

## **Exhibit 2**

**Declaration of Gail Getzwiller**

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

1. My name is Gail Getzwiller. I own two ranches in Arizona, one in Benson, about 30 miles from the southern border, which is 3000 acres and one in Sonoita, which is 70 acres and about 15 miles from the southern border. I have lived here in Arizona, managing my ranches, for about 40 years, and I love it here very much.

2. I truly love the land in Arizona that I live on and that surrounds me. Ranchers are true environmentalists—our very economic viability depends on the health of the land we live on. The land can be harsh but seeing it produce is incredibly rewarding. Arizona is an incredibly dry place, and we must keep the soil in condition to receive the rain that does fall, and the Santa Cruz river will fill and, so that it will properly replenish the land as well as provide water to people living in Arizona. No Arizona landowner like me can fail to care about the health of the local rivers. The Santa Cruz River runs from the San Rafael Valley in Arizona, past Tucson, southwards into Santa Cruz in Mexico and reenters the United States near Nogales Arizona. Most of it is usually a dry riverbed, unless it receives significant rainfall.

3. Living here 40 years, grazing cattle on the land—preserving and conserving it to last so that those after me can also have this way of life, these borderlands and their ecosystems mean so much to me. I think environmental activist and author Wendell Berry said it very eloquently when he said that the “care of the Earth is our most ancient, and most worthy, and after all, our most pleasing responsibility. To cherish what remains of it and to foster its renewal is our only hope.” He also expressed very well that true environmentalism means local attachments: “An economy genuinely local and neighborly offers to localities a measure of security that they cannot derive from a

national or a global economy controlled by people who, by principle, have no local commitment.” I believe that everyone needs to take care of the land around themselves first. Conservation is not a global enterprise.

4. In this spirit, many local volunteers, including myself in a supportive role, will go to hotspots on the border in order to clean up the trash that piles up when people cross illegally. The borderlands of Arizona have always been under threat from illegal border entry, and, in the many decades I have lived in Arizona, I have had people cross my ranches, and leave trash along the way. People who cross have long been drawn in by the prospect of life in America—they come when public officials and politicians invite them to come and stay with both their words and their deeds. When foreign nationals come in great waves across the border—they leave environmental degradation in their wake. The extent of the devastation rises with the number of those who come.

5. Recently, the numbers of people crossing the southern border have increased tremendously, with no end in sight, and they have risen particularly in two places on the border with Mexico, Sasabe, Arizona and Three Points, Arizona, both in Pima County. Sasabe is located right next to a gap in the border wall, and it is a place where the river usually runs dry. It is therefore, as it is, a very easy place to cross, and it has now become a significant point of entry for the cartels to traffic in their human cargo. I drive to both of these places in order to help support the ongoing clean-up efforts. After all, my own way of life depends on the health of the local ecosystem—my cattle will not be healthy if the land is not tended. In addition, I cherish and value the borderlands, with its unique and beautiful desert landscapes and wildlife. Arizona has one of the most ecologically diverse landscapes in the nation, and seeing it be a thoroughfare for migrant crossing has always been highly disturbing.

6. According to my information and belief, in the past three years, local volunteers have picked up 10,000 tons of trash on the border left by border crossers. Illegal border crossers often discard everything they had with them: diapers, backpacks, plastic water bottles, clothing. They often wear camouflage clothing to make the trek up to the border, but change into street clothes and clean themselves up once they are safely over the border. Cleaning this up is an incredibly big job.

7. Picking up this trash is incredibly important to the health of the ecosystem. Large amounts of trash cause watershed degradation, soil erosion, damage to infrastructure, and loss of vegetation and wildlife. It pollutes the water and is bad for human health, and bad for the health of the cattle on my ranch. It grieves me tremendously to see and feel the results of this spoilage. The more people who cross illegally, the more trash there is. It does not get magically taken away—it takes time and effort—in the middle of the desert, you can't just easily run a trash pickup operation, you need food, water, trucks, places to operate from, to haul away such massive amounts of garbage. I often help with the logistics of the operation, driving from my home most often to Three Points, but also to Sasabe. The larger the border crisis, the more impossible it is for us to keep up with it—and the more it will harm our delicate and precious ecosystem that I and my local community depend on for sustenance and the enjoyment of the land around us.

8. The border crisis that is going on right now, and growing with no end in sight, developed directly as a result of Biden Administration actions. The actions taken by agencies include ending of border wall construction, ending the “Remain in Mexico” policy, forcing Customs and Border Protection to expend its resources on the role of greeting and facilitating entry of border crossers instead of patrol and enforcement,

restricting interior enforcement of most deportable aliens, eliminating penalties for failing to depart, and reducing the efficiency of immigration courts. The Biden Administration wants to encourage more people, from everywhere in the world, to come in, and the federal agencies that control immigration policy have backed up that mandate with both words and action. The moment the new Administration came into office, immigration agencies publically ended all construction of the wall on the border and publically reestablished the loopholes in our asylum laws that President Trump had enacted—loopholes that allow border crossers to come in, claim asylum, and then disappear into the interior. When the word gets out that getting in means getting to stay, the floodgates open. High border crossing is a matter of U.S. government policy—not of other, uncontrollable and unpredictable forces.

9. The statements of public officials and the actions allowing people to come and stay predictably encourage more people to make the journey. The more out of control the situation gets, the easier it is for more to come, and more and more are encouraged. Furthermore, officials high in the Department of Homeland Security (DHS), have clearly ordered the Border Patrol to stand down. I see about 25% of border protection activity that I did before the beginning of this Administration. They simply do not patrol anymore. Much of it is because their manpower is taken up almost entirely by processing families and children at the border. The cartels are very good at distracting border patrol agents from doing any enforcement that they might still do. For instance, cartels will leave children alone in the desert, stranded. The Border Patrol will have to save them.

10. If construction on the wall had continued, I would not be personally seeing such devastation in Sasabe. Closing the gap in the wall would have made such a huge

difference, and if it had been built, far fewer border patrol agents would have been able to do the job of preventing entry. I wouldn't see the trash pile up in massive amounts as I do, causing environmental degradation to places that are meaningful to me. I have been informed by my counsel that the National Environmental Policy Act (NEPA), mandates that the federal government consider the environmental impacts of actions before carrying them out if they have the potential to significantly impact the environment. These actions certainly affected the environment at the Arizona border with Mexico—and those impacts are significant. But certainly no agency carried out any environmental analysis.

11. DHS under the Biden Administration has entirely changed the mission of the border patrol. The people apprehended at the border are mostly families or children traveling alone, which is most disturbing to me. The Border Patrol apprehends them, processes them, and then hands them over to other immigrant agents who bring them to non-governmental organizations like Catholic Services who take them, including minor children, and board them onto buses or planes to all sorts of places in the interior, either with papers to appear in court, or with nothing at all. The children come from Guatemala, Honduras and Ecuador primarily.

12. I have spoken to a young volunteer for Catholic Charities, and he explained to me that the border crossers are processed by immigration agents of the federal government, and taken to Casa Linda Lodge— a housing space owned by Catholic Charities in Phoenix. Volunteers and employees at Casa Linda Lodge arrange transportation for the migrants from there to all over the United States interior. He told me of a story of sending a large number of Ecuadorian minors traveling along to New York City.

13. His story disturbed me quite a bit—it seemed very uncertain to me that they were being reunited with family members—and I worried about what was really going to happen to these children. So many of the children are not traveling with genetic relatives at all—and they are certainly liable to be abused on the way up by cartel members. I hear very disturbing rumors about what happens to minors who are taken across the border by cartels, and it causes me great stress not to know what is going on. It seems to me that there must be some sort of official arrangement between our immigration agencies and the NGOs that have been arranging for migrants to travel all over the country from the southern border. I want to know what it is—the public is entitled to transparency. Our immigration agencies are basically now partnering with cartels and NGOs to bring millions of people into the country. This is a big, big business, and a lot of money is changing hands. But the details of these operations are kept from the public.

14. Furthermore, when our immigration agencies deliberately hand over control of our borders to cartels, we lose any ability to screen out people who pose national security or health risks. I have heard that some of those crossing the border now come from active terrorist hotspots. I have never been afraid for my physical safety from the border crossers themselves before, but now I am. I live very close to the frontlines, and my peace and quiet, and enjoyment of my land is wrecked by worry now. I cannot enjoy the outdoors in my own community the way I used to because of the Biden Administration immigration policies.

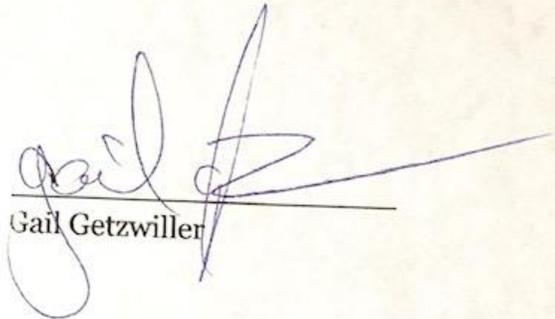
15. I do not think I can live with the worry and distress of living near the border under these conditions, and seeing the places I cherish overrun. I am considering moving to Idaho if this continues, but I can't imagine leaving this part of Arizona. This is where I belong, but it becomes difficult to live under these conditions. I am stressed out

by what is going on nearby, worried for local public health and safety, and under economic strain because my ability to ranch depends on the land.

16. I believe if our federal immigration agencies had to go through a NEPA process before carrying out these actions, the American public would react. The news media has moved on from the chaos at the border, and much of the public is simply in the dark. From someone living on the frontlines and unable to ignore the transformation of places I cherish. I want the government to carry out its obligations under NEPA.

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

Executed this 9<sup>th</sup> day of December, 2021.

  
Gail Getzwiller