



For Immediate Release - October 17, 2015

Contact:

Kate McLaughlin, President & Executive Director: 907-424-5701 emailRick Steiner, Oasis Earth, 907-360-4503 richard.g.steiner@gmail.com

“Not so Fast” - Alaska citizens demand government reverse its decision to not pursue final Exxon spill claim

Citizens of the oil spill region have petitioned the State of Alaska and US government to reconsider and vacate the decision this week to drop any further claim against Exxon pursuant to the Reopener for Unknown Injury provision of the 1991 consent decree, and to file a claim against Exxon. Although the decision was filed with the Court, the governments retain the option of vacating the decision and making a claim until June 2016.

During last week’s (10/15/15) Federal District Court Hearing on the Reopener provision of the Exxon Valdez Oil Spill (EVOS) litigation, the State of Alaska and the US Department of Justice declined to pursue the \$92 million claim made under Governor Murkowski in 2006.

However, the Court erred in not allowing for public comment on this historic decision. The Court violated of its own Court Order of 04-17-15, which had committed to solicit public comment on any disposition of the claim, which it subsequently neglected to do so. None of the government parties solicited comment either. This is a serious violation of the Court Order, as well the public’s trust. The people of the oil spill region - Alaska Natives, fishermen, recreation and tourism industry, municipalities, aquaculture organizations, businesses, and scientists - deserve a say in this historic decision, but have yet to be afforded such.

The government Status Report entirely omitted a consideration of the Resource Services that remain injured due to residual oil in intertidal sediments - including Commercial Fishing, Passive Use, Recreation and Tourism, and Subsistence - and additionally, Wilderness resources. None of these have fully recovered, and a primary reason for most of this is the presence of lingering oil in the ecosystem. Cost-effective restoration options exist for these injuries and losses, which by definition in the 1991 Consent Decree include *replacement* of lost or injured resources, and/or *acquisition of equivalent resources*. There is nothing in the Reopener provision limiting a claim only to Direct Restoration options (such as bioremediation), but that is how the 2006 filings were narrowly framed.

The 10-14-15 Status Report and decision ignores the broad range of government research that has been conducted since the 2006 filings were made, that prove persistent lack of recovery of many populations and habitats in the region. Significantly, this includes Intertidal Habitat, which the Status Report fails to reference as an injured resource. Though the government asserts sea otters and Harlequin ducks are recovered, they neglected to discuss the continuing injury to other resources as listed in the 2014 Update on Injured Resources and Services. These include Intertidal Habitat and Resource Service injuries due to lingering oil in intertidal sediments. As well, these ongoing injuries include four populations listed today as "Not Recovering" -- herring, pigeon guillemot, marbled murrelet, and the

AT1 killer whale pod. These injuries were clearly unanticipated in 1991, they are clearly substantial, and there exist cost-effective restoration options for these injuries and losses - the main requirements to trigger a Reopener claim.

Prince William Soundkeeper will continue to advocate on behalf of the affected spill community, Prince William Sound, and the Nation, in bringing attention to the travesty of justice that the EVOS litigation has evolved into.

Those wishing to weigh in on this issue should email Governor Bill Walker (governor@alaska.gov), asking that the government decision be vacated, the 2006 Reopener filings be amended/augmented with updated scientific information on lack of ecological recovery, that the government hold public hearings to hear from Alaska citizens on the issue, and that the governments file a claim in Court against Exxon for the full \$92 million + interest.