

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

ANNE WHITE HAT, RAMON MEJÍA,
and KAREN SAVAGE,

Plaintiffs,

v.

Civil Action No. 6:20-cv-00983

BECKET BREAU, in his official
capacity as Sheriff of St. Martin Parish;
BOFILL DUHÉ, in his official capacity as District
Attorney of the 16th Judicial District Attorney's
Office,

JUDGE ROBERT R. SUMMERHAYS

MAGISTRATE JUDGE
CAROL B. WHITEHURST

Defendants.

X

**DECLARATION OF PAMELA SPEES
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, PAMELA SPEES, declare and state as follows:

1. I am an attorney with the Center for Constitutional Rights and counsel to Plaintiffs in the above-captioned case and submit this declaration in support Plaintiffs' Motion for Summary Judgment.

2. Attached hereto as Exhibit A is an excerpt of true and correct copy of the testimony of Kyle R. Kline, Jr., Executive Assistant to the Governor of Louisiana for Coastal Activities given at an oversight hearing before the Environment and Public Works Committee of the United States Senate on the U.S. Army Corps of Engineers' Civil Works Program on May 8, 2019, obtained through the official website of the committee, and *available at*:

https://www.epw.senate.gov/public/_cache/files/5/8/58a109ee-0993-44ba-980a-2e3e26361339/43FA5829FC190C155E47E5B820F63881.kline-testimony-05.08.2019.pdf.

3. Attached as Exhibit B is a true and correct copy of an excerpt from the appendix to the report cited by Kyle Kline in his testimony before the Senate Committee on Environment and Public works, entitled *Appendices to Economic Evaluation of Coastal Land Loss in Louisiana*, also available at <http://coastal.la.gov/wp-content/uploads/2015/12/LSU-Rand-Economics-of-Land-Loss-Appendices.pdf>.

4. Attached as a Exhibit C is an excerpt of true and correct copy of a report by the Louisiana Geological Survey entitled *Field Investigation and Digital Mapping of the Pipeline Crossings of the Ouachita/Black River System in Louisiana* in 2004, also available at <https://www.lsu.edu/lgs/publications/Pipeline-Project-Reports/ouachitablack-report.pdf>.

5. Attached hereto as Exhibit D is an excerpt of true and correct copy of a report prepared by the Louisiana Geological Survey entitled *Research and Development of a GIS of Oil and Gas Transmission Pipelines in the Lafayette, Louisiana Vicinity*, also available at <https://vdocuments.site/research-and-development-of-a-gis-of-oil-and-gas-oil-and-gas-transmission.html>.

6. Attached as Exhibit E is a true and correct copy of a webpage of the National Pipeline Mapping System maintained by the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation, also available at <https://www.npms.phmsa.dot.gov/About.aspx>.

7. Attached as Exhibit F is a true and correct copy of a webpage of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation, also available at <https://primis.phmsa.dot.gov/comm/PipelineBasics.htm?nocache=2436>.

8. Attached as Exhibit G is a true and correct copy of a pie chart generated by the National Pipeline Mapping System operated by the Pipeline Hazardous Materials and Safety

Administration, of the U.S. Department of Transportation, that I accessed and generated on April 4, 2022, and which depicts “The Root Causes for Pipeline Incidents Caused by Excavation Damage 2010-Present.”

9. Attached as Exhibit H are true and correct copies of a sampling of local, national, and international news coverage of the pipeline project, protests against it, and industry responses, including:

1. JR Ball, *With Bayou Bridge Pipeline, Louisiana again weighs oil, environment*, The Times-Picayune, Feb. 10, 2017, available at https://www.nola.com/news/environment/article_daa20c89-8696-5413-b6dc-7f462a3144da.html.
2. Liz Hampton, *Pipeline fights move from Dakota prairie to Louisiana bayous*, Reuters, Feb. 22, 2017, available at <https://www.reuters.com/article/us-usa-pipeline-protests-idUSKBN1610H4>
3. Travis Lux, *Crawfishers, Environmentalists Link Arms To Fight Pipeline*, WWNO, March 7, 2019, available at <https://www.wwno.org/coastal-desk/2018-03-07/crawfishers-environmentalists-link-arms-to-fight-pipeline>
4. Michael Patrick Welch, *Protests escalate over Louisiana pipeline by company behind Dakota Access: Louisiana residents are starting to get involved in environmental issues and are making themselves heard about the disputed Bayou Bridge pipeline*, The Guardian, Jan. 15, 2017, also available at <https://www.theguardian.com/environment/2017/jan/15/louisiana-bayou-bridge-pipeline-standing-rock>.
5. Associated Press, *Southern Louisiana pipeline draws environmental opposition*, Yahoo! Finance, Jan. 22, 2017, available at <https://finance.yahoo.com/news/southern-louisiana-pipeline-draws-environmental-opposition-170141734.html>
6. Rosalie Chan, *6 Pipelines Projects You Need to Know About: Residents and Native American activists have been protesting against these pipelines*, TeenVogue, July 12, 2017, available at <https://www.teenvogue.com/story/6-pipelines-projects-you-need-to-know-about>.

7. David J. Mitchell, *St. James Parish Council narrowly approves land use needed for controversial Bayou Bridge pipeline*, The Advocate, Aug. 23, 2017, available at https://www.theadvocate.com/baton_rouge/news/article_75ce88a4-885e-11e7-b190-2b6288b27150.html
8. Steve Hardy and David J. Mitchell, *Bayou Bridge Pipeline begins construction in Louisiana amid protests, legal challenges*, The Advocate, Jan. 24, 2018, available at: https://www.theadvocate.com/baton_rouge/news/courts/article_4dc0be78-012a-11e8-b293-cbc2716bdce6.html.
9. Laura Zanolli, *'They're billin' us for killin' us': activists fight Dakota pipeline's final stretch*, The Guardian, Oct. 16, 2018, available at <https://www.theguardian.com/environment/2018/oct/16/dakota-access-pipeline-bayou-bridge-protest-activism>.
10. *Dallas firm's 162-mile pipeline through nation's largest river swamp gets its day in court: The Bayou Bridge pipeline is the last link in a pipeline network connecting the Bakken oil fields in North Dakota with Louisiana refineries and export terminal*, The Dallas Morning News, April 30, 2018, available at: <https://www.dallasnews.com/business/energy/2018/04/30/dallas-firm-s-162-mile-pipeline-through-nation-s-largest-river-swamp-gets-its-day-in-court/>
11. Jeff Mosier, *U.S. judge: Energy Transfer's Louisiana pipeline threatens 'already diminishing wetlands,'* The Dallas Morning News, Feb. 28, 2018, available at <https://www.dallasnews.com/business/energy/2018/02/28/u-s-judge-energy-transfer-s-louisiana-pipeline-threatens-already-diminishing-wetlands/>.
12. Mark Schleifstein, *State Bayou Bridge Pipeline permit illegal, state judge rules*, The Times-Picayune, Jul. 12, 2019, available at https://www.nola.com/news/environment/article_f009e49e-50bf-5b50-b21a-cfc0775e5304.html
13. Tristan Baurick, *Bayou Bridge Pipeline is now complete, after years of controversy*, The Times-Picayune, March 27, 2019, available at https://www.nola.com/news/environment/article_6d2b011b-8887-5712-809d-280410ebb64c.html.

14. Nicholas Kusnetz, *How Energy Companies and Allies Are Turning the Law Against Protesters*, Inside Climate News, Aug. 22, 2018, available at <https://insideclimatenews.org/news/22082018/pipeline-protest-lawsfelony-free-speech-arrests-first-amendment-oklahoma-iowa-louisiana>.
15. National Public Radio, *Activists Say New Laws to Protect Critical Infrastructure Aim to Silence Them*, Sept. 25, 2019, available at <https://www.npr.org/2019/09/25/763530303/activists-say-new-laws-to-protect-critical-infrastructure-aim-to-silence-them>.
16. Nicholas Kusnetz, *Driven by Industry, More States are Passing Tough Laws Aimed at Pipeline Protesters*, Inside Climate News, April 12, 2021, available at <https://insideclimatenews.org/news/12042021/laws-pipeline-protests-line-3/>.
17. Steve Hardy, *Protest a pipeline, become a felon? In Louisiana, that's possible. Groups challenging new law*, The Advocate, May 22, 2019, available at https://www.theadvocate.com/baton_rouge/news/environment/article_47bf22f6-7bf6-11e9-9e4b-bbd2c9dfcd97.html
18. Alleen Brown, *A Powerful Petrochemical Lobbying Group Advanced Anti-Protest Legislation in the Midst of the Pandemic*, The Intercept, June 7, 2020, available at <https://theintercept.com/2020/06/07/pipeline-petrochemical-lobbying-group-anti-protest-law/>
19. Alexandria Herr, *'They criminalize us': how felony charges are weaponized against pipeline protesters*, The Guardian, Feb. 10, 2022, <https://www.theguardian.com/us-news/2022/feb/10/felony-charges-pipeline-protesters-line-3>
20. International Center for Non-Profit Law, U.S. Critical Infrastructure Law Tracker, accessed at: <https://www.icnl.org/usprotestlawtracker/?location=&status=&issue=6&date=&type=>.

10. Attached as Exhibit I is a true and correct copy of Oklahoma's critical infrastructure law,
21 Okl.St. Ann. § 1792, which went into effect on May 3, 2017.

11. Attached as Exhibit J is a true and correct copy of a webpage of the American Legislative Exchange Council which contains the association's model legislation entitled "Critical

Infrastructure Protection Act,” was accessed here: <https://alec.org/model-policy/critical-infrastructure-protection-act/>.

12. Attached as Exhibit K is a true and correct copy of a Letter to the Editor entitled *Pipeline protests negatively impact Louisianians*, from Craig Stevens, a spokesperson for GAIN, which stands for Grow America’s Infrastructure Now, a national coalition of oil and gas industry associations, that appeared in the Daily Iberian on April 9, 2019.

13. Attached as Exhibit L is a true and correct copy of House Bill 727, introducing amendments to La. 14:61, Louisiana’s statute prohibiting unauthorized entry of critical infrastructure.

14. Attached as Exhibit M is a true and correct copy of a transcript of the recorded session of a hearing on HB 727 before the Senate Judiciary Committee of the Louisiana Legislature on April 24, 2018. The official video recording of the session can also be accessed here: https://senate.la.gov/s_video/videoarchive.asp?v=senate/2018/04/042418JUDC_0.

15. Attached as Exhibit N is a true and correct copy webpage from the website of the Louisiana Mid-Continent Oil and Gas Association, www.lmoga.com/about-us.

16. Attached as Exhibit O is a true and correct copy of map of pipelines in Louisiana accessed from the website of the Louisiana Department of Natural Resources.

17. Attached as Exhibit P is a true and correct copy of a photograph received in discovery from the St. Martin Parish Sheriff’s Office.

18. Attached as Exhibit Q is a true and correct copy of excerpts from the deposition of Sgt. Chris Martin of the St. Martin Parish Sheriff’s Office taken on Feb. 18, 2022.

19. Attached as Exhibit R is a true and correct copy of the deposition of Captain Gabriel Gauthier of the St. Martin Parish Sheriff’s Office taken on Feb. 18, 2022.

20. Attached as Exhibit S is a true and correct copy of the deposition of Sgt. Andrew Bonvillain of the St. Martin Parish Sheriff's Office taken on Feb. 17, 2022.

21. Attached as Exhibit T is a true and correct copy of an affidavit by Glenn Stockstill received in discovery from the St. Martin Parish Sheriff's Office.

22. Attached as Exhibit U is a true and correct copy of a jail affidavit for Ramon Mejía received in discovery from the St. Martin Parish Sheriff's Office.

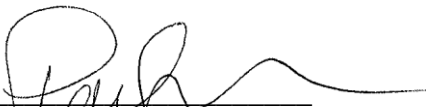
23. Attached as Exhibit V is a true and correct copy of a jail affidavit for Karen Savage received in discovery from the St. Martin Parish Sheriff's Office.

24. Attached as Exhibit W is a true and correct copy of a warrant affidavit for Anne White Hat received in discovery from the St. Martin Parish Sheriff's Office.

25. Attached as Exhibit X is a true and correct copy of a warrant affidavit for Karen Savage received in discovery from the St. Martin Parish Sheriff's Office.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 18, 2022


PAMELA SPEES