

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

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

My name is Kevin Bixby and I declare:

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

2. I am the Executive Director and founder of the Southwest Environmental Center (“SWEC”) in Las Cruces, New Mexico, as well as a dues-paying member of the organization. SWEC forms part of the Southern Border Communities Coalition (“SBCC”), and I serve as a member of SBCC’s Steering Committee, in which capacity I participate in and help guide SBCC’s activities across the southern border.

3. I write this declaration to supplement my prior declaration filed in *Sierra Club v. Trump*. Because I understand the Defendants in this case have asserted SWEC engages exclusively

in “First Amendment protected activity in support of [its] policy goals,” I believe it is important to correct the mischaracterization of the work I highlighted in my previous declaration.

4. SWEC is a member-supported grassroots conservation organization. Our mission is to protect and restore wildlife and their habitats in the Southwest, including Eastern Arizona, New Mexico, and West Texas: both to maintain all of the habitats and wildlife in a healthy condition, and promote their increase if possible. Our whole reason to exist is to protect intact nature in this region.

5. This work includes, but is not primarily, public advocacy in furtherance of policy goals. The organization and our members cherish these lands in their native conditions, and our work includes research and documentation, education, and on-the-ground restoration projects.

6. Our education work seeks to make the public aware of what these habitats and wildlife species are and why they are important and how they are threatened. We send e-news to our list of 11,000 people regarding all of the issues we work on. We have done an oral history project, documenting interviewees’ stories of the Rio Grande and how they used it, to preserve memories of a landscape that has been and is constantly threatened by human development and abuse. Since 1995, we have hosted thousands of people on our Back by Noon Saturday morning natural-history outings, leading guided nature tours to showcase unique natural features of the Las Cruces/El Paso area for both SWEC members and members of the public. These tours are fairly easy so that people of all ages can go on them, and they are very popular. We recently did a geology walk in the Organ Mountains; last month, we took people on a “Back by Midnight” outing, leading people to our wetland restoration sites to look for bats. As I mentioned in my prior declaration, to preserve a record of the Chihuahuan desert shrublands along the southwestern border that have been or are threatened to be walled off, we laid wildlife cameras to collect videos of the wildlife that people rarely see and might not expect. These lands come alive at night.

7. Even our office in central Las Cruces is operated and maintained in furtherance of our educational mission. It is open to the public and intended to serve as a focal point for environmental activity and information. We operate a library and information displays, an art gallery of rotating

environmental art exhibits, a 90-foot mural, a gift shop, and a 500-gallon Rio Grande aquarium of fish that currently or historically lived in the river in southern New Mexico and west Texas. The purpose is to educate people about the natural history, the wildlife of the area.

8. We also offer educational programs on a variety of topics throughout the year. This includes a monthly series where we invite local experts to speak on a range of topics related to wildlife, ecology, and sustainability. We recently had a talk called “Living with Snakes” to educate people about the snakes in our area, and to teach them to identify and coexist with these snakes. We also host book readings, workshops and trainings. Recently, we hosted a training on community organizing on behalf of a legislative campaign to change the way wildlife is managed in New Mexico at the State level. We’re hoping to build grassroots power organically through community organizing—bringing people in who care about wildlife but do not know much about the issues, and empowering them to become part of the campaign.

9. In addition, and as I stated in my last declaration, for decades SWEC has been actively involved in restoring riparian and aquatic habitats along the Rio Grande in southern New Mexico and west Texas. Our hands-on restoration work is to identify habitats that have been harmed in the past and to rehabilitate and restore them. Our first restoration project, to create the Picacho Wetlands on a 55-acre tract of land near the town of Mesilla in Doña Ana County, was expanded into a 1000-acre nature park called Mesilla Valley Bosque State Park in Doña Ana County.

10. For the past three years, SWEC has been creating wetlands on three acres owned by SWEC along the Rio Grande near Mesilla, New Mexico. This restoration work intersects with our educational mission, and we have hired a crew of young people through the Youth Conservation Corps of New Mexico. Through this work, young people are learning habitat restoration and other useful job skills. When completed, the wetlands will consist of ponds connected to the river, creating a year-round backwater habitat for fish spawning, nursery, and feeding grounds.

11. We strive to be innovators in the restoration of native habitats. We recently published a report on a novel approach to conserving native Rio Grande fishes in this stretch of the Rio

Grande, where it has been difficult to keep fish native fish alive. The approach is doable on a small scale in this part of the Rio Grande, and is in fact being adopted by the International Boundary and Water Commission, which is going forward with evaluating projects and methods we have proposed and are committed to implementing at two sites along the Rio Grande.

12. The harms of the national emergency declaration to our core organizational mission and work, as well as the harms to our members, persist. Further, the construction of border wall in the “El Paso Project 1” is causing and will continue to cause irreversible damage to SWEC and to lands that SWEC’s members cherish.

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

EXECUTED this 1st day of May, 2019.



Kevin Bixby