

BP blames damage to La. oyster beds on Jindal's actions

David Hammer, WWL-TV, New Orleans 9:29 p.m. EDT October 22, 2014



(Photo: Gerald Herbert, AP)

NEW ORLEANS — In its latest effort to portray itself as the victim of overzealous damage claims in the wake of its 2010 oil spill off Louisiana, BP blames damage to oyster beds on Gov. Bobby Jindal's "misguided decision... to divert fresh water from the Mississippi River to the Gulf" and argues the oil giant "should not be accountable for damages caused by the acts of others."

BP spokesman Geoff Morrell wrote in an op-ed piece Wednesday in *Politico Magazine* that no oyster beds were oiled in the three years after the spill, but says Louisiana should bear the blame for damage to those beds caused by the fresh water Jindal released to try to keep the oil out of the state's delicate coastal marshes.

That drew a swift rebuke from Kyle Graham, Jindal's trustee representing Louisiana in the Natural Resource Damage Assessment, the legal process of calculating the spill's environmental damages.

"It is kind of humorous that they want to take advantage of what (freshwater diversions) did in keeping the oil out of the oyster beds largely ... and not have to pay for potentially ancillary impacts associated with the operations of those diversions," Graham said.

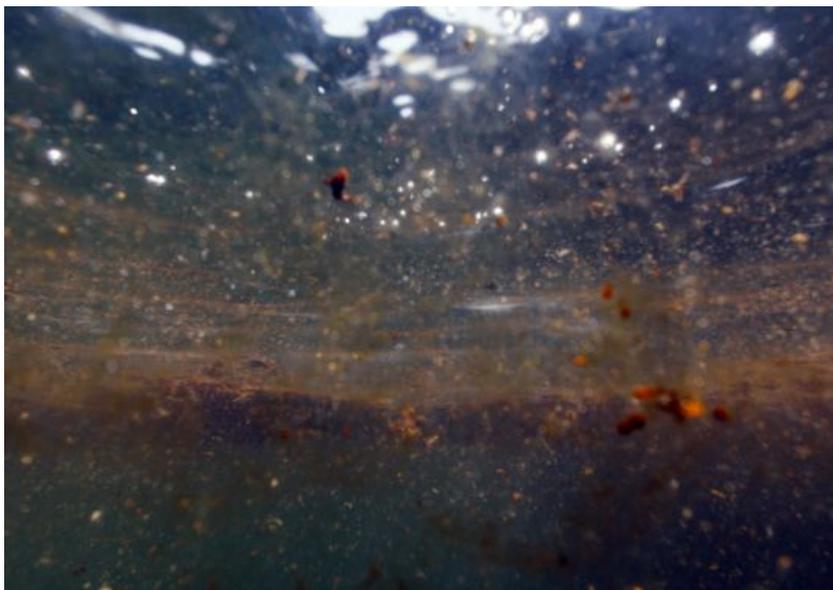
Steve Murchie, campaign director for New Orleans-based environmental advocacy group Gulf Restoration Network, was more direct in his assessment of Morrell's argument.

"That's kind of like an arsonist blaming the fire department for the water damage to the house," he said.

Morrell — who for over a year has been BP's voice crying foul about what the oil giant considers improper settlement payments to coastal businesses for financial losses not caused by the spill itself — complains in the *Politico* op-ed that BP is now being made the scapegoat for environmental damages it didn't create.

In the piece, entitled "[No, BP didn't ruin the Gulf.](http://www.politico.com/magazine/story/2014/10/gulf-coast-recovery-expectations-112088.htm#.VEhYivldV8E)" (<http://www.politico.com/magazine/story/2014/10/gulf-coast-recovery-expectations-112088.htm#.VEhYivldV8E>) Morrell says BP is unfairly being held "accountable for damages caused by the acts of others, or those conjured up by opportunistic advocacy groups."

Morrell blasts alarmist predictions from the media in the early days of the spill that turned out not to be true. He also says that evidence from the Natural Resource Damage Assessment process indicates "the Gulf environment is rebounding and that most of the environmental impact was of short duration and in a limited geographic area."



In this Monday, June 7, 2010, file photo, patches of oil from the Deepwater Horizon spill are seen from an underwater vantage, in the Gulf of Mexico, south of Venice, La. (Photo: Rich Matthews, AP)

That drew the ire of environmental groups and columnists from the *Los Angeles Times* to *The Washington Post*, but also criticism from Graham, who said the scientific studies informing the Natural Resource Damage Assessment process are not as positive as BP portrays them.

"They've put a tremendous amount of dollars into commercials and into press events on what is the health of the Gulf as opposed to necessarily what the science is and the science of dealing with the health of the Gulf," Graham said.

The scientific research project BP provided with \$500 million is "showing across the board some real interesting effects on lots of different biota across the Gulf — whether it's deepwater corals, fish, oysters, insects, etc. — and that's disturbing to the trustees because, as that builds up, what indeed does that look like in five, 10, 20 years?" Graham said.

Again, Murchie was more pointed.

"They've deployed a strategy since the very beginning of the disaster to downplay their responsibility and to escape having the full consequences of the worst environmental disaster in U.S. history," he said.

BP spokesman Jason Ryan said the company submitted the op-ed to "an influential publication to debunk some of the common myths about the state of the Gulf Coast environment" and "is part of our continuing effort to inject BP's voice into this important conversation and counter persistent misinformation about the effects of the spill."



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It also appears to be a crucial part of the company's effort to tamp down looming financial liabilities.

BP set aside \$42 billion to deal with spill cleanup, civil pollution fines, criminal penalties, private economic and medical damage claims and the public's claims for damages to wildlife and the environment.

After spending \$27 billion so far, BP has realized that the final bill would easily exceed what it had told its shareholders would be necessary. The financial picture became even more dire for BP last month when U.S. District Judge Carl Barbier found the company grossly negligent in the Deepwater Horizon oil rig explosion that caused the spill.

The ruling, which BP is appealing, could push its Clean Water Act pollution fines as high as \$18 billion, far more than the \$3.5 billion it told shareholders would be needed to pay for what it believed was an accident, a case of simple negligence.

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