

Testimony of Captain Michael A Frenette

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Before the

U.S. Senate Committee on Environment and Public Works Committee

Legislative hearing to consider S. 3305, Big Oil Bailout Prevention Liability Act of 2010

June 9, 2010

First of all, I would like to thank everyone on the committee for the opportunity to express my comments relative to the modification of caps on liability in the Oil Pollution Act of 1990.

We are all aware of BP's tragic accident that occurred April 20, 2010, specifically the explosion that occurred on the Deep Water Horizon drilling platform owned by Trans Ocean America, which was located approximately 50 miles from the mouth of the Mississippi River, south of Venice, Louisiana. That being said, I would like to extend my sincere condolences to the 11 families that were immediately affected as a result of that explosion which tragically took 11 men's lives.

Twenty-nine years ago I pursued my dream, turning a passion into a business and today I own a lodge, located in Venice, which caters to anglers from all over the world pursuing their dream of experiencing the best fishing that the United States has to offer.

Twenty-nine years ago Venice was virtually unknown, other than to the citizens of the surrounding New Orleans area. Venice is located in Plaquemines Parish, in the heart of the richest estuary that the United States has, an area called the "Mississippi Delta."

This rich estuary feeds into the Gulf of Mexico and creates life for more than 400 marine and coastal fish, in addition to wildlife species. The near off shore waters of the Gulf as well as the intricate inshore waters, incorporate a complex system of bays, bayous, canals, and marsh land that are the breeding grounds for the majority of these species.

The Delta is the spawning grounds for countless numbers of marine life, mammals, and birds. Included in this beautiful, one of a kind estuary, the ecosystem is brought to a full circle. It all begins in this estuary, starting from the plankton and the invertebrates, to the eggs and larva of numerous marine lives, to the delicious seafood that the entire country—as well as the rest of the world—enjoys.

Yes, this estuary is home to 30% of the seafood that is cultivated for the United States and is the area where 70% of Louisiana's seafood is harvested. This is home for the jumbo shrimp, oysters, blue crabs, and more fish than I have time to mention.

Within this delta region thousands of commercial fishermen, charter fishermen and guides, and recreational fisherman, have a strong economic impact on Louisiana's economy. Let's put this into perspective, the following industries which are DIRECTLY impacted by this disaster, contribute the following sums annually to the local economy:

- The Oyster industry, \$317 million (Louisiana supplies 70% of the oysters to the entire United States);
- The Shrimping industry, \$1.3 billion;
- The Blue crab industry, \$293 million;
- Louisiana's Charter Boat and Guide industry, \$419 million.

Venice's Charter Boat and Guide industry was the first to be impacted by this oil spill. Today virtually all waters inshore or offshore south of Venice are closed and will be closed for an indefinite period for all types of fishing. The severity of this is that Venice, Louisiana, has earned the right and is duly noted as the number one fishing destination in the continental United States. It is considered to be in the top five fishing destinations in the world. Over 400,000 anglers are licensed, creating a total economic impact to the state, just in saltwater fishing of over \$1 billion.

Also keep in mind that 70% of Louisiana's seafood harvest comes from Plaquemines Parish, the area that has been hit the hardest from the Deep Water Horizon oil spill, affecting again, what was the richest estuary that existed in the United States.

At this point, oil covers many miles of this estuary and quite honestly a large part of it is dying daily as a result of this spill. Vegetation that was once green, are now covered with oil and more and more areas are dying as I speak. As the oil saturates the Delta area, it is saddening to see the devastation that I have personally observed. Oiled birds, oiled crabs, and dead fish floating in oil saturated areas are sights that quite honestly have brought tears to my eyes.

This devastation is not a "natural" disaster, this disaster, and it truly is a disaster of great magnitudes, was created by man. A disaster that I truly feel could have been avoided.

Oil companies at this time have the opportunity to hide behind the "veil" of a \$75 million liability cap, a cap that obviously will not cover the economic losses that the hard working people of this beautiful part of the United States are currently experiencing and will continue to experience for quite some time. I am sure that there will be arguments from the oil industry side as to how they will be affected if the 75 million dollar cap is lifted. But I ask: should corporations that net billions of dollars annually be allowed to hide behind a protective "veil" of a liability cap, even while their actions devastate thousands of lives?

The possibility truly exists for many livelihoods to cease, livelihoods that have existed for generations and now are on the brink of financial disaster, because of poor decisions by a super corporate entity that has created the worst oil spill in history off the coast of Louisiana. Profits in the oil industry can be tremendous and of course I understand for super corporate companies to make great profits, they need to take great financial risks as well. But the risks should be just that, financial. Why shouldn't our environment, our way of living, our livelihoods, not be included in their risks?

Our industry, as well as the other industries that I have previously mentioned, have come to a halt. Fishing, both commercial as well as recreational is shut down, our estuary and I should say YOUR estuary is under siege at this moment by chemicals that could have permanent devastating results not only to the fisheries but catastrophically to humans, in the form of a collapse of a strong economical catalyst that drove not only Plaquemines Parish, but unfortunately stretched across the gulf coast, with a continuing ripple effect that covers the entire United States.

We are also concerned about the chemicals contained within the dispersant that BP is using, which has saturated our area of the gulf. It is now present in our estuary, as well, and by way of

currents. Large plumes of toxic contamination aimlessly drift off Louisiana's coast, further exemplifying the "state of emergency" that our Delta region is in.

Why should any super corporate oil company, or for that matter any oil company, be allowed to operate and not be responsible for their actions? Their actions are causing As a result of their actions, could cause again, total devastation to the environment as well as total economic loss to humans?

At a minimum, BP, or any other oil company, that is deemed responsible for damages to wetlands, wildlife and fisheries and for the economic damages to individuals and businesses, should be held accountable for these damages. The wetlands, wildlife and fisheries should be returned to their original condition, or even better than what existed prior to any spill. It is impossible to clean these wetland areas, and BP should be held accountable for restoring their productivity and vibrancy by re-introducing the water and sediment from the Mississippi River that can make these areas sustainable. Additionally, every human being or business that was affected as a result of the oil spill and governed under the OPA should be compensated for every current and further loss that is attributable to the accident.

Please do not allow my dream and that of many others, including my two sons to vanish.

BP, including Mr. Tony Hayward himself has stated on many occasions that they will restore the wetlands, wildlife and fisheries back to its original condition, in fact if they can, even better than before and they will make every individual or business that has been affected and experienced a loss as a result of this tragedy **WHOLE, NO MATTER WHAT.**

If Mr. Hayward stands by his own statements, then I say to each and every one of you, it's time to lift the 75 million dollar cap of liability and truly hold any company that recklessly creates such a disaster responsible for their actions.



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