

Exhibit 5

DECLARATION OF KEVIN LYNN

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Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Kevin Lynn. I reside in Lancaster County, Pennsylvania and was born in Bucks County, Pennsylvania. Upon graduation from Kemper Military College, I was commissioned a Second Lieutenant in the U.S. Army. My military career, which spanned from 1980-1996, was primarily spent in the Military Intelligence Branch. After leaving the military, I worked at the accounting firm of Ernst and Young, a couple technology startups, a tax consulting firm, and my own video production company. I am now an Executive Director at Progressives for Immigration Reform (PFIR), which exists primarily to protect American workers from unemployment and wage suppression caused by unfair labor and trade practices, including importation of large numbers of foreign workers who are subject to exploitation by foreign and domestic corporations working in the United States.

2. I belong to a few environmental organizations. One is called Respect Farmland, which is an environmental watchdog group focused on preserving the bucolic, agrarian nature of Lancaster County. The other is Lancaster Against Pipelines.

3. I am an ardent progressive and was a longtime member of the Democratic Party. I care deeply about equality for all, ensuring that workers are paid a living wage, the health of our environment, and climate change. I was a delegate to the California Democratic Party from (2006-2008) and also on the executive board of the California Democratic Party (2007-2011). During that time, I began to see the clear connection between the environment, consumption, and the size of the population.

4. At a town hall on immigration, sponsored by the California Democratic Party in 2007, I spoke about how I did not see how more immigration and population growth was going to help our already strained infrastructure, environment, and workers' wages. I found that a minority of people in the audience were receptive, but the majority were not; identity politics made it difficult to have the conversation about the reasons the population was growing so rapidly. Shortly afterwards, I became a volunteer for Californians for Population Stabilization. Additionally, after my speech at the town hall, I met a few audience members who agreed with my views on immigration. I later joined with several people to form an organization, Progressives for Immigration Reform (PFIR), of which I became one of the founding board members. Our goal was to have an open conversation about immigration with the left, especially on what are the unintended consequences of immigration and more particularly on the environment and workers' rights.

5. I myself am a son of an immigrant, and I appreciate how immigration works well for American when it is regulated and measured.

6. However, I know that current levels of immigration will ensure further environmental degradation, sprawl, and population growth. PFIR, using Pew Research data, notes the following in a recent report we published; "Immigration, more than any other factor, drives U.S. population growth. Every 28 seconds, one international migrant comes to the United States. Immigrants and their children account for 88 percent of population growth."¹

¹ Progressives for Immigration Reform, *PFIR's Environmental Impact Statement: Part I*, (Apr. 2016), <https://progressivesforimmigrationreform.org/pfirs-environmental-impact-statement-part-i/>

7. At PFIR we also conduct environmental impact and population growth studies—how immigration impact ecosystems—by looking at things like traffic and sprawl and open spaces. As our 2016 study concludes, the results of consistent immigration intake will be catastrophic for the country: by 2100, there will be an 80% chance for a megadrought to hit the Southwest, a 70% increase in greenhouse gas emissions, decimation of biodiversity, loss of huge swaths of wildland, reduction of open space, massive sprawl (Figure A), and irreversible destruction much of America's ecology.²

8. On top of the general effects of immigration-led population growth, I also have been personally negatively affected by population growth: I have lived in several places in my life to include Lancaster County and Bucks County, Pennsylvania; Los Angeles County, California; Dallas County, Texas and Maricopa County, Arizona. All of these places have seen—great environmental detriment—because of explosive population growth.

9. I left California because of the population growth made living there unrewarding. When I first moved to Los Angeles County after leaving Arizona in the mid-1990's, I resided in a small cabin in Malibu. It was wonderful. There was lots of open space, hiking trails through unspoiled hills and I could literally embark onto mountain biking trails from my front porch. Nature was plentiful and palatable. However, I had to move downtown because my commute was becoming unbearable with the ever-growing traffic congestion in Los Angeles. A few years ago, I visited the same area, the once untouched, golden hillsides are now covered with mansions. Hiking trails and habitat have been eliminated in large numbers. Really, the whole demeanor of

² See Progressives for Immigration Reform, *PFIR's Environmental Impact Statement: Part I*, (Apr. 2016), <https://progressivesforimmigrationreform.org/pfirs-environmental-impact-statement-part-i/>

the area changed: pastoral to suburban, public space to exclusive estates, and hiking trails to backyards. The area I once enjoyed has been ruined recreationally and atheistically.

10. With the unrecognizable transformation of Malibu because of development, and to avoid my traffic congested automobile commute, I moved to downtown Los Angeles. Every year I remained downtown, however, traffic got worse and worse. Many of my hours were spent idly behind a wheel (perhaps the only saving grace was public radio and Los Angeles's plethora of radio stations). With traffic, it became very difficult to enjoy nature because it took so inordinately long to get to; I stopped going to the beach and my mountain biking became much rarer. On top of this, I tried as much as I could to bicycle ride to work and to wherever I was going for the obvious environmental reasons. But, boy, was it dangerous. Congestion made it very hazardous to navigate traffic as a pedestrian or cyclist; I was almost hit by cars on several occasions. On top of this, the smog was disgusting and damaging to my health. While I tried to adhere to an environmentally friendly lifestyle, all Los Angeles County seemed to be focused on was trying to expand traffic lanes. In other words, I was addressing the root of a problem (consumption) while the County was addressing a symptom (traffic). Now, as I reside in Lancaster County, Pennsylvania, I am on the steering committee of a conservationist group called Respect Farmland. I did this largely because of the negative transformation I saw in California, where health, open spaces, recreation, and athletics were steadily diminished by immigration-led development and growth.

11. Though I would love to move back to Bucks County, where I was born, the area has been transformed beyond recognition since my childhood there in the 1970's. The area used to have wide and plentiful open spaces; it also had some of the best game lands in the country at the

time. I used to love trapping game in the winter and playing in fields and pastures with friends in the summer. Hiking, fishing, and outdoor activities were a part of life and easily accessible. However, now I barely recognize the place; population growth and sprawl have transformed open spaces, bucolic landscape, and wild game areas into suburban guard-gated communities. I thus decided to move to Lancaster County instead. Though not as bad, unfortunately, Lancaster County too has not been immune to immigration-driven population growth.

12. Lancaster County has suffered from immigration-driven population growth, specifically refugee relocation to the area. Lancaster is the largest farming locality of America with unirrigated farmland; the soil here is tremendous and rich.³ I moved to Lancaster to have a more rural existence. I love being able to ride my bike here through fields to go buy fresh produce. According to Forbes, the County is one of the top places in America to visit, with bucolic countryside and a large Amish population.⁴ Unfortunately, this is likely to change without modification in Federal immigration policy: according to the British Broadcasting Company, Lancaster County is the refugee capitol of America.⁵ The Federal government is directing federal dollars here to church organizations and charity groups to resettle refugees. This refugee policy directly threatens to transform the character of the area (much like what happened to Bucks County) and thwarts needed population stabilization in the area. The government had specific plans to resettle refugees in Lancaster with an originally projected

³ RESPECT FARMLAND, <https://www.respectfarmland.com>

⁴ Laura Begley Bloom, *Where To Go Next: 14 Best Places To Travel In The US in 2019*, (Dec. 2018), <https://www.forbes.com/sites/laurabegleybloom/2018/12/06/where-to-go-next-best-places-us-travel-2019/#2cd7d32c6928>

⁵ Franz Strasser, *Lancaster, Pennsylvania: America's Refugee Capital*, British Broadcasting Company, (Jan 2017), <https://www.bbc.com/news/av/world-us-canada-38776233>

growth of 100,000 (between refugees and their children of refugees), though this is entirely dependent on agency choices, as it slowed with the Trump Administration, *but, could go back just as easily.*

13. I am fighting development to save the farmland and rural character of the area. With my leadership position on Respect Farmland, we have been successful in stopping development and have made it difficult to develop farmland. Our reason for doing this is that there are already many more people in Lancaster county than is sustainable, there is already less open space, more pollution, and more traffic. One development we stopped was a proposal to develop a 74-acre contiguous farmland into a mixed-use development. This would have been like setting off a nuclear bomb in the middle of the Amish community. It would have been upsetting to the Amish way of life and local tourism for those who come see the Amish. This also would spoil the aesthetic of the area and strain already-threatened open spaces. If Federal immigration policy reverts back to its old status quo, I will have to move again to enjoy the same quality of life, the same environmental quality, recreation, open space, and biodiversity.

14. Years ago, I learned of NEPA and certainly lauded what it stood for; it offered an environmental barometer on Federal policy decisions. However, I felt a combination of dismay and disappointment when I later learned that the Department of Homeland Security (DHS)—and its various sub-agencies that control immigration intake and policy—has never performed environmental review of its immigration related policies and actions. This is a sad abdication of authority for DHS to not invoke NEPA when immigration policy is being drafted and executed. DHS has not only the authority, but also, more importantly a *mandate*.

15. Over 80% of U.S population growth comes from immigration, and if NEPA were to be properly applied in the past, we would be much better off now, and I would have not suffered the harms noted above. DHS needs to appreciate the full range of powers under NEPA and needs to act on its mandate.

16. I hereby declare under penalty of perjury, that the foregoing is true and correct.

Executed this 19th day of November, 2020.

A handwritten signature in black ink, appearing to read 'Kevin Lynn', is written over a horizontal line. The signature is stylized and cursive.

Kevin Lynn