

Case No. 18-36082

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KELSEY CASCADIA ROSE JULIANA, *et al.*,
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA, *et al.*,
Defendants-Appellants.

On Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b)

**DECLARATION OF JOURNEY Z. IN SUPPORT OF PLAINTIFFS'
URGENT MOTION UNDER CIRCUIT RULE 27-3(b) FOR PRELIMINARY
INJUNCTION**

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I, Journey Mani Wanji Itacan Zephier, hereby declare and if called upon would testify as follows:

1. I am a 19-year-old Native American, citizen of the United States, and resident of Kapa‘a on the island of Kaua‘i, Hawai‘i. I submit this Declaration to describe how my health, wellbeing, personal safety, cultural practices, economic stability, food security, and recreational interests are being irreparably harmed by climate destabilization and ocean acidification, for which the actions and emissions of Defendants are responsible.
2. I was born in South Dakota. I am a federally-enrolled member of the Yankton Sioux Tribe, where my father was a chief. In 2009, I moved to Kaua‘i with my mother, younger brother, and sister. Since then, I attended a Hawaiian cultural immersion school, I learned the native Hawaiian language, and I adopted the Hawaiian culture as my own, while still honoring my culture as Yankton. I attended the school until 2017, and have been home-schooled since.
3. I have a deep cultural and spiritual connection with the Earth and all life that depends on a stable climate system for survival, which gives me a fundamental sense of responsibility to protect the Earth for my generation and future generations. I strive to be a steward of the environment by working to minimize my impact on the environment and advocating for solutions to

environmental problems facing Hawaiians. My family and I try to buy and eat locally. We get fresh fish from the local delis every other day, and we eat a lot of fruits and vegetables that are grown on Kaua‘i.

4. I started the first chapter on Kaua‘I of Plaintiff Earth Guardians. I was a youth leader on the Rising Youth for a Sustainable Earth (“RYSE”) Youth Council and a youth ambassador for the Center for Native American Youth. I participated in the White House tribal youth gathering and have advocated directly to President Obama’s Administration and other federal government officials to secure government action to stabilize the climate system and protect my fundamental constitutional rights. I am currently a 2018-2019 National Unity Earth Ambassador, where I serve on a council with other youth leaders.
5. I regularly enjoy swimming, snorkeling, canoeing, stand up paddle boarding, body boarding, surfing, and walking along the beach near my home in Kaua‘i. My participation in and enjoyment of these activities has been and will continue to be negatively affected by the impacts of climate change and ocean acidification.
6. Everything is connected to water on Kaua‘i—the oceans, beaches, coral, fish, rivers, tourism, recreation, even the entire economy. Our recreation, culture, life and economic livelihood on the island all depend on water.

7. Sea level rise is my biggest fear about climate change. The water and the beaches of Kaua‘i are an important part of my everyday life. My family and I used to live about 500 feet from the ocean, but now live in a house around 1 mile from Kealia Beach.
8. Saltwater inundation into our freshwater resources and the soil as a result of sea level rise is impacting my food security. Saltwater inundation is killing freshwater fish in nearby rivers. One of the main sources of taro on Kaua‘i is Waipa farm, which is the largest taro field on Kaua‘i and therefore a very important food source. Waipa farm is just North of Hanalei, about 300 feet from the ocean. The saltwater is coming further up the Waipa stream and getting into the soil of the Waipa farm, contaminating the taro patches.
9. At many of the beaches on Kaua‘i, I have seen the reefs dying and the beaches eroding away. I used to be able to swim at Kapa‘a Beach near my old house, but there is no beach left due to sea level rise. It’s just a small strip of sand; the rest of the beach has eroded away. It is so upsetting to see such an important place in my life just be washed into the sea. Watching the beaches erode away and disappear brings me deep emotional pain.
10. I love the rich biological diversity of the coral reefs and rely on the fish who live there as a food source. But warming waters and ocean acidification are harming the fish and corals. I used to enjoy snorkeling in the reefs at Tunnels

Beach, Anini Beach, or Ke'e Beach. I would fish on the reef at Anini Beach. I caught my first fish and cooked it at Anini Beach when I was eleven years old. I also like to go down to the reefs and watch the sea turtles eating and the stingrays swimming around.

11. I am very concerned about the dying coral reefs and the fisheries that depend on them. If the reefs die there will be no more fish and endangered species will die. Fish and marine life are such a big part of life on Kaua'i, and a big source of food around the island, including for me and my family. Kaua'i is known as "The Garden Island"; if there are no reefs to support fish and other marine life, what else would there be on the island to attract tourists and sustain people's livelihoods? If the reefs die, it would be the end of the island.
12. My two favorite places I used to swim and snorkel at – Anini Beach and Tunnels Beach – are suffering terribly. Almost all of the reefs have died over the last couple of years at both beaches. Diseased corals are disintegrating from high ocean temperatures and releasing a lot of bacteria in the water, such that many surfers at Tunnels are getting sick. The local marine biologist has advised me that the places where these reefs are dying present a health hazard and are no longer safe for swimming, surfing, or snorkeling. I will not return to these beaches as a result.

13. The mass coral bleaching in 2014 and 2015 also had a big effect on my wellbeing. Back in 2014 I went over to Anini beach to go spear fishing. We had to go out further than usual because all of the coral reefs close to the beach were dead. I know coral bleaching is only going to get worse if greenhouse gas emissions increase and the climate continues to warm. I feel this will profoundly change how people live their lives on Kaua‘i.
14. Extreme weather events have also threatened the safety of my family and me. While total rainfall on Kaua‘i has decreased, rain intensity has increased. The flooding from the rain is damaging our house and causes water to leak into our home. In 2012, Kaua‘i was flooded from weeks of rain. My family and I were displaced and evacuated to a Red Cross shelter. I could not go to school for the entire week.
15. Recent storms have been equally devastating. On April 15, 2018, we were inundated with 50 inches of rain in 24 hours. It started happening at 5:00 a.m. where water was entering our house through all our roof vents. We had to move all our furniture and electronics so they would not get ruined. The rain caused a dozen landslides near our home. It took us weeks to be able to contact friends and loved ones to make sure they even survived the storm. The storm wrecked electric and telephone lines.

16. It has now been many months since that storm, but the impacts remain. Some of these landslides destroyed the roads. For a long time only one road was open to get to and from my town, but that has since been repaired. I still cannot go to the north shore of the island, which is cut off from the rest of the island as many roads are still in disrepair. The road to Waipa farm is also still cut off. I have read that Waipa farm received more rainfall in a 24-hour period during the April 2018 storm than has ever been recorded anywhere in the United States.¹

17. The April 2018 storm, alongside other climate change impacts, have also had a direct impact on my family's income. My family has a storefront at Kapa'a Beach that depends on tourists for income. But the April 2018 storm caused a big drop in tourist numbers and we now may have to consider bankruptcy. My Mother's boyfriend also owns a store on St. Thomas in the U.S. Virgin Islands, which was devastated by Hurricane Irma, damaged the airport, and caused a decline in tourist numbers and local customers. As a result, his store has barely managed to stay open and my family's income has been so detrimentally affected. We did not have enough money even to allow me to attend my Father's memorial service in South Dakota.

¹ National Oceanic and Administrative Administration, *National Climate Extremes Committee Memorandum* (Dec. 14, 2018), <https://www.ncdc.noaa.gov/monitoring-content/extremes/nceec/precip-24hr-kauai-2018.pdf>.

18. The April 2018 storm is continuing to have negative impacts on my physical health. Everything was damp from the leaks. Mold still grows in my house, even nine months after the April 2018 storm. It grows on my clothes and furniture. Only frequent, thorough cleanings prevent the mold from completely taking over my house. But even with the constant cleaning, the mold is still causing me sinus infections and is worsening my allergies. I have to constantly use nasal sprays and take allergy medication to cope. Mosquitos also got a lot worse after this storm.

19. I constantly worry that the next storm will force my family to make costly repairs to our home or even to relocate, especially because we are short of funds. I also worry that the next storm will damage all the roads and trap my family and keep us from the rest of the island indefinitely. The main road has already proven to be susceptible to flooding.

20. The rising ocean temperatures and changes in the ocean currents have changed the weather patterns and increased the probability and severity of bigger storms on Kaua'i. Hurricanes rarely occurred on the island previously, but in 2015, we had at least five very close calls with major hurricanes. There was one week where we had four storms all headed in our general direction at once. We were living in a state of constant stress that summer, frequently

restocking our hurricane supplies and getting ready for the “big one.”

Thankfully they all narrowly missed us!

21. We had the same experience in the aftermath of the April 2018 storm. There were four more hurricane warnings between the storm and the end of 2018, and each warning caused stress and worry. I am worried we might not be so lucky in the future as the unprecedented threat of hurricanes increase.
22. Even when we are fortunate to have hurricanes miss us, there is constant stress on my family and me to be prepared. We must have all of our supplies fully stocked and must always be vigilant. Our family has several tubs of hurricane supplies in the living room and hallway in case another hurricane hits in the near future.
23. Farming and living off of the land are very important to me. Our supply of freshwater on Kaua‘i is decreasing, which threatens my future access to clean drinking water and my ability to stay on the island. I hope to stay on Kaua‘i for as long as I live, and I plan on staying as long as the impacts from climate change do not become unbearable.
24. Drought conditions on part of Kaua‘i and saltwater inundation negatively impact the soil and the agricultural productivity of the farms and taro patches where I used to work. I have a deep connection with taro, which is a staple food in Hawai‘i and very important to Hawaiian culture. I worked in the taro

fields every Friday as part of a school project. I worked for three summers to restore an ancient taro patch. In Anahola, where I used to go to school, has been in a drought for about a decade, but the last few years have been especially bad. I used to work in a sustainable farming internship where the drought made the soil lose moisture and made it really hard to do organic farming on Kaua'i.

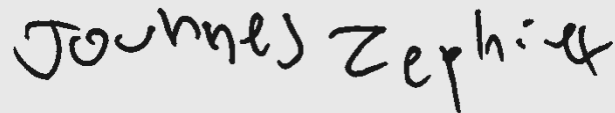
25. I see and read reports in the news that the U.S. government continues to expand fossil fuel production, and that U.S. and global greenhouse gas emissions continue to rise. This greatly worries me, but I also feel like I am becoming increasingly desensitized to this news, that it's the same-old, same-old; that this cycle of doubling-down on fossil fuels and ignoring meaningful climate action will never end. This causes me a lot of emotional pain. My therapist has told me I have something called "emotional intensity avoidance," which leads me to avoid engaging with bad news on climate change. But I know it is important, and that someone has to do something to reduce greenhouse gas emissions and stop climate change.

26. Ultimately, I feel scared and worried about the mess generations before mine have made of the planet. The leaders of our federal government continue to make decisions that are increasing our greenhouse gas emissions and ruining our country for future generations. These leaders should be ordered to stop

inflicting more damage on me and future generations. If this Court does not hold them responsible, I am fearful there is no one out there who will.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 6, 2019.

Respectfully submitted,

A handwritten signature in black ink on a light gray rectangular background. The signature reads "Journey Zephier" in a cursive, slightly slanted script.

Journey Z.