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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18
19 **STATE OF CALIFORNIA, et al.;**

20 Plaintiffs,

21 v.

22 **DONALD J. TRUMP, in his official capacity**
23 **as President of the United States of America;**
et al.;

24 Defendants.
25

Case No. 4:19-cv-00872-HSG

**DECLARATION OF COLONEL
WILLIAM GREEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT re: SECTION
2808 AND NEPA**

Date: November 20, 2019
Time: 10:00 am
Judge: Honorable Haywood S. Gilliam,
Jr.
Trial Date: None Set
Action Filed: February 18, 2019

1 I, Col. William Green, declare as follows:

2 1. I have personal knowledge of each fact stated in this declaration, and if called as a
3 witness could competently testify thereto.

4 2. I am a Colonel with the California Air National Guard (ANG) and currently serve as
5 the California ANG's Director of Operations. In this capacity, I advise the Adjutant General and
6 other California Military Department senior leaders on federal issues affecting the State of
7 California. Additionally, I advise the Commander of the California ANG on the readiness of over
8 4800 military and civilian personnel across five wings and ensure that they are postured and
9 prepared to support national defense requirements and emergency response, relief and recovery
10 operations throughout the State of California. I am also a command pilot with more than 6000
11 military and civilian flying hours in the C-130J, WC130J, EC-130J, B-787, S80, B727, T-38, T-
12 37 and T-41 aircraft. I have accrued over 400 combat hours in the tactical environment in support
13 of multiple deployments. I have served as a C-130J Instructor Pilot and a C-130J Command
14 Evaluator Pilot. I am also an instructor and designated Subject Matter Expert with respect to the
15 Modular Aerial Fire Fighting System (MAFFS).

16 3. The California ANG is a component of the California National Guard, a federally
17 funded California military force that is part of the National Guard of the United States. The
18 California National Guard is the second largest National Guard force in the United States with a
19 total authorized strength of over 23,000 soldiers and airmen. The Constitution of the United
20 States charges the National Guard with dual federal and state missions.

21 4. The California ANG is comprised of citizen airmen that fill the ranks of five air
22 wings strategically positioned across California to support the state and nation in times of need.
23 The California ANG's highly specialized servicemen and women leverage a variety of aviation
24 platforms and combat tested expertise to perform a full spectrum of missions. Their missions
25 include providing homeland air defense for all of the Western United States and providing direct
26 support to combatant commanders overseas, as well as assisting in search and rescue missions
27 along the Pacific Coast and combatting wildfires throughout the state of California and throughout
28 the United States.

1 5. The California ANG's 146th Airlift Wing is part of the reserve component of the
2 United States Air Force supporting Air Mobility Command and is headquartered at the Channel
3 Islands Air National Guard Base (ANGB) in Port Hueneme, California. The 146th Airlift Wing is
4 a combat ready organization prepared to support the U.S. and allied forces, as well as provide
5 disaster response, humanitarian relief, and large scale aerial firefighting capabilities to the state of
6 California and the nation.

7 6. The 146th Airlift Wing employs the Lockheed C-130J "Super Hercules" aircraft. The
8 146th Airlift Wing's tactical airlift mission is one of the most training-intensive in the Mobility
9 Air Forces.

10 7. In addition to standard military flight training, the 146th Airlift Wing is responsible to
11 train to its demanding aerial firefighting mission. The 146th Airlift Wing is one of only four units
12 in the country equipped with MAFFS, an integrated airborne delivery system for battling large
13 fires. The MAFFS modules, which are loaded into the cargo bays of the C-130J aircraft, are
14 capable of discharging 3,000 gallons of water or fire retardant in less than five seconds, covering
15 an area a quarter mile long by 100 feet, specializing in large fire containment operations.

16 8. As part of the California ANG's function in responding to state emergencies, the 146th
17 Airlift Wing is frequently called-up to combat wildfires in California and the western United
18 States. Over the past six years, they have been activated 11 times, performing over 775 fire drops
19 supporting efforts to combat 45 different wildfires. These have included large and increasingly
20 common destructive incidents in California, such as the Rim, Thomas, Mendocino Complex, Carr
21 and recent Woolsey fires. The 2018 fire season was the largest and most destructive in California
22 history.

23 9. With the exception of flights within combat zones where anti-aircraft defenses are
24 present, the firefighting mission presents the greatest risk to the 146th Airlift Wing C-130J
25 aircrew. This is because the firefighting mission requires the C-130J pilots to fly aircraft at lower
26 than standard altitudes, slow air speeds and nonstandard configurations in order to deliver
27 retardant in the prescribed manner. Additionally, these flights often take place in mountainous
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1 terrain with reduced visibility and rapidly changing weather conditions. The mission also requires
2 California C-130J flight crews to train and operate with civil agency partners that fly dissimilar
3 aircraft, such as the United States Forest Service (USFS) and the California Department of
4 Forestry and Fire Protection (CalFire).

5 10. I am familiar with the training requirements for airmen piloting the C-130J aircraft.
6 In addition to monthly ground and in-flight training, C-130J aircrew are required to participate in
7 at least one week of refresher simulator training emphasizing complex emergency procedures,
8 challenging and unusual aircraft maneuvers and crew coordination at a certified C-130J flight
9 simulator on annual basis. Aircrew from the 146th Airlift Wing currently travel to Keesler Air
10 Force Base in Biloxi, Mississippi, at an approximate cost of \$360,000 annually, to accomplish
11 this simulator training.

12 11. C-130J flight crews also participate in an annual, one-week training course relating to
13 firefighting missions. This one-week training course, which includes flight training and water
14 drops, is coordinated with the USFS. Similar to actual firefighting missions, the training often
15 takes place over mountainous terrain, at lower-than-normal altitudes and at slow air speeds.

16 12. Rising aircraft sustainment costs, extensive flight training requirements and limited
17 military budgets inspired military acquisition of the C-130J flight simulators, which are designed
18 to provide realistic training at a fraction of the cost of actual aircraft flight operations.

19 13. Flight simulators have been installed or programmed for installation at all C-130J
20 mobility air bases to meet current and future training demands. Based on currently scheduled
21 installation dates, in 2022, Channel Islands ANGB will be the only remaining C-130J base in the
22 Mobility Air Forces without a flight simulator.

23 14. The C-130J flight simulator is designed to provide the majority of all initial, mission,
24 continuation and upgrade C-130J training. Command training managers estimate that on site
25 simulators account for approximately 40% of all training requirements previously conducted in
26 the aircraft alone. This reduced training demand on the aircraft has resulted in increased
27 availability for required maintenance and operational missions.
28

1 15. During the FY2019 budgeting cycle, after undergoing the lengthy process to evaluate
2 and prioritize proposed military construction projects, Congress appropriated \$8,000,000 for the
3 purpose of constructing a facility at the Channel Islands ANGB to house a C-130J flight
4 simulator, which was secured by the U.S. Air Force's Air Mobility Command at a cost of
5 \$29,000,000. Initial efforts by California ANG to secure the simulator began over ten years ago.

6 16. The California ANG anticipates delivery of the C-130J flight simulator at the
7 Channel Islands ANGB in March 2022. However, the Channel Islands ANGB cannot receive a
8 fully functional simulator unless and until the simulator facility is constructed.

9 17. Access to the flight simulator at the Channel Islands ANGB is essential because it
10 would provide the 146th Airlift Wing's flight crews with realistic flight training opportunities
11 without the expense or risks associated with flight training in the aircraft. In fact, the simulator
12 was specifically designed to provide the most realistic training simulation of all critical mission
13 sets for two California C-130J units. It is fully reconfigurable to support both the tactical airlift
14 mission of the 146th Airlift Wing at Channel Islands Air National Guard Station, as well as the
15 aerial refueling mission of the 129th Rescue Wing at Moffett Field in Sunnyvale, California. It is
16 also scheduled to be modified in 2024, to network with other flight simulators around the world
17 allowing aircrew at Channel Islands ANGB to participate in large, complex integrated training
18 scenarios and exercises without ever leaving home station. It can also be used to train aircrew
19 whenever new software modifications are employed on the aircraft.

20 18. Finally, the flight simulator at the Channel Islands ANGB would include an enhanced
21 software suite that simulates aerial firefighting, one of California's most critical domestic threats.
22 This training capability is significant because, as noted, the firefighting mission is extremely
23 challenging and the threat of large wild fires remains high. The flight simulator would enable the
24 California ANG to provide its C-130J flight crews with firefighting-specific training in
25 circumstances that simulate these dangerous conditions. Importantly, the California ANG would
26 be able to augment its annual week-long aerial firefighting training program, greatly enhancing
27 mission proficiency and thereby improving the California ANG's ability to safely and effectively
28 respond to wildfire threats.

1 19. With the availability of higher-paying commercial aviation jobs, it is becoming
2 increasingly difficult for the California ANG to retain aircrew with the requisite experience
3 necessary to participate safely in its firefighting mission. The availability of enhanced aerial
4 firefighting training in a flight simulator is particularly important to the California ANG because
5 it would allow the 146th Airlift Wing to introduce aerial firefighting training to all of its air crews,
6 regardless of experience, in a safe, efficient and effective manner. With additional training
7 opportunities made possible through the use of a flight simulator, it would also accelerate the
8 development of crews with less firefighting experience, which helps offset the loss of experienced
9 aerial firefighters leaving the organization for careers with commercial airlines.

10 20. Recently, the California Military Department was advised that \$8,000,000 in funds to
11 construct a C-130J Simulator Facility at the Channel Islands ANGB were being diverted to other
12 executive branch projects.

13 21. Over the past several years, large, rapidly-moving wildfires have become increasingly
14 common in California. Aircraft equipped with firefighting systems, such as the C-130J equipped
15 with the MAFFS, have proven to be essential tools in protecting Californians and their
16 communities by slowing the spread of these massive wildfires. Use of aerial firefighting tools aid
17 firefighters on the ground attempting to contain these fires and often give citizens needed time to
18 escape dangerous areas. Aerial firefighting has saved lives and property.

19 22. The additional simulator training was intended to ensure mission preparedness and
20 minimize the costs and risks associated with the robust flight training requirements associated
21 with the tactical combat airlift mission. The availability of a C-130J flight simulator at the
22 Channel Islands ANGB would have permitted the California ANG to provide its aircrews with
23 more combat mission training and more training specific to firefighting missions throughout the
24 year.

25 23. As a consequence of the decision to defund the project to construct the facility that is
26 needed to house the C-130J flight simulator, the California ANG's C-130J flight crews will not
27 receive the intended benefits of the additional simulator training throughout the year and the 146th
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1 Airlift Wing's flight crews will receive less training in aerial firefighting than they would have
2 following receipt of the simulator.

3 24. Also, because the availability of flight simulator training would have offset the loss
4 of experienced aerial firefighters to the commercial airlines, the defunding of the flight simulator
5 facility would also make it more difficult for the 146th Airlift Wing to maintain its current level
6 of aerial firefighting experience potentially impacting its ability to meet increasing mission
7 demands.

8 25. Accordingly, the defunding of this project will have significant negative impacts on
9 the Channel Island ANGB's operations, placing at risk the California ANG's ability to maintain
10 its current level of effectiveness in responding to the growing threat of California wildfires and
11 causing a potential increased risk to public health and safety of Californians and their
12 communities.

13 I declare under penalty of perjury that the foregoing is true and correct and that this
14 declaration was executed on October 10, 2019, in Port Hueneme, California.

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17 WILLIAM C. GREEN, Jr., Colonel CA ANG
18 Director of Operations
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