the scientific playa studies I have overseen for many years because a wall could impede vital natural drainage patterns for the playas. Similarly, construction and maintenance of a border wall would continue to degrade the natural dynamic of the playa pools and their associated ecosystems.

11. Border wall construction would further fragment and degrade the lizard species' habitat I and my students have studied for many years.

12. 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 the El Paso Sector of New

Mexico 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, including for scientific research as well as for wildlife watching and hiking.

13. 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 will be halved by the border wall will be impeded in their ability to reproduce with other members of their species, thereby creating a shallower gene pool and heightening the chance of inbreeding.

14. Based on my deep concerns about the negative environmental impacts associated with border wall construction near New Mexico Route 9 in the El Paso Sector, I am familiar with the litigation filed by the Sierra Club and other organizations which challenges DHS's unlawful construction of a border wall. As I understand it, DHS has announced it will commence construction in the El Paso Sector for Project 1.

15. 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 will negatively impact my aesthetic enjoyment of borderlands wildlife. I am especially concerned about what will happen when so many species' habitats are fully and permanently bisected by an impermeable wall. The likely result—ecological devastation and likely regional extirpation of species—has made me worried and upset. This concern is magnified because the President has announced an intention to

construct along the entire southern border. My professional, aesthetic, and recreational interest in observing all wildlife as well as threatened and endangered species is also severely at risk.

16. If DHS constructs a wall in New Mexico's El Paso Sector, I will be injured professionally, 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.

Dated: April 3, 2019

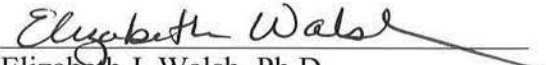

Elizabeth J. Walsh, Ph.D.

Exhibit 6

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Mike Evans</p>
---	--

I, Mike Evans, declare as follow:

1. My name is Mike Evans. 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 opinion and judgement.

2. My current address is 26465 Park Circle, San Juan Capistrano, CA 92675-1132. However, I have been visiting the areas around El Centro for several decades in order to hike and camp in the California desert. I am an avid conservationist and own a nursery dedicated to growing and selling native plants.

My love of native plants is one of the many reasons I enjoy visiting the desert ecosystems in the El Centro area.

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

4. I am a current member of the Sierra Club and first joined in 2003.

5. I visit and recreate in the Yuha Desert several times each year and have been doing so for over 40 years. This desert ecosystem, which I value for its native flora and fauna along with the sweeping views within the U.S. and across the border, are, to my knowledge, within the El Centro Project 1 area proposed for new wall construction by U.S. Department of Homeland Security's (DHS). I am concerned about the immense aesthetic and ecological impacts wall construction within the El Centro area would have on places I have visited for many years.

6. For example, I enjoy hiking in the Yuha Desert, South of Route 98, where one can see the U.S.-Mexico border. I also enjoy driving up to the existing vehicle barrier because currently the views extend across the continuous valley into Mexico. This region it contains a diverse desert ecosystem, and it is a place where many native plants and animals still thrive. I travel to the area to view wild Sand

Verbena, Crucifixion Thorn, and many other varieties of wild, native plants. Crucifixion Thorn is very rare, and this is one of the few places it still exists within California. In addition to the beautiful desert plants, there are numerous wildlife species that reside in and migrate through this region. I have seen bighorn sheep, coyotes, bobcats, and mountain lions, and other wild animals, within the surrounding areas. I worry about hiking in the desert and seeing a tall bollard wall instead of the existing expansive views. Such construction will greatly harm my ability to recreate and enjoy the Yuha Desert near the border.

7. The desert surrounding the proposed wall site is culturally rich. Another reason I (and many others) love to visit this place is to see geoglyphs and intaglios, large and small ancient designs engraved on the desert floor, rocks, and hills. Also, I enjoy climbing a small desert hill, within the sightline of the current low barrier, in order to see the entire valley, extending into Mexico.

8. I am extremely concerned about habitat fragmentation for local desert species. The current vehicle barrier allows wildlife to easily pass through which greatly expands their habitat. However, a tall steel pedestrian wall would prohibit all wildlife migration. This area on the U.S. side is bordered on the west by mountains and to the east by urban and agricultural development around Calexico is a valuable corridor for wildlife that would be permanently diminished or blocked by wall construction. In addition to new wall construction, I am concerned about the impact of new lighting on the surrounding ecosystem. Not only are industrial bright

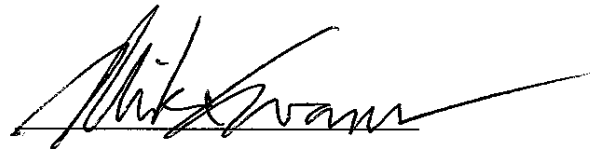
lights detrimental to my ability to enjoying a dark sky full of stars, the desert itself changes significantly at night. I am worried about new lighting installations impacting nocturnal insects, reptiles, birds, and mammals.

9. I am aware that President Trump declared a national emergency on February 15, 2019 with the purpose of constructing a wall along the U.S.-Mexico Border. It is my understanding that the Secretary of Defense authorized funding in May for El Centro Project 1. I plan to continue to visit and recreate in this area, however I am concerned that construction of the border wall will impact my ability to continue my hiking trips in the Yuha Desert. Additionally, I worry about the extensive negative impacts on the desert ecosystem, including native plants, and the many other people who also enjoy recreating and visiting this culturally and ecologically unique area.

10. For the reasons set forth in this declaration, the proposed wall in El Centro Project 1 will injure me recreationally and aesthetically. An order halting the wall's construction would remedy these injuries.

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: June 6, 2019

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

Mike Evans

Exhibit 7

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Roy Armenta Sr.</p>
---	---

My name is Roy Armenta Sr., 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 729 Grant Street, Calexico, CA 92231. I have lived in Calexico for most of life, and I am over 80 years old.
3. I joined the Sierra Club earlier this year. I support the Sierra Club's mission to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment.

4. I'm very familiar with the area between the towns of Calexico and Ocotillo, in which the "El Centro Project 1" is planned. As I understand it, the government is proposing to replace approximately 15 miles of existing vehicle barrier with new pedestrian fencing and is planning to install lighting there.
5. As a child, I used to visit the border areas between Calexico and Ocotillo with my family. When I was raising my own children, I took them to these same places. We would often go at dawn or at dusk to get the best views. At these hours, you can see everything and the breeze is blowing. In the spring and fall you can see ocotillo plants flowering. You can't walk in these areas too much because there are rattlesnakes. I appreciate the wildlife here, but I have noticed fewer and fewer animals present over my lifetime because of the infrastructure build up along the border. I used to visit these areas to admire the landscape every couple of weeks. Now I go about once a month or every two months. The idea of having a wall here is a big and unwelcome change for me, my family, and many of the people who live here.
6. In the El Centro project area, Highway 98 runs parallel to the border on the U.S. side and Federal Highway 2D runs along the border on the Mexico side. I have driven along these highways and the smaller roads directly off of them countless times. I often stop to take in the natural beauty of this landscape. The lands south of Highway 98 are beautiful, with a particular vegetation that demands you stop and take it in. It's especially beautiful in the spring with wonderful cacti flowers and wildflowers of all kinds. There is an extraordinary beauty in the desert—it's not a forest, but you enjoy it for the peace that takes over you when you're in it. I am very concerned that a border wall and its construction would destroy this beauty and the interesting parts of the desert. The

unimpeded views, in all directions, are centrally important to my enjoyment of this landscape. A wall will make us feel like we're in a prison, incarcerated in our own lands.

7. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding, and imminently plans to construct, El Centro Project 1. I am concerned that the border wall and its construction will destroy the natural beauty of this landscape; if it proceeds, the El Centro Project will significantly decrease my ability to enjoy it.
8. For all of these reasons, the proposed wall construction in the El Centro Sector will injure me aesthetically and morally. An order halting the wall's construction would remedy those injuries.

9. My son, Roy Armenta Jr, has translated this declaration from English into Spanish for me, and I have authorized him to sign it on my behalf.

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: May ²⁹__, 2019



Roy Armenta Sr. (by Roy Armenta Jr.)

Exhibit 8

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Carmina Ramirez</p>
---	---

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 became a member earlier this year.

4. I have spent my entire life in this area surrounding the U.S-Mexico Border that includes the El Centro Sector where the U.S. Department of Homeland Security's (DHS) Project 1 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 Project will occur. I am deeply engaged with the local community on both sides of the border. I currently work as a librarian for the school district in Calexico; a job where I interact with K-12 students, teachers, and district administration staff on a daily basis.

5. Our community refers to the area around the El Centro Sector as the "Valley"--a single place, spanning the U.S.-Mexico border. From the U.S. side you can see across the border into Mexico. A great part of the aesthetic to me lies in the visually unimpaired, 360-degree views of the land, and mountains, on both sides of the border--and the culturally unified community represented by that view. Living in the community, that extends beyond this geographic boundary, is part of our community identity and putting up a big wall would have tremendous cultural and aesthetic impacts. This is one united landscape and the proposed El Centro Project 1 will drastically impact my ability to enjoy the local natural environment. This is a beautiful unique landscape with a mountain named Mount Signal on the U.S side of the border and El Centinela on the Mexican side of the border. If this project is built

we will see a high border wall instead of this beautiful landscape. 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 barrier will impact my ability to see the valley as a whole and recreate in the surrounding area.

6. Not only will the proposed border wall construction adversely affect my ability to enjoy the aesthetic value of the valley as I walk and drive along the border area but it will drastically impact my cultural identity by 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 new 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.

7. The replacement of existing vehicle barriers with pedestrian fencing will have immense environmental consequences in addition to the cultural impacts.

There are many animal species including cottontail rabbits, coyotes, and hundreds of species of birds that live in this border area. I care deeply about the species that call this borderland home and am very concerned about the habitat fragmentation that will be caused by the replacement of penetrable vehicle barrier with invasive pedestrian fencing.

8. Not only is the permanence of this wall especially concerning to me from a cultural and environmental perspective but the construction process will also 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. 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.

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.-Mexican border. It is my understanding that the Secretary of Defense has recently authorized funding for Project 1 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.

10. If construction proceeds at El Centro Project 1, I will be harmed culturally and aesthetically as outlined in the previous paragraphs of this

declaration. The sole way to avoid these injuries is to order that the national emergency is invalid and stop construction of this project.

Dated: May __, 2019



Carmina Ramirez

Exhibit 9

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Gayle G.Hartmann</p>
---	--

My name is Gayle G. Hartmann. The following is true and correct, based on my experience and my review of publicly available information.

1. I live in Tucson, Arizona, and have lived in Tucson for over 50 years.
2. I joined the Sierra Club in the 1970s, and am a Life Member. In the early 1980s I was the Co-chair and then Chair of the Rincon Group of the Sierra Club, which encompasses the city of Tucson and the surrounding

region including Organ Pipe Cactus National and a portion of the Cabeza Prieta National Wildlife Refuge. During that time, and since, I have been active in efforts to protect from development areas of biological and cultural importance in southern Arizona.

3. Over the years I have spent considerable time in southwestern Arizona including Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge and the Barry M. Goldwater Range as well as the Pinacate volcanic region just south of the border (that region is now El Pinacate and Gran Desierto Biosphere Reserve [recently designated a UNESCO World Heritage Site] along with El Alto Golfo and Rio Colorado Delta Biosphere Reserve). I first visited the Arizona portion of the region in 1971 while working on a book with my husband, Bill Hartmann. The book, titled *Desert Heart: Chronicles of the Sonoran Desert*, published in 1989, focused on the Sonoran Desert of northwestern Sonora and southwestern Arizona. It described the natural history and social history of this unique and truly amazing region.

4. In the 1980s I was a member of a team of scientists working with the University of Arizona that produced the first natural and cultural resources management plan for what was then called Luke Air Force Range (now Barry M. Goldwater Range). At that time the Cabeza Prieta National Wildlife Refuge was considered a part of the Range and was included in our study.

5. More recently, in the late 1990s I spent three months working on an archaeological project at Tinajas Altas – the series of pools that provide one of the most important sources of water in the region. We each lived in individual tents, cooked on an outdoor stove, spent chilly evenings around a campfire (the project was conducted from January through early April), and gained an enormous appreciation for the prehistory and history of this region. One result of that project was a book published in 2012 entitled *Last Water on the Devil's Highway: A Cultural and Natural History of Tinajas Altas*, of which I was a co-author.

6. Over the course of those activities and work, and others, I have regularly visited and enjoyed the area in the vicinity of the proposed wall-construction projects labeled Tucson Sector 1 and 2, extending along the border near Lukeville, and I certainly expect to return in the near future.

7. A central element of my enjoyment of that area has been learning, understanding, and appreciating the wildlife and plants, as well as the human history of the region. The connected nature of its geography—both human and ecological—is particularly important to me. I am especially concerned about the impacts on wildlife of further fragmenting the cross-border habitat of species like pronghorn and bighorn. Such species rely on their access to lands on both sides of the border to survive; it is my understanding that it is well-nigh impossible for such animals to cross the

pedestrian fencing planned for Tucson Sectors 1 and 2, threatening that access, and likely reducing their numbers.

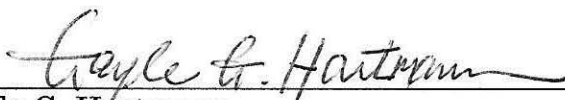
8. The construction of the proposed wall will also negatively affect my ability to enjoy the manner in which these lands retain the connectedness that allowed indigenous peoples to live and thrive in this arid, beautiful, and seemingly inhospitable place, by travelling back and forth from the Gila River to the Pinacate region and Gulf of California to the south.

9. The proposed wall segments will fundamentally alter my experience of these lands, by intruding upon the natural beauty, and historical connectedness of people and species, that I visit these areas to experience.

10. For these reasons, the proposed Tucson Sector 1 and 2 projects will, if they occur, injure me aesthetically, recreationally, morally and professionally. That harm would be prevented by an order preventing those projects' construction.

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: May _26_, 2019



Gayle G. Hartmann

Exhibit 10

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

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES
COALITION,

Plaintiffs,

v.

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

Defendants.

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

Declaration of Ralph Hudson

I, Ralph Hudson, declare as follows:

1. My name is Ralph Hudson. 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 judgement.

2. My primary address is 427 Stone Road, Gilmanton Iron Works, New Hampshire 03837. However, I have owned property in Ajo, Arizona for almost two decades and I am a member of Sierra Club's Grand Canyon Chapter in Southern Arizona.

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

4. I am a current member of Sierra Club and first joined in 2012.

5. I have been recreating in the wilderness areas along the U.S.-Mexico border in what U.S. Customs and Border Protection (CBP) refers to as the Tucson Sector for over 20 years. My love of this unique desert ecosystem led me to build my house in Ajo back in 2001. I use the lands close to the border in the Cabeza Prieta Wildlife Refuge and Organ Pipe Cactus National Monument to hike, take photos, and explore the natural history. I have been traveling to the areas in and around the proposed Tucson Projects 1 and 2 since 1997. I travel to these areas several times each year, sometimes for a week at a time.

6. Access to the Cabeza Prieta Wildlife Refuge, near the border, is along the El Camino del Diablo. Its proximity to the border makes hiking right to the current barrier possible. On foot you feel extremely connected with nature and I can hardly imagine the juxtaposition of this high border wall with the desert landscape. I have wonderful memories and photographs of the original border obelisks which served as the only demarcation of the border until about 10 years ago. It looks to me like little has changed along the border in these wild places in terms of human traffic. Away from a few well known crossing spots it has remained the same. These wild places are empty of people despite recent rhetoric about waves of migrants crossing the border.

7. I love hiking, camping, and taking photos in this remote wilderness. I cannot fathom seeing an 18 to 30 foot barrier when I focus my camera on Kino peak or seeing a tall barrier strung out behind Monument Bluff just south of the El Camino on the Cabeza Prieta NWR. These are special places which fulfill the Wilderness Act's goal of being places "untouched by the hand of man."

8. Over the past few years, I have also enjoyed visiting Quitobaquito Springs. This UNESCO World Heritage Site is less than a half mile from the U.S.-Mexico Border. Because of its proximity to the border you can even see traffic along Mexico's Route 2. As a water source within this desert

ecosystem, Quitobaquito Springs is extremely important to wildlife in the area. The replacement of penetrable vehicle barriers with pedestrian fencing will have a tremendous impact on the species that rely on this water source.

9. The current barrier is bad enough but, for the most part, it does allow desert animals to wander through this landscape as they always have. I am distressed that this may no longer happen and I fear that fragmenting their habitat may have unimaginable impacts. I have seen coyotes, javelina, bighorn sheep, pronghorn, and various reptiles in my Cabeza travels.

10. One of my favorite aspects of camping in these areas along the border is my ability to see the stars. There is very little light pollution in these areas, however, the proposed border construction will drastically change this reality. I have always been able to come out here and look up at the sky and see the Milky Way. If these projects move forward, the lighting will drastically impact my ability to stargaze in this beautiful border region.

11. I plan to continue returning to these unique landscapes along the border as long as I am able, but I am extremely concerned that Tucson Projects 1 and 2 will greatly detract from my ability to enjoy hiking, camping, and photographing these landscapes. The physical barrier alone is a blight on this landscape.

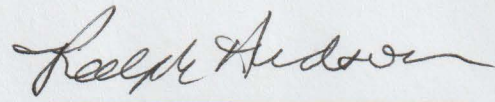
12. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border.

It is my understanding that the Secretary of Defense has recently authorized funding for Projects 1 and 2 in the Tucson Sector. I am concerned that the border wall and its construction will adversely impact the expansive area around and including Cabeza Prieta Wildlife Refuge and Organ Pipe Cactus National Monument, its ecosystems, and the many people like me who recreate in these places.

13. For all of these reasons, the proposed border wall in Tucson Sector Project 3 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: May 26, 2019

A handwritten signature in cursive script, appearing to read "Ralph Hudson", written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Ralph Hudson

Exhibit 11

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Kevin Arthur Dahl</p>
---	---

My name is Kevin Arthur Dahl, 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 1609 E. Spring St., Tucson, AZ. I have lived in Tucson for 42 years and Arizona for 53 years.
3. I am a current member of the Sierra Club and have been a member since 1997. 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. I have been a member of the executive committee of Sierra Club's Grand Canyon Chapter (Arizona-wide), which is a volunteer position.
4. I am the Arizona Senior Program Manager for the National Parks Conservation Association.

In this position I work to protect and enhance our National Park System for present and future generations with a specific focus on the Southwestern region of Arizona.

5. Throughout my time in Arizona, I have explored and worked to protect public lands including the Organ Pipe Cactus National Monument. I love the remote and rugged landscapes of Southwest Arizona, the native plant and animal species that live here, and the recreational opportunities these lands provide. I regularly spend time in Organ Pipe Monument, especially in the areas along the border that include Tucson Sector Projects 1 and 2. I intend to return to these areas as long as I am able.

6. Organ Pipe Cactus National Monument is near and dear to me, and I have been closely connected with the Monument for more than forty years. I first visited the Monument in the early 1970s when I was living in Phoenix, Arizona. In the following years, I became involved in the wilderness designation process for the Monument, in which the Park Service reviewed their designations under the Wilderness Act. I spoke at hearings and organized the citizens' committee that wrote the wilderness boundaries and advocated for wilderness designation. Currently, I'm working on creating the Friends of the Organ Pipe Cactus National Monument, a group that will further advocate for the Monument, the plant and animal life that depends on it, and the people who you use and enjoy it. I am deeply concerned that border wall construction and the wall itself would destroy an area I have worked so hard to preserve and protect.

7. I visit Quitobaquito Springs, maybe once a year, which is located less than half a mile from the border. In years past when it was allowed, I camped at this location. From Quitobaquito I can see Mexico's El Pinacate and Grand Desierto de Altar Biosphere Reserve, which was recently designated a UNESCO World Heritage Site. On March 2, 2018, I was there to make observations as part of a "Bio-Blitz" along with park staff, volunteers, scientists from the U.S. and Mexico,

and students from Arizona State University. Together we observed 116 species. We all saw the endangered Quitobaquito Pupfish. I photographed the elusive Howarth's White Butterfly, which only regularly comes into the United States at this location. Construction of a wall at and near Quitobaquito Springs will impede wildlife from crossing from Mexico to get to this vital source of water, impeding my enjoyment of wildlife observation at this biologically rich oasis.

Construction could also impact the hydrology of this wetland area, as its water shed extends on both sides of the border.

8. When I visit Organ Pipe Cactus National Monument, I like to stay at the main campground located behind the visitor center. This popular spot affords wonderful access to desert hiking and at night the sky is so clear and unimpeded by light that it seems you could almost touch the stars. The long view to the south into Mexico includes parts of the UNESCO World Heritage Site and a long reach of the border. I am aware that construction will require massive installation of temporary lighting and that the Tucson Sector border wall will include permanent lighting as well. These lights will prevent me from seeing the neighboring El Pinacate, impede the desert dark skies that are a hallmark of this landscape, and generally degrade my camping experience.

9. The beautiful landscapes in which Tucson Projects 1 and 2 are planned are home to unique plant and animal species including Sonoran pronghorn, desert big horn, mountain lion, javelina, white-tailed and mule deer, kangaroo rat, coyote, and other animals and plants common to the Sonoran Desert. Migrating bats call Organ Pipe Cactus National Monument home for part of the year, and migrating birds also make their way north and south across this landscape twice a year. Border wall construction will have lasting negative impacts on this ecosystem. As we've seen from previous border construction projects, native vegetation is uprooted which leads to the spread of invasive, non-native species and harms the animals that rely on native plants.

Construction will also degrade the beauty and integrity of these wild places and undermine their very purpose - to provide spaces “where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain” (The Wilderness Act).

10. It is my understanding that these project areas include the replacement of existing vehicle barriers with new pedestrian fencing. This type of fencing will further fragment wildlife habitat, preventing current migration patterns and likely leading to reduction of populations and possible local extirpation. Added to other modern stressors, this could lead to extinction. Any kind of barrier along the U.S.-Mexico border impedes the movement of wildlife and leaves them more susceptible to predators.

11. I am aware that President Trump declared a national emergency on February 15, 2019, in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding for Projects 1 and 2 in the Tucson Sector. I am concerned that the border wall and its construction will adversely impact Organ Pipe Cactus National Monument, its ecosystems and inhabitants, and the many people that enjoy it, myself included.

12. For all of these reasons, the proposed wall construction in the Tucson Sector 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: May 24, 2019

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

Kevin Arthur Dahl

Exhibit 12

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Bill Broyles</p>
---	--

My name is Bill Broyles, and I declare:

1. I reside in Tucson, Arizona, north of the border between the United States and Mexico. I also own land near Ajo, Arizona, near the Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge.
2. I have been a member of the Sierra Club since 1989.
3. I regularly spend time in the vicinity of the proposed Tucson Section Projects 1 (extending northwest and southeast from Lukeville, Arizona) and 2 (extending through Lukeville), and intend to continue to do so in the future. Those portions of the border are flanked by large federal reserves that protect wildlife, habitat, and which provide extraordinary opportunities for wilderness-based recreation. Those

areas include Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge, and the Goldwater Range. Similar reserves lie along the Mexican side of the border: El Pinacate and Gran Desierto Biosphere Reserve (recently designated a UNESCO World Heritage Site) and El Alto Golfo and Rio Colorado Delta Biosphere Reserve.

4. For the past 50 years, I have hiked, camped, vacationed, and traveled through the above-described areas, studying and observing the region's human- and natural history. I have traversed thousands of miles, and spent hundreds of days and nights, in these areas. I continue to visit these areas four to six times a year.

5. As a volunteer with the Cabeza Prieta National Wildlife Refuge, I have worked several thousand hours counting desert bighorn, surveying desert waterholes, measuring rainfall, and removing trash from the Refuge

6. I have written and edited books and articles on the area, including: *Organ Pipe Cactus National Monument*, *Our Sonoran Desert*, *Dry Borders*, *Sunshot*, *Last Water on the Devil's Highway*, *Desert Duty: On the Line with the U.S. Border Patrol*, *Cowboys and Cowgirls Around Ajo Arizona*, and *Field Man*.

7. My study and travels through these borderlands are critically enhanced by the presence of a wide array of species—some of which are endangered—within them. Some of those species, such as Sonoran Pronghorn and Desert Bighorn, use and require habitat that spans the border and have historically moved throughout northwestern Sonoran and southwestern Arizona. I understand that the construction of walls that such species cannot cross harms such species, by

inhibiting their access to parts of their habitat, and increasing human disturbances in the area.

8. My enjoyment of these areas will also be damaged by the incessant lighting associated with the wall and its construction, which, I understand, will disrupt night flights of migrating birds, and mar my and others' view of the night skies—a central attraction of Organ Pipe Cactus National Monument and other public lands in the area.

9. The widening of roads necessary to enable construction of these wall segments, along with the noise and dust associated with construction, will disturb that natural quiet of the area for many months, displacing wildlife from areas near the wall, exacerbating soil erosion, and substantially diminishing my and others' pleasure in experiencing the area.

10. At a more fundamental level, the proposed barrier construction will blight a landscape whose core attractions include unimpeded views across the border (of, for example, the volcanic cones and peaks of Mexico's Pinacate Biosphere Reserve), solitude and quiet, and the shared heritage, history, and culture of our two bordering nations. The wall diminishes each of those basic values, thereby irrevocably altering my and others' experience of the borderlands.

11. I am concerned by the absence of any environmental review of these projects. Such review, and an opportunity for public comment, would allow the community (including me) to better inform the agencies' decision, and, at a minimum, would

permit the agencies to identify less intrusive means of pursuing their goals, or of mitigating the impacts of their actions.

12. For all of these reasons, the proposed wall construction will injure me professionally, aesthetically, recreationally, 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: May 23, 2019


Bill Broyles

Exhibit 13

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Patricia Gerrodette</p>
---	---

My name is Patricia Gerrodette, 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 3327 Eagle Ridge Drive, Sierra Vista AZ, 85650. I have lived in Sierra Vista since 1995.
3. I am an active member of the Sierra Club, Grand Canyon Chapter. I've been a member since 1984. I am currently a volunteer with the Sierra Club Grand Canyon Chapter's Water Sentinels Program, a volunteer group that monitors the flow of

Arizona's San Pedro River and tests its water quality, and have been a member of the program since it began in Arizona in 2010.

4. Throughout my time in Sierra Vista, I have become closely connected to the San Pedro River and the San Bernardino National Wildlife Refuge, both of which fall within Tucson Sector Project 3.
5. Within a few months of arriving in Sierra Vista, I started connecting with people in my community who, like me, value and appreciate the natural world. I quickly became educated about the San Pedro River and the surrounding watershed, and I started to explore and recreate along the river. As an activist on San Pedro River issues, I spend a lot of my free time working to protect the San Pedro River and the watershed that supports it, including the desert washes that originate in the Huachuca Mountains and the groundwater aquifer that keeps the San Pedro River flowing all year round. My efforts to protect the San Pedro River have included participation for the last 19 years in the Upper San Pedro Partnership, a collection of 21 federal and state agencies and some private entities working to ensure that the long-term water needs of the Sierra Vista Subwatershed are met.
6. I bought my current house three years after moving to Sierra Vista. My house is just a fifteen to twenty minute drive to the San Pedro River, which allows me to regularly travel to the river. I enjoy walking along its trails, identifying native plants, bird-watching, and observing wildlife. In my time along the river, I have seen many neotropical migrant birds, which use the San Pedro River's riparian habitat as a migratory stop-over site, as well as Mexican specialty birds like Gray Hawks that come to the river to breed in the summertime. I have also seen the western Yellow-

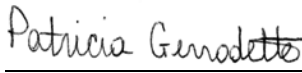
billed Cuckoo, which is a listed species under the Endangered Species Act. When friends come to town to visit, I often take them to the San Pedro River, because it is a jewel in our community. These days, I travel to the San Pedro River about once a month to visit, walk with friends, exercise, and observe the wildlife and vegetation that rely on the river.

7. The proposed border wall at the San Pedro River touches directly on the work that I've been doing for the past 24 years and is deeply upsetting to me. I am concerned about what the wall will do to the flow of the river. I don't see how this wall will be any different than walls that have failed along the border in the past. Experience with other sections of the border wall suggest that the wall will cause debris to accumulate in the river; in the worst case, it may cause the border wall to blow out as it did in Lukeville and Nogales. I also worry that the border wall and its construction will harm the plant and animal species living along and migrating through the San Pedro River ecosystem.
8. As I've mentioned, I regularly visit the San Pedro River. However, if construction moves forward, it will deter me from visiting as often as I once did. I will avoid the noise, dust, and unsightliness of a construction zone in a place I love so dearly for its natural beauty.
9. I am also deeply worried by the proposal along the San Bernardino National Wildlife Refuge. While construction itself is hugely disruptive, it is the proposed permanence of an impenetrable barrier that I find most distressing. The wall will prevent wildlife from crossing, thereby disrupting natural migration patterns. Such disregard for the needs of other life is very upsetting to me.

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, and imminently plans to construct, Tucson Project 3. I am concerned that the border wall and its construction will destroy the natural beauty and ecosystems of the San Pedro River and the San Bernardino Wildlife Refuge as well as my ability to enjoy these places.
11. For all of these reasons, the proposed border wall in Tucson Sector Project 3 will injure me recreationally, aesthetically, spiritually, 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: May 27, 2019



Patricia Gerrodette

Exhibit 14

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Margaret Case</p>
---	---

My name is Margaret F. Case. The information in this declaration is true and correct, based on my experience, and my review of publicly available information:

1. I am a member of the Sierra Club, and have been since 1990. My interest in the natural areas of southeast Arizona, and my concern for those areas, led me to join the Sierra Club's Borderlands Team.

2. I reside in the rural area know as Palominas, in southern Cochise County, Arizona. I have lived in the area for over 11 years. As the crow flies, my home is approximately four miles from the San Pedro River, and approximately 5 miles from a wall segment that runs along the United States-Mexico border. The border wall and the foliage corridor along the San Pedro River are visible from my house's

patios. The Coronado Memorial is a short drive from my home—approximately ten minutes. The San Bernardino Wildlife Refuge is also in our county, to the east of my house.

3. I understand that the Tucson Section Project 3 involves the construction and replacement of border wall sections that include the San Pedro River, the San Bernardino Wildlife Refuge, and areas south of the Coronado Memorial.

4. I use and enjoy the areas affected by the border wall—from my home, and on excursions with friends and visitors. Indeed, my husband and I spent our first Christmas Day in Arizona visiting the Slaughter Ranch and the San Bernardino National Wildlife Refuge. We are both birders; on that first trip, on a track running parallel to the Normandy-style ‘vehicle barriers’ currently along the border, we saw our first Black Phoebe.

5. The border areas and their natural beauty have been a central element of my life here since we moved to Arizona from Kentucky. Shortly after arriving, I went on an overnight Sierra Club outing along the border. My goal was to learn about the southeast borderlands area, which I intended to be my home for the rest of my life. That trip took us to the Buenos Aires National Wildlife Refuge, the San Pedro Riparian National Conservation Area, and to the Coronado National Memorial.

6. Since then, I have grown more familiar with the landscapes of southeast Arizona. I continue to regularly visit the San Pedro River. I saw my first Gray Hawk at the San Pedro Riparian National Conservation Area. My husband and I have an annual tradition of hiking at the San Pedro House (in that Conservation

Area) on Thanksgiving Day. When friends and family visit, we routinely take them to the Coronado National Memorial; we, along with them, are always dazzled by the sweeping vistas of the continuous landscape shared by the United States and Mexico.

7. My pleasure in living along the border is immensely enhanced by my knowledge that there are wolves, bears, ocelots, and even jaguars that inhabit those lands, prowling in secret and filling crucial, and unique, ecological niches. Just a few days ago, on a trip into nearby New Mexico, my husband and I spotted a wolf standing in the brush. I never thought I might see a wolf. Doing so was the thrill of a lifetime, and one that deepened my appreciation of the presence of such wildlife in my own backyard neighborhood, as well as my concern that border-wall construction will inhibit the mobility upon which those species depend.

8. The construction and expansion of the border wall, both as the construction proceeds and in the hard infrastructure that it will produce, will diminish the values that caused me to choose these borderlands as my home.

9. I understand that the proposed ‘pedestrian’ barriers will impose significant, often impassable, barriers to the wildlife that currently inhabit areas on both sides of the border. Near my home, wildlife such as deer and javelina have been photographed, in apparent consternation, unable to cross such barriers. I personally have heard the frustration of a neighbor—a long-time rancher—whose property is bounded by the border wall and road for many miles. His family has ranched that land for three generations. He describes a sharp drop in the deer population, as

border barriers increase. These and other similar stories suggest to me that the decrease in observable wildlife in my own property may be due to border enforcement activities; I find the notion of increasing the structures and human activities that interrupt the flows of wildlife, and water, painful, almost viscerally so.

10. I am also concerned that increased human activity along the border, and more substantial border walls and infrastructure, will affect the diverse bird life that provides one of the greatest pleasures of my current home. A higher, less permeable wall will impair the visibility that makes the border such an enticing bird-watching area. Many birds depend upon rabbits and other prey species that are likely to be disrupted by construction activities, and whose habitat will be fragmented by the wall; and their own nesting habitat, especially along the rivers, is likely to be adversely affected. Birds that frequent this area depend upon a delicately balanced habitat, which exists in only a few places around the world; disrupting the habitat of these birds disrupts and diminishes my own life.

11. I have read articles documenting the manner in which border-wall construction disrupts delicate ecosystems, adding sediment to rivers and streams, adding vehicular traffic and other human activity, contributing light pollution, and inhibiting wildlife corridors. And I have personally seen how the Department of Homeland Security's border walls, roads, and traffic have diminished the beauty and serenity of the border region where I live.

12. At night, from my house, I can watch the lights of Border Patrol vehicles on the roads that the agency has built in previously roadless areas. In our part of the world, dark night skies are a pride and joy; law enforcement lighting, which I understand will be exacerbated by the proposed project, is an intrusive nuisance and decreases my enjoyment of the area. I am additionally worried about nocturnal animals, whose activities and habitat are disrupted by night-time lights and activity.

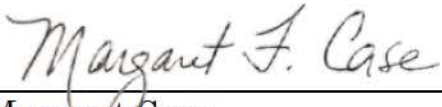
13. With each increase and escalation in enforcement along the border, my and other border residents' quality of life decreases. I once enjoyed taking visiting friends and family to the actual border; as access roads have been closed, such trips have become very difficult. Law enforcement activities which claim to limit northbound human migration are in fact limiting my own freedom and mobility, and my ability to show visitors where I live, and what I enjoy. The proposed wall will, moreover, extend an already unwanted eyesore in the middle of a landscape whose beauty I treasure, irrevocably harming my enjoyment of that landscape.

14. I am greatly concerned about the federal agencies' refusal to comply with environmental statutes that Congress passed to protect natural and cultural resources. I chose to live the rest of my life in this area; when deciding to do so, I relied upon those legal protections to protect the lands around my home, never dreaming that they would be rendered impotent with the stroke of a pen.

15. For all of those reasons, the proposed Tucson border wall project will cause me and my family irreparable harm. An order preventing the wall's construction would remedy that 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: May 24, 2019



Margaret Case

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

Defendants.

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

**DECLARATION OF
CHRISTINA PATIÑO HOULE,
NETWORK WEAVER, EQUAL
VOICE NETWORK**

My name is Christina Patiño Houle 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 Network Weaver for the Rio Grande Valley Equal Voice Network, a coalition of nonprofit organizations in the Rio Grande Valley and the Texas regional anchor for the Southern Border Communities Coalition ("SBCC"). In addition, I am a member of SBCC's Steering Committee, helping to shape SBCC's priorities and strategies across the southern border. I have occupied both positions since 2017.

3. The Equal Voice Network was formed a decade ago to advocate for the community-development needs of families in the region. The Rio Grande Valley is one of the poorest regions in the United States. It has a number of health and environmental needs, including susceptibility to

flooding. It is over 90% Latinx, with several immigrant and mixed-status families. Many of these families live in *colonias*, or unincorporated towns.

4. We derive our priorities from the needs of the communities we serve and have six working groups with our coalition partners: Civic Engagement; Jobs and Economic Security; Education; Housing; Immigration; and Health Care. The working groups set strategic priorities and create plans of action, empowering communities to advocate for themselves at the local, state, and national levels. For example, our housing working group educates low-income communities about their rights and has empowered them to win basic necessities like street lighting, paved roads, and garbage collection. Because of the unincorporated status of *colonias*, advocacy may be onerous and occur piecemeal. However, we recently engaged communities to win a county-wide drainage bond to expand infrastructure in Hidalgo County. The Rio Grande Valley is highly susceptible to flooding, and poor and unincorporated communities in particular often cannot weather high-rain events. Improved flood-control infrastructure is critical to these communities' survival.

5. The declaration of a "national emergency" in our communities, the ongoing construction of a border wall, and the ever-present threat to build a wall without constitutional or congressional constraint has upended our organization's existing plans to serve and advocate for our communities. We are, in effect, developing an additional arm to the nonprofit, adding an additional mission component to our limited capacity.

6. Because the nature of our missions is profoundly affected by the new threat posed by the border wall, both SBCC and the Equal Voice Network must respond to the emergency declaration. Our communities live, work, and play in lands that are threatened with construction. In addition to displacing people from their homes, a wall and its underground foundation can make it difficult or impossible to run electricity or other utilities to communities; it can increase lands' susceptibility to flooding; and, because walls can be constructed miles inland, communities can be segregated from the United States. Border-wall construction threatens scarce green space. One of the first things the communities we work with want is access to a park, and the realities of the

development of this region are such that the area near the river, from the state and natural parks to smaller areas where communities gather and play, is the green space we have.

7. Our organization had previously secured limitations on wall construction that were critical to our communities and on which we relied. In 2018 I joined SBCC as part of one of multiple delegations to Washington, D.C. to communicate the impacts of the wall on our communities to lawmakers. Members of the Equal Voice Network joined two other delegations to Washington with SBCC in 2018 for the same purpose. The resulting political victory—Congress’s rejection of the President’s requested billions of dollars—still left some of our communities in harm’s way. But it also limited the amount the Department of Homeland Security could spend on the border wall, even in the Rio Grande Valley, protected key areas in our communities, and imposed consultation requirements on certain construction.

8. The President’s declaration of an “emergency” upended any comfort we had from Congress’s appropriation decision. The threats to our communities are constant and credible, and we have received no assurances. The communities we serve, our coalition partners, the media, city and elected officials depend on us to provide on-the-ground information and to resist new construction. My work—previously determined by our working groups, and including advocacy for increased access to bilingual education, organization of labor-worker cooperatives to fight for wage justice, and educating communities about the 2020 census—has been frustrated preparing to respond to stakeholders’ concerns, to identify and resist new, unlawful construction, and to counter the message about our communities being propagated by the President. I cannot provide the same level of feedback, oversight, coordination, or management to this work as I have provided in the past, and the rollout and reach of the work in these programs has been negatively impacted. We have been forced instead to defend our lands and communities from erasure.

9. We are constantly monitoring, researching, and responding to the “emergency” declaration and the construction it enables. In our citizenship classes, know-your-rights trainings, and community meetings, people ask whether there will be an increased military presence, and what

the “emergency” and military presence means for their rights. In our monthly housing working group meetings, the border wall, its location, and its timing are important issues to the communities we serve and are now standing agenda items. We respond to requests for information from city officials and chambers of commerce seeking to understand the scope of the “emergency” and what it means for our communities moving forward. We have devoted our time to remain prepared to respond to, protect, and educate the communities we serve, a feat that is complicated by a lack of transparency about the plans for construction. In our experience, notice, if any is given, comes too late for a meaningful response.

10. In addition, we continue to be forced to devote resources to respond to calls for information from media, city officials, and other stakeholders regarding the “emergency” and its impacts on border wall construction throughout Texas. We have granted requests to provide tours to groups wanting to see the “emergency” and the lands threatened by border-wall construction. The Equal Voice Network coordinates such tours with its coalition partners on a nearly weekly basis. Such coordination and tours require significant time. Given the size of the Texas border, travel alone can consume hours of our staff and partners’ time.

11. We have also been forced to organize and promote events to resist new construction. For example, we organized a protest in March 2019 when Secretary Nielsen and members of Congress were visiting the Rio Grande Valley to see the “emergency.” We planned the event with our partners, organized community members, arranged for carpools, prepared press statements, and coordinated speakers. This work consumed several days for me and for staff from our organizational partners.

12. We have worked to counter the “national emergency” declaration—its effort to militarize and wall off our communities—by promoting the truth about our communities. After the President’s declaration, we held an internal discussion as to how best to respond. We determined that it was necessary to counter its message and goals by uplifting that we are a community that is safe, that supports migrants, that works well together and supports one another, that is worthy of

existence. Our communications strategist, Michelle Serrano, created a toolkit for journalists coming to the region so they report on it in a way that promotes the good work that is coming in the community, instead of amplifying and reifying the effort to paint and treat us as communities in crisis. Responding to the emergency has consumed and continues to consume a significant portion of Michelle's time that would otherwise be spent on our core organizational mission of affirmative advocacy for the communities we serve.

13. The Equal Voice Network is united by a vision of organizing our constituents into a local force to create lasting social and political change. A wall is an intervention into our communities that is the antithesis of what our communities and organizations are working towards, and the preparation for and reality of construction throughout the borderlands entrenches an incorrect and damaging narrative about our communities. Our community survival requires investment, development, and infrastructure, the pursuit of which is frustrated and hindered by the fireballs being thrown at us by our own government.

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 4 day of April, 2019.



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

Defendants.

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

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

My name is Vicki B. Gaubeca and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Director of the Southern Border Communities Coalition ("SBCC") for Alliance San Diego, a community-empowerment organization and convener of SBCC focusing on human rights and inclusive democracy. I joined SBCC in 2017, became the interim director in March 2018, and have served as Director since June 2018.
3. SBCC brings together 60 organizations from California, Arizona, New Mexico, and Texas to fight for policies and solutions that improve quality of life in border communities. Formed in March 2011, SBCC's membership spans the borderlands from California to Texas. The communities we serve are as diverse as our geographies, and include community, environmental,

immigrant-rights, human-rights, faith, direct-service and labor groups. We are united to amplify the voices of border communities.

4. The border is a place of encounter, hope, and opportunity. The southern border region is home to about 15 million people, and one of the most diverse, economically vibrant, and safest regions of the country. SBCC's principal goals are to protect human rights, dignity, and safety against increasingly unaccountable border law enforcement, and to promote rational and humane immigration policies affecting the border region. In furtherance of these goals, SBCC engages in oversight of U.S. Customs and Border Protection and its components, including Border Patrol, and advocates for accountability and transparency in the government policies and practices that impact border communities.

5. A border wall, as physical structure and symbol, is contrary to the goals of SBCC and the needs of border communities. Instead of revitalizing our communities, it is the culmination of a campaign to militarize the border region and generate fear among the communities that live there. Since 2017, SBCC has worked to promote the voices of our communities, including against the construction of a border wall, in the appropriations process in Congress. We believe legislators are accountable to constituents, and funding for the number of boots on the ground, detention beds, and miles of border wall in our communities can be shaped to reflect positive values at the border. When the Administration's proposed policies of harsh enforcement are out of sync with our values as a nation and as border communities, we use the democratic process to push back. Through the appropriations process, SBCC pushed back on the proposed appropriation of \$25 billion to build a wall in Fiscal Year 2018, and \$5.7 billion in Fiscal Year 2019. The appropriations process provided a forum for SBCC and its members to speak, and the Consolidated Appropriations Act in 2019 reflected our input on the amount, location, and requirements of new border-wall construction in our communities better than the much greater requested allocation would have.

6. The "national emergency" declaration shattered the security we obtained through the democratic appropriations process. SBCC cannot ignore the threat and reality of the diversion of

billions of dollars to build a wall, amplified by persistent statements by the President and his administration that hundreds of miles are going to be built this year alone.

7. SBCC, as well as our member organizations, has been forced to devote substantial time to analyze and respond to the declaration and the promise to build border walls across the southern border. I and several SBCC and member staff, including Andrea Guerrero, the Executive Director of Alliance San Diego and SBCC Co-Chair, Hiram Soto, our Communications Director, and a team of communications assistants, have spent the *majority* of our time analyzing and responding to the declaration, at a substantial monetary and opportunity cost to SBCC.

8. The increased time is due, in large part, to the delimited geography of threatened construction and the willingness to circumvent prior processes. SBCC has been forced to respond to an unprecedented volume of inquiries from members, media, and elected officials about the “emergency” and its current and coming impacts, which in turn has required that SBCC devote substantial time to analyze the declaration, monitor developments, and rapidly respond. To educate our members and the public about the current status, SBCC has created materials to reflect the uncertain impact of the declaration and the diversion of funds, developed and distributed social-media kits to SBCC members and national allies, and conducted trainings for staff and partners to speak about the emergency and fight against delimited construction in their communities.

9. The time spent is not only exponentially greater than that spent resisting the border wall prior to the declaration; it is qualitatively different from our prior advocacy against the border wall. The Trump Administration has communicated that it intends to take money from the budget and redirect it to fulfill a campaign promise to build a contiguous border wall, without consideration of community input. There is often little or no notice of the plans to build until the process of construction begins in the community. A border wall carries significant risks for local environments and protected and endangered species. It threatens historical and cultural treasures along the entire border. And the symbol of the wall entrenches a narrative SBCC believes is dangerous by imposing division into our communities, fostering hate of immigrants and others, and undermining SBCC’s

community and economic-development goals.

10. The emergency declaration and the threat and reality of construction have caused us to reduce the time we spend on our core projects, including public education about border policies, community engagement on local issues, and affirmative advocacy for Border Patrol accountability and immigration reform. That work—for example, forming alliances with criminal justice groups to advocate for those policy initiatives that increase law-enforcement accountability, is our bailiwick. We have been forced to prioritize the emergency declaration and the border wall construction it enables because we have seen that the effects of a wall, once built, are irreversible—relationships between sister cities are divided; communities are economically disaffected; increased flooding makes lands uninhabitable; endangered species are imperiled; sacred sites are destroyed; and a monument to hate is erected.

11. Though the emergency declaration and diversion of funds delimit construction, forcing SBCC to be reactive, SBCC has worked tirelessly to proactively counter the narrative of “emergency” that is being thrust on our communities. Migration is not an emergency, but the failure of leadership to manage it in a humane way is traumatizing. A wall will not resolve this failure; it will displace us. SBCC has responded to questions from congressional offices about the scope and impact of the emergency declaration, educated and empowered local elected officials and community members to hold the Administration accountable to border communities, and worked with partners to support grassroots movements and protests to push back on unjust actions that take our land and cause us harm. SBCC has also produced and distributed videos and other multimedia content on the inaccurate portrayal of border communities to counter the message of the emergency declaration and convey the harm that will be caused by more walls.

12. The goal of this work is to empower communities and elected officials against efforts of the Administration to disenfranchise border communities through its unilateral determination of where, when, and on what terms to build. The work will continue until our voices prevail, and democratic limits are re-imposed on the construction in our communities.

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 4th day of April, 2019.


A handwritten signature in black ink, appearing to read "Vicki B. Gaubeca", with a long horizontal line extending from the end of the signature.

Exhibit 17

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

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>DECLARATION OF CYNDI C. TUELL</p>
---	--

My name is Cyndi C. Tuell and I declare:

1. I currently reside at 903 N. Alder Ave, Tucson, Arizona 85705. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would truthfully testify competently to these facts.
2. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

3. I am a current member of the Sierra Club; I joined the Sierra Club in 2014 and have been a member on and off since then.

4. I have been a volunteer with the Sierra Club's Borderlands Team since 2011. As a volunteer, I have been actively engaged in work to protect the borderlands in southern Arizona from the negative ecological impacts of: border walls, related roads and infrastructure; border surveillance equipment, installation, and related roads; border patrol agent travel within the federal public lands found in southern Arizona including: Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, the Barry M. Goldwater Bombing Range, and the San Pedro Riparian National Conservation Area, including areas that are in the vicinity of the proposed Tucson Sector Projects 1 and 2. As a Borderlands Team volunteer I have conducted reviews of scientific literature, compiled this research and drafted letters to federal agencies regarding the impacts of border patrol agents' presence on federal public lands to wildlife, water, and the land itself; given presentations to members of the public regarding the impacts of border patrol presence and operations on the federal public lands in southern Arizona; participated in Interagency Executive Committee meetings between federal land managers, representatives of the Tohono O'Odham Nation, border patrol representatives, and members of the public; and organized and participated in political protests against border patrol presence and operations in southern Arizona.

5. Prior to working as a volunteer with the Sierra Club Borderlands Team, I was employed at the Center for Biological Diversity as a Public Lands Advocate. The purpose of my work at the Center for Biological Diversity was to reduce the impacts of roads and off-road vehicle use on federal public lands in Arizona and New Mexico. As a part of that work I engaged with local residents of Ajo, Arizona and learned of and began trying to stop the devastating impacts that border patrol agents, infrastructure, and border walls were having on the protected federal lands in southern Arizona. I engaged with the Cabeza Prieta National Wildlife Refuge land manager to prevent the official designation of an illegal vehicle route through the designated Wilderness area that was heavily used by border patrol agents in order to protect the Wilderness character of the wildlife refuge and to protect the habitat for the Sonoran desert pronghorn.

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

educating the public about the impacts of border patrol presence and operations in southern Arizona on federally protected public lands.

7. I have camped in Cabeza Prieta National Wildlife Refuge at least three times in the last ten years with my friends, professional colleagues, and my son. When I am in the wildlife refuge I always visit the area in which the border wall projects are planned, because of my professional and personal interests in the protection of the public lands in the southern Arizona border and my desire to protect the wildlife and wildlands there. I have plans to return to Cabeza Prieta National Wildlife Refuge in November of 2019 to celebrate my son's 11th birthday. He has asked me repeatedly for the past six months to let him know when we are going back. When we travel to the wildlife refuge we travel through Bureau of Land Management Lands, Organ Pipe Cactus National Monument, and Barry M. Goldwater Bombing Range and we always stop to view wildlife and plants and historic objects. We always look for signs of badgers, tortoise, lizards, snakes, bighorn sheep, pronghorn, and owls.

8. I am deeply disturbed by the presence of the border wall infrastructure. I am aware that the type of barrier in place through most of the Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, and the Barry M. Goldwater Bombing Range is "wildlife friendly", allowing both large and small animals, as well as water, to move freely across the border to ensure connectivity of wildlife corridors. I am most disturbed by the "pedestrian fence" type of border

barrier because it completely stops the movement of nearly all mammals and most other animals such as lizards, frogs, snakes, and some birds. The “pedestrian fence” also stops the flow of water causing significant damage to these protected lands. It is personally and professionally important to me that the “wildlife friendly” type of fencing remain to ensure the free movement of wildlife and water across these protected lands.

9. I have engaged with the Border Patrol Public Lands Liaison, Charles Trost, to try to educate him and, through him, other border patrol agents, of the importance of protecting the federal public lands in southern Arizona. I have camped with Mr. Trost in Organ Pipe Cactus National Monument and during that camping trip I explained the value of wilderness, wildlife connectivity, and cryptobiotic soil crusts to Mr. Trost. My hope was that Mr. Trost would share this information with his colleagues, some of whom were supposed to join us for this camping trip, but who could not attend.

10. On two of the camping trips I have done in the Cabeza Prieta National Wildlife Refuge I was accompanied by a close friend who has been visiting and camping along the Camino del Diablo since she was a child. My friend would visit these areas with her father and spend multiple days camping and hiking to view the historic and natural resources found in the wildlife refuge as well as on Organ Pipe Cactus National Monument and the Barry M. Goldwater Bombing Range. I enjoy visiting these areas with my friend and son so that we can share an

intergenerational experience on these lands. I am deeply concerned that the construction of new border walls to replace the existing “wildlife friendly” walls will destroy wildlife migration through these protected lands which will harm the wilderness character and prevent my son from bringing his children or friends to these lands in the future.

11. I currently work for Western Watersheds Project. I was employed part-time at Western Watersheds Project for most of 2018 through early 2019 and began working full-time for the organization on February 1, 2019. The mission of Western Watersheds Project is to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy. As a part of my work at Western Watersheds Project I have been visiting the San Pedro Riparian National Conservation Area and doing public outreach and education regarding the ecological importance of this protected area. I have been engaging in the Bureau of Land Management’s Resource Management Plan revision process for nearly two years. I have attended public meetings, communicated with federal land managers, and submitted extensive and thorough comments as part of the land management planning process for this protected area. I am very familiar with the importance of wildlife movement within and through the San Pedro river corridor, especially cross-border movement between Arizona and Mexico. I have plans to return to the San Pedro Riparian National Conservation Area in December 2019. I am deeply concerned about the impacts any changes to

the existing border wall will have on the river, including impacts to wildlife, water movement, and recreational experiences.

12. The construction of new border barriers, or the replacement of the existing barriers in the proposed Tucson Sector Projects 1 and 2, will harm my interests and that of my son because it will impact multiple federally listed threatened and endangered species, including the Sonoran desert pronghorn, jaguar, Southwestern willow flycatcher, Huachuca water umbel, and many others. Border wall construction and related infrastructure will impact wildlife, water, soil, and my personal recreational experiences. My enjoyment of my visits to Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, and the Barry M. Goldwater Bombing Range areas will be injured if these border wall sections are replaced or extended.

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.

Dated: May 25, 2019,

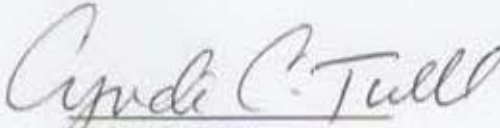

Cyndi C. Tuell

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;
PATRICK M. SHANAHAN, Acting
Secretary of Defense, in his official
Capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her
official Capacity; AND STEVEN
MNUCHIN, Secretary of the Treasury,
in his official Capacity,

Defendants.

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

Declaration of Robert Ardovino

I, Robert Ardovino, declare as follow:

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 my extended family owns property in Eastern New Mexico close to the U.S.-Mexico border. I am a professional photographer, and I own a restaurant just a few miles from the border east of the proposed border wall project.

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

4. I am a lifetime member of the Sierra Club and I first joined in 2005.

5. I have utilized the desert lands of eastern New Mexico my entire life including the area along the U.S.-Mexico border that includes the Department of Homeland Security's proposed El Paso Sector Project 1. I worry that the replacement of the existing low vehicle barrier with a tall pedestrian wall will negatively impact the recreational activities I enjoy and harm the delicate desert ecosystem in this region.

6. I currently recreate in what I understand to be the El Paso Project 1 area, and I have done so for several decades. In addition to driving along the border area, I enjoy doing many forms of outdoor recreation. I frequently ride off-road motorbikes; and photograph, hike, and target shoot there. I intend to continue these activities for many years to come. I am concerned that wall construction in this area will mar my enjoyment of my hobbies. For example, currently, I can see across the desert into Mexico. I worry wall construction will drastically change my ability to appreciate these views. Instead of open landscapes and vistas, I would see an

eighteen-foot metal wall. The current vehicle barrier is much shorter and therefore has not impacted my desire and ability to recreate in this area.

7. I grew up in the desert and have learned through my activities there that the desert's unique ecology remains poorly understood. I worry that unintended consequences of wall construction on this ecosystem could be irreversible.

8. I am also concerned that a pedestrian wall would serve as a barrier to wildlife. I volunteer with the Southwest Environmental Center and help run and monitor wildlife cameras for a study this group is conducting on animal migration and habitat impacted by increased border activities. Thus, I have firsthand experience with habitat destruction. Also, for several years now, I have seen burrowing owls nearly disappear due to increased dirt roads and associated actions. A complete barrier to passage for burrowing owls could cause the loss of this species.

9. From childhood, I have enjoyed dirt bikes, hiking, taking photographs, and target practice in the El Paso Sector 1 area, and intend to do these things for as long as I am able. A pedestrian barrier wall could impact my ability to enjoy these hobbies.

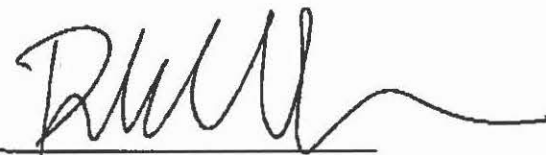
10. I am aware that President Trump declared a national emergency on February 15, 2019 with the principle goal of building a wall along the U.S.-Mexico

border. It is my understanding that the Secretary of Defense has said that they intend to begin construction in El Paso Sector 1.

11. If the existing vehicle barrier in El Paso Sector 1 is replaced with a much taller and impervious pedestrian wall, I believe my use and enjoyment of these areas could be permanently ruined. An order declaring the national emergency and thus this construction project invalid would remedy these harms.

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

Dated: June 10, 2019.



Robert Ardivino