

## United States Senate

WASHINGTON, DC 20510-1804

September 17, 2010

Kenneth Feinberg  
Feinberg Rozen LLP  
The Willard Office Building  
1455 Pennsylvania Avenue, NW  
Suite 390  
Washington, DC 20004

Dear Mr. Feinberg:

I write to express my concern regarding the intended plan for compensating fishermen, shrimpers and others in the seafood community who responded to the BP spill through the program known as "Vessels of Opportunity" (VOO). I understand that you intend to deduct earnings from the VOO program from emergency payments made to those claimants. I strongly urge you to reconsider this position.

As you know, the BP oil spill robbed many of their livelihoods and did significant injury to our way of life in Louisiana. Nonetheless, after the spill occurred, Gulf Coast residents turned out in droves to do their part to protect and restore the Gulf ecosystem. Under the VOO program, local boat operators assisted with response activities, including transporting supplies, assisting wildlife rescue and deploying containment and sorbent boom.

Once vessel operators and crews qualified and were selected to participate, they were compensated for their assistance at pre-arranged rates based on the vessel length, with additional compensation based upon the vessel's scheduling. Initially, there was widespread reluctance to sign up for the VOO program due to concern that fishermen who chose to assist in the recovery effort might be unwittingly signing away their chance to pursue rightful claims to compensation for economic damages resulting from the spill.

BP promptly, and rightfully, addressed those concerns with written assurances to potential VOO participants. In writing, BP's attorneys stated unequivocally: "BP will not offset payments to vessel owners or other volunteers against claims they might have." Thereafter, thousands of Gulf Coast residents dutifully signed up – and they proved to be critical components of the spill response recovery effort. Some 2,000 vessels were on active hire to BP through the VOO program, the majority of which were commercial and charter fishing vessels. These otherwise out-of-work vessels conducted difficult and needed work, on a fee-for-service contract with BP.

Given these circumstances, it is imperative that you reverse your policy of offsetting claims to VOO participants. Others who were denied their livelihood by the spill sought and found employment at gas stations, department stores, and elsewhere. Like VOO participants, their livelihoods and their way of life was devastatingly interrupted by the BP spill. They are all entitled to full compensation for that interruption, without discrimination as to how they have

managed to make ends meet and support their families during this terrible disaster. Correcting this approach to compensating VOO participants is a matter of fairness.

I recognize the complexity of the task with which you are confronted. But in this instance, I share the justifiable discontent voiced by the fishing community, and I urge you to reconsider your position.

Sincerely,



Mary L. Landrieu  
United States Senator