

## **EXHIBIT 12**

### Declaration of Claude Willey

DECLARATION OF CLAUDE WILLEY

I, Claude Willey, declare as follows:

1. My name is Claude Willey and I currently reside at 1739 E Villa Street Pasadena, CA 91106. I have lived in California for seventeen years in Orange County, Los Angeles, Altadena, and Pasadena. I moved to California in the fall of 1999 to go to graduate school at the University of California, Irvine, and I received a Master of Fine Arts in 2001. My art has always been research-oriented, focusing on the connection between art and urbanism as well as Los Angeles history, California water, and environmental history. When I was in graduate school, I conducted field research on hydrology in the Mojave Desert. I am currently a lecturer in the Department of Urban Studies and Planning at California State University, Northridge and in the Humanities and Sciences at Art Center College of Design in Pasadena. I have taught courses on: The Urban Scene; Growth and Sustainable Development of Cities; and Cities of the Third World.

2. I am a member of Californians for Population Stabilization (CAPS). I first got involved with CAPS in 2012 in order to bring Dave Foreman, author of *Man Swarm*, out to Southern California for a small speaking tour. Being a professor at a major university, I have noticed that most of my colleagues in the School of Social and Behavioral Sciences are reluctant to address human population and immigration rationally. My students are less reluctant however.

Every term I informally poll them, asking them if there are too many people in the greater Los Angeles area; I usually get a 95-99% response of ‘yes.’ Working with CAPS, I was able to get Dave Foreman in front of receptive audiences in Santa Barbara and Los Angeles. I arranged for Foreman to talk with 130 students from California State University, Northridge about immigration and the ecological impacts of unchecked population-growth. The student response was, as I expected, overwhelmingly in support of Foreman's message: something needs to be done about the population explosion, the reckless disregard of immigration laws, and the ecological impacts that are a result of both.

3. After successfully arranging Foreman’s speaking tour, I remained active with CAPS. This year, I wrote a piece for CAPS titled, *The Crush of Urbanity: Fact and Fiction*,<sup>1</sup> about the link between 1960s visions of surging human populations, found in a number of science fiction books at the time, and the present reality in many mega-cities of the global south, not to mention the significant immigration problems and ecological damage being felt in the cities of the United States.

4. It is my assessment, as a professor of urban studies, that what we once imagined as an absurd, nightmarish vision is now the contemporary world. Cities

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<sup>1</sup> Claude Willey, *The Crush of Urbanity: Fact or Fiction*, Californians For Population Stabilization, (March 2016), <http://www.capsweb.org/caps-issues/crush-urbanity-fact-and-fiction>.

are bursting at the seams everywhere and the main cause of this is the incessant flow of human population into them. In the 1970s, U.S. birth rates diminished to replacement levels, which would have led to the stabilization of the population of the United States. Unfortunately, around the same time, our rates of immigration began to increase rapidly, and this massive immigration drove massive population growth in the United States as a whole and California specifically. The United States could have easily reached population stabilization within the last 30 years if it had only embraced a more rational approach toward immigration and looked critically at its ineffective strategy in regard to the enforcement of immigration laws.

5. My quality of life has been negatively impacted by immigration-driven population growth. One of the many ways I am specifically affected is the impact of unending population growth on my local air quality. Despite the reality that the Los Angeles area is one of the country's most autocentric regions, I have long been dedicated to commuting to work by bicycle. I do this because I am wholly dedicated to doing my part to reduce pollution and carbon emissions. When I moved to Altadena in 2002, I had been bicycle-commuting for about 8 years (5 of them in Chicago). But such large amounts of intense exercise done outdoors on the roads makes a person's lungs more susceptible to damage from polluted areas.

6. Moving to the Los Angeles area made me realize just how much population-driven growth and congestion exacerbates pollution. It was at that time that I noticed the impact the bad air quality was having on my lungs. I started wearing a pollution mask. Since the population keeps growing, the pollution keeps getting worse. I have experienced and observed this increase with my pollution mask. With each passing month, the filter in the mask was getting blacker faster than it had in the months previous. I was alarmed. Every day I cycled, I noticed the growing number of cars on the road, many of them that I was sure would've never passed a smog test. It is now clearer to me that immigration-driven population growth was actually adversely affecting my own health.

7. As a bicycle-commuter in an area that is particularly heavily crowded with legal and illegal immigrants, I am very specifically affected by immigration in a way most Americans are not. Even though the smog in the Los Angeles region is less visible than it was, air quality improvements are more illusion than reality. The fact is the environmental pollutants are even smaller than they were back in the early '70s when the region's air looked the worst. These pollutants not only contribute to increasing cases of asthma, but also to coughing, wheezing, and even death.

8. Rapid population growth, the same population growth negatively impacting the many fast-growing cities of China, is a way of life in the Los

Angeles region. All air quality gains through regulation are lost each year as more people are added to this exploding metropolis. I'm certain that the mask I wear while cycling will become a commonplace item needed to breathe in this city. Los Angeles and its surroundings have air-pollution levels that persistently exceed the National Ambient Air Quality Standards and has, since the EPA was formed, been designated a "nonattainment" city. This upsets me. I want to be healthy and live in a region where the air quality is getting better, not worse.

9. I will note for the record that, according to the Center for Immigration Studies, the population of Los Angeles County, where I live, rose from about 8.8 million to nearly 10 million during the nearly quarter decade of 1990 to 2014. During those 24 years, the total immigrant population rose from about 2.9 million to almost 3.5 million people. The immigrant share of the adult population rose from 38.2% to 43.8%.<sup>2</sup> Birth to immigrants also accounts for a large part of the growth as well. The population continues to climb, with no end in sight, despite out-migration of native born Californians to other parts of the United States.

10. I am even more frustrated because, if not for the immigration-driven population growth, the air quality in the Los Angeles region would be getting better. The Los Angeles region is one of the most regulated when it comes to

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<sup>2</sup> Bryan Griffith & Steven Camarota, County Map: Growth of Adult Immigrant Population, 1990 to 2014, Center for Immigration Studies (Sept. 2016), <http://cis.org/Immigration-Maps/Growth-Immigrant-Population-Counties-1990-2014> (all county figures were taking from the Center for Immigration Studies).

pollutants from automobiles. But the gains made from regulations are wiped out by immigration, legal and illegal. And while I completely understand the need for struggling legal and illegal aliens to use cars, an observation can be made that when one moves about through this region, one sees a considerable number of cars on the road that do not meet air quality standards but which are allowed to keep operating. In practice, local law enforcement tends to turn a blind eye to cars that cannot pass a smog test when they are driven by illegal aliens. The region is full of police departments with sanctuary policies, and it seems sanctuary also means sanctuary for drivers keeping cars that are not up to code. As a cyclist my health is impacted by these vehicles being on the road. And it's not just those putting more environmental pollutants into the air. My health is impacted by the greater number of cars added to this region every year. People are coming here in order to take jobs and have better lives for themselves, but what about the people already here who are trying to survive in a region? Isn't my quality of life and health of importance too?

11. I don't fault people from other countries for making choices that make sense for themselves individually, rather than for the places they are moving into. But I do fault the Department of Homeland Security (DHS). DHS is the federal agency that implements our immigration policy. It is DHS's job, among other things, to adopt policies that encourage the illegal aliens living in my area to go

home—but a host of their discretionary decisions do the very opposite.

Furthermore, it is DHS's job, as a federal agency, to analyze the impacts of their policies and inform the public of what those impacts are. This is required by the National Environmental Policy Act (NEPA). I often hear people say things like, "Oh that's just the poorer areas of the region, with the beat up cars, ... but I'm insulated "here" so it doesn't affect me." What people like this fail to understand is that the number of newcomers and the lifestyles they're striving for are actually affecting the air quality, accessibility, and overcrowdedness in the City of Los Angeles as a whole. I blame DHS for a good part of this disaster. I blame DHS because it failed to do its lawfully mandated job of considering the environmental impacts of its decisions *before* it undertakes policy and regulatory actions. It is time for DHS to comply with NEPA and begin to make informed decisions.

12. The myriad impacts to the environment from immigration-driven population growth are not limited to air quality. Every year I take students from my urban and environmental studies courses to visit the Hyperion Water Treatment Plant on the coast. I take them there because I want them to see where things go when they flush, and that there is no "away." Each year we add more "flushers" to the region and this impacts a critical resource: the Pacific Ocean. People still get sick from swimming in it, and quite often sewage flows into the ocean making it unfit for swimming. I would love to be able to swim in the ocean, and I would love



to be able to eat local fish, but I can't, because knowing as much as I do, I'm more reluctant than ever to consume anything from its waters. Immigration is partly to blame for the degradation of the Pacific Ocean. Look around the world at any urban region and you'll find a large body of water continually degraded by a nearby growing city. The Pacific Ocean is polluted by this region's growing numbers and this impacts my ability to enjoy this great ocean to its fullest.

13. Living in Pasadena now I still bike-commute and take public transit all over the Los Angeles area. I do this to lessen my personal impact on the environment. As of late, I've been noticing more buses and trains filled to capacity, lessening the quality of an already time-consuming and sometimes uncomfortable activity. It's always a good sign when you have more people using public transport. That means many of them are leaving their cars behind and using a more environmentally friendly form of transportation. But we're starting to hit a wall. I don't see fewer cars on the road and I don't see less crowded busses and rail cars. Since California receives the brunt of immigration into the United States and because the Los Angeles area is often a focal point for the flow of people seeking a better life, I feel as if all my efforts, both as a conscious citizen and as an educator, to make California both less congested and less polluted are for naught. High immigration numbers continually undermine the efforts of many to make California a healthy place to live.

14. My wife and I have no children and we both teach at the college level-- We've made the decision not to bring any children into this world due to the ecological degradation we see all around us. Each term we see rising numbers in the classroom and less time to actually engage with our students. The equation seems to be more people equals a diminished education for all. I regularly teach three to four classes a semester at CSU-Northridge, each class having 49 students or more. Often times I teach 130-student courses where I barely learn half of the student's names before the term ends. Large immigration numbers are partly to blame here.

15. Living in California means access to some of the most stunning landscapes in the country. But over the years, due to increases in immigration, those lovely places are becoming increasingly crowded spaces. Just up the road from our home in Pasadena is Echo Mountain, a beautiful area with a wonderful trail that winds around the mountain taking you to the top where an old hotel used to be at the end of the 19th century. The hike used to take approximately one hour, but now it takes an extra 30 minutes due to the overuse of the trail. The more crowded the path becomes, the less I want to use it. Once a clear and well maintained trail, the path to Echo Mountain is now littered with trash and debris. I love living in Pasadena, but each year I find the city-experience has been degraded by endless population growth. As our drought continues, new apartment

buildings are still being constructed, one of about 100 apartment units just a block away from my house. This means rising water costs, new water-intensive landscaping, and new infrastructure, including new schools, will be necessary. The area in which I live is known for its spectacular wildlife. We're just minutes away from the mountains. I love watching cougars, coyotes, and most wild mammals found in this area. Sadly, these particular species of animals that I've been watching and enjoying since I first began living near the San Gabriel Mountains in Altadena are seeing their ability to thrive harmed by the urbanization. More houses and more automobiles cut off habitat and decrease their range. Wildlands become inundated with more visitors, trails get fouled, and my experience of seeing these animals is diminished.

16. Even Yosemite National Park, one of California's great natural treasures, is a place to stay away from most of the year. The traffic in the park is horrible. It's like going on a holiday in your average metropolitan area. My wife and I find ourselves turning down offers every year to head up there. Finding a place within the park, where one can escape the barrage of human-created noise, is near impossible. Simply put, there are too many visitors, too many people, too much immigration into the state. Again, my experience is diminished by immigration. Just a few months ago, the Expo Line from downtown Los Angeles to Santa Monica opened up. It's the first time in over 50 years that the two places were

connected via train. The first week of operation I used it, and, as I expected, it was extremely crowded. Certainly, I'd rather see all these folks on the train than in their automobiles burning gas, but when I got to the end of the line, the "beach" experience was degraded by the crowded streetscapes, the abundance of automobiles fighting for space, and the crowded beaches. Beach-going anywhere in the Los Angeles area is now plagued by heavy traffic, congestion, pollution, and packed-out beaches. Once again, the human numbers streaming into the region have lessened the quality of life.

17. If DHS had only followed its legal obligations under NEPA, perhaps it and the public would have realized the impact immigration was having on the environment and made different decisions--Perhaps the Los Angeles area and California would look very different today. All of California's population growth is currently due to foreign immigration and births to recent immigrants. And it is already unsustainable. In July 2010, California's population was 39 million people, and it grows by nearly half a million annually. Recent projections estimate a state population of 60 million by 2050.

18. If these trends continue, I fear for the future of California. It's already hard enough to live in this state with 39 million people, I can't imagine how 20 million more can live in the state without putting unsupportable strain on its natural resources. I worry that the air and the water will become even more polluted, the

diversity of species will continue to be lost as more roads and houses are built to accommodate this expanding population. If DHS continues to drive population growth through its discretionary actions, I believe huge numbers of people will continue to move here from other countries, legally and illegally, for the foreseeable future. I want DHS to start following its obligations under NEPA, so that perhaps in the future, the public will begin to understand the environmental costs of immigration and something will be done to stop this endless growth. If DHS would start making environmentally informed decisions, I believe it might shift its mindset, from always encouraging more immigration, to implementing policies that encourage an environmentally sustainable immigration system.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

  
Claude Willey

Dated this 15<sup>th</sup> day of October, 2016 at Pasadena, California