



**Robin Bullock**

Director, Environmental Science and NRD

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May 10, 2012

**VIA EMAIL**

Robert Haddad  
Chief, Assessment and Restoration Division  
Office of Response and Restoration  
National Oceanic and Atmospheric Administration (NOAA)  
1305 East-West Highway, #10218  
Silver Spring, MD 20910

Re: Data Sharing, Non-chemistry QA/QC, and Future Field Work

Dear Bob,

BP appreciates the ongoing dialogue with the Trustees regarding data related to the Natural Resource Damages Assessment (NRDA). In preparation for upcoming meetings and conversations, I would like to raise to you the following concerns BP has regarding specific data issues.

First, it has recently come to our attention that NOAA may be withholding from BP raw laboratory data collected under cooperative work plans in conflict with or breach of the data sharing provisions contained in the signed work plans. We received notice from NOAA that it will "no longer be sending the unvalidated NRDA chemistry data coming out of the NOAA-contracted labs to BP and Entrix." This is inconsistent with the cooperative work plans and agreements. Moreover, delays in posting data to the shared database (query manager) significantly impede the ability of BP to evaluate the data in a timely way. This can delay work to identify data gaps that require further study, prolong the time needed to identify and understand potential injuries, and impair our ability to effectively work together to assess and evaluate early restoration options. Please confirm that NOAA will comply with our cooperative agreements, and that raw data will be shared with BP pursuant to the agreed upon work plans, which require the lab to provide the data directly to BP and the Trustees simultaneously.

Second, it appears that NOAA is not posting any validated data to the public website until the full set of data for a cooperative study is available. In situations where most of the data from a study has been validated, none of it is available to the public for review. Once the data has been validated, there is no reason to withhold it. We ask that NOAA confirm that validated data will be posted in a location where it is available to the public for review.

Third, many cooperative plans have yet to be signed to memorialize the cooperative nature of these plans. Some of these plans date back to early field efforts in 2010-2011, where BP-funded and cooperative field sampling has been completed as proposed. Prompt attention to signing of these outstanding work plans will further aid in data sharing that is a key element of cooperative efforts. We have enclosed a list of work plans that our records indicate are awaiting Trustee signature.

Fourth, BP as well as the Trustees have increased our focus on developing QA/QC protocols related to non-chemistry data. As it would benefit BP and the Trustees to come to a joint understanding relating to the data quality of various non-chemistry data sets, we propose that BP and the Trustees form a subgroup devoted to the evaluation of such procedures, with the goal of developing consensus QA/QC

principles. We understand that some QA/QC protocol development is currently being conducted at the Technical Working Group level, but we want to assure the efforts are being consistently undertaken across all relevant data types.

Fifth, we suggest that all proposals for additional field work be routed through a single point of contact for NOAA and a single point of contact for BP. Those contacts would keep track of all such requests, and arrange for further calls and/or meetings to the extent that experts need to discuss proposed field work. This would help ensure that any future field work fills an agreed-upon data gap based on the preliminary interpretation discussed above, and that any work plan receives the necessary attention upfront in order to provide timely feedback to the Trustees. BP's representative regarding additional field work is Joyce Miley.

Finally, BP has identified a number of samples in Trustee custody that we request be analyzed on a priority basis. These samples are identified in the enclosed spreadsheet. We would appreciate Trustee cooperation in analysis of these samples in order to expedite assessment efforts.

I look forward to addressing these issues with you shortly.

Sincerely,

A handwritten signature in blue ink that reads "Robin Bullock/Ltz".

Robin Bullock  
Director, Environmental Science and NRD  
BP Gulf Coast Restoration Organization

Enclosures (2)

Cc via email: Administrative Record  
Cooper Shattuck (Alabama)  
Bennett L. Bearden (GSA)  
Will Gunter (ADCNR)  
Mimi Drew (Florida)  
Larry Morgan (FDEP)  
Trudy D. Fisher (Mississippi)  
Lisa Ouzts (Mississippi)  
Garret Graves (Louisiana)  
Stephanie C. Morris (LOSCO)  
Robin Riechers (Texas)  
Christa McLintock (TCEQ)  
Monica Medina (NOAA)  
Craig R. O'Connor (NOAA)  
Rachel Jacobson (DOI)  
John Carlucci (DOI)  
William Brighton (DOJ)  
Jean Martin (BP Legal)  
Lawrence Malnor (BP)  
Joyce Miley (BP)  
Brian Israel (Arnold & Porter LLP)