

Minnesota Department of Natural Resources

500 Lafayette Road · Saint Paul, Minnesota · 55155-4037

Office of the Commissioner

651-259-5555



July 10, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

RE: Natural Resource Damage Assessment (NRDA) of BP Oil Spill on Natural Resources in the State of Minnesota

Dear President Obama:

Minnesota Pollution Control Agency Commissioner Paul Eger and I have been designated by Governor Pawlenty to act on behalf of the public as co-trustees of Minnesota's natural resources for purposes of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). We believe that Minnesota may have suffered public trust resource injuries to migratory birds, including loons and other waterfowl, as a result of the BP oil spill and may be eligible to receive compensation for these injuries.

The Mississippi Flyway is the longest migration route in the western hemisphere and is especially important for migrating waterfowl. Migratory waterfowl in Minnesota are dependent on this route as part of their life cycle. The portion of the Mississippi Flyway route within the Gulf of Mexico is sufficiently close to the BP oil spill that migrating birds could be injured or killed from coming into contact with the oil. The State of Minnesota shares a public trust responsibility with the U.S. Fish and Wildlife Service (USFWS) for managing migratory waterfowl that spend part of their life cycle in Minnesota as well as the Gulf of Mexico.

The MDNR has collected population data on migratory waterfowl as part of its management responsibilities. This information will be compared to post BP oil spill population data to determine whether injury has occurred to migratory waterfowl resources within Minnesota. If it is determined that injury has occurred, additional studies will be implemented to assess the extent of injury and develop a restoration plan, which may include compensation for any identified injury.

The State of Minnesota would appreciate any assistance from the federal government, potentially from the USFWS or the National Oceanic and Atmospheric Administration, in assessing migratory waterfowl injury as a result of the BP oil spill. Please contact me at (651) 259-5022, as the State of Minnesota's trustee for migratory birds, to coordinate any injury assessments under the OPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Holsten". The signature is stylized and cursive.

Mark Holsten
Commissioner

c: Tim Pawlenty, Governor
Lori Swanson, Minnesota Attorney General
Minnesota Congressional Delegation
Ken Salazar, Secretary of the Interior
Tom Meleus, US Fish and Wildlife Service
Tony Hayward, British Petroleum CEO
Lisa Jackson, EPA Administrator
Paul Eger, Commissioner of MPCA

DNR Information: 651-296-6157 or 1-888-646-6367 • TTY: 651-296-5484 or 1-800-657-3929 • FAX: 651-296-4779 • www.mndnr.gov

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