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Attorneys for Plaintiffs
Friends of the Earth, Inc., Greenpeace, Inc.
City of Boulder, CO, City of Oakland, CA
City of Arcata, CA, Santa Monica, CA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FRIENDS OF THE EARTH, INC., et al.,)	
)	
Plaintiffs,)	Civ. No. C 02-4106 JSW
v.)	
)	Date: February 11, 2005
PETER WATSON, et al.,)	Time: 9 A.M.
)	Courtroom 2, 17 th Floor
Defendants.)	

DECLARATION OF ARTHUR BERNDT

I, ARTHUR BERNDT, declare as follows:

1. My name is Arthur Berndt. My wife is Anne Berndt. My wife and I own and operate Maverick Farm in Sharon, Vermont. We have owned Maverick Farm since 1988. My wife and I are members of Greenpeace and Friends of the Earth.

Plaintiffs' Exhibit #9

1 2. Maverick Farm is a maple sugarbush on approximately 530
2 acres owned by Maverick Farm and an additional 150 acres leased by the
3 Farm. Maple syrup is produced from sap drawn from approximately 15,000 –
4 16,000 sugar maple trees with approximately 20,000 taps. Maverick Farm is
5 one of the largest maple syrup producers in Vermont.

6 3. Over the last few years, I have noticed that the regeneration
7 rate for the sugar maple trees appears lower, although the trees' production
8 of seeds has been unusually and exceedingly heavy. The seeds sprout but the
9 trees die while they are still small saplings. Maple trees produce heavy seed
10 crops when they are stressed.

11 4. I have also noticed that the maple-sugaring season starts and
12 ends earlier. This year, the season started in mid-February. Generally, the
13 season has advanced two to three weeks, to well before Town Meeting—the
14 traditional start of the season. Town Meeting Day in Vermont is the first
15 Tuesday in March. I have also noticed that we receive more rain and less
16 snow during the winter and that swings in the weather are more dramatic
17 and that low temperatures are now warmer. Low temperatures below
18 freezing are necessary to maple syrup production.

19 5. I have also noticed more die-back in the maple trees in my
20 forest, particularly affecting the crowns of the trees. As a result, the crowns of
21 the trees are not as full or as healthy. Smaller, less healthy crowns directly
22 decrease the sap yield and sweetness, and therefore negatively affect my

1 revenue stream. I believe this die-back is caused in part by global warming
2 and is an indication that climate change is beginning to affect my forest now.

3 6. My wife and I plan to continue operating Maverick Farm for at
4 least the next twenty years. We will either pass the farm on to their children
5 or conserve the land when we retire.

6 7. I understand that, as a result of global warming, there will be a
7 significant northward shift in the prevailing forest types. The maple-beech-
8 birch forest type is projected to shift north into Canada and no longer be
9 dominant in the northeastern United States by the late 21st century. The
10 diminished population of sugar maples will cause loss of syrup production in
11 northern New York and New England. I also understand that, at current
12 rates of warming, this shift is likely to occur within the next ten to twenty
13 years, and possibly sooner if the warming is accompanied by outbreaks of
14 pests or disease.


1 8. I am nervous about the impacts of climate change and believe that the
2 impacts of climate change will adversely affect me. From greater fluctuations in weather
3 to migration of the maple forest, heavy rains, higher winds, and more extreme weather,
4 the outlook is ominous. If my wife and I have no maple trees, we have no farm income,
5 and the aesthetic value of the land will also be devastated. This would adversely affect
6 the economic and conservation value of my farm.

7 9. If climate change has the predicted impacts, we should start culling trees
8 now as the timber market will become saturated rather quickly once maples start
9 disappearing in large numbers. However, like many people, we are in denial because it is
10 too depressing to consider the loss of Maverick Farm's long-term value.

11 10. I believe that OPIC's and ExIm's actions increase the risk that both my
12 interests and my wife's interests are and will continue to be harmed by climate change.
13

14 I swear under the penalty of perjury that the foregoing is true and correct to the
15 best of my knowledge.
16

17 December 17, 2004

18 
19 _____

20 Arthur Berndt