

JULIA A. OLSON (OR Bar 062230)
JuliaAOlson@gmail.com
WILD EARTH ADVOCATES
1216 Lincoln Street
Eugene, OR 97401
Tel: (415) 786-4825

DANIEL M. GALPERN (OR Bar 061950)
dan.galpern@gmail.com
LAW OFFICES OF DANIEL M. GALPERN
1641 Oak Street
Eugene, OR 97401
Tel: (541) 968-7164

Attorneys for Plaintiffs

JOSEPH W. COTCHETT
jcotchett@cpmlegal.com
PHILIP L. GREGORY (*pro hac vice*)
pgregory@cpmlegal.com
PAUL N. MCCLOSKEY
pmccloskey@cpmlegal.com
COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road
Burlingame, CA 94010
Tel: (650) 697-6000
Fax: (650) 697-0577

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

KELSEY CASCADIA ROSE JULIANA;
XIUHTEZCATL TONATIUH M., through
his Guardian Tamara Roske-Martinez; et al.

Plaintiffs,

v.

The UNITED STATES OF AMERICA;
BARACK OBAMA, in his official capacity as
President of the United States; et al.,

Federal Defendants.

Case No.: 6:15-cv-01517-TC

DECLARATION OF JAYDEN F. IN
SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTIONS TO
DISMISS

**DECLARATION OF JAYDEN F. IN SUPPORT OF PLAINTIFFS' OPPOSITION
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I, Jayden F., hereby declare as follows:

1. I am a 13-year-old citizen of the United States and resident of Rayne, Louisiana. I am already experiencing harm as a result of the actions and inactions by these Federal Defendants regarding carbon pollution and the changing climate. I am submitting this Declaration to support my standing to bring this case.

I AM A VICTIM OF THE RECENT LOUISIANA FLOODS

2. Throughout August 2016, I experienced significant flooding in my hometown, Rayne, Louisiana, due to a storm that ordinarily would happen once every 1,000 years, but is happening now as a result of climate change.
3. I live with my Mom in a house she owns. In our town, about 80 percent of the residents live below the poverty line. Like most others in our town, our family did not buy flood insurance because we supposedly live outside of the floodplain. We have never had a problem with flooding in our neighborhood.
4. On August 12, 2016, the hard rains began. The flooding first hit the town next to ours, Lafayette. As a result, my Mom spent the day helping family and friends in neighboring towns to sandbag and try to keep the water from flooding their homes. My cousin had five feet of water in his home. I was told to stay at home with my brother (19 years old) and sister (20 years old) and my other siblings.

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FLOODWATERS AND SEWAGE RUINED MY HOME

5. At 5:00 a.m. on August 13, 2016, my siblings woke me up. I noticed there was water coming from under the door to my room. My room is at the back of the house with a door that goes outside. When I stepped out of my bed, I stepped in water that came up to my ankles. I stepped right in the middle of climate change. When I opened my bedroom door to the rest of our home, the water flowed into other parts of the house.
6. I was scared and did not know what to do. We called our Mom and told her what was happening. Mom told us that she was trying to get home to us, but that she did not know when she could get there. The roads were flooding, with cars floating down highways. It took her all day to get home to us. Her car was swept up in the flood. On her way home, my Mom had to walk through floodwater up to her thighs. She finally made it home late that night of August 13.
7. All day, floodwater continued to pour into our home. To try to keep us safe, we began using towels and blankets to cover the bottom of all of the doors that went outside. Yet the floodwaters kept pouring in, through doors, toilets, sinks, bathtubs, and even the roof. The floodwaters also came up through the

foundation, underneath the carpet. Our home had cracks in our foundation due to subsidence, so the water was even coming up from below our house.

8. Floodwaters were pouring into our home through every possible opening. We tried to stop it with towels, blankets, and boards. The water was flowing down the hallway, into my Mom's room and my sisters' room. The water drenched my living room and began to cover our kitchen floor. Our toilets, sinks, and bathtubs began to overflow with awful smelling sewage because our town's sewer system also flooded. Soon the sewage was everywhere. We had a stream of sewage and water running through our house.
9. My brother went to the police station to try to get help, but there was no one there to help. There were only some sandbags for people to take. No one knew what to do. Later, a police officer friend of my Mom came by to check on us after my Mom called him, but there was nothing he nor anyone could do to stop the floodwaters.
10. The hard rain and floods continued for two weeks. Even during the days of the flooding, we had nowhere to go. We could not go outside because of all the rain and floodwaters. There were no shelters. All of the grocery stores were closed. We were basically stranded. So we kept sleeping in our house that was full of sewage and floodwater damage.

11. When my Mom returned that first night of the flood in our home, she and my older brother and sister began trying to clean up. The water that came into our home was orange. It smelled so foul in the house, so they wore masks and gloves while they pulled up our carpet.
12. The flood destroyed my home and many of our belongings, including our furniture and mattresses, and my little brother's toys. We had to pull out all of our carpet because it was soaked with sewage water. We have to scrape all the affected linoleum off of our floors. We think many of our walls, including the walls in my room, have to be torn down because the sewage floodwater also got into the insulation in our walls, which creates black mold. We have to do this work right away because we have to prevent black mold from growing. We also have rain damage to our ceiling and roof that needs to be repaired.
13. When the government workers came to examine the damage, they said we had at least four inches of water in my house.
14. Now we are collecting supplies, and we are in the demolition phase to try to get rid of all of the damaged parts of our home.
15. My family is all sleeping in our living room because we cannot sleep in our bedrooms. There is still foul water in the walls there.
16. A few days after the flood, my siblings and I began to get real sick. Everyone in my family had flu-like symptoms with fevers and sore throats, as well as

stomach pain and diarrhea. My whole body felt hot and my hands were very cold. I had bad headaches, a sore throat, and an upset stomach. We are not alone. Most people we know in the town of Rayne are also sick. We think it is from the polluted water that we have all been exposed to.

OUR TOWN WAS DEVASTATED.

17. Twenty-five percent of our town went under water. This flood has been called a “1,000-year” event. Yet within the last two years, I have read about eight “500-year” flood events. In less than two years, there have been 9 flood events that are not even supposed to happen once in my lifetime. My home is not supposed to be in a floodplain, but it just flooded. Climate change is real. These floods and how frequently and severely they are happening would not occur without global warming. The National Oceanic and Atmospheric Administration (“NOAA”) just said so today. *See* <http://research.noaa.gov/News/NewsArchive/LatestNews/TabId/684/ArtMID/1768/ArticleID/11860/Climate-change-increased-chances-of-record-rains-in-Louisiana-by-at-least-40-percent.aspx>.
18. While many people in our region drowned, we were fortunate in Rayne not to lose any human life. Many pets drowned during the flood. We have had all types of creatures coming into our home: a snake, colonies of ants trying to

escape the water, and spiders. Horses of nearby neighbors had chemical burns up to their stomachs from touching the polluted floodwater.

19. We know of 5 spills from oil and gas infrastructure from flood damage, which is also polluting our waters.
20. For now it has stopped raining. The rains were steady and heavy from August 12-30. I have been scared that everything would flood again and that we would not have the carpets or blankets to soak up the water the next time. Flash flooding is happening throughout our region and now we are heading into the height of hurricane season. My family and I feel very vulnerable.

THESE DEFENDANTS ARE HARMING ME AND OUR CLIMATE

21. I am scared. But I will not back down. We will conquer climate change.
22. On August 20, I opened the March for Interdependence Day in Baton Rouge, Louisiana, where I led a moment of silence for those killed in the flood and I carried the water cooler to keep everyone hydrated. I was there to represent the flood victims and to speak to everyone from all of the diverse movements coming together and opposing more leasing of the Gulf for oil and gas drilling by the Federal Defendants.
23. Right around the time of these floods, President Obama's administration held an auction to lease a huge part of the Gulf of Mexico, about the size of Virginia, for more oil and gas drilling. The Federal Defendants, including

President Obama, constantly tell us that fossil fuel burning is extremely harmful and is especially damaging to my generation. These Federal Defendants know more oil and gas drilling is bad. President Obama could say “no” to more oil drilling. He does not have to lease more land. I know that the government already leases big parts of the Gulf to oil and gas development. They know what the effect is. They are still trying to promote more oil and gas development. More fossil fuels being extracted and burned just makes climate change worse for me and my community and it will mean more frequent storms and bigger floods. My safety will continue to be threatened.

24. I worked with my lawyers to gather the graphs I attach here as **Exhibit A (p.1-7)**. These graphs came from the Federal Defendants so the Court should be able to consider them when it looks at what the Federal Defendants are saying in their Objections about our First Amended Complaint’s allegations of fact. The first graphs are from the website of the Energy Information Administration (“EIA”), which is part of Defendant Department of Energy. These EIA graphs show that I am right: the Federal Defendants plan to keep allowing the Intervenor Defendants’ members to produce more and more oil and gas and they intend to keep allowing fossil fuel consumption at very high levels all the way through 2040, when I will be 27 years old, which means carbon dioxide pollution will also continue at high levels.

25. **Exhibit A-1** shows that, by 2030, the Federal Defendants are going to allow onshore and offshore oil production in the United States to reach the highest levels in the history of our country and those amounts will just continue to climb.
26. **Exhibit A-2** shows that, in the next decade, U.S. production of fossil fuels will be more than U.S. consumption of fossil fuels. The U.S. will become a net-exporter of fossil fuels. That means that, while the Federal Defendants will permit a lot of fossil fuels to be produced for U.S. consumption, the Federal Defendants will also allow a lot of U.S. fossil fuels to be exported for other countries to burn.
27. **Exhibit A-3** shows that, according to the EIA, and under Defendant Department of Energy's national energy policies, fossil fuels will still dominate our energy consumption through at least 2040 where natural gas replaces coal as one of our biggest sources of energy, and oil, gas and coal continue to be far greater than all other energy sources combined.
28. **Exhibit A-4** shows that, in 2015, consumption of fossil fuel (natural gas, coal and petroleum and other liquids) accounted for 81% of energy consumption. According to EIA, in 2040, fossil fuel energy consumption will still be at 79%, or 77% if the Clean Power Plan ever gets implemented. Either way, the Federal Defendants are still making policies to keep fossil fuel energy

consumption as more than three-quarters of our energy supply, when, by 2040, our experts say it is possible technically and economically for the U.S. to be using only 5% fossil fuels for energy and if we want to have any chance at stabilizing our climate system and protecting my rights, carbon dioxide emissions need to be less than 20% of what they are today by 2040.

29. **Exhibit A-5** shows what happens with carbon dioxide emissions under the current energy policies of Defendants Department of Energy and the United States. By about 2020, emissions go down a small amount and then they basically start going flat and do not decrease through 2040, even if the Clean Power Plan is implemented. If the Clean Power Plan is not implemented, emissions even go up again. This means that the Federal Defendants plan to continue to allow all of this pollution that is putting me in danger in my own home.
30. Finally, **Exhibits A-6 and A-7** are graphs from Defendant United States' 2016 Second Biennial Report Under the UNFCCC, published in January 2016. My attorney, Julia Olson, showed these graphs at the March 9, 2016 hearing on Defendants' Motions to Dismiss. These graphs show that even if the Clean Power Plan is implemented and even if U.S. forests sequester a lot of carbon dioxide (shown in the green fan), carbon dioxide emissions are still going to go in a flat line or slightly increase on average. If the Clean Power

Plan is not implemented, Defendant United States shows that emissions will increase through 2030 (purple fan). Our experts added some dotted lines to that graph to show what EPA said in 1990 should happen to stabilize atmospheric carbon dioxide levels at 350 ppm and what Dr. Hansen says in his Declaration attached to our complaint should be happening. I can easily see how far off the Federal Defendants are from doing what needs to be done and from stopping the fossil fuel production that is hurting me, my co-plaintiffs, our generation, and future generations.

31. Unless they are ordered to stop, these Federal Defendants will continue to cause destabilization of our climate and more and more storms and floods will threaten my personal security, my life, my liberties, my property, and that of my family. I think these Federal Defendants should be required to go to a trial where they will have to explain in court why they say they are doing so much to address climate change, but plan to keep fossil fuel production and consumption and pollution increasing for decades when we are supposed to be eliminating fossil fuels as a source of energy by 2050.

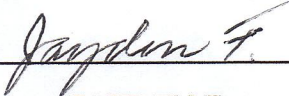
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I certify under penalty of perjury in accordance with the laws of the State of Louisiana,
and to the best of my knowledge, that the foregoing is true and correct.

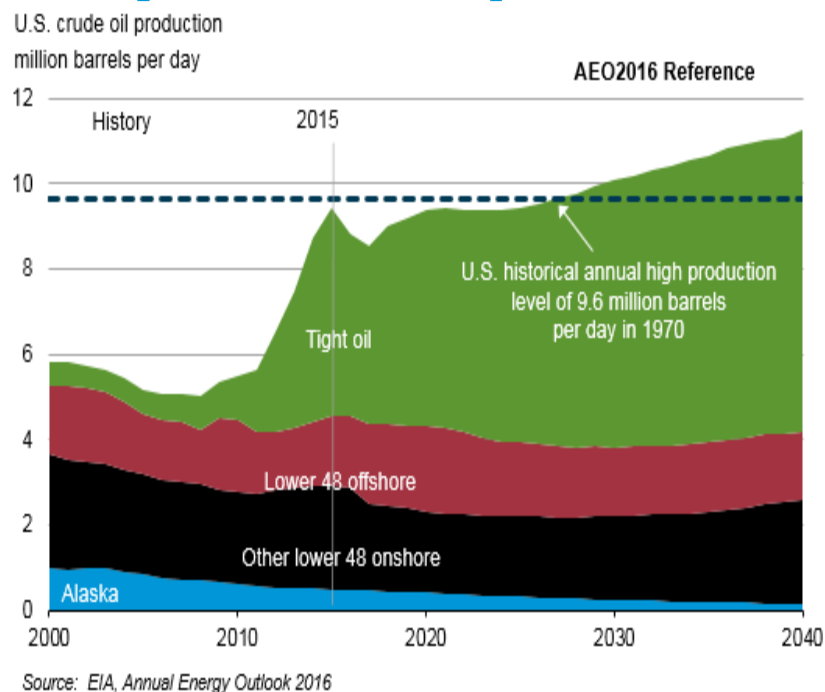
DATED this 7th day of September, 2016 in Rayne, Louisiana.



JAYDEN F.

**DECLARATION OF JAYDEN F. IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTIONS TO DISMISS**

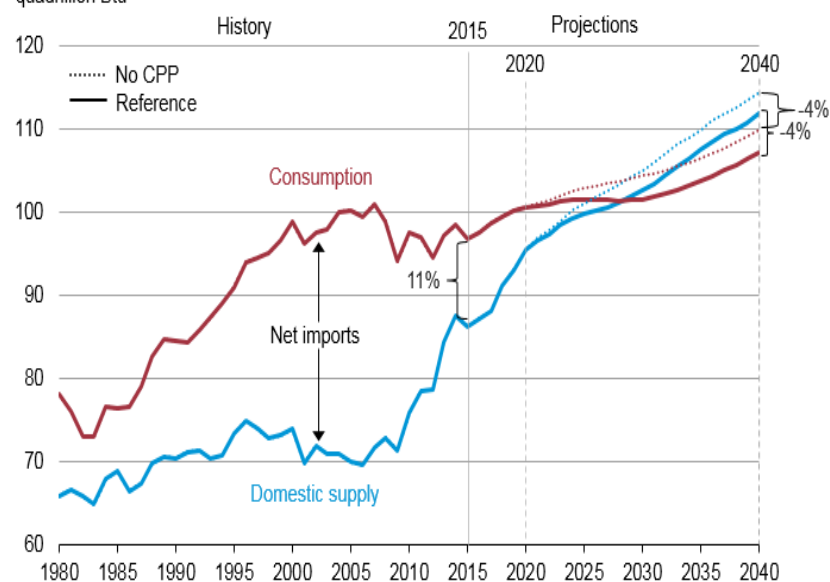
U.S. crude oil production rises above previous historical highs before 2030 in both cases; cases in AEO that use alternative price and resource /technology assumptions could be quite different



- U.S. crude oil production drops from 9.4 million barrels/day (b/d) in 2015 to 8.6 million b/d in 2017 (mainly in response to declines in crude oil prices), before growing through 2040 to reach 11.3 million b/d in the Reference case.
- Lower prices through 2017 has the greatest impact on tight oil production, which drops to 4.2 million b/d in 2017 before increasing to 7.1 million b/d in 2040. The general increase in tight oil production is largely attributed to the higher oil prices and the ongoing exploration and development programs that expand operator knowledge about producing reservoirs.
- In the offshore Lower 48 states, offshore production is less sensitive to short-term price movements than onshore production. Lower 48 offshore crude oil production is estimated to increase to 2.0 million b/d in 2021. After 2021, Lower 48 offshore crude oil production declines to roughly 1.6 million b/d in 2030 and averages close to that level through 2040.
- Both onshore and offshore production in Alaska continues to decline through 2040, dropping from nearly 0.5 million b/d in 2014 to under 0.2 million b/d in 2040.

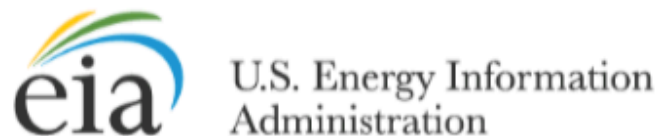
U.S. energy production outstrips consumption, making the United States a net energy exporter

U.S. energy production and consumption
quadrillion Btu



Source: EIA, Annual Energy Outlook 2016

- U.S. net energy imports, including petroleum and other liquids, natural gas, and coal, decline and ultimately end in the Reference case, a first since the 1950s. The net import share of total U.S. energy consumption was 11% in 2015 and 30% as recently as 2005.
- The transition from a net energy importer to a net energy exporter follows a similar pattern in the Reference and No CPP cases, although the total levels of U.S. energy consumption and production are somewhat higher beyond 2022 in the No CPP case.
- By 2040, total U.S. energy production is greater than total U.S. energy consumption, allowing for U.S. net energy exports equal to 4% of total consumption.



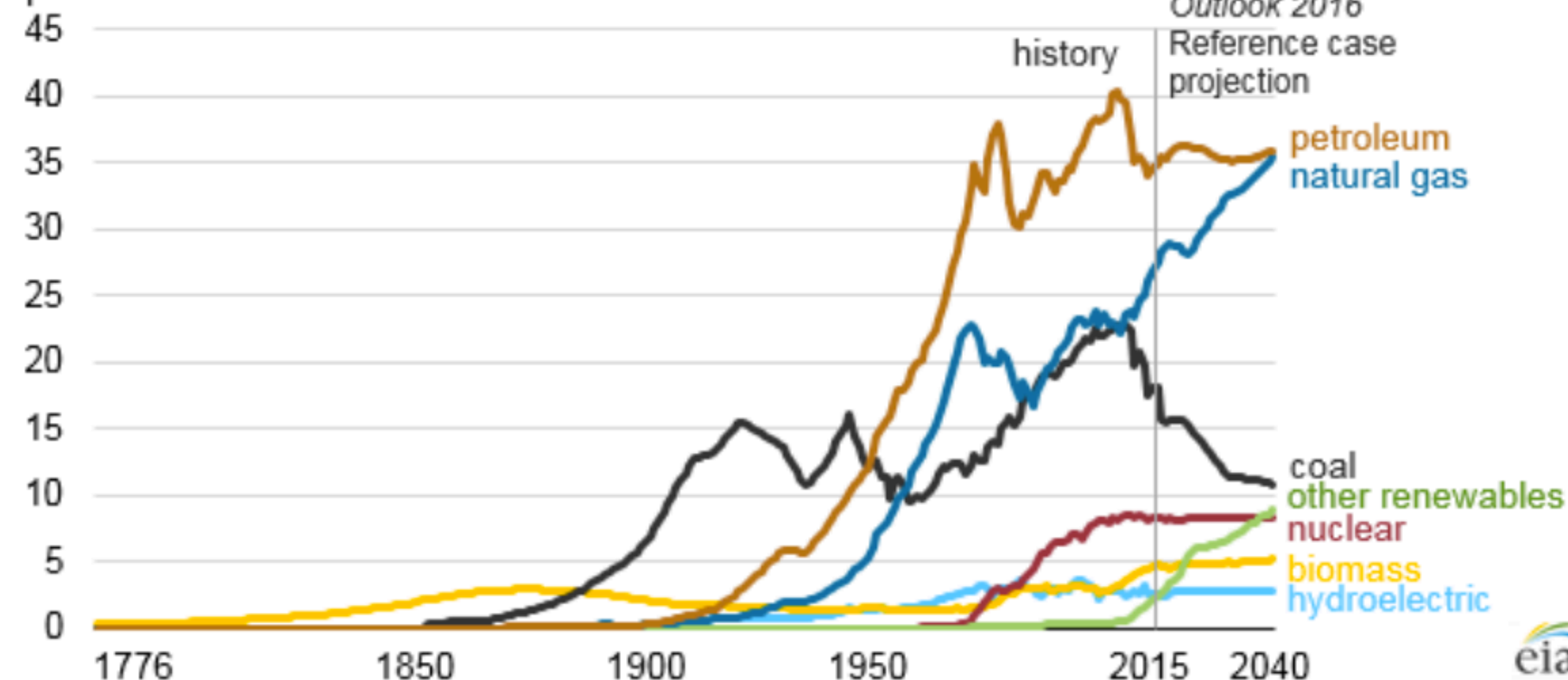
Today in Energy

July 1, 2016

Fossil fuels still dominate U.S. energy consumption despite recent market share decline

Energy consumption in the United States (1776-2040)

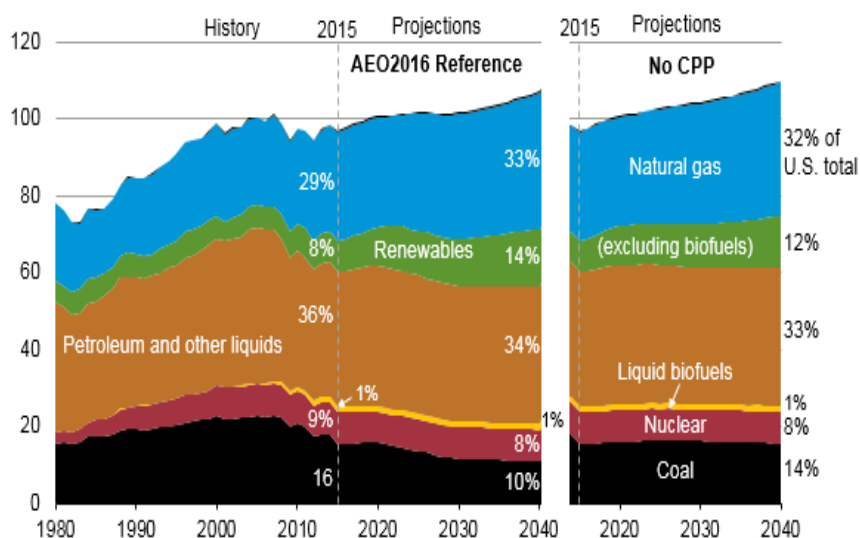
quadrillion Btu



Source: U.S. Energy Information Administration, *Monthly Energy Review*, *Annual Energy Outlook 2016*

Reductions in energy intensity largely offset impact of gross domestic product (GDP) growth, leading to slow projected growth in energy use

U.S. primary energy consumption
quadrillion Btu



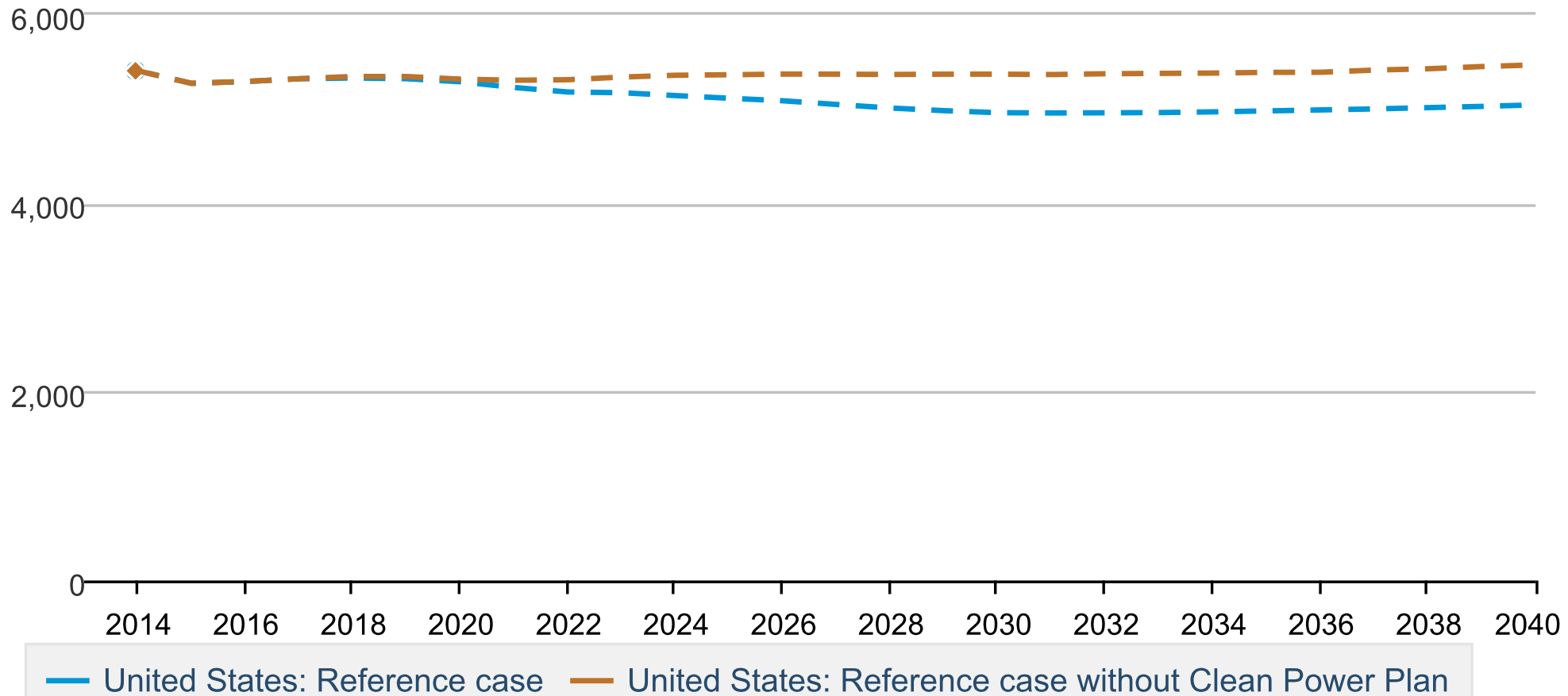
Source: EIA, Annual Energy Outlook 2016

- Total U.S. primary energy consumption grows slowly in both cases as reductions in energy intensity offset the impact of GDP growth, with slightly higher growth in the No CPP case than in the Reference case.
- Total petroleum and other liquids consumption increases in the near term but declines from 2020-31 as increases in vehicle fuel economy offset growth in transportation activity and increased industrial use.
- Natural gas use increases throughout the projection period. The No CPP case has slower growth in natural gas use in the electric power sector.
- Coal use in the Reference case declines throughout the projection period, mostly before 2030 because of the Clean Power Plan. In the No CPP case, coal retains a larger market share.
- The renewable share of total energy use (including liquid biofuels) increases, with most of the growth occurring in the electric power sector. Solar and wind account for nearly all of the projected increase.
- Nuclear generation remains close to its current level as the impact of new plant additions is offset by retirements.

Energy Use & Related Statistics: Carbon Dioxide Emissions

Region: United States

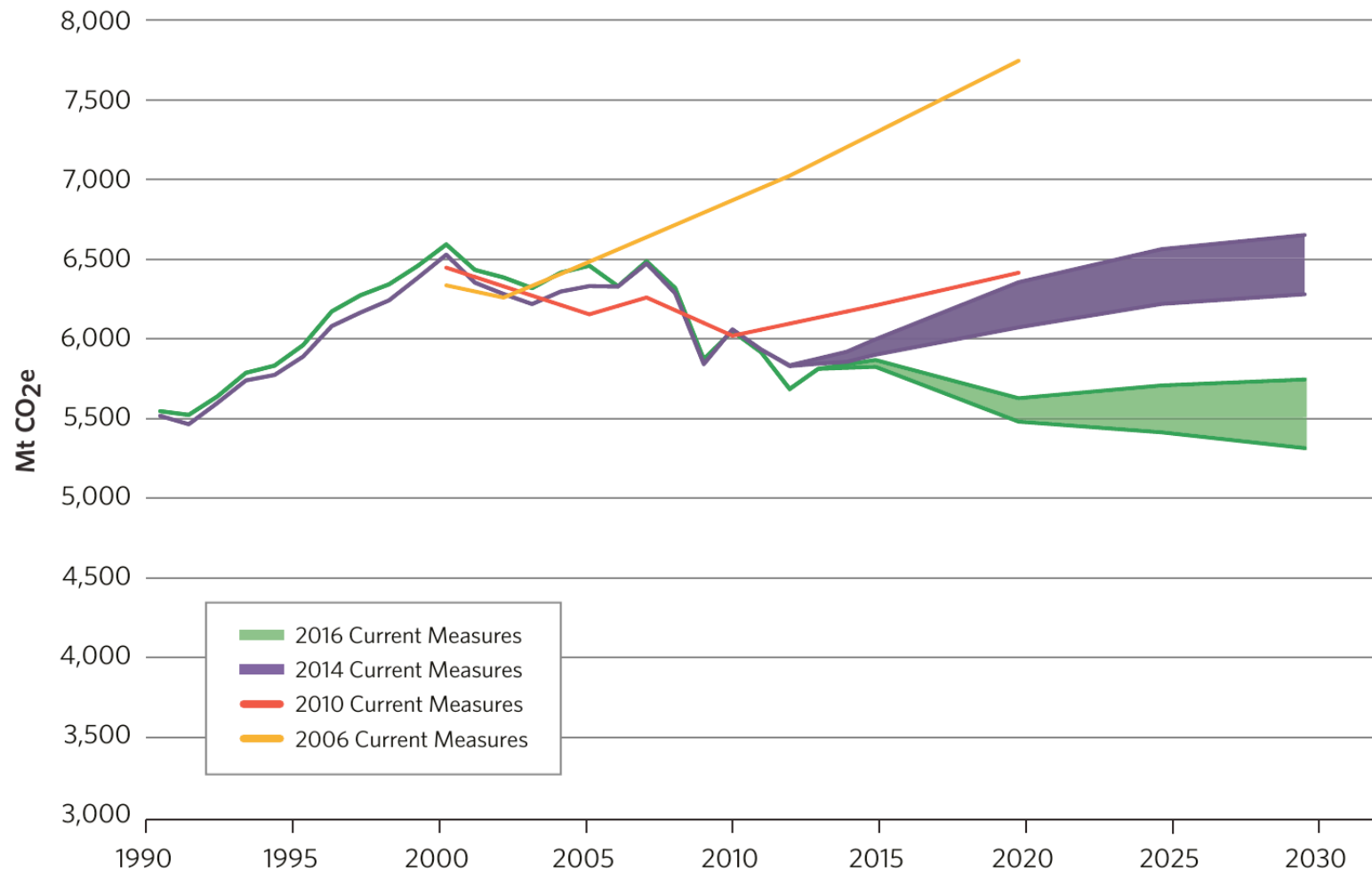
MMmtCO₂



Source: U.S. Energy Information Administration

United States 2016 Second Biennial Report Under the UNFCCC

Figure 5 **Comparison of 2016 Projection for Implementation of Current Measures and Projections from Previous U.S. Climate Action Reports**



- 2006 line = "Full Implementation" from 2006 U.S. Climate Action Report (CAR); 2010 line = "Policy Baseline" from 2010 CAR; 2014 range = "With Measures" range from 2014 CAR/Biennial Report; 2016 range = "Current Measures" range from this report.

- Emissions displayed are net emissions and include CO₂ sinks from forestry. Emission projections in the 2014 CAR and in this report include a range of possible outcomes for CO₂ removals from land use, land-use change, and forestry, whereas the 2006 and 2010 reports used point estimates.

Figure 5 Comparison of 2016 Projection for Implementation of Current Measures and Projections from Previous U.S. Climate Action Reports

