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October 27, 2010

**Via FedEx**

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

**Re: FWS/R4/RD – Proposed Emergency Restoration Projects  
 for the Deepwater Horizon Oil Spill**

Dear Ms. Dohner:

I write on behalf of Anadarko Petroleum Corporation and Anadarko E&P Company, LP (collectively, “Anadarko”) and MOEX Offshore 2007 LLC (“MOEX”) in response to your October 14, 2010 letter, in which the Natural Resource Damages Trustees (“Trustees”) for the Deepwater Horizon Oil Spill request that BP Exploration and Production, Inc. (“BP”), Anadarko and MOEX provide funding for three projects that the Trustees describe as emergency restoration projects (“ERPs”).

As an initial matter, Anadarko and MOEX dispute that they have liability for damages or response costs under the federal Oil Pollution Act (“OPA”). As you may know, BP is the sole operator of the Macondo Well, and is primarily responsible for all costs associated with the explosion and resulting spill. Conversely, Anadarko and MOEX were non-participating investors in the project. As such, they did not and could not direct operations or decisions on the Deepwater Horizon rig or the Macondo Well, nor did they have any substantive role in the decisions or events leading up to the spill.

In addition, we have significant questions regarding the three projects proposed as ERPs. As you know, restoration projects can be implemented as ERPs only if all of the following conditions are met: (i) the action is needed to minimize continuing or prevent additional injury, (ii) the action is feasible and likely to minimize [that injury]; and (iii) the costs of the action are not unreasonable. *See* 15 C.F.R. § 990.26. Based on the limited information provided, it is not clear whether any of these three projects constitute ERPs or appropriate restoration activities. For example, the proposal for alternate migratory bird habitat does not

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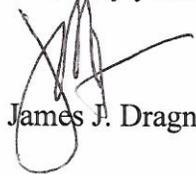
discuss or identify the current shoreline conditions that pose an actual, ongoing threat to these birds, nor does it indicate whether the project's potential adverse impacts have been assessed or considered. Likewise, the proposal for plant material collection and replanting does not indicate the specific areas to be replanted, the extent to which observable erosion at those locations can be linked to the Deepwater spill, or the likelihood of natural re-vegetation based on observed new shoot growth. Such threshold information also is missing from the proposal for restoration of propeller scarring, particularly given the potential for natural re-vegetation of seagrass and frequent difficulties in maintaining artificially-planted stock. Based on the information provided, it does not appear that the three proposed projects are necessary, appropriate, and otherwise meet the ERP criteria under OPA's regulations.

We also wish to clarify that the Trustees' request does not constitute a demand or claim under any provision of OPA or its regulations. As you know, OPA and its regulations contemplate that requests for funding of restoration work, including ERPs, will be made only after the restoration plan has been developed and the administrative record has been closed. *See* 33 U.S.C. § 2712(j), 15 C.F.R. § 990.62(a) and (e)(6)(ii). Accordingly, the Trustees' request for funding of these projects was not made under any provision of OPA or its regulations, nor does it trigger any obligations or process under those authorities.

Nevertheless, as the sole operator of the Macondo Well, BP bears primary responsibility for addressing the effects of the spill. To date, BP has agreed to reimburse the United States for its response costs and to restore damages to natural resources. We expect, therefore, BP to honor its commitment with respect to the Trustee's requests.

In light of the above, Anadarko and MOEX, each acting solely on its own behalf, hereby decline to provide funding for the projects.

Sincerely yours,



James J. Dragna