

CAUSE NO. _____

EPI'S CANOE & KAYAK TEAM, LLC and	§	IN THE DISTRICT COURT
JESSIE F. FUENTES	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
	§	
v.	§	_____ JUDICIAL DISTRICT
	§	
STATE OF TEXAS; GREG ABBOTT IN HIS	§	
OFFICIAL CAPACITY AS GOVERNOR OF	§	
THE STATE OF TEXAS AND	§	
COMMANDER-IN-CHIEF OF THE TEXAS	§	
MILITARY DEPARTMENT; STEVE	§	TRAVIS COUNTY, TEXAS
MCCRAW IN HIS OFFICIAL CAPACITY AS	§	
DIRECTOR/COLONEL OF THE TEXAS	§	
DEPARTMENT OF PUBLIC SAFETY;	§	
THE TEXAS DEPARTMENT OF PUBLIC	§	
SAFETY; MAJOR GENERAL THOMAS	§	
SUELZER IN HIS OFFICIAL CAPACITY AS	§	
ADJUTANT GENERAL OF THE TEXAS	§	
MILITARY DEPARTMENT (AKA TEXAS	§	
NATIONAL GUARD); AND THE TEXAS	§	
MILITARY DEPARTMENT (AKA TEXAS	§	
NATIONAL GUARD)	§	
	§	
	§	
<i>Defendants.</i>	§	

DECLARATION OF JESSIE F. FUENTES

1. My name is Jessie F. Fuentes, and I am the Plaintiff in the above-referenced lawsuit. I make this declaration on behalf of myself. I am over eighteen (18) years of age. I provide this testimony on my behalf and on behalf of Epi's Canoe & Kayak Team, LLC ("EPI"). I am of sound mind and fully competent to testify to the matters stated herein. I have never been convicted of a felony or other crime involving dishonesty or moral failing, and I am not suffering from any disability, which would impair my ability to know or perceive the truth. Furthermore, I have personal knowledge of all of the

facts and matters stated herein and they are true and correct, unless otherwise specified. My date of birth is 12/24/1960, and my physical address is 439 Westlake Boulevard.

2. I own EPI, and I am a Mexican American residing in Eagle Pass. EPI is a small Texas business that provides customers with training and experience on the Rio Grande River using canoes and kayaks. EPI has been serving the river sports crowds since August 1, 2015.

3. According to the information to date, portions of Governor Abbott's buoy floating wall shall be installed just south of the International Bridge #2 in Eagle Pass.

4. EPI conducts activities on the Rio Grande River near Bridge #2 where the buoys are intended to be placed. EPI will be unable to conduct tours and canoe and kayak sessions in Eagle Pass because of the installation of the buoys.

5. EPI's market is focused solely on canoeing and kayaking sessions in Eagle Pass on the Rio Grande River in areas to be impacted by the buoys.

6. The buoys will prevent EPI from operating a business in Eagle Pass, which will result in imminent and irreparable harm to EPI. Here are some examples of events that were cancelled or received little interest because of the media coverage of OLS in Eagle Pass and the proposed installation of the buoys:

(1) (June-23) – Several weeks ago EPI launched a Ride The River Campaign that had to abruptly be put on hold because the City of Eagle Pass declared the Shelby Boat Ramp off limits to all individuals except law enforcement in support of OLS. (This campaign has not been able to make any profits for me, and without access to that boat ramp I am still not generating any revenue).

(2) (March 23) – Kayaking Lessons through South West Texas Jr. College Workforce Center cancelled, no one registered for safety stigma.

(3) (June-23) – Kayaking Summer School - No one registers due to security controls.

(4) (May-23) – May river wedding expedition put on hold because of security reasons resulting from the buoys.

(5) (June -23) – No sponsor willing to sponsor Kayak Races because of the narrative surrounding Eagle Pass because of OLS.

(6) (June - 23) – Island in the Rio Grande River gets bulldozed to create a security guard post. The flow of the river is altered, rerouted. **The tributary that was bulldozed was our canoe and kayaks main entrance** to the end of our river trips.

(7) (Present) – My concern is that the next island between both international bridges may also get bulldozed. We must protect our river. That is our main point for all tourists on the river and in all kayaking classes because there are some naturally occurring rapids in between both international bridges at that point of the river.

7. As a small business owner directly impacted by OLS and the installation of the buoys, the Plaintiffs challenge the Governor's use of OLS to install buoys because the Defendants do not have legal authority to do so relying on the Texas Disaster Act.

8. If the Defendants are allowed to proceed with installation of the buoys on the Rio Grande River, EPI will be unable to conduct tours and canoe and kayak sessions, which will result in immediate and irreparable injury to EPI. EPI and I are willing to post a bond.

9. I further verify that the information and statements contained in paragraphs 71-76 of Plaintiffs' Original Petition are true and correct and within my personal knowledge.

10. I declare under penalty of perjury that the foregoing statements are true and correct.

Executed in Maverick County, Texas on the 7th day of July 2023.



Jessie F. Fuentes