

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**HORNBECK OFFSHORE SERVICES,  
L.L.C.,**

**Plaintiff**

\*

**CIVIL ACTION NO. 10-1663(F)(2)**

\*

**VERSUS**

\*

**SECTION F**

\*

**KENNETH LEE "KEN" SALAZAR, IN HIS  
OFFICIAL CAPACITY AS SECRETARY,  
UNITED STATES DEPARTMENT OF THE  
INTERIOR; UNITED STATES**

\*

**JUDGE FELDMAN**

\*

**DEPARTMENT OF THE INTERIOR;  
ROBERT "BOB" ABBEY, IN HIS OFFICIAL  
CAPACITY AS ACTING DIRECTOR,  
MINERALS MANAGEMENT SERVICE;  
AND MINERALS MANAGEMENT SERVICE,**

\*

**MAGISTRATE 2  
MAGISTRATE WILKINSON**

\*

\*

**Defendants**

\* \* \* \* \*

**AFFIDAVIT OF BENTON F. BAUGH**

STATE OF TEXAS,

COUNTY OF HARRIS.

Personally came and appeared before me, Benton F. Baugh, who being first duly sworn,  
deposed and said:

1.

I am a person of full age and majority residing in Houston, Texas

2.

The information provided herein is based upon my personal knowledge.

3.

I was identified by the National Academy of Engineering to review or consult on the Secretary of the U.S. Department of the Interior's May 27, 2010 Report, entitled "Increased Safety Measures For Energy Development On The Outer Continental Shelf" (the "Report").

4.

I reviewed or consulted on a draft of the Report.

5.

Attached to this Affidavit are true and correct copies of a statement and document attached thereto, entitled "The Primary Recommendation in the May 27, 2010 report, 'INCREASED SAFETY MEASURES FOR ENERGY DEVELOPMENT ON THE OUTER CONTINENTAL SHELF' Given by Secretary Salazar to The President Misrepresents our Position," addressed and faxed to Louisiana Governor Jindal, Senator Landrieu, and Senator Vitter on behalf of me and others identified in the Report. Copies of the statement and the document are attached hereto as Exhibits A and B.

6.

I did not "peer review" the blanket moratorium set forth in the "Executive Summary" of the Report. The blanket moratorium was added after final review and was never agreed to by me.

7.

The scope of the blanket moratorium in the "Executive Summary" of the Report differs in important ways from the recommendation in the draft of the Report which I reviewed.

8.

The Report does not justify the blanket moratorium

9.

I disagree with the six month blanket moratorium.

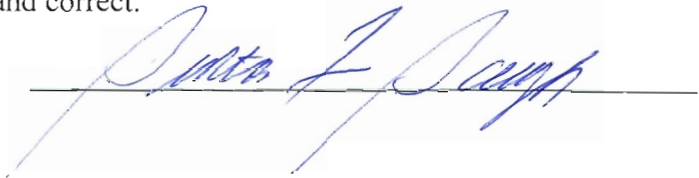
10.

The blanket moratorium does not address the specific causes of the Deepwater Horizon Incident and will not measurably reduce risk further. An argument can be made that the blanket moratorium set forth in the "Executive Summary" of the Report is counterproductive to long term safety.

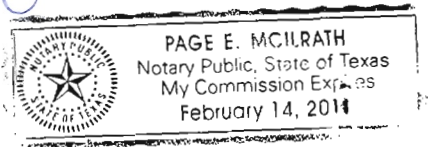
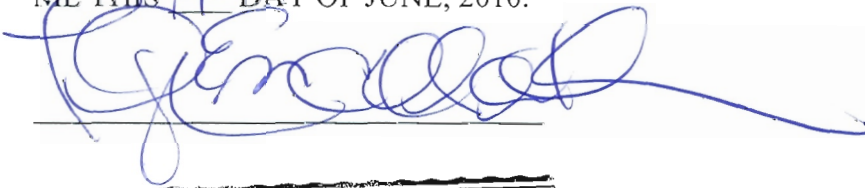
11.

The blanket moratorium will have the indirect effect of harming thousands of workers and further impact state and local economies suffering from the spill. It will have a lasting impact on the nation's economy that may be greater than that of the oil spill. I do not believe that punishing the innocent is the right thing to do.

I declare that the foregoing is true and correct.



SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 14<sup>th</sup> DAY OF JUNE, 2010.



Fax to: Gov. Jindal: 225-342-7099  
Senator Landrieu: 202-224-9735  
Senator Vitter: 202-228-5061

From: Kenneth E. Arnold, PE, NAE  
3031 Shadowdale  
Houston Texas 77043  
832-212-0160

cc. Dr. Robert Bea, Department of Civil and Environmental  
Engineering, Univeristy of California at Berkeley

Dr. Benton Baugh, President, Radoil, Inc.

Ford Brett, Managing Director, Petroskills

Dr. Martin Chenevert, Senior Lecturer and Director of  
Drilling Research Program, Department of  
Petroleum and Geophysical Engineering,  
University of Texas

Dr. Hans Juvkam-Wold, Professor Emeritus, Petroleum  
Engineering, Texas A&M University

Dr. E.G. (Skip) Ward, Associate Director, Offshore  
Technology Research Center, Texas A&M  
University

Thomas E. Williams, The Environmentally Friendly  
Drilling Project

A group of those named in the Secretary of Interior's Report, **"INCREASED SAFETY MEASURES FOR ENERGY DEVELOPMENT ON THE OUTER CONTINENTAL SHELF"** dated May 27, 2010 are concerned that our names are connected with the moratorium as proposed in the executive summary of that report. There is an implication that we have somehow agreed to or **"peer reviewed"** the main recommendation of that report. **This is not the case.**

As outlined in the attached document, we believe the report itself is very well done and includes some important recommendations which we support. However, the scope of the moratorium on drilling which is in the executive

**EXHIBIT  
A**

summary differs in important ways from the recommendation in the draft which we reviewed. We believe the report does not justify the moratorium as written and that the moratorium as changed will not contribute measurably to increased safety and will have immediate and long term economic effects. Indeed an argument can be made that the changes made in the wording are counterproductive to long term safety.

The Secretary should be free to recommend whatever he thinks is correct, but he should not be free to use our names to justify his political decisions.

## **The Primary Recommendation in the May 27, 2010 report, “INCREASED SAFETY MEASURES FOR ENERGY DEVELOPMENT ON THE OUTER CONTINENTAL SHELF” Given by Secretary Salazar to The President Misrepresents our Position**

The National Academy of Engineering recommended us as contributors and reviewers of the recent Department of Interior "30 Day Review" of the BP Oil Spill. We were chosen because of our extensive petroleum industry expertise, and independent perspectives. The report states:

“The recommendations contained in this report have been peer-reviewed by seven experts identified by the National Academy of Engineering. Those experts, who volunteered their time and expertise, are identified in Appendix 1. The Department also consulted with a wide range of experts from government, academia and industry.”

The BP Macondo blow out was a tragedy for eleven families, and an environmental disaster of worldwide scale. We believe the blowout was caused by a complex and highly improbable chain of human errors coupled with several equipment failures and was preventable. The petroleum industry will learn from this; it can and will do better. We should not be satisfied until there are no deaths and no environmental impacts offshore - ever. However, we must understand that as with any human endeavor there will always be risks.

We broadly agree with the detailed recommendations in the report and compliment the Department of Interior for its efforts. However, we do not agree with the six month blanket moratorium on floating drilling. A moratorium was added after the final review and was never agreed to by the contributors.

The draft which we reviewed stated:

“Along with the specific recommendations outlined in the body of the report, Secretary Salazar recommends a 6-month moratorium on permits for new exploratory wells with a depth of 1,000 feet or greater. This will allow time for implementation of the measures outlined in this report, and the

**EXHIBIT  
B**

consideration of information and recommendations from the Presidential Commission as well as other investigations into the accident.

“In addition, Secretary Salazar recommends a temporary pause in all current drilling operations for a sufficient length of time to perform additional blowout preventer function and pressure testing and well barrier testing for the existing 33 permitted exploratory wells currently operating in deepwater in the Gulf of Mexico. These immediate testing requirements are described in Appendix 1.”

We agree that the report and the history it describes agrees with this conclusion. Unfortunately after the review the conclusion was modified to read:

“The Secretary also recommends temporarily halting certain permitting and drilling activities. First, the Secretary recommends a six-month moratorium on permits for new wells being drilled using floating rigs. The moratorium would allow for implementation of the measures proposed in this report and for consideration of the findings from ongoing investigations, including the bipartisan National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

“The Secretary further recommends an immediate halt to drilling operations on the 33 permitted wells, not including the relief wells currently being drilled by BP, that are currently being drilled using floating rigs in the Gulf of Mexico. Drilling operations should cease as soon as safely practicable for a 6-month period.”

We believe the moratorium as defined in the draft report addresses the issues evident in this case. We understand the need to undertake the limited moratorium and actions described in the draft report to assure the public that something tangible is being done. A blanket moratorium is not the answer. It will not measurably reduce risk further and it will have a lasting impact on the nation’s economy which may be greater than that of the oil spill.

The report highlights the safety record of the industry in drilling over 50,000 wells on the US Outer Continental Shelf of which more than 2000 were in over 1000 feet of water and 700 were in greater than 5000 feet of water. We have been using subsea blowout preventers since the mid- 1960s. The

only other major pollution event from offshore drilling was 41 years ago. This was from a shallow water platform in Santa Barbara Channel drilled with a BOP on the surface of the platform.

The safety of offshore workers is much better than that of the average worker in the US, and the amount of oil spilled is significantly less than that of commercial shipping or petroleum tankers. The US offshore industry is vital to our energy needs. It provides 30% of our oil production, is the second largest source of revenue to the US Government (\$6 Billion per year), and has a direct employment of 150,000 individuals. The report outlines several steps that can be taken immediately to further decrease risk as well as other steps that should be studied to determine if they can be implemented in a way that would decrease risk even more.

This tragedy had very specific causes. A blanket moratorium will have the indirect effect of harming thousands of workers and further impact state and local economies suffering from the spill. We would in effect be punishing a large swath of people who were and are acting responsibly and are providing a product the nation demands.

A blanket moratorium does not address the specific causes of this tragedy. We do not believe punishing the innocent is the right thing to do. We encourage the Secretary of the Interior to overcome emotion with logic and to define what he means by a "blanket moratorium" in such a way as to be consistent with the body of the report and the interests of the nation.

The foregoing represents our views as individuals and does not represent the views of the National Academy of Engineering or the National Research Council or any of its committees.

Kenneth E. Arnold, PE, NAE

Dr. Robert Bea, Department of Civil and Environmental Engineering,  
University of California at Berkeley

Dr. Benton Baugh, President, Radoil, Inc.

Ford Brett, Managing Director, Petroskills



Dr. Martin Chenevert, Senior Lecturer and Director of Drilling Research Program, Department of Petroleum and Geophysical Engineering, University of Texas

Dr. Hans Juvkam-Wold, Professor Emeritus, Petroleum Engineering, Texas A&M University

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