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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

16 STATE OF CALIFORNIA, *et al.*,

17 Plaintiffs,

18 v.

19 DONALD J. TRUMP, *et al.*,

20 Defendants.

No. 4:19-cv-00872-HSG

No. 4:19-cv-00892-HSG

21 **SUPPLEMENTAL NOTICE**
22 **REGARDING DECISION BY THE**
23 **DEPARTMENT OF DEFENSE TO**
24 **AUTHORIZE ADDITIONAL**
25 **BORDER BARRIER PROJECTS**
26 **PURSUANT TO 10 U.S.C. § 284**

24 SIERRA CLUB, *et al.*,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, *et al.*,

28 Defendants.

1 Defendants hereby notify the Court and parties in the above-captioned cases that the
2 Department of Defense has decided not to undertake at this time the three additional border barrier
3 projects identified in Defendants’ August 27, 2019 Notice. *See* ECF No. 204 in 4:19-cv-00872-
4 HSG and ECF No. 200 4:19-cv-00892-HSG.

5 Defendants’ August 27, 2019 Notice explained that in the course of executing the contracts
6 for the previously-approved Section 284 projects that have been the subject of litigation in these
7 cases, the U.S. Army Corps of Engineers (USACE) determined that that lower-than-expected
8 contract costs may yield sufficient savings to build up to an additional 20 miles of border barrier.
9 *See id.* The Notice stated that USACE would not know the precise amount available until later in
10 the fiscal year when USACE finalizes all contract pricing. *Id.* Based on this expected contract
11 savings, on August 26, 2019, the Secretary of Defense authorized USACE to undertake three
12 additional border barrier projects, as those funds allow: Yuma Sector Projects 4 and 5, and Tucson
13 Sector Project 4. *See id.*

14 Based on its work in definitizing the contracts for the original Section 284 projects, USACE
15 has determined that there are insufficient contract saving to undertake the three additional Section
16 284 projects authorized by the Secretary of Defense on August 26, 2019. *See* Fifth Declaration of
17 Kenneth Rapuano ¶ 4 (Exhibit 1). Therefore, the Department of Defense has decided not to pursue
18 Yuma Sector Projects 4 and 5, and Tucson Sector Project 4 at this time. *See id.*

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DATE: September 13, 2019

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