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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

RIKKI HELD, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.	Cause No. CDV-2020-307 Hon. Kathy Seeley DECLARATION OF EVA L. IN SUPPORT OF PLAINTIFFS' RESPONSE BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
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Pursuant to MCA §1-6-105, Eva L. hereby declares as follows:

1. I am a Plaintiff in the above-entitled action. I am making this declaration in support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment. I have personal knowledge of the facts I state herein and if called to testify, I would and could testify competently thereto.
2. I am a seventeen-year-old U.S. citizen and resident of Livingston, Montana, near Yellowstone National Park. When I first became aware of climate change when I was younger, I began to feel concerned about my future. The climate changes I am currently experiencing in Montana, and those that I am seeing around the world, have made me increasingly anxious about the climate impacts that my family and I will face in the future.
3. Connecting with nature and enjoying activities on Montana's rivers, forests and mountains is an important part of my life. For most of my life I have participated in activities like climbing, rafting, skiing, swimming, biking, hiking, camping, and backpacking. I have been interested in combating climate change for a long time, especially since the effects of climate change have and continue to harm my family, relatives, friends, and community.
4. Nearly every day when I was growing up, I enjoyed walking to or swimming in the Yellowstone River near my home. In the summer of 2016, however, I was unable to use and enjoy the Yellowstone River for swimming, floating, rafting, or even playing with my dog. Climate change caused abnormal warming and reduced flows in the Yellowstone River, resulting in a parasitic bacterium that killed tens of thousands of fish and closed down access to over 180 miles of river. I have never experienced something like this in my lifetime and it made me realize how important the Yellowstone River is to me. I understand issues like this will only worsen if action is not taken to combat climate change, and it makes me fearful that

I won't be able to enjoy the Yellowstone River like I did growing up.

5. Frequent wildfires and smoke harm my physical health, because breathing in smoke can make me experience shortness of breath, headaches, sore throats, and eye and nose irritation. It makes it difficult to do any aerobic activity without getting a sore throat or coughing. Wildfires and smoke can disrupt my walks on the river and hikes in the mountains and make them much less doable. The smoke from wildfires is often so bad that we cannot see Livingston Peak, an iconic mountain familiar to everybody in town. To avoid the smoke we have to stay indoors and keep the windows closed, so it is hot and uncomfortable.
6. In the summer of 2017, smoke from several wildfires in Montana created poor air quality in Livingston, and all around Montana.
7. Wildfires and smoke ruined a hike my family and I took in Glacier National Park in 2017, as we couldn't see the glaciers and had trouble breathing. This is illustrated in the picture below, which shows me, my mom, and my siblings on a hike in Glacier National Park in 2017. We tried to plan the hike again in the summer of 2018 for a time when it wouldn't be smoky, but we decided against it due to the uncertainties and fear that the smoke would return. Summers used to be a time that I could always count on being outside in Montana, but now it all depends on how bad the fires are.



8. The smoke upsets my enjoyment of outdoor activities, because in order to do the activities that I love and enjoy, I have to expose myself to injury and harm. I don't think that is right.
9. In 2020 and 2021, wildfires and smoke blanketed Livingston once again and continued to interrupt plans and impact my family, friends, and I. My grandparents, who I like to visit, had to deal with devastating wildfires in Colorado and our friends lost their home in the Bridger Canyon fire. A large fire in the Crazy Mountains near my home closed the entire area, causing us to cancel our plans to visit one of our favorite places in the mountain range.
10. The wildfire smoke I am experiencing is totally changing my childhood and it makes me fearful as to what my home will become if my government continues promoting fossil fuels.
11. I have also experienced flooding and high water levels due to high temperatures increasing the rate of snow melt. In 2018, a flood on the Shields River, called the "Tsunami of 2018," severely damaged a bridge near my home that my family and I needed to drive over to get into Livingston. We had would have to park one car on one side of the bridge, walk or bike across, and then hop into another car on the other side of the bridge. Eventually, the bridge was taken

down for safety reasons, and a temporary bridge was installed. However, in March of 2019 the temporary bridge was washed away by a major run-off event. With no bridge to use, we had to drive an extra 45 minutes into a neighboring county on our commute to town. This was a very challenging and stressful time for me and my family. This is a picture of me with my family in 2019 looking at where the bridge used to be.



12. The loss of the bridge was one of the key factors in my family choosing to sell our home and move. Moving was stressful and anxiety inducing. If climate change had not caused rapid snowmelt and major run-off events and flooding, we could still be living in our previous home.
13. In 2021, an intense rainstorm inundated Livingston's municipal stormwater system and flooded an underpass that is the only access to the north side of town when a train is passing through. More than 20 trains pass through Livingston each day, so the flood of the underpass during this storm event trapped thousands of people multiple times that day and created a severe health and safety risk. In addition, many of the trains that travel through Livingston transport fossil fuels like coal and oil. I am especially concerned about the coal trains. They

are not covered, and I have observed the coal dust blowing out of the open train cars on a windy day.

14. In 2021, there was also a flood in Livingston due to extremely intense yet sporadic storms, where it would rain hard for an hour then completely stop. This flooded an underpass where trains cross and delayed the trains, which is significant because there are multiple coal trains that come through Livingston. I personally do not like the coal trains. They are not covered, so the wind can pick up coal and spread it, which is especially concerning since there is a kindergarten school just north of the tracks and coal it also can get into the water.

15. In June of 2022, Yellowstone National Park was closed due to unprecedented flooding. The flood caused severe damage to homes, businesses, and roads, and we have sustained long-term community damage. On the day of the flood, me and many of our community members worked together to fill sandbags and distribute them to people whose homes were in danger or already flooding. I was particularly frightened the levee that protects much of Livingston would burst and cause even more damage than the swollen river already had. It was a terrifying time for our community. These are pictures from a park that is near my home, where I often go, that flooded in 2022.





16. The aftermath of this climate change induced event threw our home into absolute chaos. Our community is still healing. For months, a section of Highway 89 South close to the park was shut down after being annihilated by the Yellowstone River in June. I have not been to Yellowstone in some time because of this, which is a tremendous loss to me. Much of the summer was altered and twisted because of this flood, which is supposedly a once in 1,000 year event. However, with the constant worsening of climate change, this type of flooding will happen more and more frequently, especially if Montana continues to be a significant contributor to this crisis.

17. Flooding related to climate change has been impacting me on almost an annual basis since at least 2018. These repeated floods and the impacts in my hometown are extremely stressful and cause me to feel overwhelmed, aimless, and exhausted. I never expected that my childhood in Montana would be so disrupted by extreme weather events that I used to see only on TV.

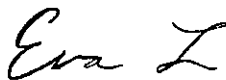
18. Heatwaves are also occurring with increasing frequency in Montana, which makes it difficult for me to sleep increases the risk of early wildfires, making the timeframe for outdoor activities

without the risk of smoke even smaller. The yearly flux between heat and fires on the one hand, and rain and floods on the other hand, and even day to day extreme temperature fluctuations is challenging, unnatural, and makes my life in Livingston difficult. I really do not want to see climate change make things worse, but I fear it will be the case unless Montana's greenhouse gas emissions are reduced.

19. The effects of climate change constantly makes me stressed and anxious about my future and future generations. I know that older generations in Montana didn't experience what my generation is having to live through, and it's not fair. I am worried about climate change worsening the devastation it has already brought on my family, community, the local ecosystem and my well-being—especially if immediate action to curb greenhouse gas emissions is not taken. Although I talk through these experiences with my family, I still feel powerless, helpless, and depressed because I can't vote or otherwise influence my government. If the Court agrees with us in this case, it will not only help stop climate change by reducing emissions in Montana, it will make me feel more secure and hopeful that I can have a healthy future in the state that I love. There is not a lot that can help ease my anxiety about climate change, but having a judge recognize what my government is doing is wrong, would give me some relief.

Pursuant to MCA §1-6-105, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of February, 2023 in Livingston, Montana.



Eva L.