



**BP Exploration & Production Inc.**  
501 Westlake Park Boulevard  
Houston, Texas 77079

March 17, 2011

**VIA EMAIL AND U.S. MAIL**

Cynthia K. Dohner  
Regional Director, FWS Southeast Region  
Fish and Wildlife Service  
1875 Century Boulevard  
Atlanta, Georgia 30345

Re: OSAT-2 Report

Dear Ms. Dohner:

This letter concerns the February 10, 2011 Report from the Operational Science Advisory Team (the Report) regarding the fate and effects of remnant oil on beaches. The purpose of the Report was to provide the Federal On Scene Coordinator with a risk-based Net Environmental Benefit Analysis regarding continued clean-up operations in the near shore, surf zone, and shoreline sandy beach areas. We ask that this letter be made part of the administrative record that the Department of Interior is maintaining for the Natural Resource Damage Assessment (NRDA) of the Deepwater Horizon Incident.

While the Report was not produced for the NRDA, we want to be clear about reservations we have regarding the analysis of potential ongoing risks to sand probing shorebirds. The Report concludes that the risk of sand probing shorebirds ingesting Small Surface Residue Balls (SSRBs) is medium. This conclusion is based in part on studies that utilized fresh South Louisiana crude oil to establish lowest observed effect levels (LOEL) and no observed effect levels (NOEL). Any potential future exposure of shorebirds to oil would involve weathered, not fresh, oil which, in studies conducted with other crude oils, has been shown to be less toxic. In addition, the Report assumes that sand probing shorebirds could incidentally ingest SSRBs. While certain shorebirds do not typically feed by sight, they are not necessarily indiscriminate feeders. Accounting for the reduced toxicity of weathered oil and the possibility that shorebirds discriminate among potential food sources should reduce any ongoing risks associated with oil.

We generally consider the Report to be a balanced assessment of the available data. We agree that continued clean-up would result in greater negative impacts to resources and habitats than any effects of residual oil. However, our comments regarding the analysis of risks to shorebirds do not imply complete agreement with all other aspects of the Report. BP reserves its rights to assert any and all legal and evidentiary defenses it may have in any future proceedings.

Sincerely,

A handwritten signature in black ink that reads "Robin Bullock / 2/12". The signature is written in a cursive, slightly slanted style.

Robin Bullock

cc via email: Troy Baker (NOAA)  
Dr. Nick Tew (Geological Survey of Alabama)  
M. Barnett Lawley (Alabama Department of Conservation and Natural Resources)  
Lee Edminston (Florida Department of Environmental Quality)  
Garret Graves (Louisiana Coastal Protection and Resource Authority)  
Roland Guidry (Louisiana Oil Spill Coordinator's Office)  
Peggy Hatch (Louisiana Department of Environmental Quality)  
Robert Barham (Louisiana Department of Wildlife and Fisheries)  
Bob Harper (Louisiana Department of Natural Resources)  
Trudy D. Fisher (Mississippi Department of Environmental Quality)  
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