

# Deposition Testimony of:

## **Michael Saucier**

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Page 280:17 to 281:16

00280:17 Q. My name is Paul Thibodeaux and this is  
18 Robert Blankenship and we represent TransOcean.  
19 All right. Did you have an  
20 opportunity before your -- before testifying to  
21 read Mr. Patton's deposition testimony from a few  
22 weeks ago?  
23 A. No, I haven't.  
24 Q. Okay. Mr. Patton testified that he did  
25 not recall talking to anyone at TransOcean about  
00281:01 the Macondo Well from the middle of 2009 through  
02 April 20th, 2010.  
03 During that time frame, did you speak  
04 with anyone from TransOcean about the Macondo  
05 Well?  
06 A. No.  
07 Q. Mr. Patton also testified during that time  
08 frame TransOcean did not submit any documents to  
09 the MMS regarding the Macondo Well. During that  
10 time frame, are you -- you are not aware of any  
11 Macondo-related documents submitted by TransOcean,  
12 right?  
13 A. I'm not aware of any.  
14 Q. Are you aware -- you are aware that BP  
15 submitted numerous applications to the MMS  
16 regarding the Macondo Well, correct?

Page 281:18 to 282:02

00281:18 A. Yes.  
19 Q. (BY MR. THIBODEAUX) Those applications  
20 were applications for permit to drill,  
21 applications for a permit to modify, applications  
22 for a revised -- revised bypass?  
23 A. Yes.  
24 Q. And in those applications, there are  
25 numerous -- numerous representations that are made  
00282:01 by BP regarding various aspects of the Macondo  
02 Well, correct?

Page 282:04 to 282:08

00282:04 A. Repeat that, please.  
05 Q. (BY MR. THIBODEAUX) Yes. In those  
06 applications, there are numerous representations  
07 made by BP -- by BP regarding various aspects of  
08 the Macondo Well?

Page 282:10 to 282:22

00282:10 A. Correct.  
11 Q. (BY MR. THIBODEAUX) And the MMS relies on

12 those representations that were made by BP that  
13 are in those applications, correct?

14 A. We rely on the information submitted,  
15 correct.

16 Q. The MMS relies on the -- on the veracity  
17 of those representations that were made by BP in  
18 its submissions to the MMS, right?

19 A. Correct.

20 Q. And the MMS assumes that BP is telling the  
21 truth when it submits applications to the MMS,  
22 correct?

Page 282:24 to 283:04

00282:24 A. Yes.

25 Q. (BY MR. THIBODEAUX) And it's your  
00283:01 expectation that if BP discovered that something  
02 that it represented to the MMS was not true, that  
03 BP has a duty to correct that statement and tell  
04 MMS the truth, correct?

Page 283:06 to 283:10

00283:06 A. Yes.

07 Q. (BY MR. THIBODEAUX) Now, if BP does not  
08 correct statements that are inaccurate in its  
09 submissions to the MMS, that would be a regulatory  
10 violation, correct?

Page 283:14 to 284:08

00283:14 A. It could be, yes.

15 Q. (BY MR. THIBODEAUX) Okay. I want to talk  
16 just briefly about your -- your background. You  
17 testified yesterday, I believe, that you have a  
18 degree in petroleum engineering from LSU, correct?

19 A. Yes.

20 Q. And you went immediately into the MMS  
21 straight out of graduation, correct?

22 A. Correct.

23 Q. And that was in 1984?

24 A. Yes.

25 Q. Since 1984, all of your work with respect  
00284:01 to the MMS has been related to Gulf of Mexico  
02 drilling; is that right?

03 A. Yes.

04 Q. Okay. And in that capacity, since 1984,  
05 you have -- your job duties required you to be  
06 familiar with the MMS regulations as they apply to  
07 Gulf of Mexico drilling, correct?

08 A. Correct.

Page 315:10 to 315:13

00315:10 Q. Prior to the Macondo blowout, all of the  
11 BOP testing that was conducted aboard the  
12 DEEPWATER HORIZON was deemed acceptable by the --  
13 by the MMS, correct?

Page 315:15 to 315:19

00315:15 A. If we haven't issued any INCs, then that  
16 would be true.  
17 Q. (BY MR. THIBODEAUX) And you're not aware  
18 of any INCs related to BOP testing, correct?  
19 A. At this point in time, I'm not.

Page 321:01 to 321:06

00321:01 want to ask you: Have you spoken to anyone at  
02 Halliburton about the Macondo Well prior to  
03 April 20th of 2010?  
04 A. No, ma'am.  
05 Q. What about after April 20th of 2010?  
06 A. No.

Page 348:11 to 348:17

00348:11 Q. Okay. I asked you earlier if you had  
12 spoken to anybody from Halliburton about the  
13 Macondo Well. I should ask you the same question  
14 about Sperry-Sun, which is a product service line  
15 of Halliburton. Have you spoken with anybody from  
16 Sperry-Sun?  
17 A. No, ma'am.

Page 384:24 to 386:04

00384:24 Q. Let's talk about after the blowout when  
25 you became -- that was area commander or deputy  
00385:01 area commander for the Unified Command?  
02 A. Deputy area.  
03 Q. And other than attending those daily  
04 meetings you talked about yesterday, what were  
05 your responsibilities as deputy area commander?  
06 A. Reviewing a lot of the procedures for  
07 source control and keeping up with everything  
08 going on with trying to contain the well.  
09 Q. And you or Mr. Herbst tattoo, sign off on,  
10 and approved many of those procedures before they  
11 could go forward; is that correct?  
12 A. Either myself, Mr. Herbst, or Mike  
13 Prendergast, who came in later in -- in the scene  
14 as an additional deputy.  
15 Q. And is he from MMS as well?  
16 A. Yes.

17 Q. He was -- when he came in, he was serving  
18 as a deputy under Mr. Herbst?

19 A. Yes.

20 Q. I believe you said yesterday that you have  
21 not reviewed the report of the Oil Spill  
22 Commission; is that right?

23 A. That's correct.

24 Q. With your permission, I'm just going to  
25 read you a few sentences from that report and ask  
00386:01 you whether you agree with them, believe they're  
02 accurate with respect to oversight or  
03 source-control operations. All right?  
04 Quoting from the report --

Page 386:11 to 387:17

00386:11 Q. (BY MR. SAUNDERS) "While the Coast Guard  
12 oversaw the response at the surface, MMS primarily  
13 oversaw source-control operations."

14 Would you agree with that?

15 A. Yes.

16 Q. Continuing: "BP would draft detailed  
17 procedures describing an operation it wished to  
18 perform around the wellhead. MMS and Coast Guard  
19 officials in Houston participated in the drafting  
20 process to help identify and mitigate hazards,  
21 including risks to worker safety."

22 Is that accurate?

23 A. Yes.

24 Q. Continuing: "At Unified Area Command,  
25 Lars Herbst, MMS Gulf of Mexico Regional Director,  
00387:01 or his deputy, Michael Saucier, would review and  
02 approve the procedures, before the Federal  
03 On-Scene Coordinator gave the final go-ahead."

04 Is that correct?

05 A. Oh, you had -- you had to have BP sign  
06 off, MMS sign off, and the Coast Guard before it  
07 was actually approved.

08 Q. So, in other words, BP couldn't approve  
09 anything on its own without also getting the  
10 approval of MMS and the Coast Guard before that  
11 procedure could be tried; is that right?

12 A. That's correct.

13 Q. And finally, it says: "This hierarchy of  
14 approvals remained in place throughout the  
15 containment effort."

16 Is that also accurate?

17 A. Yes.

Page 391:14 to 391:18

00391:14 Q. Prior to the capping stack being placed,  
15 did anyone voice concerns to you that pressure in  
16 the sealed well could burst the rupture disks in

17 the casing and lead to a subsurface blowout?  
 18 A. Yes.

Page 391:20 to 392:08

00391:20 Q. (BY MR. SAUNDERS) Did MMS share those  
 21 concerns?  
 22 A. Yes.  
 23 Q. Who expressed that to you? Who expressed  
 24 those concerns to you?  
 25 A. With -- with MMS?  
 00392:01 Q. No. Within or outside MMS.  
 02 A. It was discussed between MMS and BP.  
 03 Q. And did MMS view the possibility of a  
 04 subsurface blowout as a significant risk?  
 05 A. Yes.  
 06 Q. Was MMS supportive of trying less risky  
 07 options to seal off the well before turning to  
 08 options that posed a risk of a subsurface blowout?

Page 392:11 to 392:15

00392:11 A. We were supportive of options to control  
 12 the well; and even when the capping stack was  
 13 placed, the option of the cap -- opening the  
 14 capping stack would prevent a subsea blowout if  
 15 it seemed like it were to occur.

Page 394:10 to 394:22

00394:10 Q. (BY MR. SAUNDERS) Please turn to Tab 57.  
 11 MR. SAUNDERS: We'll mark this as  
 12 Exhibit 4768.  
 13 (Marked Exhibit No. 4768.)  
 14 Q. (BY MR. SAUNDERS) This is an E-mail from  
 15 Mr. Herbst to you and others dated July 15th,  
 16 2010, regarding "Potential shut-in disagreement  
 17 with DOE."  
 18 I think you talked yesterday that you  
 19 were aware of a disagreement between DOE and BP on  
 20 July 15th with respect to keeping closed or  
 21 opening the well back up after the capping stack  
 22 had been placed; is that correct?

Page 394:24 to 395:14

00394:24 A. Yesterday's discussion was when to shut in  
 25 the capping stack.  
 00395:01 Q. (BY MR. SAUNDERS) Okay. If you look about  
 02 five lines from the bottom, Mr. Herbst says:  
 03 "There is much confusion as to who is in charge of  
 04 technical decision-making at the Federal level.  
 05 Up to this point decisions were made through the

06 Unified Command, U.S. Coast Guard, BOEM, BP. Some  
 07 decisions are also obviously made by Admiral Thad  
 08 Allen at the National Incident Command. It is  
 09 uncertain what clear role DOE has in the process."

10 Was there, as Mr. Herbst rec --  
 11 represents, as of July 15th, much confusion as to  
 12 who was in charge of technical decision-making at  
 13 the Federal level?

14 A. For some of these procedures, yes.

Page 395:18 to 396:12

00395:18 Q. And, finally, let me ask you to turn to  
 19 Tab 58 --  
 20 MR. SAUNDERS: -- which I'll mark as  
 21 Exhibit 4769.  
 22 (Marked Exhibit No. 4769.)  
 23 Q. (BY MR. SAUNDERS) Specifically the E-mail  
 24 in the middle from you to Karen Miller, dated  
 25 June 21st, 2010; and you talk about who has --  
 00396:01 that the U.S. Coast Guard has primary" -- "is the  
 02 primary agency for oil spill response." And "MMS  
 03 ensures that the responsible party deploys the oil  
 04 spill response equipment identified in the plan."  
 05 And that would be the oil spill  
 06 response plan submitted by BP that you're  
 07 referring to there, correct?  
 08 A. Yes.  
 09 Q. So, when you talk about the responsible  
 10 party in the last sentence of that E-mail, that  
 11 responsible party that you're referring to is BP,  
 12 correct?

Page 396:14 to 396:14

00396:14 A. Yes.

Page 397:20 to 397:25

00397:20 As far as I can tell -- and I'd like  
 21 you to correct me if I'm wrong -- you've told us  
 22 that you had no involvement in the determination  
 23 of flow rate. That was done by USGS scientists,  
 24 right?  
 25 A. Correct.

Page 401:25 to 402:07

00401:25 Q. (BY MR. O'KEEFE) Well, I guess maybe  
 00402:01 I'm -- I'm getting ahead of myself, then. The --  
 02 the question I'm putting is that in the Unified  
 03 Area Command, the buck stops somewhere. Where did  
 04 the buck stop?

05 A. Federal On-Scene Coordinator.  
06 Q. And they had the final say, whoever that  
07 happened to be at the time?

Page 402:09 to 402:09

00402:09 A. That's how I understand it, yes.

Page 402:18 to 403:05

00402:18 Q. Okay. Let me ask you to turn to Page 73  
19 of your notes. I notice here that -- at the  
20 bottom next to the -- the word "Houma," there's  
21 a -- there's a dash, and it says: "Dispersant use  
22 approved." Is that what you're saying there in  
23 your handwriting?  
24 A. Yes.  
25 Q. Okay. Who approved the dispersant use?  
00403:01 A. It would -- ultimate approval, the Federal  
02 On-Scene Coordinator.  
03 Q. Okay. So, the ultimate approval for the  
04 use of dispersant came from the FOSC?  
05 A. Correct.

Page 405:19 to 406:02

00405:19 Q. Thank you.  
20 Did you report directly to Admiral  
21 Landry? She was your immediate superior?  
22 A. As a member of the Unified Command, yes.  
23 Q. Okay. Was there somebody who reported  
24 directly to you at the Unified Command?  
25 A. Anyone else within BOEM that was -- might  
00406:01 have been at Houston Incident Command or Houma  
02 Incident Command.

Page 407:04 to 407:22

00407:04 In the context of post explosion, you  
05 were actually, obviously, on the scene -- not on  
06 the scene, but engaged in the -- the recovery  
07 operation, correct?  
08 A. We were monitoring the -- the well and  
09 source-control-type --  
10 Q. In the -- in the context of your -- your  
11 work monitoring, you -- when did you go to work?  
12 A. I probably arrived at the regional office  
13 on the 21st at approximately 6:00, 6:30.  
14 Q. And how many days did you work steady?  
15 A. On this incident?  
16 Q. Yes, sir, on this incident.  
17 A. Pretty much from April 21st until sometime  
18 in October with maybe four or five, six days off.



19 Q. And almost seven days a week --  
20 A. Yes.  
21 Q. -- during that period of time?  
22 A. Yes.

Page 411:23 to 412:10

00411:23 Q. After the explosion, Tony Hayward, in a  
24 report to ABC News -- on ABC News in an interview  
25 with George Stephanopoulos made this statement:  
00412:01 "This is not our accident. This was not our  
02 drilling rig. This was not our equipment. It was  
03 not our people, our systems, or our processes.  
04 This was TransOcean's rig, their systems, their  
05 people, their equipment."  
06 Did you hear that said at the time?  
07 A. No, I didn't.  
08 Q. In fact, in your experience, BP was the  
09 company that you dealt with in response to this  
10 environmental disaster, correct?

Page 412:12 to 413:01

00412:12 A. Yes.  
13 Q. (BY MR. LEGER) In fact, in the context of  
14 the Application for Permits to Drill, those came  
15 from BP, correct?  
16 A. Yes.  
17 Q. The Macondo Well was BP's well, correct?  
18 A. That operated the well, yes.  
19 Q. TransOcean and other companies provided  
20 personnel that did certain functions on the rig;  
21 is that correct?  
22 A. Yes.  
23 Q. BP provided the people back on the land  
24 that made the critical decisions in the context of  
25 how that well was drilled, when it was drilled,  
00413:01 when it was stopped, and otherwise, correct?

Page 413:03 to 414:05

00413:03 A. Yes.  
04 Q. (BY MR. LEGER) In fact, the Application  
05 for Permit to Drill was made to your agency by the  
06 lessee and the operator BP, correct?  
07 A. Yes.  
08 Q. And we've talked about several revisions  
09 that were made, modifications, and even an  
10 application for a revision in the context of a  
11 well after a stuck pipe. That was done by BP to  
12 your office, correct?  
13 A. Yes.  
14 Q. And your communications were to BP,

15 correct? With -- with -- with BP, right?  
 16 A. MMS's communications, yes.  
 17 Q. Now, BP, as a matter of fact, they have --  
 18 they were involved -- they purchased the lease,  
 19 correct? Not any other company? And they may  
 20 have partners, but they -- it was their lease. It  
 21 wasn't TransOcean's lease, right?  
 22 A. They were one of the lessees of the lease,  
 23 correct.  
 24 Q. Okay. And this was B -- BP's well,  
 25 Macondo, right?  
 00414:01 A. They were the designated operator for the  
 02 well, yes.  
 03 Q. And this was their project, right?  
 04 A. Yes.  
 05 Q. It was going to be their oil if they --

Page 414:07 to 414:14

00414:07 Q. (BY MR. LEGER) -- found any, correct?  
 08 A. In conjunction with the other lessees,  
 09 yes.  
 10 Q. They designed the well, didn't they? BP  
 11 did, right?  
 12 A. As far as I know.  
 13 Q. They provided -- they have en -- they have  
 14 engineers that worked on this well, correct?

Page 414:16 to 414:19

00414:16 A. Yes.  
 17 Q. (BY MR. LEGER) You -- you know that they  
 18 had engineers working on this well, right?  
 19 A. Yes.

Page 419:04 to 419:14

00419:04 Q. Now, you also were involved in -- or at  
 05 least there was tes -- there was some testimony  
 06 about BP's oil spill response plan; is that  
 07 correct?  
 08 A. Yes.  
 09 Q. That's a plan that was provided to MMS and  
 10 reviewed by MMS, correct?  
 11 A. Yes.  
 12 Q. Did -- did MMS have the opportunity to  
 13 review the Well Control Response Guide prepared by  
 14 BP in connection with the Macondo Well?

Page 419:16 to 419:25

00419:16 A. Not that I know of.  
 17 Q. (BY MR. LEGER) Is that something that

18 would ordinarily be provided by the operator, an  
19 Oil Spill Response Guide?  
20 A. Oil spill --  
21 Q. I'm sorry, a Well Control Response Guide?  
22 A. Typically, no.  
23 Q. Now -- and that's because it's not  
24 required in the regulations, right?  
25 A. Correct.

Page 429:14 to 429:17

00429:14 Q. And -- and the fact that there's no  
15 regula -- in fact, the regulations don't establish  
16 a standard of safety or a minimum standard of  
17 safety or care, do they?

Page 429:19 to 429:23

00429:19 A. A company can go above and beyond what the  
20 regulations require to assure safety.  
21 Q. (BY MR. LEGER) In fact, they should go  
22 above and beyond, correct?  
23 A. Yes.

Page 430:05 to 430:08

00430:05 Q. Gross noncompliance of a standard of care  
06 is not excused by the fact that there's no  
07 regulation, right?  
08 A. Correct.