



"Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

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Citizens' Oversight Council calls for Agreement on Exxon Valdez Oil Spill Restoration

On Friday, the Prince William Sound Regional Citizens' Advisory Council passed a resolution urging the United States, State of Alaska, Exxon and the Exxon Valdez Oil Spill Trustees Council reach agreement on implementation of the 2006 restoration plan under the Exxon Valdez oil spill reopener for unknown injury. The 1991 agreement settling the federal and state governments' civil claims against Exxon contains a provision entitled "Reopener for Unknown Injury." Under that provision, Exxon could be required to make additional payments for specific restoration projects if all of the specific conditions are met. In June of 2006, the state and federal governments jointly presented Exxon Mobil Corporation with a "Comprehensive Plan for Habitat Restoration Projects Pursuant to the Reopener for Unknown Injury" for the cleanup of lingering oil at an estimated cost of \$92 Million. Exxon has yet to pay that claim, and the governments have not filed a motion in court seeking to collect payment.

The Council is aware of areas within Prince William Sound where residual oil is easily located, and there are species that have yet to fully recover since the Exxon Valdez oil spill. In 2006 the Alaska Department of Law and the U.S. Department of Justice submitted a restoration plan that is believed to address certain remaining injuries from the oil spill. From PWSRCAC's perspective, it is important to ensure commitments made by industry are followed through to completion.

In recently published research, partially sponsored by the Prince William Sound Regional Citizens' Advisory Council, scientists from the Northwest

Fisheries Science Center and Alaska Fisheries Science Center temporarily exposed embryonic salmon and herring to low levels of crude oil from the North Slope of Alaska and found that both absorbed chemicals at similar concentrations in their tissues. This research may inform the subject of unanticipated damages from the Exxon Valdez Oil Spill. "These juvenile fish on the outside look completely normal, but their hearts are not functioning properly and that translates directly into reduced swimming ability and reduced survival," said John Incardona, a research toxicologist at NOAA Fisheries' Northwest Fisheries Science Center in Seattle. "In terms of impacts to shore-spawning fish, the oil spill likely had a much bigger footprint than anyone realized."

"This is the type of new scientific information about oil's effects on PWS's impacted species that the reopener clause appears to be intended for" said Mark Swanson, the Council's Executive Director. "This resolution asks that the United States, the State of Alaska, Exxon Corp., and the Exxon Valdez Oil Spill Trustees Council meet in a sincere effort to reach agreement on implementation of the 2006 plan."

Exercising the reopener provision would be a historic first for the federal government. These types of clauses are part of most environmental contamination settlements, but they have yet to be invoked.

The Resolution is attached and included below.

The Prince William Sound Regional Citizens' Advisory Council, with offices in Anchorage and Valdez, is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and the oil tankers that use it. The council's work is guided by the Oil Pollution Act of 1990, and its contract with Alyeska Pipeline Service Company. The council's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as aquaculture, commercial fishing, environmental, Native, recreation, and tourism groups.◇

Resolution 15-07

**Supporting Habitat Restoration Pursuant to Damages
Caused by the 1989 Exxon Valdez Oil Spill**

WHEREAS, the Exxon Valdez Settlement Agreement contains a reopener clause allowing the federal or state government to request additional funds from Exxon due to unanticipated remaining oil in the environment and subsequent failure of species to recover within Prince William Sound;

WHEREAS, in 2006, the United States and the State of Alaska presented to Exxon a comprehensive project plan for the cleanup of lingering oil at an estimated cost of \$92 million;

WHEREAS, Exxon has not yet agreed to that project plan;

WHEREAS, there is evidence of substantial oil remaining within Prince William Sound and that some species and habitat within the area have suffered substantial and unanticipated injuries that are attributable to the *Exxon Valdez* oil spill;

WHEREAS the ongoing delay in implementing the "Reopener for Unknown Injury" restoration plan continues to allow remaining unrecovered oil to damage the Alaska coastal ecosystem;

WHEREAS, both Alaska residents and nonresidents use this area extensively for subsistence, recreation, sport hunting and fishing activities; and

WHEREAS, the Prince William Sound Regional Citizens' Advisory Council believes that a collaborative approach whereby all parties are at the table working together oftentimes leads to successful and sustainable resolution of complex matters such as the science and plans for restoration of habitat or species that have suffered substantial loss or decline in an oil spill area.

NOW, THEREFORE BE IT RESOLVED, that the Prince William Sound Regional Citizens' Advisory Council requests that the United States, the State of Alaska, Exxon, Inc., and the Exxon Valdez Oil Spill Trustees Council should meet and confer on implementation of the 2006 plan, with assistance of mediators if needed, and that the plan as agreed to then be implemented with all deliberate speed.

PASSED AND APPROVED by the Prince William Sound Regional Citizens' Advisory Council on this 18th day of September, 2015.