

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

HORNBECK OFFSHORE SERVICES, LLC,)
)
Plaintiff,)
)
 v.)
)
KENNETH LEE “KEN” SALAZAR, in)
his official capacity as Secretary, United)
States Department of the Interior;)
ROBERT “BOB” ABBEY, in his official)
capacity as Acting Director, Minerals)
Management Service; and MINERALS)
MANAGEMENT SERVICE,)
)
Defendants.)

CIVIL ACTION NO. 10-1663(F)(2)
SECTION F
JUDGE FELDMAN
MAGISTRATE 2
MAGISTRATE WILKINSON

I, Michael Senatore, under penalty of perjury, depose and state:

I am Vice President of Conservation Litigation and General Counsel of Defenders of Wildlife (“Defenders”). Defenders is a national non-profit, public interest organization founded in 1947. Defenders of Wildlife is dedicated to the protection and restoration of all native wild animals and plants in their natural communities. Based in Washington, D.C., and with offices spanning from Florida to Alaska, Defenders has over 415,000 members across the nation. Defenders is a leader in the conservation community’s efforts to protect and recover threatened and endangered species, including sea turtles, whales, birds, and other species impacted by the BP Deepwater Horizon spill and other Gulf OCS activities.

As Vice President of Conservation Law and General Counsel of Defenders, my responsibilities include directing and managing all litigation, supervising staff attorneys, and advising staff on a variety of legal issues.

Defenders has over 34,000 members from the states of Louisiana, Mississippi, Alabama, and Florida, in the vicinity of the Gulf of Mexico and areas impacted by the ongoing oil spill, oil drilling operations in the Gulf of Mexico, and the six month moratorium on deepwater drilling that Hornbeck Offshore seeks to overturn in this case. Defenders' members in the Gulf region, in addition to members from across the country, visit, recreate, observe birds and other wildlife, photograph and otherwise use and enjoy the public lands, beaches, wetlands and other lands and waters of the Gulf Coast.

Defenders' members regularly use, enjoy, and benefit from healthy coastal and marine ecosystems and the presence of diverse coastal and marine life, including the threatened and endangered birds, whales, sea turtles, marine mammals, and other marine species that are likely to be killed, injured, or disturbed by oil spills resulting from oil drilling operations in the Gulf of Mexico. Defenders' members derive recreational, aesthetic, economic and scientific benefits from coastal and marine life in the Gulf of Mexico.

The ongoing deepwater oil spill has resulted in substantial harm to the coastal and marine environments, including the disturbance, injury, and death of coastal and marine life, and harms the interests of Defenders' members. The ongoing spill has killed or harmed numerous species of wildlife both offshore and as the oil has washed on to coastal beaches and wetlands. The amount of the spill to date and continuing inability to control the spill in deepwater has damaged the wildlife and fisheries of the affected area and the fishing, recreation, and tourism industries built on the natural resources, water quality, beaches, and wetlands of the Gulf Coast. Defenders' members' wildlife oriented activities and their enjoyment of the wildlife resources of the Gulf Coast have been substantially harmed by the ongoing oil spill and would be further harmed by additional spills.

I believe the depth of the BP blowout has contributed to the difficulty in controlling the flow of oil into Gulf waters. I have observed over the last several weeks that various efforts to halt the flow of oil have failed. The federal government estimates millions of gallons have spilled into the Gulf. On May 27, 2010, the Department of the Interior announced the reasonable action of imposing a six month moratorium on new deepwater drilling and suspension of 33 deepwater wells being drilled and the establishment of a panel to investigate the spill and recommend actions to prevent future spills. Allowing deepwater drilling to continue before the completion of an adequate investigation of this unprecedented disaster and implementation of measures to decrease the risk of additional spills imposes additional risks to the environment and economy of the Gulf region.

As set forth above, Defenders and its members have interests which would be adversely affected and harmed by the increased risk of additional environmental impacts to the Gulf of Mexico and associated coastal ecosystems that may result from the cancellation or lifting of the six month moratorium on deepwater drilling which would allow deepwater drilling to proceed before an adequate assessment of safety and risk in light of the BP deepwater blowout and disaster and implementation of appropriate actions to reduce or eliminate this risk. These actual and potential injuries will result from a cancellation or lifting of the six month moratorium on deepwater drilling. The injuries from lifting the moratorium will not be redressed except by an order from this Court denying Hornbeck Offshore's request to enjoin or cancel the six month moratorium on deepwater drilling.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in black ink, consisting of several fluid, connected strokes, positioned above a horizontal line.

Signature

6/16/2010

Date

WASHINGTON, D.C.