

SENATE JOINT RESOLUTION NO. 17

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATORS FRENCH, Ellis, Elton

Introduced: 2/1/06

Referred: Resources, Judiciary

A RESOLUTION

1 **Urging the United States Department of Justice and the Alaska Department of Law to**
2 **identify all natural resource damages from the Exxon Valdez oil spill that were**
3 **unanticipated at the time of the 1991 settlement, to develop plans to remedy the**
4 **damages, and to present the ExxonMobil Corporation with a request for the full**
5 **\$100,000,000 that is available through the "Reopener for Unknown Injury" clause of the**
6 **1991 civil settlement to carry out these plans.**

7 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 **WHEREAS**, on March 24, 1989, the Exxon Valdez ran aground on Bligh Reef in
9 Prince William Sound, Alaska, spilling more than 11,000,000 gallons of crude oil; the
10 grounding and spill released oil across more than 10,000 square miles of Alaska's coastal
11 oceans and 1,300 miles of shoreline, including five state parks, four state critical habitat areas,
12 one state game sanctuary, and many Alaska Native ancestral lands; the spilled oil killed
13 hundreds of thousands of birds, marine mammals, fish, and invertebrates; and the grounding
14 and spill seriously disrupted the economy, culture, and livelihoods of coastal residents; and

1 **WHEREAS**, on October 9, 1991, the United States District Court for Alaska in
2 Anchorage approved a settlement (Civil Actions No. A91-082 and A91-083) between Exxon
3 Corporation, the United States of America, and the State of Alaska for damages to natural
4 resources, including publicly owned wildlife and wild lands, from the Exxon Valdez oil spill;
5 and

6 **WHEREAS** this settlement includes a clause that provides for a "Reopener for
7 Unknown Injury," which states that the governments may, between September 1, 2002, and
8 September 1, 2006, request that the ExxonMobil Corporation pay additional sums as needed,
9 up to \$100,000,000, to restore oil-damaged populations, habitats, or species in the spill zone if
10 the injury could not reasonably have been known nor anticipated at the time of the settlement;
11 and

12 **WHEREAS** this provision was a key factor in addressing the uncertainty of the
13 public, the Alaska State Legislature, the United States Congress, the State of Alaska, and the
14 United States District Court regarding the potential for future damages and, therefore, in
15 winning approval of this settlement; and

16 **WHEREAS** scientists funded through the Exxon Valdez Oil Spill Trustee Council
17 and by federal and state agencies, universities, and private foundations have clearly and
18 conclusively demonstrated substantial long-term harm from the Exxon Valdez oil spill; their
19 findings include evidence of direct and indirect harm to native species, coastlines, and the
20 peoples of the spill zone; and

21 **WHEREAS** all of these long-term damages from oil were unanticipated at the time of
22 the 1991 settlement because of the complexity of the intertidal spill zone environment, the
23 unexpected persistence of subsurface oil, species decline that did not become manifest until
24 after the settlement, and increased modern scientific recognition of the toxicity of oil to
25 wildlife; and

26 **WHEREAS** there exist many cost-effective restoration opportunities to mitigate these
27 unanticipated injuries; and

28 **WHEREAS** the governments are required to submit detailed plans for use of reopener
29 funds 90 days before a formal request to ExxonMobil Corporation, and the last day on which
30 the governments may make those requests is September 1, 2006; and

31 **WHEREAS** it is clearly in the interest of the citizens of Alaska that the governments

1 assert this claim for full payment for the additional damages from the Exxon Valdez oil spill;

2 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
3 Department of Justice and the Alaska Department of Law to identify all natural resource
4 damages from the Exxon Valdez oil spill that were unanticipated at the time of the settlement,
5 to develop plans to remedy the damages, and to present the ExxonMobil Corporation with a
6 request for the full \$100,000,000 available under the reopener clause to enact these plans; and
7 be it

8 **FURTHER RESOLVED** that the Attorney General of the State of Alaska or the
9 Attorney General of the United States report to the Alaska State Legislature on or before
10 March 24, 2006, the 17th anniversary of the spill, on the status of the governments' claim for
11 reopener damages.

12 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
13 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
14 and President of the U.S. Senate; the Honorable Bill Frist, Majority Leader of the U.S. Senate;
15 the Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable J. Dennis
16 Hastert, Speaker of the U.S. House of Representatives; the Honorable Roy Blunt, Acting
17 Majority Leader of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority
18 Leader of the U.S. House of Representatives; the Honorable Alberto Gonzales, Attorney
19 General of the United States; the Honorable David W. Marquez, Alaska Attorney General;
20 and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the
21 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.