

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

ANIMAL WELFARE INSTITUTE, <u>et al.</u>)	
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)	
Plaintiffs,)	
)	
)	
v.)	Civ. No.
)	
)	
BP America, <u>et al.</u> ,)	
)	
Defendants.)	

DECLARATION OF MICHAEL ELLIS

1. My name is Michael Ellis and I am a charter boat captain. I own Relentless Sportfishing Charters, which is headquartered in Venice, Louisiana. I have been involved in offshore fishing for more than 20 years, and I have been chartering boats, including in the Gulf of Mexico, since 1992.

2. Because of the BP Deepwater Horizon oil spill and its consequences, many of the Gulf's unique marine resources have been irreversibly harmed. Like many other charter fisherman, I answered the call of duty to assist with the oil spill cleanup efforts. I have entered multiple Vessel Of Opportunity ("VOO") contracts with BP since the spill occurred to provide services aimed at reducing the environmental damage and related impacts to the Gulf's ecosystem and economy.

3. The first VOO contract I entered into with BP required me to lead a boat of Coast Guard officials, media, and other individuals to various locations of interest related to the oil

spill. When that contract expired, I entered into a second VOO contract with BP (Requisition # TOM-12227), which required me to charter a boat with conservation biologists and other turtle rescuers attempting to save endangered sea turtles that had been affected by the oil spill.

4. For example, a few weeks ago (on approximately June 13, 2010), I chartered a boat that included Dr. Brian Stacy of the National Oceanic and Atmospheric Administration, and we were involved in a turtle rescue effort with other charter boats that included Dr. Blair Witherington of the Florida Fish and Wildlife Conservation Commission. On that particular day, our team rescued approximately ten turtles (by scooping them up with a net) – which the scientists identified as eight Kemp’s Ridley turtles, one Hawksbill turtle, and one Loggerhead turtle. That day we also recovered four dead turtle carcasses – all of which the scientists identified as Kemp’s Ridley turtles. Because of the thickness of the oil in the oil line – which is where large amounts of oil accumulate at the convergence of two differing currents – many of the live sea turtles were stuck and were effectively immobilized until we rescued them and returned them to safety.

5. On the day described above, as well as on other trips, I have personally observed BP’s practice of controlled burning. In short, this practice consists of two shrimp trawlers paralleling an oil line with fire-resistant booms (which are spars swung out from the side of a vessel) to collect a concentrated volume of leaked oil, and then the trawlers turn around and effectively corral the oil and any entangled debris into a circular or oblong shape, typically 60-100 feet in diameter. The ignitor boat then ignites a flame that burns the combustible oil muck that has been collected, including anything stuck in the thick material in this “burn box,” which includes any sea turtles stuck in the oil sludge and immobilized by the sludge. I have been very close to multiple fires in these burn boxes (as close as approximately 1/4 mile from the nearest

fire, and at one point 200 yards from the shrimp boat pulling the boom), and the oil collected at these oil lines is very thick. Based on my many years of marine experience, it would be difficult for an oil-soaked sea turtle to dislodge itself from the thick oil in a burn box to swim to safety before being burned.

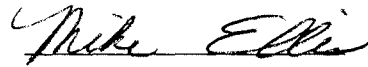
6. The threat to various species of endangered sea turtles is especially disconcerting here because of the close proximity of documented turtle captures to BP's controlled burns in its burn boxes. For example, on the trip described above where approximately ten endangered turtles were rescued, we were very near multiple burns, and, more importantly, those burns were on the same oil line as the turtles that we were able to rescue. As any marine scientist or professional sea fisherman knows, species of marine animals that are found on one part of an oil line (or any current line for that matter) are very likely to be found going in either direction on that same line in close proximity. Therefore, based on my years of experience in the Gulf of Mexico, it is almost certain that endangered turtles were present in the burn boxes that I observed on the same oil line where our rescue team saved ten endangered turtles, and that these turtles will continue to be present in similar burn boxes that continue to be used by BP as part of its practice of controlled burns.

7. Because BP has refused to let me and other boat captains get close enough to examine the burn boxes prior to igniting the fires, I expect that turtles will continue to be burned in the burn boxes. Indeed, considering the frequency with which our rescue team was finding and saving turtles on the same oil lines where the burns occur, it is almost certain that turtles will continue to be burned and harmed by BP as part of its current practice of controlled burns.

8. Based on my personal observations, BP has not adopted a regular practice of

including scientists and turtle rescuers as observers on every ignitor boat prior to burns. To the extent that BP has occasionally allowed observers on its ignitor boats, it is my opinion that, despite the difficulty of spotting the turtles stuck in the thick oil muck in a burn box, this practice would successfully allow rescuers to collect most of the stuck turtles prior to ignition. For the turtles that our team rescued, we had to get very close to observe and identify turtles in the oil, and that occurred in areas where a thick volume of oil had not been collected as the case in burn boxes; however, once a turtle was spotted it was a relatively simple task to collect it.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink that reads "Mike Ellis". The signature is written in a cursive, flowing style.

Michael Ellis

June ~~27~~²⁹, 2010