

# **EXHIBIT 3**

DECLARATION OF BRIGADIER GENERAL GLENN A. GODDARD

I, Glenn A. Goddard, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. This declaration is based on my own personal knowledge and information made available to me in the course of my official duties.
2. I am a Brigadier General in the United States Army and am currently the Deputy Director for Military Programs at the Headquarters of the U.S. Army Corps of Engineers (Corps). I am stationed in Washington, DC.
3. The Corps is providing engineering and construction services to Customs and Border Protection (CBP), and is responsible for undertaking construction of approved border barrier projects on the southern border of the United States pursuant to 10 U.S.C. § 284 and § 2808.
4. In my capacity as the Deputy Director for Military Programs, I serve as the National Program Manager for Southwest Border Infrastructure. In this respect, my responsibilities include providing oversight, direction, and management of systems and personnel involved in executing all border barrier projects. I am familiar with barrier construction timelines, including the timeline for awarding contracts and the timeline for commencing ground-disturbing activities.
5. On September 3, 2019, the Secretary of Defense decided to undertake eleven military construction (MILCON) projects pursuant to 10 U.S.C. § 2808. MILCON projects can only be undertaken with respect to a military installation (i.e., property under the administrative jurisdiction of a military department of the Department of Defense).
6. As a consequence of the Secretary's decision, the Corps will use \$3.6 billion of unobligated MILCON funds made available for the approved Section 2808 projects for project-related administrative costs, costs associated with activities necessary to acquire or obtain administrative jurisdiction of land, just compensation and related payments, and border-barrier-construction contracts.
7. Project-Related Administrative Costs. Administrative costs include labor costs for Corps employees, travel costs, and other Corps overhead costs related to the approved projects. Because it has not yet identified the number of personnel or the amount of their time needed to manage these projects, the Corps is unable to provide a precise estimate of the amount of Section 2808 project funds it would need for these administrative costs. The Corps is developing a staffing plan and a precise budget for its administrative costs. Drawing on Corps experience from other border barrier projects, once fully staffed, I estimate the likely administrative costs at approximately \$1 million per week. The Corps expects to begin incurring these costs as soon as MILCON funds are made available for construction under Section 2808.
8. Costs Associated with Initial Real Estate Activities Necessary to Acquire or Obtain Administrative Jurisdiction of Non-DoD Land. The Corps must acquire preliminary title evidence on all lands necessary for the Section 2808 projects. Preliminary title evidence includes preliminary certificates of title, title guarantees or title insurance commitments, and

limited abstracts of title. Using existing contracts, the Corps will award task order contracts or contracts against Blanket Purchase Agreements to obtain preliminary title evidence. The Corps expects to begin obligating and expending funds for title product contracts no sooner than September 23, 2019. The Corps expects to receive the title products within 45 to 60 days of contract award. The Corps will then acquire planning maps for use prior to the initiation of negotiations for rights-of-entry in support of environmental and design due diligence studies. The Corps expects to begin obligating and expending funds for mapping contracts no sooner than 15 days after receiving the title evidence. The Corps expects to spend \$375,000 of MILCON funds for preliminary title evidence and \$125,000 on mapping. The Corps will then acquire or prepare survey and appraisal reports. In sum, the Corps expects to expend a total of approximately \$500,000 on this category of expenses starting on September 23 and continuing over the course of the next several months.

9. Just Compensation and Related Payments. The Corps will also use funds made available for the approved Section 2808 projects to provide just compensation to landowners for land acquired through negotiated purchases or condemnation, for payments of relocation assistance benefits, and for the provision of substitute facilities, where appropriate. The Corps does not expect to expend any funds for these purposes before April 2020.

10. Border-Barrier-Construction Contracts. The timeline for obligating MILCON funds on border-barrier-construction contracts, and the amounts of funds required for such contracts, will depend on the location of each Section 2808 project.

a. There are two border barrier projects located on the Barry M. Goldwater Range (BMGR), an existing military installation that is under the administrative jurisdiction of the Department of the Navy. These projects are Yuma 2 and Yuma 10/27. The Corps will not award a contract (thereby obligating funds for all contract costs) for border barrier construction on BMGR earlier than October 3, 2019. The contract for the barrier-construction projects at BMGR is estimated to cost \$567 million. No ground-disturbing activities, including geotechnical borings and clearing and grubbing, will occur before 20 days after the date of contract award. The earliest date on which substantial construction could occur for these projects is 40 days after contract award.

b. Based on the best information currently available to the Corps, there are seven border barrier projects located, at least in part, on Federal public domain land currently under the administrative jurisdiction of the Department of the Interior. These projects are Yuma 3, San Diego 4, Yuma 6, El Paso 2, El Paso 8, San Diego 11, and El Centro 9. Yuma 3 and San Diego 4 are exclusively on Federal public domain land. The remaining five projects involve various combinations of Federal public domain land; Federal non-public domain land that can be transferred between Federal agencies under the Federal Property and Administrative Services Act of 1949, as amended, (the Property Act); and non-Federal land. The Department of the Army anticipates obtaining administrative jurisdiction over the portions of these seven projects that are Federal public domain land no earlier than 30 days after the Secretary's decision. The processes required for the Corps to obtain jurisdiction over Federal non-public domain land and non-Federal land will require



additional time and are not expected to conclude before April 2020. The earliest date on which the Corps could then award a construction contract and obligate funds for any of these projects is 30 days after the Department of the Army has accepted administrative jurisdiction and recorded the property in its records as a military installation. The Corps would not need to acquire all of the land in a project area before awarding a contract and may proceed with contract award for a project once some portion of the land is under the administrative jurisdiction of the Department of the Army. The Corps anticipates that the construction contracts for Yuma 3 and San Diego 4 will be the first of these seven projects ready for award and obligation. The earliest date on which any ground-disturbing activities could occur for these projects is 20 days after contract award. The earliest date on which substantial construction could occur for these projects is 40 days after contract award. The estimated costs for construction of these projects is as follows: \$630 million for Yuma 3; \$67 million for San Diego 4; \$65 million for Yuma 6; \$476 million for El Paso 2; \$164 million for El Paso 8; \$57 million for San Diego 11; and \$286 million for El Centro 9.

c. The remaining two border barrier projects are located entirely on Federal non-public domain land and non-Federal land. These projects are El Centro 5 and Laredo 7. To obtain administrative jurisdiction over non-Federal land will require either purchase or condemnation. As explained above, the Corps does not expect to expend funds for either purchase or condemnation of non-Federal land before April 2020. Similarly, the Corps does not expect to obtain jurisdiction of Federal non-public domain land before April 2020. The earliest date on which the Corps could award a construction contract for these projects is 30 days after the Department of the Army has recorded the property in its records as a military installation. The earliest date on which any ground-disturbing activities could occur for these projects is 20 days after contract award. The earliest date on which substantial construction could occur for these projects is 40 days after contract award. The estimated costs for construction of these projects is as follows: \$20 million for El Centro 5 and \$1,268 million for Laredo 7.

11. In sum, the soonest any ground disturbing activity will begin for any of the Section 2808 projects is October 23, 2019 for the two projects on BMGR (Yuma 2 and Yuma 10/27). The Corps anticipates that ground disturbing activities for the Yuma 3 and San Diego 4 projects would begin next, approximately 30 days later. The timetable for ground disturbing activities on the remaining projects is uncertain, but will not occur earlier than as indicated for Yuma 2, Yuma 10/27, Yuma 3, and San Diego 4.

12. With respect to the obligation of funds, the Corps will begin immediately incurring project-related administrative costs that are expected to be no more than \$1 million per week. Beginning no sooner than September 23, 2019, the Corps will begin expending additional funds, not expected to exceed \$500,000, on initial real estate activities necessary to acquire or obtain administrative jurisdiction of non-DoD land. The earliest contract award and obligation of funds for construction will occur no sooner than October 3, 2019, for the two projects on BMGR (Yuma 2 and Yuma 10/27), which are estimated to cost \$567 million. It is expected that the next

construction contracts to be awarded and obligated will be Yuma 3 (\$630 million) and San Diego 4 (\$67 million), approximately 30 day later. The timetable for award and obligation of the remaining contracts is uncertain, but will not occur earlier than as indicated for Yuma 2, Yuma 10/27, Yuma 3, and San Diego 4.

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

Executed this 3rd day of September, 2019.



Glenn A. Goddard  
Brigadier General, United States Army