



Independent Mediation Process for Government Claimants

BP has entered into an agreement with Judicial Arbitrator Group, Inc. (“JAG”) of Denver to provide independent mediators to confidentially review a particular claim decision made by the BP Government Claims and Funding Requests Team.

Within 21 days of receipt of a claims decision related to damages asserted by a Government Entity (defined as a State, a Political Subdivision of a State, or a Federally Recognized Indian Tribe) pursuant to Sections 2702(b)(2) (B), (C), (D) or (F), of the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2702(b)(2) *et seq.*, a claimant may request an independent mediation of an eligible claim by submitting a written notice to BP’s Government Claims and Funding Requests Team at governmentclaims@bp.com, or by mail to 501 Westlake Park Blvd., MC WL1 - 22.131C, Houston, Texas 77079, or by facsimile at (800) 810-5650. Eligible claims include loss of revenue, increased public service costs, property damage or subsistence use.

The written notice should include details of the claimant’s position that the claim should be considered compensable under OPA. The written notice must also express the claimant’s consent that any statements of the independent mediator or the parties during mediation process will be considered part of confidential settlement communications and will be inadmissible in any subsequent litigation between the parties. Finally, the written notice must express the claimant’s agreement that the claimant will not pursue any litigation or claims with the National Pollution Fund Center (“NPFC”) while the mediation is pending.

A “Written Notice of Request for Mediation” form containing all of the necessary statements is available online at www.bp.com/governmentclaims.

Following receipt of the claimant’s written notice requesting review by the mediator, the Government Claims and Funding Requests Team will refer the written notice to JAG. JAG will then propose an independent mediator and notify both parties of the choice, upon which the claimant and/or BP shall have five (5) days to file an objection with JAG to the appointment of the mediator proposed by JAG. Upon receipt of such an objection, JAG will propose another independent mediator, whose appointment shall be subject to the same objection period and process.

Once an independent mediator is chosen and no timely objections remain to the appointment, the independent mediator shall, within five (5) days of the expiration of the appointment

objection period, notify the parties that a mediation has been scheduled at a location to be designated by the mediator. The mediator must inform the parties of the mediation date and location within 30 days. Each party may send a confidential position letter to the independent mediator, which should include key documents or calculations supporting the claim or the claim decision, but any such letter must be submitted to the mediator at least seven (7) business days prior to the scheduled mediation.

Both the claimant and BP shall attend the meeting through representatives with sufficient authority to resolve the claim if an agreement can be reached.

BP will be responsible for JAG's costs. Any costs that the claimant incurs, which could include such things as travel or attorneys' fees, would be the responsibility of the claimant.

Any statements or recommendations of the independent mediator are purely advisory and are not binding on the claimant or BP. If desired by both parties, the independent mediator may continue to work with the parties in an attempt to reach an agreement after the mediation. At any time during the independent mediation process, the claimant can withdraw from the mediation and accept the initial claims decision, or it may pursue other remedies available to it under law, including filing a claim with the National Pollution Fund Center ("NPFC").

The NPFC can be contacted in writing or by phone, fax, or e-mail, to:

Attn: Claims Adjudication
National Pollution Funds Center
US Coast Guard Stop 7100
4200 Wilson Blvd Ste 1000
Arlington VA 20598-7100

Telephone (800) 280-7118
Fax: (202) 493-6937 or (202) 493-6938

Inquiries directly to JAG can be directed in writing or by phone, fax or email, to:

Attn: Mr. Richard Dana
1601 Blake St, Suite 400
Denver, CO 80202

Tel 303-572-1919
Fax 303-571-1115
1-800-ARBITER
Website – www.jaginc.com