



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard

Atlanta, Georgia 30345

FEB 25 2011

In Reply Refer To:
FWS/R4/RD

Ms. Robin Bullock
Director, NRD
BP Gulf Coast Restoration Organization
501 Westlake Park Blvd.
Houston, Texas 77079

On behalf of:
BP Exploration & Production, Inc.

By Certified Mail; Return Receipt Requested:

Re: Presentation to Responsible Party of Interim, Partial Claim for Natural Resource Damage Assessment Costs for the *Deepwater Horizon* Oil Spill, Pursuant to 33 U.S.C. §2713

Dear Ms. Bullock:

This letter is written on behalf of the Department of the Interior, including the U.S. Fish and Wildlife Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs ("DOI"), one of the federal Natural Resource Trustee agencies charged with public trust responsibilities for certain natural resources injured and threatened by the *Deepwater Horizon* Oil Spill (the "Oil Spill"). DOI has authority under the Oil Pollution Act ("OPA") (33 U.S.C. §§ 2701 et seq.) and the Natural Resource Damage Assessment Regulations (15 C.F.R. Part 990) promulgated pursuant to OPA ("OPA NRDA Regulations"), to conduct a Natural Resource Damages Assessment ("NRDA") of injuries to its trust resources caused by the Oil Spill. The OPA NRDA Regulations, at 15 C.F.R. 990.27, set forth standards for Trustees to consider in the selection of potential assessment procedures. DOI has considered those standards and has selected certain assessment procedures to determine and quantify such injuries.

By this letter, and pursuant to 33 U.S.C. §2713, DOI presents to BP a claim, in the sum of \$67,510,774.15, for DOI's estimated costs to implement certain selected assessment procedures. DOI is simultaneously presenting this claim to the other Responsible Parties for the Oil Spill. Please be advised that the budgets for DOI's selected assessment procedures are estimates and actual costs may vary once detailed planning and design begin and/or as new information becomes available. These assessment procedures are primarily injury determination activities, as described at 990.51 of the NRDA Regulations, and, to a certain extent quantification activities as described in 990.52 of those regulations, but do not include those activities contemplated by 990.53 of the Regulations. In addition, DOI may conduct further studies and activities addressing injury determination and will implement additional quantification procedures, depending on the results of those selected assessment procedures to be funded by the amount set forth above. Consequently, the claim presented herein is for interim, short term damages only.

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IN AMERICA** 

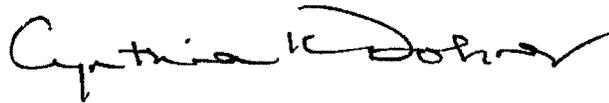
Ms. Bullock

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Be further advised that these NRDA estimated costs (and the claim upon which it is based) are only for those procedures which DOI will perform through its own staff or contractors. The other Trustees for Natural Resource Damages may seek funding from BP and from the other Responsible Parties for other NRDA costs resulting from the Oil Spill. However, DOI has coordinated with representatives of NOAA and the other Trustees in an effort to avoid duplicative activities and unnecessary costs.

If you wish to obtain more information about the NRDA activities that DOI intends to undertake, please have your counsel promptly contact Charles McKinley or Holly Deal, of DOI's Office of the Solicitor. Should BP and the other Responsible Parties decline to pay the above claim, it is the intent of DOI, in accordance with 33 U.S.C. §2713(c) and (d), to make a claim for any uncompensated damages to the National Pollution Fund Center (NPFC) upon the expiration of ninety (90) days from the date of the presentment of this claim to BP. If BP decides, in less than 90 days, not to fund some or all of the DOI selected NRDA activities, please advise us at your earliest opportunity so we may avoid unnecessary delay in filing a claim with the NPFC to obtain funding for those activities. Thank you for your consideration of this matter.

Sincerely yours,



Cynthia K. Dohner
Regional Director, FWS Southeast Region
Authorized Official for the Department of the Interior

cc (electronic):
Brian Israel (BP counsel)