

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

HORNBECK OFFSHORE SERVICES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	No. 10-1663(F)(2)
KENNETH LEE “KEN” SALAZAR, in his	)	
official capacity as Secretary, United	)	SECTION F
States Department of the Interior;	)	
ROBERT “BOB” ABBEY, in his official	)	JUDGE FELDMAN
capacity as Acting Director, Mineral	)	
Management Service; and MINERALS	)	MAGISTRATE 2
MANAGEMENT SERVICE,	)	MAGISTRATE WILKINSON
	)	
Defendants.	)	
_____	)	

**DECLARATION OF PETER GALVIN IN SUPPORT OF |  
PROPOSED DEFENDANT-INTERVENORS’ MOTION TO INTERVENE**

I, Peter Galvin, do hereby declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. The Center for Biological Diversity (“Center”) is a tax-exempt, non-profit, membership organization with over 42,000 members and offices in various states, including over 3,500 members in the Gulf of Mexico region. The Center is dedicated to the preservation, protection, and restoration of biodiversity, native species, ecosystems, and public lands. The Center’s members and staff use the Gulf of Mexico for wildlife observation, research, nature photography, aesthetic enjoyment, recreational, educational, and other activities. The Center is

one of the leading conservation groups advocating for protection of the Gulf of Mexico against deepwater oil and gas drilling.

3. As a member, board member, and staff person of the Center, I too have personal interests in the Gulf of Mexico. I have visited the Gulf of Mexico region numerous times over my lifetime in both my professional and personal capacity. My travels and research have taken me to the coastline of all the Gulf States. I've spent considerable time enjoying the Gulf of Mexico in the panhandle region of Florida and on the Ft. Morgan Peninsula on the Alabama coast. I have family who live in Alabama and I visit there regularly. My first visit to the Gulf occurred around 1975 and my most recent visit to the Gulf Coast was this past Christmas 2009. I've visited the Gulf of Mexico more than 15 times and I look forward to many more visits there. Specifically, I plan to visit Alabama and the Gulf Coast just after this Christmas 2010 and into early January 2011. I have plans to visit the Ft. Morgan area along the Alabama coast and St. George Island, off the Florida Coast.

4. My interests and the interests of other members of the Center for Biological diversity have been adversely affected by the BP oil spill in the Gulf of Mexico, and would be adversely affected by future spills and ongoing offshore drilling activities. The Center's members' interests in wildlife oriented activities. For example, the oil spill has damaged the Gulf coast's coastal wetlands that provide crucial nesting and resting habitat for migratory birds. The oil spill occurred during the height of sea turtle nesting season threatening the future survival of endangered sea turtles and hundreds of dead sea turtles are washing up along the Gulf's shores. Our abilities to view these wildlife, enjoy their natural habitat, and to advocate for their protection are inhibited by this oil spill. Similarly, any future oil spill threatens similar injuries to the Center and its members.

5. Since the organization's founding in 1989, the activities of the Center have focused on the protection of endangered species and their habitats. The Center has several programs in place to address the many components of such advocacy including an Oceans Program, Climate, Air, and Energy Program, and Biodiversity Program.

6. I am one of the founders of the Center and helped create its organizational purpose and goals. Currently, I am the Conservation Director of the organization and serve on the Board of Directors.

7. In helping create the Center, I sought to establish a nonprofit organization that addressed many of my personal interests in protecting endangered species from the many threats they face such as habitat loss, land development, resource extraction, and climate change. In addition, the Center was created to protect the interests of its staff, members, and board in regard to the future well-being of endangered species, including the protection of the natural habitats and species that Center's members enjoy.

8. As part of its mission, the Center provides oversight of governmental activities that impact endangered species. The Center has been at the forefront of efforts to hold the government accountable for its obligations under the Endangered Species Act and engages in litigation strategies to ensure that our nation's environmental laws are enforced with respect to imperiled wildlife and its habitat.

9. The Center's Oceans Program focuses on the protection of marine species and their ocean habitats, including significant efforts to ensure the conservation of marine mammals. The Center has worked extensively to protect marine life from threats to their survival and recovery; this includes, *inter alia*, efforts to ensure Endangered Species Act protections for several species. The Center has undertaken numerous specific efforts to conserve species

affected by offshore oil and gas activities including sperm whales, North Atlantic right whales, bluefin tuna, right whales, loggerhead, leatherback, and Kemp's Ridley sea turtles, smalltooth sawfish, manatees, elkhorn and staghorn corals in the Gulf of Mexico, as well as polar bears, walrus, southwest Alaska population of sea otter, spectacled and Steller's eiders, Cook Inlet beluga whales, among other species in areas of Alaska slated for offshore drilling.

10. The Center provides oversight of offshore oil and gas activities affecting marine and coastal species and their habitat. The Center has worked to reduce ship collisions and noise pollution from harming marine mammals, a risk associated with deepwater oil and gas development. In 2007, the Center challenged the Minerals Management Service's 5-year plan for offshore oil development 2007-2012 on environmental grounds, and the D.C. Circuit subsequently vacated the 5-year plan. Our organization has also worked to protect Arctic wildlife and habitat from the impacts of offshore oil and gas development, including oversight of the Minerals Management Service, litigation to ensure environmental compliance, and administrative appeals of industry permits.

11. The Center has also been engaged in activities related to the moratorium on deepwater drilling. Specifically, the Center has advocated for stricter environmental oversight of offshore drilling and regulatory reform to better protect the marine environment from the risks of offshore drilling, including deepwater drilling. The six-month moratorium allows for such safety and environmental analysis and measures. The Center has monitored the Minerals Management Service's approvals of exploration and development plans and applications to drill and found that most evade environmental review. The Center has disseminated this information to the public, petitioned the Minerals Management Service for better environmental review, and has litigation

pending over the plans that were approved absent adequate environmental analysis. The temporary moratorium may allow resolution of these regulatory problems.

12. I am aware that routine activities of offshore oil and gas activities, including deepwater drilling, have adversely affect the wildlife and habitat. For example, drilling and seismic surveys create noise pollution that can interfere with wildlife behavior and cause hearing loss. Additionally, the discharges of drilling muds and produced waters can contaminate the marine environment and poison wildlife. Marine debris from offshore rigs and vessels can entangle and drown sea turtles and marine mammals.

13. I am also aware that oil spills adversely affect the marine life and habitat that the Center works tirelessly to protect. Oil is toxic to sea turtles, birds, fish, and other wildlife that come into contact with it or ingest it. Oil pollutes the environment and can impair important spawning grounds and wetland nesting habitat. Oil spills can and do occur from offshore deepwater drilling, as is all too evident from the *Deepwater Horizon* spill. I have read a government report that officials have collected 770 dead birds, 341 dead sea turtles, and 41 dead mammals since the oil spill began. I believe that deepwater drilling increases the risk of such oil spills and impacts on the environment than if such drilling did not occur.

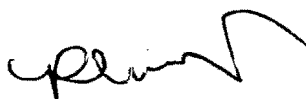
14. I believe that the moratorium on deepwater drilling is important for safety inspections and to ensure thorough environmental review and safety measures for offshore drilling. This in turn, affords better opportunities for the government to secure compliance with environmental laws, which aim to protect the Center's interests. The Center's interests in wildlife and their habitat are better protected from the environmental effects of both routine operations of offshore oil activities as well as accidents such as oil spills, which have proven devastating to wildlife.

15. The relief sought in this case directly impairs the interests of the Center, its members, and its staff because lifting the moratorium will expose the wildlife and its habitat to additional environmental impacts than if the short-term moratorium is left in place.

16. In sum, the Center was organized for the protection of native species and their habitats, including those affected by the case at hand. The interests of the Center, its members, board, and staff may directly affected by the outcome of this litigation. The instant action is central to the organization's purpose and the Center is well suited to advocate on behalf of those interests.

17. As set forth above, the Center for Biological Diversity 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 and was executed on June 16, 2010 in Shelter Cove, California.



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Peter Galvin