

## SENATE BILL NO. 98

## IN THE LEGISLATURE OF THE STATE OF ALASKA

## EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS LINCOLN, Little, Zharoff, Salo

Introduced: 2/5/93

Referred: O&amp;G, RES, JUD, FIN

Funding Information:	General Fund	\$	-0-
	Other Funds		<u>50,000,000</u>
			\$50,000,000

## A BILL

## FOR AN ACT ENTITLED

1 "An Act making appropriations for restoration projects relating to the Exxon  
2 Valdez oil spill; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. FINDINGS. The Eighteenth Alaska State Legislature finds that

5 (1) Under the criminal plea agreement between the United States and Exxon  
6 Corporation and Exxon Shipping Company (United States of America v. Exxon Corporation  
7 and Exxon Shipping Company, United States District Court, District of Alaska, case No. A90-  
8 015 CR.), the State of Alaska received \$50,000,000 as "remedial and compensatory payments."  
9 The payments received by the state "are to be used by the State of Alaska . . . exclusively for  
10 restoration projects, within the State of Alaska, relating to the 'Exxon Valdez' oil spill.  
11 Restoration includes restoration, replacement and enhancement of affected resources,  
12 acquisition of equivalent resources and services, and long-term environmental monitoring and  
13 research programs directed to the prevention, containment, cleanup and amelioration of oil  
14 spills."

1           (2) The expeditious appropriation of remedial and compensatory payments for  
2 the acquisition and protection of high value resources and services and action on  
3 appropriations for additional restoration, replacement, and enhancement activities will provide  
4 interim protection needed to allow the Exxon Valdez Restoration Trustee Council time to  
5 develop a systematic restoration plan. The appropriations made by this Act complement the  
6 process being established by the Exxon Valdez Restoration Trustee Council.

7           (3) As stated by the United States Department of Justice in recommending that  
8 the United States District Court accept the criminal plea agreement, "[t]his oil spill was a  
9 catastrophe, and it was also an environmental crime. The criminal remedy should, likewise,  
10 in substantial part, be environmental in nature; . . . The environment, as a victim, must be  
11 aided quickly through efforts funded by restitutionary payments."

12           (4) The health of damaged coastal and near-shore habitats is substantially  
13 related to activities on adjacent uplands. Economically important fish species, including  
14 herring and halibut, utilize near-shore areas, and anadromous species, including five species  
15 of salmon, rely on continued access to both clean streams and unpolluted estuaries for  
16 spawning and rearing.

17           (5) Sea otter pups are particularly dependent on pristine water quality, a  
18 productive near-shore and shallow subtidal ecosystem, and a disturbance-free environment.

19           (6) Populations of aquatic birds, including the tree-nesting marbled murrelet  
20 and bald eagle and the fresh water nesting species such as harlequin ducks, were severely  
21 damaged by the Exxon Valdez oil spill.

22           (7) Recreational, aesthetic, and subsistence services provided by the prespill  
23 environment were severely damaged. Residents who relied upon these services desire to have  
24 these damaged services replaced through the acquisition and retention of comparable  
25 threatened resources.

26           (8) The quality of fresh water entering the estuarine environment is critical to  
27 satisfactory restoration and recovery of the physical and biotic environment in the region  
28 affected by the Exxon Valdez oil spill.

29           (9) Recovery of the coastal estuaries affected by the Exxon Valdez oil spill is  
30 placed at risk by further environmental stress resulting from timber harvesting and other  
31 industrial activities that involve substantial environmental disturbance. In order to minimize

1 the potential for further environmental stress and to encourage and enhance the natural  
2 recovery and restoration of the affected region, acquisition of coastal related uplands in the  
3 affected region, including Prince William Sound, the Kenai Peninsula, the Kodiak  
4 Archipelago, and adjacent biologically related areas, is an important use of "remedial and  
5 compensatory payments" received by the state under the criminal plea agreement.

6 (10) Continued citizen involvement and education of residents and nonresidents  
7 are essential to the expeditious and effective restoration of the areas affected by the Exxon  
8 Valdez oil spill, and to the prevention of future oil spills and the restoration of public  
9 confidence in the ability of the state to protect the environment.

10 \* Sec. 2. In order to achieve the purposes of the remedial and compensatory payments, the  
11 sum of \$37,500,000 is appropriated from the remedial and compensatory payments to the  
12 Department of Natural Resources for the acquisition of land and development rights in land  
13 and resources, including timber rights, from willing sellers in the region affected by the 1989  
14 Exxon Valdez oil spill.

15 \* Sec. 3. In order to achieve the purposes of the remedial and compensatory payments, the  
16 sum of \$10,000,000 is appropriated from the remedial and compensatory payments to the  
17 Department of Fish and Game for environmental monitoring, fisheries research, and fisheries  
18 restoration and enhancement projects related to the 1989 Exxon Valdez oil spill.

19 \* Sec. 4. In order to achieve the purposes of the remedial and compensatory payments, the  
20 sum of \$2,500,000 is appropriated from the remedial and compensatory payments to the  
21 Department of Natural Resources for restoration, replacement, and enhancement of subsistence  
22 and archeological resources affected by the 1989 Exxon Valdez oil spill.

23 \* Sec. 5. In this Act, "remedial and compensatory payments" means the remedial and  
24 compensatory payments received by the state under the criminal plea agreement between the  
25 United States and Exxon Corporation and Exxon Shipping Company in United States of  
26 America v. Exxon Corporation and Exxon Shipping Company, United States District Court,  
27 District of Alaska, case No. A90-015 CR.

28 \* Sec. 6. The appropriations made by this Act lapse into the fund from which they were  
29 appropriated June 30, 1997.

30 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).