

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

ANIMAL WELFARE INSTITUTE, <u>et al.</u>)	
)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 10-1866
)	
)	
BP PLC, <u>et al.</u> ,)	
)	
Defendants.)	

[PROPOSED] ORDER

Upon consideration of plaintiffs’ motion for a temporary restraining order, the supporting memorandum and Declarations and Exhibits, and the replies thereto, it is this Day of , 2010

ORDERED that the motion is granted, and it is further

ORDERED that defendants immediately modify their oil containment activities in the Gulf of Mexico to insure, to the greatest degree possible, that they are not “taking” any endangered sea turtles, as that term is defined in the Endangered Species Act, 16 U.S.C. § 1532(19), and that statute’s implementing regulations, 50 C.F.R. § 17.3, unless and until defendants obtain an “incidental take permit” under Section 10 of the ESA, 16 U.S.C. § 1539(a)(1)(B). Such measures shall include, but not be limited to the following:

- (1) hiring more personnel to look for and remove endangered turtles from the oil corrals or “burn boxes” that are used by BP to collect the spilled oil that is going to be burned (including by requiring a qualified observer on every ignitor boat);

- (2) adopting an established protocol for turtle observation and rescue that, inter alia, requires that no burn commence unless and until a qualified observer is fully satisfied that no sea turtles are present within a particular burn box;
- (3) immediately cleaning and relocating any turtles that are discovered to an environment deemed safe by qualified scientists and/or turtle rescue professionals; and
- (4) implementing alternative oil containment strategies, such as skimming and surface capture, where dense concentrations of sea turtles exist (such as areas of dense sargassum grass where turtles are known to congregate) to reduce the risk of harm to sea turtles; and it is further

ORDERED that this injunction shall remain in place until further order of this Court.

United States District Judge