

UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF LOUISIANA

ATCHAFALAYA BASINKEEPER, LOUISIANA
CRAWFISH PRODUCERS ASSOCIATION-WEST,
GULF RESTORATION NETWORK,
WATERKEEPER ALLIANCE, and SIERRA CLUB
and its DELTA CHAPTER,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS

Defendant.

Civ. No. 3:18-cv-00023-SDD-EWD

DECLARATION OF JAN E.
HASSELMAN IN SUPPORT OF
MOTION FOR TEMPORARY
RESTRAINING ORDER

I am lead counsel for plaintiffs in this matter. Pursuant to Fed. R. Civ. P. 65(b)(1) and L.R. 65, I hereby certify as follows:

1. On January 25, 2018, I spoke by telephone with counsel for federal defendant U.S. Army Corps of Engineers regarding plaintiffs' concern that construction on the project appeared to have begun and that plaintiffs would likely need to seek preliminary injunctive relief pending resolution of the case. Because more information was needed from the proponent regarding the status of construction, we agreed on that call to schedule a further discussion that included counsel for the proponent, proposed-intervenor Bayou Bridge Pipeline LLC, to ascertain the construction status of the project and the need for preliminary injunctive relief.

2. That call took place on Monday, January 29, 2018, at 2 p.m. central time. During that call, counsel for intervenor stated that construction has begun in the Atchafalaya Basin and, as of the time of the call, intervenor would not agree to voluntarily suspend construction in the Basin pending resolution of a preliminary injunction motion. Counsel further stated that, while

construction schedules can be difficult to predict with certainty, proposed-intervenor anticipated that most or all of the clearing through the Basin would be complete by the middle of February, or a period of around three weeks from the date of the call. At that time, the company planned to begin constructing ditches and putting the pipeline in place.

3. I requested that intervenor consider a short delay in the construction schedule to give the parties a chance to oppose a temporary restraining order. Counsel for intervenor stated that while he believed that intervenor would not agree to such a delay, he would inquire with his client. At the time of this filing, however, no response to this request has been provided. On information and belief, construction—including clearing of a 75-foot wide right of way through the Atchafalaya Basin, which plaintiffs believe will cause irreparable environmental and economic harm—is proceeding now.

4. All preliminary injunction pleadings and papers will be served on counsel for both defendants and proposed-intervenors at the time they are filed with this Court, both via the ECF filing system as well as a separate email service to counsel directly.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of January, 2018, in Seattle, Washington.



Jan E. Hasselman