

Exhibit 1

DECLARATION OF HENRY L. BARBARO

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

1. My name is Henry L. Barbaro, and I live in Newton, Massachusetts. I have lived in New England for my entire life (61 years).

2. I have been in the field of environmental science and management and community planning for more than 35 years. I have worked for a variety of government agencies in Vermont, New Hampshire, and Massachusetts. I also commit myself to environment-related volunteer work. I was a member of the Sierra Club and on its Population Committee for the Boston area. I am also a former member of the New England Coalition for Sustainable Population and a current member of the Massachusetts Coalition for Immigration Reform. Also, I occasionally participate in river cleanups in my free time.

3. Before I started my career in 1985, I earned two science degrees—a B.S. in Environmental Science from UMass Amherst and a Masters in Natural Resources Planning (with an emphasis on water chemistry) from the University of Vermont. Back as an idealistic student, I wanted to use my education to preserve nature and help communities with water resource management, what I viewed to be a very critical and fundamental issue.

4. I am a naturalist. I have an avocation of watching and photographing wildlife, natural landscapes, and other open spaces. Many open places I was able to freely photograph in the past are now completely blighted with development, limiting my subject matter and requiring me to drive greater and greater distances to landscapes that still have some natural aesthetics left. Moreover, in graduate school I learned of the rapid man-induced rate of species

extirpation and extinction. I specifically have been concerned with the struggle of the piping plover, which nest among the coastal dunes, as growing numbers of people, along with their pets, populate the coastal regions of New England, thereby putting more and more pressure on the plover's nesting habitat. I used to derive much enjoyment in observing plovers in their natural habitat years ago. Sadly, what little remains of their coastal habitats is often fenced off by federal/state officials and thus impossible to access. Below are pictures I have personally taken of the piping plover, an experience I worry I will not be able to repeat as it becomes more and more rare and endangered.





5. As a regional planner in New Hampshire, I worked with a variety of municipalities with a focus on environmental management. I helped communities protect their water resources (e.g., drinking water aquifers, wetlands, rivers, streams, floodplains) and I promoted land use laws and ordinances (e.g., on-site sewage disposal, land use zoning, subdivision regulations) so as to protect neighborhood character and the natural resources of the communities.

6. All of these land use controls had their basis in their respective municipal master plans. One thing that struck me is that the introductory content of every plan had a population projection, with the remainder of the plan methodically describing how the town was going to accommodate the future population growth. What proved to be true is that no matter what land use laws were passed by the community's legislative body, growth and development kept

marching forward, inexorably changing farmland, forests, and fields into subdivisions, apartment buildings, and commercial/office developments.

7. After some years, I came to realize that as long as population growth continued, the natural landscape and character of every community within the seacoast of New Hampshire (and just about everywhere else) would be forever changed. I felt a special connection to rural landscapes and their myriad of ecological and societal benefits, and I wanted to protect these areas as best I could.

8. Time and again I mourn the loss of some wonderful natural area, or beautiful view, due to development. I am witnessing the incremental loss of our quality of life due to the expansion and crowding from relentless population growth.

9. Population stabilization is necessary to achieve true sustainability whereby the resource needs of future generations can be met in perpetuity. Yet with the declining fertility rate of native-born Americans (average ~1.8 children per woman), I became aware that America's population growth was being driven by high rates of immigration (more than one million per year).

10. Below are a few examples of environmental degradation, caused or exacerbated by population growth, that I have personally witnessed and that materially affects my life in an adverse manner.

11. I have almost been victim to recreational conflicts. When I began hiking and cross-country skiing in New England, trails were plentiful, easily accessible, and lightly tread on by humans. However, in years more recent, I have almost been hit while hiking by mountain bikes

and while cross country skiing by snowmobiles. In the Greater Boston area, open spaces are few and far between. In fact, they are largely either dwindling or overcrowded.

12. I am also at risk now as a hiker. Hiking trails now in New England are over-trafficked and trampled. This has led to horrible erosion, particularly in the White Mountains, that exposes rocks, protruding tree roots, and unstable soil—all extremely hazardous conditions for hikers and first responders alike. At the worst, trails become unusable because of overuse and overcrowding, as high foot traffic creates grooves where water begins to collect and flow thereby creating channels and gully erosion. At worst, the trail becomes virtually impassable after rains and/or snowmelt.

13. I am also affected by clear violations of the Clean Air Act. I commute to and from work for the obvious health and environmental benefits. However, with population growth-linked emissions, government proclaimed “high-ozone days” are becoming much more common. These violate clean air standards, and personally, I suffer shortness of breath and almost asthmatic conditions to my health as a result. In fact, it is a bit ironic that poor environmental conditions are making it difficult for me to follow pro-environmental lifestyle habits because of health risks.

14. Open space loss for development (reduced forests, farmland, wetlands) has aesthetically and functionally ruined areas I once enjoyed for recreation. Where I grew up in the greater Boston area, there were abundant fields and places to swim which are now developed or fenced. Route 9 near Amherst and Hadley used to be surrounded by beautiful mountain ranges and farmland which teemed with livestock and wildlife. Now there are just

non-descript strip malls and developments. This growth also means that I have to drive much farther to find and enjoy open spaces. My spirit suffers when I lose contact with nature.

15. I work now in downtown Boston, where “clustering” of population in high-rise buildings to prevent sprawl has adversely affected the area. The skyscrapers block sunlight and the views of urban greenspaces. It makes the area even colder, as not only is the area more shaded with buildings blocking the sun, but the tall buildings create “canyons” and serve as wind tunnels—cold wind hits the top of the buildings and is forced down to street level.

16. The fishing and mariner presence in New England’s culture and diet is strong. As a native New Englander, I grew up with access to fantastic seafood as a child. Back in the day you could find huge seabass at the fish market and many varieties of healthful, fresh fish. Now, I can no longer buy fresh haddock or cod from Massachusetts, though they have been staples of this area for centuries. The area has been overfished to the point where fish caught now are smaller and not enough to sustain the local communities.

17. Rivers that I used to frequent as a child on hot summer days now have so many withdrawals (users) that they fail to complete their journey to the coast, such as the Ipswich River in the summer.

18. The spread of invasive plants, insects, and other fauna (often introduced and supported by development) has devastated certain landscapes. For example, phragmites choke out native coastal vegetation and coastal marshes; the ash borer beetle, purple loosestrife, and bark beetles have caused massive ecological and biodiversity damage. Increased encroachment and greater civilization encroachment have partly caused this. This makes more difficult and less

rewarding my job as a conservationist, my enjoyment of nature as a photographer, and use of nature as an outdoorsman. I used to profoundly enjoy our native species and natural landscape.

19. As a taxpayer, I am negatively affected by violations of the Clean Water Act. I both work for, rely on as a driver, and pay into as a taxpayer the Massachusetts Department of Transportation. The Department has created a program to address “impaired waters” pursuant to the NPDES program of the Clean Water Act which seeks to protect polluted waterbodies. The program already has cost approximately \$75 million dollars, although the residents of Massachusetts will never see or notice a \$75 million-dollar benefit. The program only serves as a Band-Aid for a much bigger, more expensive problem of waterway degradation driven by population growth. It is akin to bailing water out of a boat rather than plugging the hole that threatens to sink the boat. My tax dollars are essentially being overrun and lead to no discernable benefits.

20. Even before I knew about NEPA, I believed in the federal government’s duty in overseeing the implementation of environmental regulations. After learning the purpose of NEPA, which is to ensure that the federal government analyzes the environmental effects of its actions before carrying them out, I hoped that the government was conducting NEPA analysis to its admission and citizenship actions, which create massive population growth. I was deeply disappointed when I learned that NEPA has never been applied to immigration actions by U.S. Citizenship and Immigration Services (USCIS), which implements actions that result in relentless and unsustainable population growth, urban sprawl, and the permanent loss of open spaces and their ecological services. Under the Immigration and Nationality Act, USCIS carries out many actions, creating refugee programs, programs to allow family members to settle in the

U.S., work visas, visitor visas, and many more. If America's immigration agencies had been applying NEPA according to the law, it might never have made decisions causing so much population growth. The open spaces that I enjoy might still be around.

21. Most Americans do not support the federal government taking actions that greatly accelerate the nation's population growth but, because NEPA has not been applied, are not fully aware of how much influence the government has had on America's population growth. If no change is made, this growth will continue into the foreseeable future (and it is currently at about one million *legal* immigrants per year). The U.S. Census Bureau projects that the U.S. population will swell to 404 million by the Year 2060, and that about 95% of that growth will be from immigration.¹ Stabilizing today's high population growth rate is critically important for present and future Americans' quality of life. Otherwise, we will be bestowing enormous problems upon our children—e.g., loss of open spaces and wilderness, fishery depletion, traffic congestion, deteriorating infrastructure, water shortages, school crowding, high housing densities, and urban sprawl. More personally, my life is intertwined with tracts of nature that will be destroyed if immigration continues to feed this overpopulation. If the Federal government were to actually abide by NEPA requirements, these problems could and would be avoided.

22. America is losing its resiliency to droughts and floods as we continue to develop and inhabit marginal lands (e.g., desert, wetlands, floodplains). I worry about the loss of even sacrosanct open spaces (e.g., National Parks) as population pressures continue to increase across the country. Federal agencies that promote or facilitate rapid population growth vis-a-


¹ U.S. CENSUS BUREAU, DEMOGRAPHIC TURNING POINTS FOR THE UNITED STATES: POPULATION PROJECTIONS FOR 2020 TO 2060 (2020)

vis immigration—both legal and illegal—must properly evaluate, consider, and mitigate the wide range of environmental impacts as a duty to our future citizens and their posterity.

23. It is past time for the Federal government to follow NEPA and protect our lands and stop the continued overpopulation. It has specifically changed my life as is described above and is substantial.

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

Executed this 20th day of November, 2020.

A handwritten signature in blue ink that reads "Henry L. Barbaro". The signature is written in a cursive style and is positioned above a horizontal line.

Henry L. Barbaro