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September 21, 2015

The Honorable Bill Walker
Governor State of Alaska
Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

Cc: Craig Richards, Alaska Attorney General

Dear Governor Walker,

As you are aware, the 1991 *Exxon Valdez* Oil Spill settlement (United States of America and State of Alaska v Exxon Corporation and Exxon Shipping) included a provision entitled Re-Opener for Unknown Injury that allowed the state and federal governments to submit a claim for up to \$100 million for damages not foreseen at the time of settlement. In 2006, the Attorney General under Governor Murkowski found that “*After extensive review, it is clear that populations and habitat within the spill area have suffered substantial and unanticipated injuries that are attributable to the Exxon Valdez oil spill.*” Because of the unanticipated impacts, the State and the U.S. Government jointly presented to ExxonMobil a demand for payment of \$92,240,982 on August 31, 2006.

In the following 9 years neither the state nor the U.S. government have taken action to collect the long-overdue demand. We are writing to request that you take immediate action to enforce the terms of the settlement to remediate ongoing environmental damages.

During the quarter of a century after the *Exxon Valdez* Oil Spill (EVOS), oil spill research has continued to show linkages of long-term, unanticipated damages to the ecological resources of Prince William Sound, and other oil spill affected areas in the North Gulf of Alaska. Indeed, at least 4 of the “injured”¹ resources have not, and are not, showing signs of recovery 26 years after the spill. Still toxic *Exxon Valdez* oil remains bio-available in sediments and continues to exert a negative effect on ecological recovery. NOAA estimates that there are thousands of gallons of EVOS crude remaining in the sediments of PWS's intertidal zone. Further proving this point are articles appearing on September 8, 2015 in the Alaska Dispatch and the Cordova Times reporting the March 2015 NOAA research published in Nature Scientific Reports by Incardona et.al., titled: *Very low embryonic crude oil exposures cause lasting cardiac defects in salmon and herring.*²

If no action is taken now to compel payment by ExxonMobil, the statute of limitations may expire in June of 2016, and ExxonMobil could simply walk away from their court ordered responsibility. That would negatively affect the communities of Prince William Sound and all Alaskan's impacted by the *Exxon Valdez* oil spill.

¹ AT1 killer whale pod, Pacific herring, pigeon guillemot and marbled murrelets

² <http://www.thecordovaitimes.com/article/1537exxon-valdez-spill-had-dire-effect-on-humpies> <http://www.adn.com/article/20150908/scientists-link-oil-exposure-reduced-survival-fish>

Prince William Soundkeeper with the undersigned individuals, organizations, and businesses urge you to file a motion in United States District Court to compel the ExxonMobil Corporation to honor the commitment to collect the full demand for payment the state and federal government submitted to the ExxonMobil Corporation in 2006. We also urge you to direct the Exxon Valdez Oil Spill Trustee Council immediately to initiate lingering oil remediation and other restoration work.

It is our position that the only just resolution of this case at this time is for the governments to enter a claim against ExxonMobil for the full \$92,240,982 Demand for Payment submitted on August 31, 2006, plus interest at 5%, for a total of **approximately \$142 million**; for the court to order Exxon to immediately pay the claim; and for the trustees to use the funds to complete the restoration plan presented in 2006, and for the trustees to use the funds to continue urgently needed restoration work.

In our view, anything less would constitute a historic failure of environmental justice and cast serious doubt on government and industry's professed commitment to responsible conduct in future such oil spill disasters.

Respectfully Submitted;

Kate McLaughlin, President & Executive Director, Prince William Soundkeeper
David Lynne Grimes, Founding Member, Prince William Soundkeeper
Bob Shavelson, Executive Director, Cook Inlet Keeper
Rick Steiner, Oasis Earth
Carol Hoover, Executive Director, Eyak Preservation Council
Dune Lankard, President, Eyak Preservation Council
Pete Nichols, National Waterkeeper Alliance
David Totemoff, IRA Council President, Native Village of Tatitlek
Larry Evanoff, IRA Council President, Native Village of Chenega
Patricia K. Schwalenberg, Executive Director, Chugach Regional Resources Commission
Dr. John French, Pegasus Environmental Solutions
Stacey Studebaker, Kodiak
David Janka, Auklet Charter Services
Copper River Watershed Project
Andy Josephson, State House