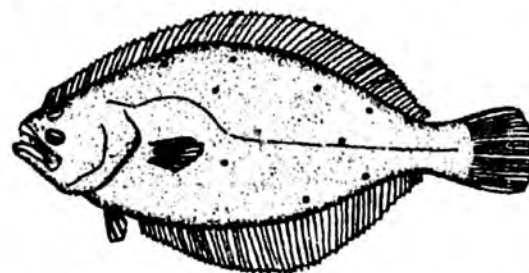


ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672
1935 SCOMM 76: HOUSE SPEC. COMM. EXXON VALDEZ OIL SPILL. 1991-92

152

CONTINUING RISKS

- * LOWER COOK INLET STILL HAS NO RESPONSE CAPACITY
- * ALMOST 200 TANKERS PASSED WITHIN 3 NM OF WHERE YOU ARE SITTING DURING THE PAST YEAR.
- * TANKERS IN LOWER COOK INLET CAN NOT ANCHOR IF THEY LOSE POWER
- * THERE HAVE BEEN FOUR TANKER INCIDENTS IN COOK INLET IN THE LAST TWO YEARS
- * THE FISHERMEN AND OTHERS THAT MAKE THEIR LIVING ON THIS COAST SHOULD A DISPROPORTIONATE RISK COMPARED WITH OTHERS THAT BENEFIT FROM USING THE OIL THAT FLOWS BY THE COAST
- * THE RISK OF ANOTHER OIL SPILL IMPACTING OUR COAST IS REAL AND CONTINUING



SELDOVIA

PROMISES NOT KEPT



- * THE INDUSTRY PROMISED US NOT TO SPILL OIL INTO THE WATER
- * THE INDUSTRY PROMISED TO BE READY TO CLEAN UP SPILLS
- * THE GOVERNMENT PROMISED TO MAKE THE INDUSTRY DO THE ABOVE
- * DOUBLE HULL TANKERS WERE PROMISED IN THE 1970'S
- * EXXON PROMISED TO CLEAN UP THE OILED BEACHES
- * THE STATE PROMISED TO CREATE VOLUNTEER RESPONSE CORPS.
- * EXXON PROMISED TO MAKE OUR ECONOMY WHOLE AGAIN

NOW YOU PROMISE THAT THE SETTLEMENT IS A GOOD DEAL FOR EVERYONE INVOLVED. CAN WE TRUST YOU?

SELDOVIA

What the People of Seldovia Have Done...

- * DURING THE SPILL WE DESIGNED AND MADE 20,000' OF BOOM
- * WE ORGANIZED A SKIMMING TASK FORCE THAT COLLECTED MORE THAN 100,000 GALLONS OF OIL AND DEBRIS FROM THE WATER
- * WE'VE GROWN TO UNDERSTAND THE RISK OF LIVING IN THESE DAYS OF OIL PRODUCTION
- * WE'VE BEGAN A RECYCLE PROGRAM TO HELP REDUCE OUR IMPACT ON THE ENVIRONMENT
- * WE FORMED THE S.O.S. TEAM TO ORGANIZE OURSELVES TO RESPOND TO FUTURE SPILLS, THE FISHERMEN CONTRIBUTED WAGES TO FORM THE TEAM, THE CITY GRANTED US FUNDS, THE SELDOVIA NATIVE ASSOCIATION FUNDED SOME OF OUR TRAINING. VOLUNTEERS HAVE DONATED THOUSANDS OF HOURS TO MAKING THE S.O.S. TEAM REAL.
- * THERE ARE NOW FISHING 75 BOATS ON OUR VESSEL LIST
- * WE HAVE 40 MEMBERS, MOST HAVE HAZMAT TRAINING AND OIL SPILL CLEAN UP EXPERIENCE
- * WE KNOW THE ONLY HOPE OF SUCCESSFULLY RESPONDING TO AN OIL SPILL IS TO BE PREPARED TO RESPOND IMMEDIATELY WHEN A SPILL HAPPENS
- * WE'VE SHOWN OUR WILLINGNESS TO PARTICIPATION IN PARTNERSHIP WITH THE INDUSTRY AND THE STATE IN THE PROTECTION OF THE COASTAL WATERS ON WHICH WE DEPEND.



SELDOVIA



WHAT WE NEED?

- * THE GOVERNOR TO APPOINT A LOCAL REPRESENTATIVE TO THE TRUSTEES
- * THE COMMITMENT TO THE FUNDING OF LOCAL RESPONSE CORPS ADEQUATELY TRAINED, EQUIPPED, AND DRILLED TO RESPOND TO FUTURE SPILLS
- * THE RESTORATION OF OUR SALMON FISHERIES
- * THE RELEASE OF ALL SECRET SCIENCE DETERMINING THE IMPACT ON OUR COAST AND COMMUNITIES, LET THE TRUTH BE KNOWN.

SELDOVIA

1. Mike Balough - less herring - should be here by
 No dolphins now.
 No salmon

We don't know impacts yet!

2. EXXON CLEAN-UP

\$35M

\$26M Survey

\$19M FOR CLEAN UP

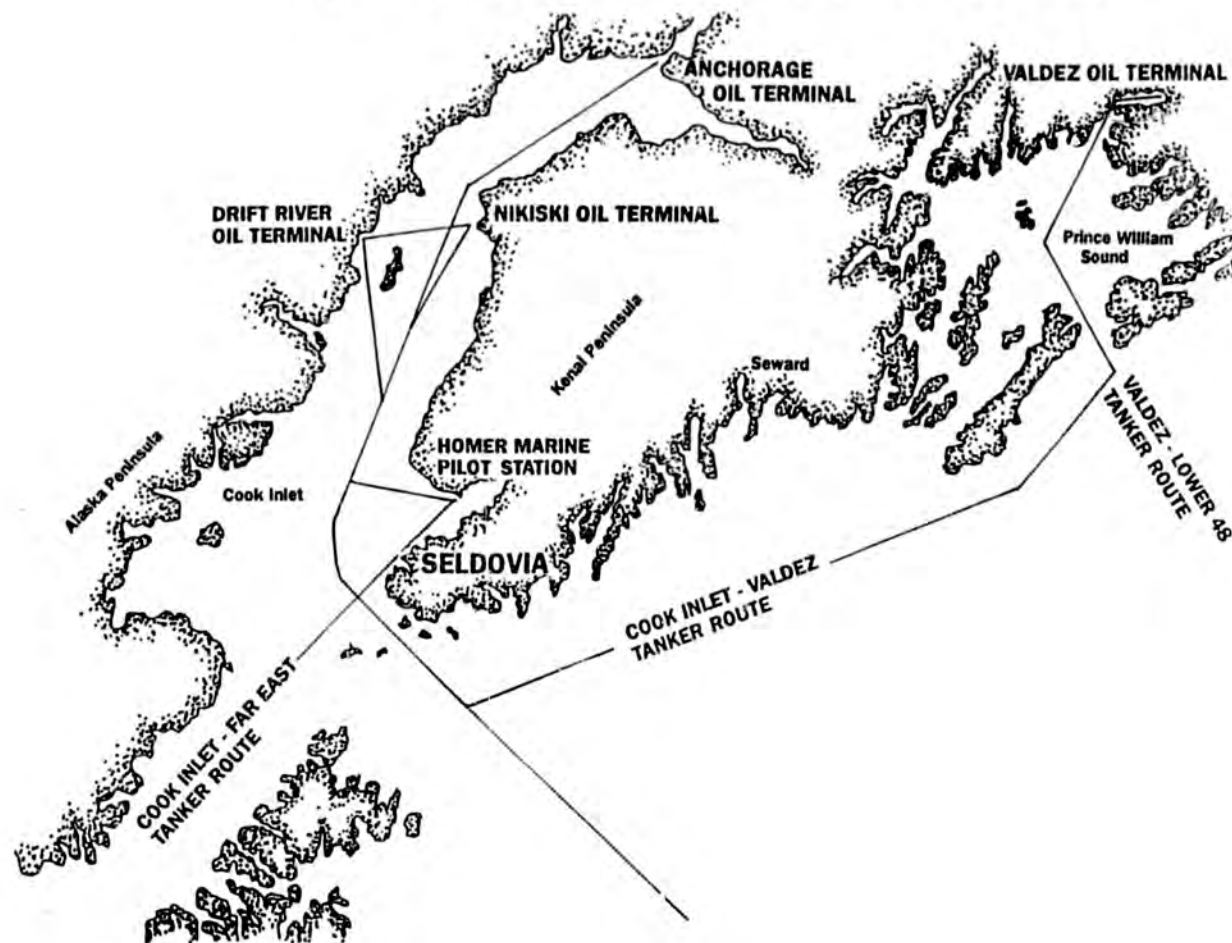
Meetings + Parties
at Captain Cook Hotel in Anchorage

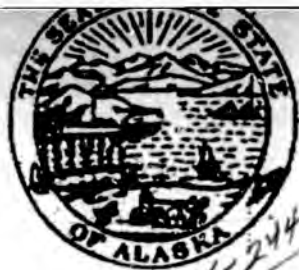
This is other cut the beaches to be considered
on the Kenai Peninsula from 200 to 40.

Everyone knows there is still lots of oil in some beaches
out there.

SELDOVIA

MAP OF COOK INLET TANKER ROUTES





Legislative Affairs Agency Teleconference

SPONSOR: House Sp Comm on
Chena Valley Settlement

DATE: April 12, 1991

TIME: START 1:00 END

SUBJECT

Chena Valley
Claims &

P.3/3

FAA

NAME

REPRESENTING

BUSINESS/PERSONAL MAILING ADDRESS

ZIP

(H) PHONE

(W) PHONE

DO Y
TO

19	Gary J. Keister	John Cabot Co.	Dock Street, Seldovia	99663	349 2783	349 2550	Y
20	Jane Reuling	SOS	Box 243 Seldovia	99663	234- 7608		Y
21	Gail Richards	Homer News	P.O. Box 205 Seldovia	99663	7808	7808	Y
22	Susan Mumma	Seldovia Kenai Pen Base.	Box 41 Seldovia	99663	7614	7616	Y
23	Jire Murray	Self	Box 237 Seldovia	99663	234-7646	—	Y
							Y
							Y
							Y
							Y
							Y
							Y
							Y

STATS ADDRESS:

APR 11 '91 17:05 LEG. AFFAIRS - HOMER



Legislative Affairs Agency

Teleconference

SPONSOR: House Sp. Cmte on
Chena Valley Development

DATE: April 12, 1991

TIME: START 1:00 END

SUBJE

Chena Va
Claims &

	NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO Y TO
(10)	LIZ RUSKIN	Homer News	3482 Larrington St	99603		235-7767	Y
(11)	Vern McCable	City of Seldovia	Box 163, Seldovia	99603	034 1878	234 7677	Y
(12)	Frances Eckoldt	City of Seldovia	Lawrence B Seldovia	99663	234-7643		Y
(13)	Sylvia Spearow	Kona Hon. Boro	144 N. Binkley	99669	262-4441		Y
(14)	TOM PETERSON	DEPT. COMM. LEG. AFFAIRS	710 MILL BAY ROAD, KONA, HI 99005			486-5736	Y
(15)	KEVIN MORATTEUR		Box 26 SELDOVIA	99663	234-7479	234-7807	Y
(16)	Shirley Nelson	Seldovia Hon. Boro	Box 275 Seldovia	99663	234-1886	SAME	Y
(17)	Vivian Paxon	City of Seldovia	Box 226 Seldovia ak	99663	234-7870		Y
(18)	John Michelson	City of Seldovia	" "	99663	234-7870		Y
							Y
							Y

APR 11 '91 17:05 LEG. AFFAIRS - HOMER

STATS ADDRESS:



Legislative Affairs Agency

Teleconference

SPONSOR: House Settlement on
Chena Valley Settlement

DATE: April 12, 1991

TIME: START 1:00 END

SUBJ

Chena Valley
Claims &

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO TO
David Cloninger	Seldovia Fishing Adventures	PO Box 121 Seldovia	99663	234-7417	Same.	Y
Peggy Cloninger	Seldovia	Fishing P.O. Box 121 Seldovia, AK	99663	234-7417	same	Y
Sandy Murray	Seldovia	Box 237	99663	234-7646	234-7890	Y
						Y
						Y
						Y
						Y
						Y
						Y
						Y
						Y

STATS ADDRESS:

SCOMM

76:16

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: NANCY BIRD
TITLE:
ADDRESS: P.O. BOX 1185
CITY: CORDOVA
PHONE: 424-7466

ZIP: 99574

BILL NO:
SUBJECT: EXXON VALDEZ OIL SPILL LITIGATION
MESSAGE: I DEPLORE THE SECRECY SURROUNDING THE NEGOTIATIONS BETWEEN
THE GOVERNOR'S OFFICE AND THE EXXON CORPORATION REGARDING
SETTLEMENT OF THE EXXON VALDEZ OIL SPILL LITIGATION. IT IS
UNLIKELY THAT THE PUBLIC'S BEST INTERESTS WILL BE SERVED
THROUGH A SECRET AND UNDEMOCRATIC PROCESS.

POMID: 17160505
DATE: 91/02/15
TIME: 16:05:05
LIONAME: VALDEZ INFORMATION OFFICE

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	SHARP	SHULTZ
TAYLOR	ULMER	STURGULEWSKI
ZAWACKI	G.PHILLIPS	UEHLING
R.PHILLIPS		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: AL SCHUERGER

TITLE:

ADDRESS: 8441 STACEY CIRCLE

CITY: ANCHORAGE

ZIP: 99507

PHONE: 264-3718

BILL NO:

SUBJECT: ENVIRONMENTAL FINES

MESSAGE: FINES LEVIED BY THE STATE AGAINST ANY COMPANY OR ORGANIZATION SHOULD NOT BE ALLOWED TO BE DEDUCTED FROM TAXES. /JSM

POMID: 03133114

DATE: 91/04/26

TIME: 13:31:14

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER

BOYER

BRUCKMAN

CHOQUETTE

B.DAVIS

DONLEY

FINKELSTEIN

GONZALES

HANLEY

IVAN

KOPONEN

LARSON

LINCOLN

MACLEAN

M.A.MILLER

MOYER

PARNELL

R.PHILLIPS

TAYLOR

ZAWACKI

BARNES

BROWN

CARNEY

DAVIDSON

C.DAVIS

ELLIS

FOSTER

GRUSSENDORF

HUDSON

JACKO

KUBINA

LEMAN

MACKIE

MARTIN

M.W.MILLER

NAVARRE

G.PHILLIPS

SHARP

ULMER

ADAMS

COLLINS

COTTEN

DUNCAN

ELIASON

FAHRENKAMP

FISCHER

FRANK

HALFORD

HOFFMAN

JONES

KERTTULA

MENARD

PEARCE

POURCHOT

RODEY

SHULTZ

STURGULEWSKI

UEHLING

ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 W. 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: CLAIMS SETTLEMENT

MESSAGE: YOUR REPEATED QUESTION TO COLE ON HOW THE STATE CALCULATED THE DAMAGES. COLE SAID IN A SENATE HEARING, SOMETHING TO THE EFFECT, THAT IT CAME TO WALLY "IN GREAT INTUITIVE LIGHT". /BN

PCOID: 03143108

DATE: 91/04/15

TIME: 14:31:08

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

DONLEY

DAVIDSON

KUBINA

ULMER

G. PHILLIPS

NAVARRE

HUDSON

BARNES

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MC CUTCHEON

TITLE:

ADDRESS: 121 W. 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: MAY I HAVE THE NAME AND ADDRESS OF THE JUDGE IN WASHINGTON WHO PUT T
SETTLEMENT ON HOLD. /CHR

POMID: 03085822

DATE: 91/04/17

TIME: 08:58:22

LIONAME: ANCHORAGE LIO

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 WEST 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: JOHN MANLEY

MESSAGE: THE FOLLOWING POM WAS SENT TO HICKEL. "JOHN MANLEY'S REMARKS ABOUT MAX GRUENBERG WERE UNCALLED FOR AND REFLECT POORLY UPON YOURSELF. AN APOLOGY IS IN ORDER. BUT IF YOU WANT TO PLAY THAT WAY OKAY." SURPRISINGLY, JUDGE (OIL) HOLLAND HAS QUESTIONS TOO. TED STEVENS IS GOING TO BE WILD. HOW WILL TED EXPLAIN TO BUSH. /JSM

POMID: 03112825

DATE: 91/04/24

TIME: 11:28:25

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVE

GRUSSENDORF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 WEST 11TH

CITY: ANC

ZIP: 99501

PHONE: 277-3076

BILL NO: HB 270

SUBJECT: UNPAID PARKING TICKETS/IMPOUNDMENT

MESSAGE: I AM SURPRISED YOU OR ANY OTHER LAWYER WOULD SPONSER A BILL WHICH SHORT CIRCUITS OUR JUDICAL SYSTEM. ALLOW AT LEAST THE CITY OF ANCHORAGE TO H OUT FRAUDULENT TICKETS THEN TO COLLECT WHAT THEY CAN NOT GET OUT OF THE COUR SYSTEM. THAT IS NOT THE ~~MAN~~ I KNOW . GET THE FACTS. ITS A BAD BILL./ LW

POMID: 03141157

DATE: 91/04/24

TIME: 14:11:57

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVE

DONLEY

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: TERRENCE COLE

TITLE:

ADDRESS: PO BOX 81816

CITY: FAIRBANKS

PHONE: 457-7078

ZIP: 99708

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: CONGRATULATIONS TO THE HOUSE ON TURNING DOWN THE EXXON VALDEZ SETTLEMENT!!! THANK YOU. EOM/CLS

POMID: 07151706

DATE: 91/05/09

TIME: 15:17:06

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MATT KINNEY
TITLE:
ADDRESS: P.O. BOX 1502
CITY: VALDEZ
PHONE: 835-4817

ZIP: 99686

BILL NO:

SUBJECT:

MESSAGE: I DISAGREE WITH THE SETTLEMENT BASED ON THE INFORMATION AVAILABLE ON THE ENVIRONMENTAL AND SOCIAL IMPACT. ATTORNEY GENERAL COLE SHOULD BE REMINDED TIMBER BUY-BACKS WOULD BE CONSISTANT WITH "ENHANCEMENT" AS STATED IN THE SETTLEMENT SECTION ON HOW THE MONEY WOULD BE USED. THE FIGURE \$1.2 BILLION IS RIDICULOUSLY LOW.

POMID: 17171704

DATE: 91/04/15

TIME: 17:17:04

LIONAME: VALDEZ INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATORS

FINKELSTEIN	KERTTULA
KOPONEN	ELIASON
MARTIN	COTTEN
TAYLOR	PEARCE
DONLEY	JONES
DAVIDSON	HALFORD
NAVARRE	SHULTZ
KUBINA	STURGULEWSKI
HUDSON	ZHAROFF
ULMER	
BARNES	
G. PHILLIPS	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JOHN ALFONSI

TITLE:

ADDRESS: 2484 OUTSIDE BLVD.

CITY: NORTH POLE

ZIP: 99705

PHONE: 488-1361

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: THREE CHEERS. CHARLES COLE HAS BEEN MADE TO DO THE RIGHT THING. HOWEVER, THE ISSUE IN THE EXXON VALDEZ SETTLEMENT IS THE DISCLOSURE OF SCIENTIFIC INFORMATION & DISSEMINATION OF THE IMPORTANT DATA. THE ENTIRE PROPOSED SETTLEMENT SHOULD NOT BE RUSHED INTO. THANK YOU. EOM/CLS

POMID: 07083711

DATE: 91/04/16

TIME: 08:37:11

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: SAM LIGHTWOOD

TITLE:

ADDRESS: HC60 BOX 229

CITY: COPPER CENTER, AK.

ZIP: 99573

PHONE: 822-3927

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: THE OIL SPILL SETTLEMENT AGREEMENT BY THE LEGISLATIVE SPECIAL COMMITTEE SHOULD NOT BE APPROVED UNLESS FUNDS GO FOR COASTAL RESTORATION AND STUDY MANAGED BY A TRUSTEESHIP SELECTED BY THE LEGISLATURE IN CONSULTATION WITH AFFECTED COMMUNITIES. ALL SPILL STUDIES SHOULD BE FULLY REVEALED. OUT OF COURT SETTLEMENT IS BEST.

POMID: 01111214

DATE: 91/04/16

TIME: 11:12:14

LIONAME: GLENNALLEN LIO

COPIES: REPRESENTATIVES SENATORS

GONZALES

DONLEY

DAVIDSON

NAVARRE

KUBINA

HUDSON

ULMER

BARNES

G. PHILLIPS

SHULTZ

ELIASON

COTTEN

HALFORD

JONES

KERTTULA

PEARCE

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: GAYLE BELL

TITLE:

ADDRESS: 64880 DIAMOND RIDGE

CITY: HOMER

ZIP: 99603

PHONE: 235-8700

BILL NO:

SUBJECT: EXXON VALDEZ OIL SPILL CLAIM SETTLEMENT

MESSAGE: PLEASE DO NOT ACCEPT THIS, BLOCK THE AGREEMENT. WE DON'T HAVE ENOUGH
INFORMATION ABOUT IT AND THE EFFECTS WILL BE ON GOING FOR MANY MORE YEARS.

POMID: 18111433

DATE: 91/04/12

TIME: 11:14:33

LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATORS

NAVARRE

ELIASON

DONLEY

COTTEN

KUBINA

JONES

ULMER

PEARCE

G HILLIPS

HALFORD

SON

KERTTULA

BARNES

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DOROTHY MORTENSON
TITLE: CARTOGRAPHER & RESEARCH SCIENTIST
ADDRESS: 1200 B STREET
CITY: ANCHORAGE
PHONE: 762-2381

ZIP: 99501

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: BASED ON MY EXPERIENCE THE DAMAGE IS ASSESSED TOO LOW. THE SETTLEMENT IS A MERE TAP ON THE HAND. IT'S A DISGRACE AND SHOULDN'T BE EASILY SWEEPED AWAY. THE OIL INDUSTRY WILL CONTINUE. THEREFORE ALASKANS SHOULD NOT TOLERATE SPILLS OR CONTINGENCY PLAN. ANYTHING LESS THAN SUPERB./CMR

POMID: 03123602

DATE: 91/04/12

TIME: 12:36:02

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MYLLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DON SOILEAU

TITLE:

ADDRESS: 5340 EAST 26TH

CITY: ANCHORAGE

ZIP: 99508

PHONE: 279-5484

BILL NO:

SUBJECT: OIL SPILL SETTLEMENT

MESSAGE: REJECT THE SETTLEMENT. IF THE SETTLEMENT IS ACCEPTED, REQUIRE THE RELEASE OF THE STATE'S ECONOMIC AND SCIENTIFIC DATA. THE SETTLEMENT MONEY SHOULD BE SPENT TO BUY BACK TIMBER RIGHTS ALONG SPILL AFFECTED COASTLINES TO PREVENT FURTHER DAMAGE, ON RESTORATION ACTIVITIES, AND ON ON-GOING STUDIES IN THE SOUND. /JSM

POMID: 03093703

DATE: 91/04/17

TIME: 09:37:03

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: STEVE AND KAREN JOYNT

TITLE:

ADDRESS: P O BOX 3056

CITY: PALMER

ZIP: 99645

PHONE: 373-6443

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: THE PURPOSED EXXON SETTLEMENT IS NOT ONLY SETTING OUR STATE UP FOR ANOTHER CASTROPHE BUT IS SENDING A WOEFULLY INADEQUATE MESSAGE TO ENVIRONMENTAT POLLUTERS AND EXPLOITERS. THE LEGISLATURE MUST: (1) REQUIRE RELEASE OF ECONOMIC AND SCIENTIFIC DATA AND (2) PROVIDE FOR PUBLIC PARTICIAPTATION IN DETERMINING IN HOW SETTLEMENT MONEY SHOULD BE SPENT.

POMID: 14153235

DATE: 91/04/18

TIME: 15:32:35

LIONAME: MAT-SU LIO

COPIES: REPRESENTATTIVES SENATORS

CARN

LA

KERTTULA

HARD

TASON

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JEFF RICHARDSON
TITLE:
ADDRESS: 2237 HUFFMAN RD.
CITY: ANCHORAGE
PHONE: 345-3607
ZIP: 99516
BILL NO:
SUBJECT: CONFIRMATION/EXXON SETTLEMENT
MESSAGE: AM STRONGLY OPPOSED TO CONFIRMATION OF COMMISSIONERS HEINZE AND SANDOR. ALSO, STRONGLY OPPOSED TO EXXON SETTLEMENT NEGOTIATED BY GOVERNOR.
/JSM

POMID: 03112918
DATE: 91/04/19
TIME: 11:29:18
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	HARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LAURA PATTY
TITLE:
ADDRESS: BOX 15043
CITY: FRITZ CREEK
PHONE: 235-7578
ZIP: 99603

BILL NO:
SUBJECT: EXXON VALDEZ OIL SPILL SETTLEMENT
MESSAGE: I OPPOSE THE EXXON SETTLEMENT. 1. I WOULD LIKE TO SEE THE SCIENTIFIC AND BIOLOGICAL AND ECONOMIC STUDIES OF THE DAMAGE DONE BY THE OIL SPILL. 2. I WOULD LIKE TO SEE THE DEADLINE FOR PUBLIC COMMENT EXTENDED UNTIL ABOVE DATA IS RELEASED. 3. REGARDLESS OF WHATEVER SETTLEMENT IS REACHED WITH EXXON, I WOULD LIKE TO SEE REPRESENTATIVES OF PUBLIC INTEREST GROUPS ON BOARD OF TRUSTEES.

FOMID: 18142518
DATE: 91/04/19
TIME: 14:25:18
LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATORS

DONLEY	FISCHER
DAVIDSON	ELIASON
KUBINA	COTTEN
ULMER	JONES
G.PHILLIPS	PEARCE
NAVARRE	HALFORD
HUDSON	KERTTULA
BARNES	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: RAY BURGER

TITLE:

ADDRESS: PO BOX 672349

CITY: CHUGIAK

ZIP: 99567

PHONE: 688-3835

BILL NO:

SUBJECT: EXXON SPILL SETTLEMENT

MESSAGE: THE EXXON SETTLEMENT IS AN INSULT THAT COULD LONG BE REMEMBERED IF IT PASSES THE LEGISLATURE. IT FAILS MANY GOALS. 1) TO REVEAL THE DAMAGE CAUSED. 2) ACT AS A DETERRENT TO FUTURE DAMAGES DUE TO OUR HIGH OIL CONSUMPTION. 3) TO ALLOW DIRECT PUBLIC INPUT INTO HOW MONIES ARE SPENT. /JSM

POMID: 03121631

DATE: 91/04/19

TIME: 12:16:31

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GONZALES
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAWACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
FOSTER
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: ALLEN HOWE

TITLE:

ADDRESS: 8869 BOOM CIRCLE

CITY: ANCHORAGE

PHONE: 243-6570

ZIP: 99502

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: THE STATE IS MOVING TO FAST WITH TO LITTLE INFORMATION TOWARD A
SETTLEMENT THAT WILL IMPACT PEOPLE OF ALASKA FOR YEARS. SLOW DOWN, GET THE
FACTS, INFORM THE PUBLIC, THEN DECIDE. /BN

POMID: 03143406

DATE: 91/04/18

TIME: 14:34:06

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: GLADYS W. THOMPSON

TITLE:

ADDRESS: 7216 LAKE OTIS

CITY: ANCHORAGE

ZIP: 99507

PHONE: 349-1456

BILL NO:

SUBJECT: EXXON OIL SPILL SETTLEMENT

MESSAGE: NO SETTLEMENT NOW! ALL DATA MADE PUBLIC FIRST. SEVERAL MONTHS GIVEN FOR PUBLIC INPUT. ALL FINES TO BE PAID BY EXXON UP FRONT. HOW MUCH INTEREST ACCUMULATES IN 11 YEARS ON \$660,000,000 AT 18%? AT 6%? MONEY IS FOR VICTIMS, NOT PLUNDERERS OF OUR PRIVATE, MUNICIPAL, STATE AND NATIONAL RESOURCES.

/JSM

POMID: 03162620

DATE: 91/04/18

TIME: 16:26:20

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER

BARNES

ADAMS

BOYER

BROWN

COLLINS

BRUCKMAN

CARNEY

COTTEN

CHOQUETTE

DAVIDSON

DUNCAN

B.DAVIS

C.DAVIS

ELIASON

DONLEY

ELLIS

FAHRENKAMP

FINKELSTEIN

FOSTER

FISCHER

GONZALES

GRUSSENDORF

FRANK

HANLEY

HUDSON

HALFORD

IVAN

JACKO

HOFFMAN

KOPONEN

KUBINA

JONES

LARSON

LEMAN

KERTTULA

LINCOLN

MACKIE

MENARD

MACLEAN

MARTIN

PEARCE

M.A.MILLER

M.W.MILLER

POURCHOT

MOYER

NAVARRE

RODEY

PARNELL

G.PHILLIPS

SHULTZ

R.PHILLIPS

SHARP

STURGULEWSKI

TAYLOR

ULMER

UEHLING

ZAWACKI

ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: SANDRA SONNICHSEN

TITLE:

ADDRESS: 8869 BOOM CIRCLE

CITY: ANCHORAGE

ZIP: 99502

PHONE: 267-2144

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: SAY NO TO THE EXXON SETTLEMENT. I DON'T NEED TO KNOW ALL THE DETAILS TO KNOW THAT ONE BILLION SPREAD OVER SEVERAL YEARS IS NOT ENOUGH TO PAY FOR THE DAMAGE. /JSM

POMID: 03165029

DATE: 91/04/18

TIME: 16:50:29

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRÉ	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JOHN STRASENBURGH

TITLE:

ADDRESS: P.O.BOX 100171

CITY: ANCHORAGE

PHONE: 688-6874

ZIP: 99510

BILL NO:

SUBJECT: EXXON OIL SPILL SETTLEMENT

MESSAGE: I OPPOSE EXXON OIL SPILL SETTLEMENT. CHARLES COLE IS SECREATIVE AND I DON'T BELIEVE HE IS ACTING IN STATE'S BEST INTEREST. ECONOMIC AND SCIENTIFIC DATA ON SPILL SHOULD BE RELEASED TO DETERMINE TRUE IMPACT AND WHAT RESTORATION IS NEEDED. PUBLIC SHOULD BE INVOLVED IN DETERMINING HOW MONEY IS SPENT. /BN

POMID: 03132506

DATE: 91/04/17

TIME: 13:25:06

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
H.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: HAROLD WARD

TITLE:

ADDRESS: 1250 CLINTON CIRCLE

CITY: WASILLA

ZIP: 99687

PHONE: 373-2457

BILL NO:

SUBJECT:

MESSAGE: STATESMANSHIP IS STILL ALIVE, I COMMEND LEGISLATORS WHO VOTED TO REJECT OIL SPILL BILL. MORE THAN MONEY WAS INVOLVED. APPROVING THIS CONTRACT WOULD HAVE BEEN THE FINAL STEP IN TOTAL POLITICAL AND FINANCIAL CONTROL OF OUR STATE BY SPECIAL INTERESTS. TIME WILL PROVE THIS THE MOST IMPORTANT VOTE IN THIS SESSION

POMID: 14085410

DATE: 91/05/07

TIME: 08:54:10

LIONAME: MAT-SU LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	FLLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: RICHARD HELMS

TITLE:

ADDRESS: 4201 LEYDEN

CITY: ANCHORAGE

PHONE: 345-6184

ZIP: 99516

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: JUDGE HOLLAND APPARENTLY UNDERSTANDS THAT BIG OIL IS NOT A FRIEND TO
EITHER ALASKA OR THE ENVIRONMENT. WHEN ARE YOU GOING TO REALIZE THAT? I AWAIT
YOUR REPLY. /CMR

POMID: 03091241

DATE: 91/04/25

TIME: 09:12:41

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: TIM MARTIN
TITLE:
ADDRESS: 7100 LAKE OTIS PARKWAY, #37
CITY: ANCHORAGE
PHONE: 349-3855
ZIP: 99507
BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: REJECT. /CMR

POMID: 03104541
DATE: 91/04/25
TIME: 10:45:41
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	H.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UFHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DAVID L. LAZER
TITLE: MASTER GUIDE
ADDRESS: HCO1 BOX 6877
CITY: PALMER
PHONE: 745-3006

ZIP: 99645

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: TAKE THE BILLIONS. JUST THINK OF THE INTEREST ALONE WE ARE LOSING EACH DAY SINCE YOU TURNED DOWN THE BILLIONS. PLUS THE HUNDREDS OF THOUSANDS IN COURT COSTS TO TAKE THEM TO COURT AND PROBABLY END UP WITH LESS. THEY HAVE ALREADY HELPED OUR ECONOMY BY HUNDREDS OF MILLIONS. /LD

POMID: 03134504

DATE: 91/05/07

TIME: 13:45:04

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LYNN LEVENGOOD

TITLE:

ADDRESS: 931 VIDE WAY

CITY: FAIRBANKS

ZIP: 99709

PHONE: 479-3161

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: I URGE YOUR SUPPORT AND RATIFICATION OF THE EXXON VALDEZ SETTLEMENT.
IT IS IN THE BEST INTEREST OF THE STATE OF ALASKA AND IS NECESSARY DURING THESE
DIVISIVE TIMES TO SETTLE THIS DISPUTE AND GET ON WITH MORE PRESSING MATTERS.

POMID: 07091320

DATE: 91/04/19

TIME: 09:13:20

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GONZALES
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAWACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
FOSTER
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DAVID FOLEY
TITLE:
ADDRESS: 1554 STACIA
CITY: FAIRBANKS
PHONE: 456-1347
BILL NO:
SUBJECT:

ZIP: 99701

MESSAGE: I THINK IT IS A RATHER REPULSIVE ATTITUDE WHEN A LEGISLATOR THAT IS ELECTED BY THE PEOPLE DOES NOT WANT THE WISHES OF THE MAJORITY OF THE PEOPLE PUBLICIZED TO USE FOR THE BENEFIT OF A DECISION MADE IN FAVOR OR NOT IN FAVOR OF AN ISSUE SUCH AS THE EXXON SETTLEMENT. IF IN FACT A MAJORITY OF THE PEOPLE ARE IN FAVOR OF SETTLEMENT, THE LEGISLATURE IS ELECTED TO DO THE WILL OF THE PEOPLE.

EOM-FZ

POMID: 07084316
DATE: 91/04/24
TIME: 08:43:16
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GONZALES
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAWACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
FOSTER
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LARRY SEIP

TITLE:

ADDRESS: 565 EAST PIONEER

CITY: HOMER

PHONE: N/R-

ZIP: 99603

BILL NO:

SUBJECT: EXXON RULING

MESSAGE: I THINK THE HOUSE DID COME TO ITS SENSES, ON THE ISSUE OF ITS DECISION
CONCERNING EXXON. CONSIDERING THE NEW INFORMATION BROUGHT TO LIGHT ON HIGH
PRESSURE WASH PROCEDURE.

POMID: 18124037

DATE: 91/05/03

TIME: 12:40:37

LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES REPRESENTATIVES

BAKER	BARNES
BOYER	BROWN
BRUCKMAN	CARNEY
CHOQUETTE	DAVIDSON
B.DAVIS	C.DAVIS
DONLEY	ELLIS
FINKELSTEIN	FOSTER
GONZALES	GRUSSENDORF
HANLEY	HUDSON
IVAN	JACKO
KOPONEN	KUBINA
LARSON	LEMAN
LINCOLN	MACKIE
MACLEAN	MARTIN
M.A.MILLER	M.W.MILLER
MOYER	NAVARRE
PARNELL	G.PHILLIPS
R.PHILLIPS	SHARP
TAYLOR	ULMER
ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MICHAEL TUMEY
TITLE:
ADDRESS: P.O. BOX 491
CITY: GIRDWOOD
PHONE: 783-2278
ZIP: 99587
BILL NO:
SUBJECT: OIL SPILL SETTLEMENT
MESSAGE: THANK YOU TO THOSE REPRESENTATIVES WHO REJECTED THE GOVERNOR'S OIL
SPILL SETTLEMENT. /BN

POHID: 03083358
DATE: 91/05/03
TIME: 08:33:58
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

DONLEY
DAVIDSON
KUBINA
ULMER
G. PHILLIPS
NAVARRE
HUDSON
BARNES

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: NANCY LORD
TITLE:
ADDRESS: BOX 558
CITY: HOMER
PHONE: 235-8252

ZIP: 99603

BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: I STRONGLY URGE YOU TO DISAPPROVE THE EXXON CIVIL SETTLEMENT. IT HAS FAR TOO MANY FLAWS - INCLUDING TOO LITTLE MONEY, TOO LITTLE PUBLIC INVOLVEMENT, NO ASSURANCE OF ACTUAL RESTORATION, AND JEOPARDIZATION OF THIRD-PARTY CLAIMS. LET'S TRY FOR A BETTER SETTLEMENT - OR TAKE OUR CHANCES IN COURT.

POMID: 18144509
DATE: 91/04/26
TIME: 14:45:09
LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATORS

BARNES
DAVIDSON
DONLEY
HUDSON
KUSTNA
NAYLOR
G.PHILLIPS
ULMER

COTTEN
ELIASON
FISCHER
HALFORD
JONES
KERTTULA
PEARCE
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LINDA KRYAN
TITLE:
ADDRESS: 1822 MARK ALLEN
CITY: JUNEAU, AK
PHONE: 780-4369
BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: I APPLAUD JUDGE HOLLANDS DECISION - ORIGINAL SETTLEMENT WAS A SELL
OUT.

ZIP: 99801

POMID: 00144830
DATE: 91/04/26
TIME: 14:48:30
LIONAME: JUNEAU LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAHACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MARK RIPPY
TITLE:
ADDRESS: 2333 SOLAR AVE
CITY: FAIRBANKS
PHONE: 455-6571

ZIP: 99709

BILL NO:
SUBJECT: PROPOSED EXXON SETTLEMENT
MESSAGE: CONSIDERING THE RULING BY JUDGES HOLLAND AND SPORKIN IT IS BECOMING
OBVIOUS THIS PROPOSED SETTLEMENT WAS HASTILY PATCHED TOGETHER BY AN
ADMINISTRATION MORE CONCERNED WITH THE INTEREST OF THE OIL COMPANIES, AND NOT
THE BEST INTEREST OF THE STATE. PLEASE REJECT THE SETTLEMENT. THANK YOU.
EOM/CLS

POHID: 07085346

DATE: 91/04/30

TIME: 08:53:46

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOFONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULNER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MARK RIPPY

TITLE:

ADDRESS: 2333 SOLAR AVENUE

CITY: FAIRBANKS

ZIP: 99709

PHONE: 455-6571

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: PLEASE VOTE AGAINST THE PROPOSED EXXON SETTLEMENT. WHILE SETTLEMENT AMOUNT MIGHT BE APPROPRIATE IT SHOULD BE A SINGLE PAYMENT RATHER THAN AN ANNUITY. SINCERELY YOURS. EOM/MJO

POMID: 07123958

DATE: 91/04/26

TIME: 12:39:58

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DUANE ANDERSON
 TITLE: S.O.B.
 ADDRESS: 37685 CONNER RD.
 CITY: SOLDOTNA
 PHONE: N/R-

ZIP: 99669

BILL NO:

SUBJECT: BACKBONES AND GUTS!!

MESSAGE: HEY, YOU GUYS AND GALS CAN STAND UP AND SAY NO (AS WELL AS THE USUAL YES)! THAT SUPER-SECRET EXXON DEAL ALWAYS STUNK. AND BY THE WAY, THANKS FOR THE STAND FOR EDUCATION. IF WE HAVE TO PLAY EYE-TO-EYE HARBALL WITH HICKEL AND HIS MANY STOOGES, SO BE IT. WIN ONE MORE FOR US GIPPERS. THANKS!

POMID: 13113728

DATE: 91/05/03

TIME: 11:37:28

LIONAME: SOLDOTNA LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: CAROL JENSEN

TITLE:

ADDRESS: 84 1 GREENHILL WAY

CITY: ANCHORAGE

ZIP: 99502

PHONE: 344-7078

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: CONGRATULATIONS ON YOUR VOTE TO REJECT THE COLE/HICKEL EXXON
SETTLEMENT. PLEASE DON'T CHANGE YOUR MIND. WE NEED A BETTER DEAL. /CMR

POMID: 03092652

DATE: 91/05/03

TIME: 09:26:52

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES

BAKER	BARNES
BOYER	BROWN
BRUCKMAN	CARNEY
CHOQUETTE	DAVIDSON
B.DAVIS	C.DAVIS
DONLEY	ELLIS
FINKELSTEIN	FOSTER
GONZALES	GRUSSENDORF
HANLEY	HUDSON
IVAN	JACKO
KOPONEN	KUBINA
LARSON	LEMAN
LINCOLN	MACKIE
MACLEAN	MARTIN
M.A.MILLER	M.W.MILLER
MOYER	NAVARRE
PARNELL	G.PHILLIPS
R.PHILLIPS	SHARP
TAYLOR	ULMER
ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MIKE BRUNER
TITLE:
ADDRESS: 1007 EAST 20TH, NO C
CITY: ANCHORAGE
PHONE: N/R-
BILL NO:
SUBJECT: EXXON OIL SPILL SETTLEMENT
MESSAGE: PLEASE USE EXXON TO SET AN EXAMPLE FOR GROSS NEGLIGENCE IN OIL SPILLS.
\$3-8 BILLION IS DEFENSIBLE. GO FOR IT. THANKS. /JSM
ZIP: 99501

POMID: 03124508
DATE: 91/04/18
TIME: 12:45:08
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: STEVE JYURICKO
TITLE:
ADDRESS: PO BOX 733385
CITY: FAIRBANKS
PHONE: 456-7860
ZIP: 99707
BILL NO:
SUBJECT: EXXON VALDEZ OIL SPILL
MESSAGE: AFTER SEEING THE HICKEL ADMINISTRATION FIGHT TO CLEAR EXXON OF CHARGE
NOT TO MENTION CUT ALASKA LIKELY FUTURE DAMAGE AWARDS I INSIST THE DEAL BE
TURNED DOWN. I ALSO WANT TO HAVE POSSIBLE "INTENTIONAL GROUNDING" OF THE EXXON
INVESTIGATED AS WELL. THANK YOU. EOM/CLS

POMID: 07084152
DATE: 91/04/11
TIME: 08:41:52
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MEHARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: BROTHER TOM PATMOR

TITLE:

ADDRESS: PO BOX 124

CITY: CLAM GULCH

ZIP: 99568

PHONE: N/R-

BILL NO:

SUBJECT: COLLECTING FROM EXXON

MESSAGE: SINCE EXXON FEELS THEY NEED SOME TIME TO PAY \$1,000,000,000., GIVE THEM AS LONG AS THEY WANT BUT TELL THEM THE STATE IS GOING TO HOLD THEIR BUSINESS LICENSE UNTIL THE AMOUNT IS ALL PAID. IF THEY KNEW THEY COULDN'T SHIP ANY OIL TILL THEN, THEY'D HURRY AND PAY RIGHT AWAY. BROTHER TOM PATMOR

POMID: 13145803

DATE: 91/03/26

TIME: 14:58:03

LIONAME: SOLDOTNA LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JOHN ALFONSI
 TITLE:
 ADDRESS: 2484 OUTSIDE BLVD.
 CITY: NORTH POLE
 PHONE: 488-1361

ZIP: 99705

BILL NO:
 SUBJECT: CHARLES COLE
 MESSAGE: CHARLIE COLE IS ALASKA'S ED MEESE. WHAT HAPPENED TO ETHICS & MORALITY
 IN LAW? THIS MAN SHOULD BE THOROUGHLY INVESTIGATED. ALL HIS DEALINGS WITH
 ALASKA, PARTICULARLY THE EXXON SETTLEMENT-SHOULD BE FULLY INVESTIGATED.
 MINIMUMLY CHARLIE COLE MUST DIVEST HIS INTEREST IN ANY OR ALL OIL LEASES OR
 RESIGN. THANK YOU. EOM/CLS

POMID: 07135310
 DATE: 91/04/10
 TIME: 13:53:10
 LIONAME: FAIRBANKS LIO

COPIES:	<u>REPRESENTATIVES</u>	<u>REPRESENTATIVES</u>	<u>SENATORS</u>
	BAKER	BARNES	ADAMS
	BOYER	BROWN	COLLINS
	BRUCKMAN	CARNEY	COTTEN
	CHOQUETTE	DAVIDSON	DUNCAN
	B.DAVIS	C.DAVIS	ELIASON
	DONLEY	ELLIS	FAHRENKAMP
	FINKELSTEIN	FOSTER	FISCHER
	GONZALES	GRUSSENDORF	FRANK
	HANLEY	HUDSON	HALFORD
	IVAN	JACKO	HOFFMAN
	KOPONEN	KUBINA	JONES
	LARSON	LEMAN	KERTTULA
	LINCOLN	MACKIE	MENARD
	MACLEAN	MARTIN	PEARCE
	M.A.MILLER	M.W.MILLER	POURCHOT
	MOYER	NAVARRE	RODEY
	PARNELL	G.PHILLIPS	SHULTZ
	R.PHILLIPS	SHARP	STURGULEWSKI
	TAYLOR	ULMER	UEHLING
	ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JOHN ALFONSI
TITLE:
ADDRESS: 2484 OUTSIDE BLVD.
CITY: NORTH POLE
PHONE: 488-1361

ZIP: 99705

BILL NO:
SUBJECT:

MESSAGE: CHARLES COLE'S INTERESTS IN EXXON AND ARCO ARE AN OUTRAGE TO ALL ALASKANS. THIS IS ABSOLUTELY UNACCEPTABLE. THERE NEEDS TO BE A FULL INVESTIGATION OF MR. COLE'S DEALINGS IN THE EXXON SETTLEMENT. THIS CANNOT STAND.

ECM-FZ

POMID: 07112904
DATE: 91/04/08
TIME: 11:29:04
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MARK RINEHART

TITLE:

ADDRESS: 4026 E. 8TH AVENUE, #1

CITY: ANC

ZIP: 99508

PHONE: 337-4820

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: SHAME ON YOU. IF YOU ARE TO BE MISLEAD BY CHARLIE COLE, THE HICKEL ADMINISTRATION AND EXXON REGARDING THIS SETTLEMENT YOU WILL HAVE SOLD OUT THE STATE OF ALASKA AND ITS CITIZENS. THANKS VERY MUCH. /LD

POMID: 03153518

DATE: 91/04/11

TIME: 15:35:18

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

DONLEY
DAVIDSON
NAVARRE
KUBINA
HUDSON
ULMER
BARNES
G.PHILLIPS

ELIASON
COTTEN
HALFORD
JONES
KERTTULA
PEARCE

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: SALLY SCHLIESMANN

TITLE:

ADDRESS: P.O.BOX 241104

CITY: ANCHORAGE

ZIP: 99524

PHONE: 278-1200

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: I AM SUGGESTING THAT YOU DO NOT SUPPORT THE EXXON SETTLEMENT. FURTHER
LIGATION IS PREFERABLE TO AGREEING TO THIS DEAL. /CMR

POMID: 03091833

DATE: 91/04/09

TIME: 09:18:33

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVE SENATORS

DONLEY

PEARCE
RODEY

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: GREGORY SPRY
TITLE: DIRECTOR, AK NATIONAL ENERGY INST.
ADDRESS: P.O. BOX 83876
CITY: FAIRBANKS
PHONE: 451-4334
ZIP: 99708
BILL NO:
SUBJECT: SPILL SETTLEMENT
MESSAGE: PLEASE VOTE TO REJECT SPILL SETTLEMENT OF EXXON VALDEZ. NOT ONLY I
SETTLEMENT HIGHLY INADEQUATE, THE PROCESS OF CLOSED DOOR NEGOTIATIONS, REMOVE
FROM PUBLIC INPUT, IS OBJECTIONABLE TO THE CITIZENS OF THE STATE.
EOM-FZ

POMID: 07135731
DATE: 91/04/25
TIME: 13:57:31
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: RITA THOMPSON

TITLE:

ADDRESS: 3701 EUREKA STREET, #21-C

CITY: ANCHORAGE

ZIP: 99503

PHONE: 561-8329

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: PLEASE PLEASE VOTE AGAINST THE EXXON SETTLEMENT. WE MUST KNOW THE RESULTS OF THE ENVIORNMENTAL IMPACTS STUDY FIRST.WE DO NOT KNOW THE FUTURE DAMAGE TO THIS AREA. PUNITIVE FUNDS ARE A MUST BEFORE A SETTLEMENT CAN TAKE PLACE. REMEMBER HICKLE ONLY GOT 31% OF THE VOTE. /CMR

POMID: 03152712

DATE: 91/03/25

TIME: 15:27:12

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GONZALES
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAWACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
FOSTER
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: KENNETH HOISINGTON
TITLE:
ADDRESS: 408 EAST MANOR AVE.
CITY: ANCHORAGE ZIP: 99501
PHONE: 277-6273
BILL NO:
SUBJECT: EXXON VALDEZ OIL SPILL SETTLEMENT
MESSAGE: SAY NO TO THE EXXON DEAL. I BELIEVE THEY ARE GETTING OFF TOO LIGHT.
/JSM

POMID: 03150751
DATE: 91/04/11
TIME: 15:07:51
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRA	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MARTI RESSLER (MS.)
TITLE:
ADDRESS: 16431 HOME PLACE, NO 6
CITY: EAGLE RIVER
PHONE: 696-1235
BILL NO:
SUBJECT: EXXON SPILL SETTLEMENT
MESSAGE: THE SETTLEMENT WITH EXXON IS NOT ADEQUATE. IT IS LIKE FINEING SOMEONE
WHO EARNS \$117,000 A YEAR \$1,000 TO BE PAID OVER 9 OR 10 YEARS. RIDICULOUS!
/JSM

ZIP: 99577

POMID: 03131511
DATE: 91/04/11
TIME: 13:15:11
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

DONLEY	ELIASON
DAVIDSON	COTTEN
KUBINA	JONES
ULMER	PEARCE
G.PHILLIPS	HALFORD
NAVARRE	KERTTULA
HUDSON	RODEY
BARNES	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE FOSTER

NAME: JAMES TILTON
TITLE:
ADDRESS: POBOX 670062
CITY: CHUGIAK
PHONE: 688-9651
ZIP: 99567
BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: I AM COMPLETELY AND TOTALLY OPPOSED TO THE PROPOSED SETTLEMENT AND
REQUEST THAT YOU VOTE IT DOWN. /BN

POMID: 03092809
DATE: 91/04/11
TIME: 09:28:09
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GRUENBERG
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAWACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
GONZALES
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: GLADYS W. THOMPSON

TITLE:

ADDRESS: 7216 LAKE OTIS PARKWAY

CITY: ANCHORAGE

ZIP: 99507

PHONE: 349-1456

BILL NO:

SUBJECT: EXXON/VALDEZ OIL SPILL

MESSAGE: AS EXPECTED, EXXON CONTINUES LYING ALL THE WAY TO THE BANK. DO NOT SETTLE NOW. WAIT UNTIL ALL FACTS ARE PUBLIC. WHEN SETTLING CLAIM, TAKE WHOLE AMOUNT NOW AND PUT IN STATE OF ALASKA COFFERS TO BECOME A SECOND ALASKA PERMANENT FUND WITH ITS INTEREST. /BN

POMID: 03104254

DATE: 91/04/10

TIME: 10:42:54

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STUNGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: SHEILA R. HOWE
TITLE:
ADDRESS: 6831 E. 10TH
CITY: ANCHORAGE
PHONE: 333-2225
ZIP: 99504
BILL NO:
SUBJECT: EXXON VALDEZ SETTLEMENT
MESSAGE: ANY SETTLEMENT THAT RESTRICTS THE FLOW OF SCIENTIFIC KNOWLEDGE
PREMATURALLY SO AN HONEST AND UNBIAS JUDGMENT BY ALL THE PEOPLE IS A BAD DEAL
FOR OURSELVES AND OUR CHILDREN. /CMR

POMID: 03115542
DATE: 91/04/08
TIME: 11:55:42
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: ALLEN HOWE
TITLE:
ADDRESS: 8869 BOOM CIRCLE
CITY: ANCHORAGE
PHONE: 243-6570
ZIP: 99502
BILL NO:
SUBJECT: EXXON VALDEZ SETTLEMENT
MESSAGE: I WAS UNABLE TO ATTEND THE TELECONFERENCE ON THE EXXON VALDEZ
SETTLEMENT. I STILL URGE THE LEGISLATURE TO REJECT ANY SETTLEMENT THAT DOES NOT
PROVIDE FOR A LUMP SUM PAYMENT OF AT LEAST \$1 BILLION DOLLARS AT THE TIME OF
SETTLEMENT. /CHR

POMID: 03135134
DATE: 91/04/08
TIME: 13:51:34
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: ALLEN HOWE
TITLE:
ADDRESS: 8869 BOOM CIR.
CITY: ANC ZIP: 99502
PHONE: 267-2387
BILL NO:
SUBJECT: EXXON VALDEZ SETTLEMENT
MESSAGE: REJECT THE EXXON VALDEZ SETTLEMENT UNLESS AT LEAST \$1 BILLION IS PAID
BY EXXON IN A LUMP SUM. THE 10 YEAR PAY OUT SELLS ALASKA TOO SHORT. /LD

POMID: 03082316
DATE: 91/03/15
TIME: 08:23:16
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	PO'JRCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MR. ERIC TASKER

TITLE:

ADDRESS: 7724 ARLENE STREET

CITY: ANCHORAGE

ZIP: 99502

PHONE: 243-7245

BILL NO:

SUBJECT: EXON SETTLEMENT

MESSAGE: GOVERNMENT SECRECY IS SUBVERSIVE TO DEMOCRATIC PRINCIPLE PROCEDURE SOCIETY AND IS ALWAYS ABUSED. I FOR ONE WANT THE STATE CONSTITUTION CHANGED S AS TO TOTALLY PROHIBIT SECRET STATE NEGOTIATIONS IN ANYWAY AND TOTALLY PROHIBIT THE STATE FROM MAINTAINING ANY CONFIDENTIAL STATE INFORMATION FOR AN REASON. /CMR

POMID: 03101410

DATE: 91/03/15

TIME: 10:14:10

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GONZALES
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAWACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
FOSTER
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MR. ROY WICHERS
TITLE:
ADDRESS: P.O BOX 670834
CITY: CHUGIAK
PHONE: 688-3855
BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: INCLUDE THE NATIVES IN THE SETTLEMENT AND INDIVIDUAL SUITS AND LEAVE
OPEN FOR LONG TERM DAMAGE. /CMR

ZIP: 99567

POMID: 03121839
DATE: 91/03/15
TIME: 12:18:39
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: BILL & MARTHA KOPPLIN

TITLE:

ADDRESS: PO BOX 192

CITY: ESTER

ZIP: 99725

PHONE: 479-5426

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: WE FEEL THE SETTLEMENT GOVERNOR HICKEL IS MAKING WITH EXXON IS A SLAP IN THE FACE TO ALL ALASKANS. AS RESIDENTS WE FEEL THAT HE SHOULD LET ALASKANS KNOW WHAT HE IS DOING AND YOU AS LEGISLATORS SHOULD DEMAND TO BE PART OF THE PROCESS. WE ALSO FEEL VERY STRONGLY THAT THE PEOPLE OF ALASKA SHOULD VOTE ON THE SETTLEMENT THROUGH THE LEGISLATURE. THE GOVERNOR SHOULD NOT BE ABLE TO AGREE ON A SETTLEMENT UNTIL THE LEGISLATURE VOTES ON IT. EOM/HJO

POMID: 07094136

DATE: 91/02/14

TIME: 09:41:36

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JIM WEIDNER

TITLE:

ADDRESS: 5479 CHENA HOT SPRINGS RD

CITY: FAIRBANKS

ZIP: 99712

PHONE: 488-6366

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: THIS IS PROBABLY THE BEST POSSIBLE DEAL FOR EXXON THAT THE HIGHEST PRICED LAWYERS IN THE UNITED STATES COULD MAKE. FROM ALASKA'S POINT OF VIEW, IT THE BEST POSSIBLE DEAL FOR US? BE SURE AND READ THE FINE PRINT...ONE CO CAN DO US IN. BE SURE AND TAKE PLENTY OF TIME IN MAKING YOUR DECISION.

EOM-FZ

POMID: 07133103

DATE: 91/03/15

TIME: 13:31:03

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: BOB NESSEL
TITLE:
ADDRESS: 16810 EASY ST #2
CITY: EAGLE RIVER
PHONE: 694-4372

ZIP: 99577

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: CONSIDERING THE TIME VALUE OF MONEY, ISN'T THE EXXON SETTLEMENT A
GREAT DEAL LESS THAN 1.1 BILLION? WHY WASN'T THE MONEY GIVEN TO
THE STATE OF ALASKA IN ONE LUMP SUM?

POMID: 14094526

DATE: 91/03/13

TIME: 09:45:26

LIONAME: MAT-SU LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

NAVARRE
BOYER
BROWN
LARSON
BARNES
R. PHILLIPS
MOYER
BRUCKMAN
M.W. MILLER
PARNELL
MARTIN
CARNEY
B. DAVIS
M.A. MILLER
MACKIE
G. PHILLIPS
IVAN
ZAWACKI

MACLEAN
ULMER
JACKO
KOPONEN
SHARP
KUBINA
CHOQUETTE
BAKER
DONLEY
ELLIS
HANLEY
LINCOLN
C. DAVIS
GONZALES
FOSTER
FINKELSTEIN
TAYLOR
SHARP

KERTTULA
POURCHOT
DUNCAN
ADAMS
UEHLING
HOFFMAN
SHULTZ
STURGULEWSKI
FISCHER
COTTEN
MENARD
FRANK
ZHAROFF
PEARCE
RODEY
COLLINS
HALFORD
ELIASON

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: CHARLES FULLETON
TITLE:
ADDRESS: HC80,BOX 210
CITY: CHUGIAK ZIP: 99567
PHONE: 688-4650
BILL NO:
SUBJECT: CLAIMS SETTLEMENT
MESSAGE: REJECT. NEGOTIATED TO FAST. PAYOFF TO SLOW. /BN

POMID: 03083125
DATE: 91/04/08
TIME: 08:31:25
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

M.A.MILLER	COTTEN
R.PHILLIPS	HALFORD
DONLEY	ELIASON
DAVIDSON	JONES
KUBINA	PEARCE
ULMER	KERTTULA
NAVARRE	
HUDSON	
BARNES	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: CLAIRE DUBIN
TITLE:
ADDRESS: P.O.BOX 870978
CITY: WASILLA
PHONE: 344-6116

ZIP: 99687

BILL NO:
SUBJECT: EXXON SETTLEMENT

MESSAGE: THE EXXON SETTLEMENT IS NOT FAIR TO ALASKA AND SHOULD BE REJECTED. WE NEED MORE TIME TO ASSESS DAMAGES. THE MONETARY SETTLEMENT IS LIKE A BAD JOKE IN ALASKA. THEY SHOULD PAY ALL THE MONEY AT ONCE. ALASKANS MUST STOP THE FARCE AND START NEGOTIATING AN AGREEMENT THAT WILL HELP ALASKA OVERCOME HER GREAT LOSS.
/CMR

POMID: 03110044
DATE: 91/04/08
TIME: 11:00:44
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER
BOYER
BRUCKMAN
CHOQUETTE
B.DAVIS
DONLEY
FINKELSTEIN
GONZALES
HANLEY
IVAN
KOPONEN
LARSON
LINCOLN
MACLEAN
M.A.MILLER
MOYER
PARNELL
R.PHILLIPS
TAYLOR
ZAHACKI

BARNES
BROWN
CARNEY
DAVIDSON
C.DAVIS
ELLIS
FOSTER
GRUSSENDORF
HUDSON
JACKO
KUBINA
LEMAN
MACKIE
MARTIN
M.W.MILLER
NAVARRE
G.PHILLIPS
SHARP
ULMER

ADAMS
COLLINS
COTTEN
DUNCAN
ELIASON
FAHRENKAMP
FISCHER
FRANK
HALFORD
HOFFMAN
JONES
KERTTULA
MENARD
PEARCE
POURCHOT
RODEY
SHULTZ
STURGULEWSKI
UEHLING
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: CHARLENE THOMAS

TITLE:

ADDRESS: BOX 101

CITY: DELTA JUNCTION

ZIP: 99737

PHONE: 895-5023

BILL NO:

SUBJECT: EXXON/VALEZ SETTLEMENT

MESSAGE: THIS IS NOT A GOOD SETTLEMENT. EXXON IS GETTING OFF TOO EASILY. TH SCIENTIFIC INFORMATION SHOULD BE MADE AVAILABLE. THE CLEAN UP FOR THIS YEAR SHOULD NOT COME OUT OF THE SETTLEMENT MONIES ESPECIALLY WITH EXXON IN CHARGE OF IT. THE WHOLE PLAN DOES NOT SOUND GOOD.

POMID: 02152148

DATE: 91/04/10

TIME: 15:21:48

LIONAME: DELTA JUNCTION LIO

COPIES: REPRESENTATIVES

DONLEY
DAVIDSON
NAVARRE
KUBINA
HUDSON
ULMER
BARNES
G.PHILLIPS

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: ELIZABETH BALKUS

TITLE:

ADDRESS: BOX 2993

CITY: HOMER

ZIP: 99603

PHONE: 235-4329

BILL NO:

SUBJECT: EXXON VALDEZ OIL SPILL SETTLEMENT

MESSAGE: RECOMMEND EXTENDING PUBLIC COMMENT PERIOD RE EXXON-VALDEZ OIL SPILL SETTLEMENT DEAL. PUBLIC NEEDS TIME TO ANALYZE CONTENTS OF SCIENTIFIC DATA IN ORDER TO FORM OPINIONS. PERSONALLY, I FEEL HICKEL-COLE CONSPIRACY IS WOEFULLY INADEQUATE. AND I SERIOUSLY QUESTION THE PROPRIETY OF COLE'S INFLUENCE IN THIS INSTANCE. THANKS FOR CONSIDERATION.

POMID: 18141204

DATE: 91/04/10

TIME: 14:12:04

LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATORS

NAVARRE
G.PHILLIPS
KUBINA
ULMER
HUDSON
BARNES

ELIASON
FISCHER
POURCHOT
DUNCAN
ADAMS
HOFFMAN
SHULTZ
UEHLING

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DAVID JENSEN
TITLE:
ADDRESS: 8451 GREENHILL WAY
CITY: ANCHORAGE
PHONE: 344-7078

ZIP: 99502

BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: GOVERNOR HICKEL MUST BE EDUCATED OF THE DIFFERENCES BETWEEN PUBLIC AND PRIVATE POLICY. AN EXXON/ALASKA OIL SPILL SETTLEMENT WHICH WITHHOLDS VITAL INFORMATION MUST NOT BE ALLOWED. A COMPLETE ACCOUNTING OF ALL EXPENSES RELATED TO THE DAMAGE AND CLEAN UP MUST BE RELEASED TO THE PUBLIC. /CMR

POMID: 03092743
DATE: 91/02/28
TIME: 09:27:43
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

BAKER	COLLINS
BARNES	COTTEN
BROWN	HALFORD
BRUCKMAN	KERTTULA
CHOQUETTE	MENARD
B.DAVIS	PEARCE
DONLEY	POURCHOT
ELLIS	RODEY
FINKELSTEIN	STURGULEWSKI
HANLEY	UEHLING
LEMAN	
MARTIN	
M.A.MILLER	
PARNELL	
R.PHILLIPS	
ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: CHUCK PRATT
 TITLE:
 ADDRESS: HC89 BX 89
 CITY: WILLOW
 PHONE: 495-6642
 BILL NO: HCR 29
 SUBJECT: EXXON OIL SPILL SETTLEMENT
 MESSAGE: & HCR 30 OR OTHERS: ANY LEGIALATURE WHO DOES NOT SUPPORT THE EXXON
 SETTLEMENT WILL NOT BE SUPPORTED SPIRITUALLY, ECONOMICALLY, OR POLITICALLY BY
 THIS VOTER. PLEASE ALLOW OUR VISIONARY GOVENOR TO IMPROVE THE ECONOMIC CHANCES
 OF MYSELF AND MY FAMILY. I AM WATCHING HOW YOU VOTE. THANK YOU.

POMID: 14082655
 DATE: 91/05/03
 TIME: 08:26:55
 LIONAME: MAT-SU LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULNER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

*Peggy M.*NAME: PEG MENTELE *ESJ*

TITLE:

Dear Peg

ADDRESS: 324 E. COOK AVE

CITY: ANCHORAGE

ZIP: 99501

PHONE: 274-9907

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: I URGE YOU TO APPROVE THE EXXON SETTLEMENT. EVEN AN IMPERFECT
SETTLEMENT IS BETTER THAN YEARS OF DIVISIVE LITIGATION AND MILLIONS PAID IN
LEGAL FEES (TO OUTSIDE LAW FIRMS). /BN

POMID: 03080032

DATE: 91/03/15

TIME: 08:00:32

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JO KING (MS)
 TITLE:
 ADDRESS: BOX 29
 CITY: CHITNA
 PHONE: N/R-
 BILL NO:
 SUBJECT: EXXON OIL SPILL SETTLEMENT
 MESSAGE: IT SOUNDS LIKE WE GOT A REAL GOOD DEAL IN THE SETTLEMENT. PLEASE QUIT
 HAGGLING AND LET'S GO ON WITH OUR LIVES. /JSM
 ZIP: 99566

POMID: 03100512
 DATE: 91/04/10
 TIME: 10:05:12
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DENNIS STACEY

TITLE:

ADDRESS: BOX 91219

CITY: ANC

ZIP: 99509

PHONE: 277-4423

BILL NO:

SUBJECT: VALDEZ OIL SPILL SETTLEMENT

MESSAGE: I WANT TO URGE ALL MEMBERS OF THE LEGISLATURE TO ACCEPT THE PROPOSED SETTLEMENT. WE NEED TO RESOLVE THIS ISSUE AND MOVE FORWARD. SINCERELY, DENNIS STACEY / LW

POMID: 03111057

DATE: 91/05/03

TIME: 11:10:57

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	U'HER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: GERARD FARKAS
 TITLE:
 ADDRESS: 4817 WESLEYAN DRIVE
 CITY: ANCHORAGE
 PHONE: 333-0708
 BILL NO:
 SUBJECT: EXXON SETTLEMENT
 MESSAGE: PLEASE EXCEPT THE EXXON SETTLEMENT. IT IS A MISTAKE TO REJECT IT. /CMR

ZIP: 99508

POMID: 03093553
 DATE: 91/05/02
 TIME: 09:35:53
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOFONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
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MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

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PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: MIKE O'MEARA

TITLE:

ADDRESS: BOX 1125

CITY: HOMER

ZIP: 99603

PHONE: N/R-

BILL NO:

SUBJECT: EXXON VALDEZ SPILL SETTLEMENT

MESSAGE: THANKS FOR OBJECTING TO THE EXXON SETTLEMENT PROPOSAL. AS THE AUSTRALIANS SAY - GOOD ON YOU. IF THE SENATE SUPPORTS YOUR GOOD JUDGEMENT PERHAPS WE CAN NOW NEGOTIATE A FAIR SETTLEMENT.

POMID: 18155408

DATE: 91/05/03

TIME: 15:54:08

LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES

NAVARRE
G.PHILLIPS
LINCOLN
DONLEY
DAVIDSON
KUBINA
ULMER
HUDSON
BARNES

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JEFF PARKER, ATTORNEY
TITLE: 900 CLAIMANTS AGAINST EXXON SETTLEMENT
ADDRESS: 2525 BLUEBERRY
CITY: ANCHORAGE
PHONE: 272-5200
ZIP: 99503

BILL NO:

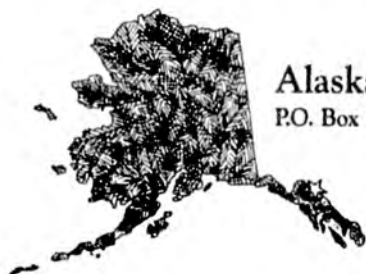
SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: OPPOSE RESOLUTION TO ACCEPT EXXON SETTLEMENT. ADOPT RESOLUTION TO
REJECT EXXON SETTLEMENT. SUBMITTED IN BEHALF OF 900 BUSINESS, SUBSISTENCE,
RECREATIONAL, PROPERTY OWNER, NATIVE CORPORATE, COMMERCIAL FISHING, CANNERY
WORKER, AND CREW MEMBER CLIENTS.THANK YOU. /CMR

POMID: 03100940
DATE: 91/05/02
TIME: 10:09:40
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

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B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF



Alaska Environmental Lobby

P.O. Box 22151 • Juneau, Alaska 99802 • (907) 463-3366

April 29, 1991

Representative Gruenberg:

I recently completed a volunteership with the Alaska Environmental Lobby where I followed the Exxon Valdez Oil Spill Claims Settlement.

I want to thank you for the energies you have invested in the settlement. I also want to urge you to re-evaluate the options for "conditioning" the settlement. Though Justice Holland's ruling has no legal relation to the civil portion of the settlement, I believe it serves as a vivid reminder of the kind of enduring, rancorous sentiment against Exxon and their brand of environmental destruction. I hope it encourages you to take whatever action on the civil settlement that you see fit.

Because of the many uncertainties with the civil settlement, and the unpredictability of the administration's disposition toward legislative advice, I urge you to take a strong stand on the civil settlement. Reject--with conditions.

Sincerely,

David van den Berg
David van den Berg

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LEO LAND
 TITLE:
 ADDRESS: BOX 122
 CITY: HAINES, AK
 PHONE: 766-2466
 ZIP: 99827
 BILL NO:
 SUBJECT: ALASKA OIL SPILL SETTLEMENT PT.1
 MESSAGE: ALASKA NATIVES LEFT OUT OF FEDERAL AND STATE DECISIONS DELIBERATE THIS STATE IS NOTORIOUS FOR THIS, UNLESS NATIVES GET TOGETHER AND USE THEIR POLITICAL MUSCLE. I'M SPEAKING OF RESOURCES THAT ARE WORTH MONEY. I HAVE REPORT DONE BY ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEV. 6/80

POMID: 12094112
 DATE: 91/03/15
 TIME: 09:41:12
 LIONAME: SITKA LIO

COPIES:	<u>REPRESENTATIVES</u>	<u>REPRESENTATIVES</u>	<u>SENATORS</u>
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	B.DAVIS	C.DAVIS	ELIASON
	DONLEY	ELLIS	FAHRENKAMP
	FINKELSTEIN	FOSTER	FISCHER
	GONZALES	GRUSSENDORF	FRANK
	HANLEY	HUDSON	HALFORD
	IVAN	JACKO	HOFFMAN
	KOPONEN	KUBINA	JONES
	LARSON	LEMAN	KERTTULA
	LINCOLN	MACKIE	MENARD
	MACLEAN	MARTIN	PEARCE
	M.A.MILLER	M.W.MILLER	POURCHOT
	MOYER	NAVARRE	RODEY
	PARNELL	G.PHILLIPS	SHULTZ
	R.PHILLIPS	SHARP	STURGULEWSKI
	TAYLOR	ULMER	UEHLING
	ZAHACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LEO LAND
TITLE:
ADDRESS: BOX 122
CITY: HAINES, AK
PHONE: 766-2466

ZIP: 99827

BILL NO:

SUBJECT: ALASKA OIL SPILL SETTLEMENT PT. 2

MESSAGE: THIS IS QUOTES "ALL QUESTIONS REGARDING LAND OWNERSHIP BY THE NATIVE PEOPLES WERE LEFT UNSETTLED BY THE 1867 TREATY OF CESSION UNDER WHICH THE RUSSIANS SURRENDERED GOVERNMENTAL AUTHORITY IN ALASKA TO THE U.S. ALTHOUGH THE TREATY VERY CAREFULLY SPECIFIED THAT LAND OWNERSHIP BY PRIVATE CITIZENS WOULD BE UNAFFECTED BY THE TREATY, THE NATIVE RESIDENTS WERE NOT COVERED BY THIS PROTECTION. (CONT. PART 3)

POMID: 12094818

DATE: 91/03/15

TIME: 09:48:18

LIONAME: SITKA L10

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
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DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	H.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LEO LAND
 TITLE:
 ADDRESS: BOX 122
 CITY: HAINES, AK
 PHONE: 766-2466
 ZIP: 99827
 BILL NO:

SUBJECT: ALASKA OIL SPILL SETTLEMENT PT 3
 MESSAGE: THE TREATY STATES THE INHABITANTS OF THE CEDED TERRITORY WITH THE EXCEPTION OF THE UNCIVILIZED NATIVE TRIBES SHALL BE MAINTAINED AND PROTECTED IN THE FREE ENJOYMENT OF THEIR PROPERTY THE UNCIVILIZED TRIBES WILL BE SUBJECT TO SUCH LAWS AND REGULATIONS AS THE UNITED STATES MAY ADOPT.

POMID: 12095524
 DATE: 91/03/15
 TIME: 09:55:24
 LIONAME: SITKA LIO

COPIES:	<u>REPRESENTATIVES</u>	<u>REPRESENTATIVES</u>	<u>SENATORS</u>
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	B.DAVIS	C.DAVIS	ELIASON
	DONLEY	ELLIS	FAHRENKAMP
	FINKELSTEIN	FOSTER	FISCHER
	GONZALES	GRUSSENDORF	FRANK
	HANLEY	HUDSON	HALFORD
	IVAN	JACKO	HOFFMAN
	KOFONEN	KUBINA	JONES
	LARSON	LEMAN	KERTTULA
	LINCOLN	MACKIE	MENARD
	MACLEAN	MARTIN	PEARCE
	M.A.MILLER	M.W.MILLER	POURCHOT
	MOYER	NAVARRE	RODEY
	PARNELL	G.PHILLIPS	SHULTZ
	R.PHILLIPS	SHARP	STURGULEWSKI
	TAYLOR	ULMER	UEHLING
	ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LEO LAND

TITLE:

ADDRESS: BOX 122

CITY: HAINES, AK

ZIP: 99827

PHONE: 766-2466

BILL NO:

SUBJECT: ALASKA OIL SPILL SETTLEMENT PT 4

MESSAGE: THE UNRESOLVED ISSUE OF LAND OWNERSHIP BY NATIVE ALASKANS, WHICH THE RUSSIANS PASTED ON TO THE UNITED STATES REMAINED UNSETTLED FOR MORE THAN 100 YEARS AFTER THE TREATY OF CESSION. NON-NATIVES GRABBED EVERYTHING THEY WANTED OF VALUE THE NATIVE LAW SUITES WERE FINALLY SOLVED BY THE ALASKA NATIVE CLAIM SETTLEMENT ACT OF 1971. SINCE THE PIPELINE WAS BUILT THE NATIVES ARE FIGHTING AGAIN FOR THEIR RIGHTS UNDER THE OIL SPILL SETTLEMENT.

POMID: 12100014

DATE: 91/03/15

TIME: 10:00:14

LIONAME: SITKA LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: LEO LAND
 TITLE:
 ADDRESS: BOX 122
 CITY: HAINES, AK
 PHONE: 766-2466
 ZIP: 99827
 BILL NO:
 SUBJECT: EXXON OIL SETTLEMENT
 MESSAGE: HOW MUCH MONEY DO WE LOSE BY NOT GETTING A LUMP SUM OF \$900 MILLION?
 WE COULD DRAW INTEREST ON IT FOR TEN YEARS INSTEAD OF EXXON GETTING THE
 INTERESTMONEY FOR 10 YEARS. I CAN ADD TOO. I'M AGAINST THE SETTLEMENT.

POMID: 12082152
 DATE: 91/03/14
 TIME: 08:21:52
 LIONAME: SITKA LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
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B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 W. 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: EXXON SETTLEMENT ATTORNEY'S FEES

MESSAGE: FEES SHOULD BE AUDITED BY HOUSE MAJORITY. WALLY WILL LET IT GO WILD JUST TO PROVE A POINT AT A MILLION OR \$50,000 A WORKING DAY, AUDITOR SHOULD BE FULL TIME ON THE JOB. HOUSE SPEAKER SHOULD MAKE REQUEST NOW AND PUBLIC. LET WALLY SAY NO, EXPLAIN WHY. RESOLUTION OR WHATEVER, IF NECESSARY CAN COME WHEN YOU GET THE OPPORTUNITY. /BN

POMID: 03112833

DATE: 91/05/06

TIME: 11:28:33

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

GRUSSENDORF

BROWN

DONLEY

ELLIS

FINKELSTEIN

KOPONEN

KUBINA

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON
TITLE:
ADDRESS: 121 W. 11TH
CITY: ANC
PHONE: 277-3076

ZIP: 99501

BILL NO:
SUBJECT: EXXON SETTLEMENT GATE
MESSAGE: YOU KNOW NOT WHAT YOU HAVE DONE! IF THE ATTORNEYS SUING THE STATE AND EXXON DO THEIR HOMEWORK AND SHOW THAT THE EXXON SPILL IS JUST THE RESULT OF A LONG PATTERN OF CORRUPT PRACTICES BY THE OIL COMPANIES IT WILL BE BILLIONS THE STATE COULD RECEIVE. WITH POSSIBLY GETTING THE PIPELINE AND BILLIONS IN THE BANK. /LD

POMID: 03095352
DATE: 91/05/06
TIME: 09:53:52
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES

BOYER	BROWN
BRUCKMAN	CARNEY
CHOQUETTE	DAVIDSON
B.DAVIS	C.DAVIS
DONLEY	ELLIS
FINKELSTEIN	FOSTER
GRUSSENDORF	HUDSON
IVAN	JACKO
KOPONEN	LARSON
MACKIE	MACLEAN
MOYER	NAVARRE
PARNELL	ULMER
KUBINA	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 WEST 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: EXXON SETTLEMENT/JUDGE HOLLAND

MESSAGE: EXXON HAVING DELIBERATELY CO-MINGLED THE CIVIL AND CRIMINAL CASES TO GET AN ADVANTAGE, CANNOT NOW SEPARATE THEM NOR CAN THE JUDGE WASH EXXON'S FEET BY INVOKING THE PROTECTION OF THE LAW EXXON CAST ASIDE. AN APPEAL OF HOLLAND'S RULING TO THE WASHINGTON JUDGE OR THE 9TH CIRCUIT IS IN ORDER. /JSM

POMID: 03104924

DATE: 91/03/25

TIME: 10:49:24

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

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DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPCHEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 WEST 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: BELOW

MESSAGE: I WOULD LIKE COPIES OF WHATEVER TAMMY COOK IS PROVIDING ON THE EXXON SETTLEMENT AND JUDGE HOLLAND'S RULING. WOULD AN APPEAL BE MADE TO THE ORIGINAL JUDGE IN WASHINGTON OR TO THE NINTH CIRCUIT COURT, IT WOULD SEEM THE FORMER SINCE HE SET A 30 DAY COMMENT PERIOD FOR REJECTION? /JSM

POMID: 03110900

DATE: 91/03/25

TIME: 11:09:00

LIONAME: ANCHORAGE LIO

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 WEST 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: BELOW

MESSAGE: BEN, I WOULD LIKE WHATEVER TAMMY COOK IS PROVIDING ON THE EXXON SETTLEMENT AND JUDGE HOLLAND'S RULING. WOULD AN APPEAL OF HOLLAND'S RULING GO TO THE WASHINGTON JUDGE BECAUSE HE SET THE 30 DAY REJECTION PERIOD OR TO THE NINTH CIRCUIT COURT? /JSM

POMID: 03115117

DATE: 91/03/25

TIME: 11:51:17

LIONAME: ANCHORAGE LIO

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JERRY MCCUTCHEON

TITLE:

ADDRESS: 121 W. 11TH

CITY: ANCHORAGE

ZIP: 99501

PHONE: 277-3076

BILL NO:

SUBJECT: EXXON SETTLEMENT

MESSAGE: THE FOLLOWING POM WAS SENT TO HICKEL: 'EXXON SETTLEMENT. IF YOU REVERSE YOURSELF AND APPROVE THE SETTLEMENT, YOU SHOULD GIVE SOME THOUGHT TO WHAT YOU ARE GOING TO SAY IN DEPOSITION AND AT TRIAL.' I WOULD THINK HE WOULD BE THE FIRST WITNESS CALLED. THEY WILL HAVE A "FIELD DAY." /BN

POMID: 03155037

DATE: 91/05/03

TIME: 15:50:37

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BROWN

DONLEY

ELLIS

FINKELSTEIN

GRUSSENDORF

KOPONEN

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: TOM LAKOSH

TITLE:

ADDRESS: P.O.BOX 100648

CITY: ANCHORAGE

ZIP: 99510

PHONE: 258-5767

BILL NO:

SUBJECT: EXXON VALDEZ SETTLEMENT

MESSAGE: ANY VOTE WITH SPILL STUDIES SECRET, UNLAWFUL. ANY SETTLEMENT NOT PROTECTING SUPERIOR PUBLIC PURPOSE UNDER ARTICLE 8, SECTION 16 STATE CONSTITUTION WILL BE DECLARED UNCONSTITUTIONAL. SETTLEMENT INSUFFICIENT TO C REMAINING OIL OR RESTORE SUBSISTENT HABITAT. COMMERCIAL FISHING AND PUBLIC HEALTH EFFECTS STILL UNKNOWN. DON'T SETTLE WITH THE DEVIL. /CMR

POMID: 03092407

DATE: 91/05/02

TIME: 09:24:07

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

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HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
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MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

Done
Exxon
against settlement
put w/ others
See me
T only

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: TOM LAKOSH
TITLE: ALASKA RESIDENT LITIGANT
ADDRESS: BOX 100648
CITY: ANCHORAGE
PHONE: 258-5767

ZIP: 99510

BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: THE STATE SHOULD NOT RELEASE EXXON OR ALYESKA FROM THEIR LIABILITY FOR CRIMINAL FINES, CLEANUP COSTS RESTORATION OR DAMAGES TO NATURAL RESOURCES. OUR SHORELINES WOULD BECOME A STATE MAINTAINED PUBLIC AND PRIVATE NUISANCE, HEALTH HAZARD AND ECOLOGICAL DEAD ZONE. POLLUTERS AND RESPONSE COMPANIES WOULD BE SCOFF LAWS (SP) LAUGHING AT D.E.C../CMR

POMID: 03083915
DATE: 91/04/10
TIME: 08:39:15
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

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DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: TOM LAKOSH
TITLE: AK RESIDENT LITIGANT
ADDRESS: BOX 100648
CITY: ANC
PHONE: 258-5767

ZIP: 99510

BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: THE STATE SHOULD ADD ITS PORTION OF LIABILITY FOR CONTRIBUTORY
NEGLECTANCE IN OVERSIGHT OF EXXON AND ALYESKA TO THE COMMON FUND FOR CLEANUP
RESTORATION AND REGULATION OF POLLUTION IN THE GULF OF ALASKA. SUBTRACTING THE
STATE'S LIABILITY FROM POLLUTER DISGORGEMENTS (SP) IS UNCONSTITUTIONAL, IMMORAL
AND UNETHICAL. /LD

POMID: 03104328
DATE: 91/04/10
TIME: 10:43:28
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

MACKIE
B.DAVIS
G.PHILLIPS
GONZALES
PARNELL
MARTIN
HANLEY
LINCOLN
MOYER
CARNEY
LEMAN
KUBINA
BRUCKMAN
ULMER

C.DAVIS
FOSTER
BAKER
DONLEY
ELLIS
M.W.MILLER
DAVIDSON
IVAN
FINKELSTEIN
HUDSON
ZAWACKI
CHOQUETTE
NAVARRE
BARNES

FRANK
ZHAROFF
HOFFMAN
STURGULEWSKI
PEARCE
FISCHER
COTTEN
MENARD
HALFORD
RODEY
ADAMS
COLLINS
JONES
ELIASON
FUNCAN
POURCHOT
UEHLING
KERTTULA

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: SANDRA CLARK
TITLE:
ADDRESS: 6766 DOUBLE TREE COURT
CITY: ANCHORAGE
PHONE: 346-2800

ZIP: 99516

BILL NO:
SUBJECT: GREGG ERICKSON
MESSAGE: I CANNOT BELIEVE THAT GREGG ERICKSON HAS BEEN HIRED BY THE HOUSE
OMMITTEE EVALUATING THE EXXON SETTLEMENT. THIS RECENTLY FIRED INDIVIDUAL HAS
CREDIBILITY WHATSOEVER. HE CONSISTENTLY LIED HIS WAY THROUGH THE DAMAGE
ASSESSMENT PROGRAMS AND BROUGHT EXTREME EMBARRASSMENT TO THE STATE OF ALASKA.
AX GRUENBERG SHOWS POOR COMMITTEE LEADERSHIP. /CMR

POMID: 03112535
DATE: 91/03/22
TIME: 11:25:35
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES

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CHOQUETTE	DAVIDSON
B.DAVIS	C.DAVIS
DONLEY	ELLIS
FINKELSTEIN	FOSTER
GONZALES	GRUSSENDORF
HANLEY	HUDSON
IVAN	JACKO
KOPONEN	KUBINA
LARSON	LEMAN
LINCOLN	MACKIE
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Natural Resource Damages in the Wake of the *Ohio* and *Colorado* Decisions: Where Do We Go From Here?

by Erik D. Olson

Editors' Summary: Large oil spills during 1989 in Alaska and elsewhere focused attention on the government's authority to recover compensation for natural resource damages. As if oil spills were not enough, in July 1989 the issue became hotter yet, when two decisions of the Court of Appeals for the District of Columbia overturned key elements of the Interior Department's regulations for placing a value on the natural resources damaged. The court's decisions substantially increased corporations' liability for natural resource damages under CERCLA and the FWPCA, striking down several parts of the Interior Department rule that had the effect of biasing the measure of damages downward. Now, natural resource damage liability can easily be of the same magnitude as the more widely appreciated liability for response costs.

In this Article, the author, one of the lawyers who sued the Interior Department concerning the regulations, reviews what the court decisions mean in practical terms. He analyzes the administration of the natural resource damage program to date and recommends steps to improve it for the future.

Under §107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)¹ and §311(f) of the Federal Water Pollution Control Act (FWPCA),² authorized representatives of state governments, the federal government, and Native American tribes are named "trustees" for natural resources. The trustees are to sue polluters to recover damages for natural resources destroyed or injured by oil spills and hazardous substance releases. In addition, CERCLA §301(c) requires regulations to be developed to ease the trustees' burden in assessing the value of injured or destroyed resources.

In studying the intricacies of these legal provisions, it

is easy to lose sight of their profundity. Congress has unambiguously told government officials that they have a duty to recover from polluters for the devastation pollution wreaks on fish and otters plying the streams and seas, birds on the wing, and teeming wildlife of the meadows and forests. In view of the gripping photographs of some of the more than 900 oil-soaked dead sea otters, tens of thousands of lifeless sea birds, and over 130 adult bald eagles that have been found killed by the *Exxon Valdez* spill in Alaska,³ the importance of these legal provisions would be lost on few U.S. citizens.

This Article discusses how these far-sighted legal provisions have worked in practice, or rather, how they have not worked. The Article then analyzes recent court decisions that have mandated an overhaul of the program. Finally, the Article concludes that there is now a real opportunity to use these provisions to their full potential.

Poor Progress in the Natural Resource Damage Program

Regrettably, with few exceptions, the natural resource damage provisions to date have been doing little more than gathering dust. Few natural resource damage assessments

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1. 42 U.S.C. §§9601-9675, ELR STAT. CERCLA 001-075.

2. 33 U.S.C. §1321(f), ELR STAT. FWPCA 041.

3. On the *Exxon Valdez* spill generally, see Straube, *Is Full Compensation Possible for the Damages Resulting from the Exxon Valdez Spill?*, 19 ELR 10338 (Aug. 1989).

have been done, and even fewer damage claims have been collected. The fundamental reasons for this can be summarized in four basic points:

1. *Interior's Rules.* The Interior Department's damage assessment rules—which Congress intended to simplify and streamline trustee claims—so undervalue resources and so complicate recovery that to our knowledge they have never been used to file a claim, and they have discouraged trustees from bringing claims. However, the D.C. Circuit's recent decisions striking down Interior's rules, and Interior's recent announcement that it will not appeal those court decisions, offer a unique opportunity to bring the program to its feet and to revise the rules to make them accord with Congress' intent to streamline trustee recovery.

2. *Lack of Assessment Money.* The 1986 CERCLA amendments cut off the availability of damage assessment funds from the Superfund, and generally no money is being made available for oil spill or other damage assessments from other sources. Therefore, trustees cannot assess the degree to which natural resources have been harmed, so they often cannot file strong claims against polluters. Congress could readily solve this problem in the oil spill legislation now pending enactment by making CERCLA's Superfund and the new oil spill fund available to pay for damage assessments.

3. *Trustees' Ignorance and Apathy.* The management of the Department of the Interior, and that of most other federal trustees, has demonstrated remarkable apathy towards the program, giving it little or no budget or management priority. Similarly, in part due to the vacuum in federal interest and leadership, and in part because most trustees seem uncomfortable with the unfamiliar task of assessing damage done by toxics, only a handful of states have vigorously pursued their own natural resource damage claims. However, the program's recent notoriety as a result of the D.C. Circuit's opinions and the *Exxon Valdez* spill, combined with the court-ordered overhaul of the Interior Department assessment rules, could change that apathy. Ultimately, citizens and environmental groups must be more involved in forcing natural resource restoration, through public pressure and as "private attorneys general."

4. *The Environmental Protection Agency's (EPA's) and Justice Department's Insouciance.* EPA and the Department of Justice (which in CERCLA cases views EPA as its primary client) traditionally have given little attention to natural resource damage issues or to trustees. However, recent court decisions, the adoption in 1986 of CERCLA §104(b)(2) mandating coordination of damage assessments with cleanup activities, and the new management teams being installed at EPA, the Justice Department, and the Interior Department, create a novel opportunity to invigorate this program.

The shocking lack of progress in the natural resource damage program is especially troubling because CERCLA's three-year statute of limitations for filing natural resource damage claims—which Congress extended in 1986 in part because of poor government performance in assessing and claiming damages—soon could again cut off CERCLA trustee recovery at many sites.* If damages

are not assessed at thousands of sites nationwide before the statute of limitations runs out, CERCLA claims may be forever lost.

Just a small investment in an assessment at many sites would yield a many-fold larger damage recovery, but trustees generally do not have the money to do the assessments. For example, at the National Oceanic Atmospheric Administration's (NOAA's) top priority pollution site, off the coast of Los Angeles, an assessment costing just \$1-2 million would allow NOAA to do what is estimated to be up to an \$80 million claim. But NOAA lacks the assessment money to develop the claim and may lose the claim because of the statute of limitations.

If the present course continues, claims against polluters across the country will be lost, and the taxpayer likely will be asked to foot the bill for the restoration of natural resources at hundreds of pollution sites. This is exactly the result Congress sought to avoid in adopting CERCLA's "polluter pays principle."

The Roots of the Natural Resource Damage Program

Under CERCLA §107(a)(C),¹ FWPCA §311(f)(4) and (5),² and several other federal environmental laws,³ state and federal government officials (and in some cases state subdivisions,⁴ Native American tribes,⁵ and individuals⁶) are authorized to recover from polluters for pollution-caused injuries to fish, wildlife, and other natural resources. Giving congressional recognition to the "public trust doctrine,"⁷ the government and tribal officials are designated "trustees" for the natural resources under these laws.

The trustees, therefore, are vested with a heavy burden to protect the natural resources entrusted to their care. Presumably, the trustees' failure to perform their fiduciary duty to the environment is actionable by citizens, the beneficiaries of this congressionally-recognized public trust. For example, §107(f)(1) of CERCLA⁸ and §311(f)(5) of the FWPCA⁹ both provide that state and federal officials "shall act on behalf of the public as trustee of [injured] natural resources to recover for" natural resource damages. The citizen suit provisions of these laws,¹⁰ admin-

Natural Resource Recovery by Federal Agencies: A Roadmap to Avoid Losing Causes of Action, 13 ELR 10324 (1983).

5. 42 U.S.C. §9607(a)(C), ELR STAT. CERCLA 024.

6. 33 U.S.C. §1321(f)(4) and (5), ELR STAT. FWPCA 041.

7. See, e.g., Outer Continental Shelf Lands Act, 43 U.S.C. §1813(a)(2)(C)-(E); Trans-Alaska Pipeline Authorization Act (TAPAA), 43 U.S.C. §1653. See also 43 C.F.R. §§29.1-29.13 (TAPAA regulations).

8. See Maraziti, *Local Governments: Opportunities to Recover for Natural Resource Damages*, 17 ELR 10036 (1987).

9. See, e.g., CERCLA, 42 U.S.C. §9607(f), ELR STAT. CERCLA 026.

10. See, e.g., 43 U.S.C. §1813(a)(2)(D) and (E) (Outer Continental Shelf Lands Act provisions authorizing individual suits for loss of use of natural resources and loss of profits from natural resource damages).

11. See *Illinois Central Ry. Co. v. Illinois*, 146 U.S. 387, 450-62 (1892); *National Audubon Society v. Superior Court of Alpine County*, 33 Cal. 3d 419, 658 P.2d 709, 13 ELR 20272, cert. denied, 464 U.S. 977 (1983). See also Sax, *Liberating the Public Trust Doctrine From its Historical Shackles*, 14 U. CAL. DAVIS L. REV. 185 (1980); Sax, *The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention*, 68 MICH. L. REV. 471 (1970).

12. 42 U.S.C. §9607(f)(1), ELR STAT. CERCLA 026 (emphasis added).

13. 33 U.S.C. §1321(f)(5), ELR STAT. FWPCA 041.

14. CERCLA §310, 42 U.S.C. §9659, ELR STAT. CERCLA 067; FWPCA §505, 33 U.S.C. §1365, ELR STAT. FWPCA 039.

* CERCLA §113(g)(1), 42 U.S.C. §9613(g)(1), ELR STAT. CERCLA 039 (three-year statute of limitations begins running on date of discovery of loss and its connection with release, promulgation of CERCLA §101(c) assessment rules, or completion of remedial action at a National Priorities List site, whichever is later). On the passage of the original statute of limitations in 1983, see Breen,

istrative law principles, and mandamus law would be available to force reluctant trustees to perform these statutory duties. And of course, both CERCLA and the FWPCA specifically preserve the right of citizens to themselves resort to the courts under other provisions of law to sue polluters or otherwise assure the restoration and protection of the natural resources upon which they rely to sustain their livelihood or spirit.¹⁵ Indeed, under many state laws, polluters can be sued by citizens for injuries that toxic spills or releases have caused to natural resources.¹⁶

Conceptual Underpinnings

These legal provisions call to mind the aspiration, espoused so clearly by Justice William O. Douglas in his famous dissent in *Sierra Club v. Morton*, that trees and wildlife should be given standing to allow their protection by the courts.¹⁷ With the natural resource damage provisions, Congress has given new life to the public trust doctrine, without directly giving trees standing. Instead, under state and federal laws, humans are to act as stewards for the environment, or as trustees for those natural creatures and other parts of the environment injured by pollution, and to sue on their behalf. This is a major advancement in the law that had, until recently, received only sporadic attention from commentators.¹⁸

15. FWPCA §§311(o) and 505(e), and CERCLA §114, for example, clearly state that remedies under other statutes or common law are preserved. Thus, citizens may sue polluters on behalf of themselves and the public for environmental restoration or other natural resource damage under state statutes and under common law doctrines such as nuisance and negligence. See, e.g., *National Wildlife Federation v. Exxon*, No. 89-6957 (Alaska Super. Ct., Anchorage, filed August 17, 1989) (citizens groups suing, under state law, those who caused and those who failed to adequately prepare for and to clean up or contain *Exxon Valdez* spill).

16. See, e.g., ALASKA STATUTES §46.03.822.

17. Justice Douglas eloquently pled:

Contemporary public concern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation. . . . Inanimate objects are sometimes parties to litigation. A ship has a legal personality, a fiction found useful for maritime purposes. The corporation sole—a creature of ecclesiastical law—is an acceptable adversary and large fortunes ride on its cases. . . .

So it should be as respects valleys, pine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fisher, deer, elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it.

403 U.S. 727, 741-43, 2 ELR 20192, 20196 (1972).

18. Anderson, *Natural Resource Damages, Superfund, and the Courts*, 16 B.C. ENV'T'L AFF. L. REV. 405 (1989); Cross, *Natural Resource Damage Valuation*, 42 VAND. L. REV. 269 (1989); Atkeson & Dower, *The Unrealized Potential of SARA: Mobilizing New Protection for Natural Resources*, ENVIRONMENT, May 1987, at 6; Habicht, *The Expanding Role of Natural Resource Damage Claims Under Superfund*, 7 VA. J. NAT. RES. L. 1 (1987); Kenison, Buchholz & Mulligan, *State Actions for Natural Resource Damages: Enforcement of the Public Trust*, 17 ELR 10434 (1987); McKay, *CERCLA's Natural Resource Damage Provisions: A Comprehensive and Innovative Approach to Protecting the Environment*, 45 WASH. & LEE L. REV. 1417 (1988); Newlon, *Defining the Appropriate Scope of Superfund Natural Resource Damage Claims: How Great an Expansion of Liability?*, 5 VA. J. NAT. RES. L. 197 (1985); Breen, *CERCLA's Natural Resource Damage Provisions: What Do We Know So Far?*, 14 ELR

The CERCLA Natural Resource Damage Assessment Rules

CERCLA §301(c)¹⁹ requires the President to issue regulations governing how trustees may assess damages to natural resources caused by releases of hazardous substances covered by CERCLA, or caused by oil and hazardous substance discharges covered by FWPCA §311.²⁰ Trustees do not have to follow these regulations, but if they do they obtain a "rebuttable presumption" that the assessment is correct.²¹

CERCLA §301(c)(2) requires two types of regulations. Rules under subparagraph (A), which came to be known as the "Type A" regulations, were to specify "standard procedures for simplified assessments requiring minimal field observation." The Type A rules were intended to govern "most minor" spills and releases.²²

Rules under subparagraph (B), which became known as the "Type B" regulations, are required by CERCLA to specify "alternative protocols for conducting assessments in individual cases to determine the type and extent of short and long-term injury, destruction, or loss." Congress intended that they "would be employed in large or unusually damaging" spills and releases.²³

In 1986²⁴ and 1987,²⁵ pursuant to a delegation from the President²⁶ and under a consent order deadline resulting from suits filed by the National Wildlife Federation (NWF), Public Citizen, Environmental Defense Fund (EDF), and certain states,²⁷ the Department of the Interior published the CERCLA natural resource damage regulations.²⁸

The Interior Department regulations were too stingy in their measure of damages,²⁹ and they were promptly challenged in the D.C. Circuit by a coalition of 10 states and the same three public interest groups that earlier sued to force their promulgation (NWF, EDF, and Public Citizen). The numerous suits filed ultimately were consolidated as two cases, those challenging the Type A regulations, and those challenging the Type B regulations. Oral argument on both cases was heard on February 22, 1989, and after the *Exxon Valdez* oil spill on March 24, 1989, the landmark D.C. Circuit decisions handed down in the cases on

10304 (1984); Dower, *Spillers and Slickers Awake . . . Superfund Sleeper Sends Signals*, ENV'T. F., March 1984, at 43; Menefee, *Recovery for Natural Resource Damages Under Superfund: The Role of the Rebuttable Presumption*, 12 ELR 15057 (1982); Yang, *Valuing Natural Resource Damages: Economics for CERCLA Lawyers*, 14 ELR 10311 (1984). See also Halter & Thomas, *Recovery of Damages by States for Fish and Wildlife Losses Caused by Pollution*, 10 ECOL. L.Q. 5 (1982).

19. 42 U.S.C. §9651(c), ELR STAT. CERCLA 062.

20. 33 U.S.C. §1321, ELR STAT. FWPCA 041.

21. CERCLA §107(f)(2)(C); see generally Menefee, *supra* note 18.

22. S. REP. NO. 848, 96th Cong., 2d Sess. 86 (1980).

23. *Id.*

24. 51 Fed. Reg. 27674 (Aug. 1, 1986) (Type B rules).

25. 52 Fed. Reg. 9042 (Mar. 20, 1987) (Type A rules).

26. Exec. Order No. 12,316, 46 Fed. Reg. 42237 (1981), superseded by Exec. Order No. 12,580, 52 Fed. Reg. 2923 (1987).

27. *State of New Jersey v. Ruckelshaus*, No. 84-1688 (D.N.J. 1984), *aff'd mem.*, 782 F.2d 1031 (3d Cir. 1986).

28. The regulations are codified at 43 C.F.R. pt. 11.

29. See, e.g., Kenison, Buchholz & Mulligan, *supra* note 18.

July 14, 1989, have raised natural resource damages to new prominence.

The D.C. Circuit Cases

Two separate decisions were handed down: *Ohio v. United States Department of the Interior*,⁴⁰ considering the Type B regulations, and *Colorado v. United States Department of the Interior*,⁴¹ considering the Type A regulations.

Ohio v. United States Department of the Interior: The Type B Regulations

□ *The "Lesser of" Rule.* Ruling on what the court labeled "the most significant issue in this case,"⁴² the D.C. Circuit struck down the Interior Department's rule limiting recovery by trustees to the lesser of: (a) the cost of restoring or replacing the equivalent of the injured resource, or (b) the lost use value of the resource.⁴³ The court found this provision "directly contrary to the clearly expressed intent of Congress."⁴⁴

The "lesser of" rule was the centerpiece of the regulations' undervaluation of natural resources. It would have limited trustee recovery, in most instances, to "lost use value," generally defined under Interior's rigid hierarchy of assessment methods as the market value of the resources. Thus, in most cases, the cost of restoring, replacing, or acquiring the equivalent of the injured natural resources (usually referred to collectively simply as "restoration") would not have been recovered.⁴⁵

The court stressed the "lesser of" rule's "enormous practical significance" by using an example reminiscent of the *Exxon Valdez* spill:

[I]magine a hazardous substance spill that kills a rookery of fur seals and destroys a habitat for seabirds at a sealife reserve. The lost use value of the seals and seabird habitat would be measured by the market value of the fur seals' pelts (which would be approximately \$15 each) plus the selling price per acre of land comparable in value to that on which the spoiled bird habitat was located. Even if, as is likely, that use value turns out to be far less than the cost of restoring the rookery and seabird habitat, it would nonetheless be the only measure of damages eligible for the presumption of recoverability under the Interior rule.⁴⁶

The court found the "lesser of" rule to be contrary to CERCLA's text, structure, and legislative history, which "indicate clearly to us that Congress intended restoration costs to be the basic measure of recovery for harm to natural resources."⁴⁷ The court also found that the rules violate the natural resource damage provisions of the FWPCA, which also focus on restoration as a "standard measure of damages."⁴⁸ Thus, it held that the rules must be rewritten to comply with the law.⁴⁹

□ *The Market Value Hierarchy.* The rules⁵⁰ also established what the court described as "a rigid hierarchy of permissible methods for determining 'use values,' limiting recovery to the price commanded by the resource on the open market, unless the trustee determines that 'the market for the resource is not reasonably competitive.'"⁵¹ If the market is not competitive, an appraisal to estimate market value could be used. Only if neither market value nor an appraisal were available could other techniques be used. The rules prohibited trustees from using measures of option or existence values (sophisticated measures of the value people place on a resource aside from its possible value as a marketed commodity) unless there was no other method that could be used to put a price on the resource.⁵²

The court held unlawful the rules' extraordinary reliance on market values—which had given rise to Interior's \$15 fur seal cited by the court, based on the market value of the pelt.⁵³ Noting that "[f]rom the bald eagle to the blue whale and snail darter, natural resources have values that are not fully captured by the market system,"⁵⁴ the court held that the rules did not comply with Congress' intent to broaden compensation for damages.

Rather than limiting trustees to recovering such narrow damages, the court found that "Congress intended the damage assessment regulations to capture fully all aspects of the loss."⁵⁵ Finding Interior's application of its market value rule at times "erroneous" and "quite obviously and totally fallacious,"⁵⁶ the court ordered the Department to issue a rule "that would permit trustees to derive use values for natural resources by summing up all reliably calculated use values, however measured, so long as the trustee does not double count."⁵⁷ The court also held that option and existence values "prima facie, ought to be included in a damage assessment"⁵⁸ to assure full compensation for the lost resource.

□ *Public Versus Privately Owned Resources.* The preamble to Interior's regulations took the position that there is "no doubt that resources owned by parties other than Federal, State, local, or foreign governments (i.e. privately-owned resources) are not included. . . . [D]amages to privately-owned natural resources are not to be included in natural resource damage assessments."⁵⁹

The court noted, however, that CERCLA states that trustees may recover for damages to natural resources "belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by" a government or Native

establish some class of cases where other considerations—i.e., infeasibility of restoration or grossly disproportionate cost to use value—warrant a different standard. We hold the "lesser of" rule based on comparing costs alone, however, to be . . . invalid." 880 F.2d at 459, 19 ELR at 21113.

40. 880 F.2d 432, 19 ELR 21099 (D.C. Cir. 1989).

41. *Id.* at 481, 19 ELR at 21127 (D.C. Cir. 1989).

42. *Id.* at 441, 19 ELR at 21102.

43. 43 C.F.R. §11.35(b)(2).

44. 880 F.2d at 438, 19 ELR at 21101.

45. *Id.* at 441, 446 n. 13, 19 ELR at 21102, 21105 n. 13.

46. *Id.* at 442, 19 ELR at 21103.

47. *Id.* at 450, 19 ELR at 21108.

48. *Id.* at 450, 19 ELR at 21108.

49. The court noted in dictum that "this is not to say that DOI may not

40. 43 C.F.R. §11.83(c).

41. 880 F.2d at 462, 19 ELR at 21115.

42. On option and existence values, see Cross, *supra* note 18, at 285-97, 315-20; Yang, *supra* note 18.

43. 880 F.2d at 463, 19 ELR at 21116.

44. *Id.* at 462-63, 19 ELR at 21115.

45. *Id.* at 463, 19 ELR at 21116.

46. *Id.*

47. *Id.* at 464, 19 ELR at 21116.

48. *Id.*

49. 51 Fed. Reg. at 27696.

American tribe.⁵⁰ Since the preamble's reading of the statute "would ignore everything that comes after the words 'belonging to,'" the court remanded this issue for the Department to clarify its position.⁵¹ In remanding, the court pointed out that at oral argument the Interior Department's counsel backed away from the preamble's insistence that no recovery could be had by trustees for damage to privately owned resources, and suggested that adherence to the preamble's position would run afoul of CERCLA.⁵²

* ☐ *The "Committed Use" Requirement.* The court narrowly construed and then upheld a provision in Interior's rules which requires that in order for a trustee to recover for damages to natural resources, those resources must have had a "committed use."⁵³ A "committed use" is defined in the rules as any current use or a planned future use for which there was "documented legal, administrative, budgetary, or financial commitment established before the spill or release."⁵⁴

This requirement, broadly read, could have substantially limited damages in areas such as Alaska, where many resources may have no current use, and where it is likely that no one has formally documented a commitment to use the resources in the future. The "committed use" requirement also could have been problematic in areas such as long-polluted harbors or industrial sites, where long-standing pollution may have precluded current uses of natural resources, and would have discouraged any commitments for future uses as well.

Placing some judicial gloss on the rules, the court held that this "committed use" provision would be upheld based on the court's understanding that a resource need not have had a "committed use" for the trustee to recover from the polluter funds to restore the resource.⁵⁵ Under the court's interpretation of the rules, the committed use requirement only becomes relevant when the trustee seeks to recover for lost uses.

☐ *Contingent Valuation Method.* Several industry representatives challenged the use in the rules of the "contingent valuation" method. Contingent valuation uses sophisticated surveys of individuals to establish a hypothetical market for the resource to determine how much they believe it is worth. For example, a contingent valuation study could be designed to determine how much individuals would be willing to pay to have the option (the "option value") to enjoy viewing a natural resource they are not now using, such as a sea otter colony. Contingent valuation also could be used to determine how much people would be willing to pay to know that a sea otter colony exists (the "existence value") for the benefit of current and future generations, even though they themselves do not intend to see or enjoy the resource personally.⁵⁶

Citing extensive support for contingent valuation in economics literature, the court found that Interior "intelligently and cautiously" chose contingent valuation as "a best available procedure" for damage assessment and upheld contingent valuation as consistent with due process and CERCLA.⁵⁷

☐ *Other Challenges.* States and environmental groups also challenged the rules on several other grounds. The court upheld them in the face of these other challenges, but in a few cases put some additional judicial gloss on the rules.

1. *Discount Rate.* The court upheld the 10 percent discount rate (for converting the award for future damages to present value) in the face of an attack from the states and environmental groups.⁵⁸ In so doing, however, it held that this rate was legally acceptable since under another provision of the rules⁵⁹ the trustees may adjust their estimate of the expected future value of the resources to reflect uncertainties about possibly increasing future demand for the resources and resulting increases in the resources' value.⁶⁰

2. *Responsible Party Participation.* The court also upheld the rules' provisions allowing potentially responsible parties to participate in the damage assessment process.⁶¹ The court emphasized, however, Interior's commitment that a potentially responsible party "functions in a strictly ministerial role. The final choice of methodologies rests solely with the authorized [government] official."⁶²

3. *Other Issues.* The court rejected challenges to the rules based on arguments that they established unlawfully strict criteria for showing injuries, that the rules arbitrarily put a limit on assessment costs equal to the amount of damages, that they imposed unduly burdensome audit requirements on states, and that they misread CERCLA by failing to provide for punitive damages in the case of natural resource damage. On the latter issue, Interior noted in its brief that in light of the CERCLA savings clause,⁶³ punitive damages would continue to be available under other law, such as state common law.⁶⁴ The court did not disagree, but failed to address the issue of state punitive damage laws.

Colorado v. United States Department of the Interior: The Type A Regulations

In the challenge to the Type A simplified damage assessment rules, the court also remanded the regulations to Interior. The Court first held that contrary to the state and environmental petitioners' claim, Interior was under no immediate obligation to expand the scope of the Type A rules to cover additional types of environments other than coastal marine environments.⁶⁵

50. 880 F.2d at 459, 19 ELR at 21113. See CERCLA §§101(16), 107(a)(C), 42 U.S.C. §§9601(16), 9607(a)(C), ELR STAT. CERCLA 008, 025.

51. 880 F.2d at 461, 19 ELR at 21114.

52. *Id.*

53. 43 C.F.R. §11.84(b)(1).

54. *Id.* at §11.14(h) (emphasis added).

55. 880 F.2d at 461-62, 19 ELR at 21114-15.

56. For more on contingent valuation, see Cross, *supra* note 18, at 315-20, and Yang, *supra* note 18.

57. 880 F.2d at 476, 19 ELR at 21124.

58. 43 C.F.R. §11.84(e).

59. *Id.* at §11.84(d).

60. 880 F.2d at 464, 19 ELR at 21116.

61. See, e.g., 43 C.F.R. §11.32(d).

62. 880 F.2d at 467, 19 ELR at 21118 (quoting 51 Fed. Reg. at 27704).

63. CERCLA §114, 42 U.S.C. §9614, ELR STAT. CERCLA 041.

64. Brief of Respondents Department of the Interior et al. in *State of Ohio* case, at 121 (Nov. 21, 1988).

65. 880 F.2d at 486-490, 19 ELR at 21129-21132.

However, in light of the *Ohio* decision striking down the Type B rules upon which the Type A rules were based, and especially the determination that restoration costs are a basic measure of damages under CERCLA and the FWPCA, and that the market value-based hierarchy is unlawful, the court remanded the Type A rules so that they too would be made consistent with CERCLA and the FWPCA.⁶⁶ For example, the Type A rules were based exclusively on the hierarchy of "lost use" values and must be revised to take account of restoration and other costs as well.

Thus, both the Type A and the Type B rules have been remanded. The Interior Department has announced it will not appeal the D.C. Circuit's decisions, with Secretary Manuel Lujan stating that he wants to "get on with the business of providing public trustees with damage assessment procedures which they the potentially responsible parties and the public" can rely on.⁶⁷ The full D.C. Circuit recently unanimously rejected a request by industry intervenors to review the panel decision in the *Ohio* case, so at this point there is no reason to delay immediate revisions to the rules.⁶⁸

Interior now has the opportunity to reissue the regulations and to fulfill Congress' mandate to streamline the trustees' efforts to assess and recover for damages to natural resources from oil spills and hazardous substance releases. The new attention accorded to natural resource damages must be harnessed into action.

Where Do We Go From Here? An Agenda for Action

As noted earlier, there have been four overarching impediments to the success of the natural resource damage program. Because the CERCLA statute of limitations is approaching, it is imperative that actions be taken immediately to eliminate these impediments to a vigorous natural resource damage program.

Improving the Regulations

In light of the D.C. Circuit's remand of the Interior Department's rules, Interior Secretary Lujan should carry through on his promise "to get on with" the program by issuing new rules swiftly. Among other things, the Secretary obviously must eliminate the "lesser of" rule and provide that trustees can recover the cost of restoration *plus* lost use and other values. The addition of restoration and all other lost values of the resources is required, since the court has made it clear that restoration "is the basic measure of damages," but that *added* to restoration costs⁶⁹ is the "summing up of all reliably calculated use values,"⁷⁰

and compensation for "other factors in addition to use values."⁷¹ The Secretary also must eliminate the hierarchy of assessment methods, allowing the trustees to choose the methods best suited to the injuries and resources. Moreover, the rules will have to eliminate the "public/private ownership" distinction.

Aside from these changes, the Secretary should consider the experience gained from the *Exxon Valdez* and other damage assessments. He should update the rules to assure, for example, that the acceptance criteria for showing injury are not unacceptably rigid, that the role of responsible parties is better controlled, and that the rules are streamlined to assure swift, full trustee recovery. Finally, in light of Interior's reluctance to set a timetable for completing Type A rules applicable to all environments, Congress should establish a schedule for the Type A rules' completion.

Providing Assessment Money

Trustees should be provided the desperately needed "seed money" to assess natural resource damages from Superfund. Section 517 of the 1986 CERCLA amendments⁷² cut off the availability of the Superfund to finance damage assessments, and no money is being made available for assessments from the FWPCA §311(k) fund or other sources. Therefore, the trustees often decide not to prosecute claims, or they sign covenants not to sue polluters, based on paltry or virtually nonexistent knowledge of the damage done to natural resources at a site. At many sites with obvious damage to natural resources, no claims have been made due to lack of resources to conduct an assessment.

This lack of money also can encourage a subtle "blackmail" problem in which trustees may feel compelled to agree to only a very limited damage assessment, or only minimal damages, because of the trustees' weak factual record and resulting poor negotiating position. In the case of the recent Alaska spill, for example, the trustees initially have had to rely on Exxon to pay \$15 million for the assessment. When the responsible party is paying, it likely will argue that it should have a lot to say about how the damages are calculated.

Thus, CERCLA should be amended to allow the Superfund to be tapped for assessment costs. The fund also should be available, subject to the existing strict limitations in CERCLA §§111 and 112, for payment of damages at orphan sites where no solvent responsible party can be located. However, payment of assessment costs is clearly of the highest priority, so claims against polluters are not inappropriately settled or completely lost due to lack of information or because the statute of limitations expires. Similarly, the new oil spill legislation now pending should provide for damage assessment money to be provided to trustees "up front" from the oil spill fund.

66. *Id.* at 490-491, 19 ELR at 21132.

67. U.S. Department of the Interior News Release, "Interior Secretary Lujan Says Government Will Revise Natural Resource Damage Assessment Rules to Conform With Court Decision," August 10, 1989.

68. See 54 Fed. Reg. 39013-18 (Sept. 22, 1989) (Interior Department Advanced Notices of Proposed Rulemaking announcing Department's intent to move forward with rulemaking in the wake of the *Ohio* and *Colorado* decisions).

69. 880 F.2d at 450, 19 ELR at 21108 (under CERCLA and the FWPCA, "restoration is the basic measure of damages, but damages can exceed restoration costs" (emphasis added)).

70. *Id.* at 464, 19 ELR at 21116.

71. *Id.*

72. Pub. L. No. 99-499, 100 Stat. 1613 (1986). This section amended the Internal Revenue Code chapter on trust funds, and the prohibition is now codified at 26 U.S.C. §9507(c). See generally Atkeson et al., *An Annotated Legislative History of the Superfund Amendments and Reauthorization Act of 1986 (SARA)*, 16 ELR 10360, 10395 (1986).

Awakening the Trustees

Most state and federal trustees must be awakened from their slumber and educated about the natural resource damage program. The apathy of the Department of the Interior and most other state and federal trustees regarding the fulfillment of their public trust duties under CERCLA and the FWPCA must end. Interior should work with state government organizations and other federal agencies to inform all trustees of their authorities and responsibilities under the program. A formal national program to educate trustees about the program is essential. The National Wildlife Federation and others have proposed a National Center to undertake such a program in the future,⁷³ but in the meantime state and federal trustees and intergovernmental organizations must also take an active role in getting the word out to trustees about the natural resource damage program.

Involving the Public

Grassroots citizen organizations and national environmental groups must become more involved in pressuring state and federal trustees to vigorously prosecute natural resource damage claims. They should lobby the trustees, EPA, and the Justice Department to develop robust programs that will force responsible parties to pay for natural resource damages. Citizens also should directly and aggressively pursue the polluters to assure that full damages are collected, and to see that the environment is restored.

Citizens can use several legal mechanisms to assure that the public natural resources are protected, particularly if the government is asleep at the switch or is actively shirking its duties. These include citizen suits against unresponsive government officials, actions as "private attorneys general" against polluters, and active citizen participation in all phases of damage assessment and litigation, including settlements. Only with citizens looking over the polluters' and the government's shoulders can we be assured of environmental restoration.

Prodding EPA and the Justice Department Into Action

EPA and the Department of Justice must focus more heavily upon natural resource damages and must make trustees full partners in the Superfund program. EPA and Justice often have seemed to regard natural resource damages as an afterthought, a troublesome stumbling block that can complicate their cleanup negotiations, or as a bargaining chip, rather than as an opportunity to en-

sure that there is full restoration of the injured ecosystem. This can and must change.

The recent decision in the case of *In re Acushnet River and New Bedford Harbor: Proceedings Re Alleged PCB Pollution*⁷⁴ should encourage more trustee involvement in CERCLA settlements and cleanups. In that case, the court held that all CERCLA settlements with federal government-approved covenants not to sue polluters for natural resource damages must include provisions assuring that the responsible party will protect and restore the injured natural resources. In addition, at the urging of the intervening National Wildlife Federation, the court took the unusual step of rejecting a partial settlement, because it was not clear that the federal trustee had agreed to it, and because it failed to include a "reopener" assuring that the responsible party would bear the risk of paying for unknown natural resource damages discovered in the future. This decision should make it clear to EPA, Department of Justice, and all trustees that a full partnership between trustees and the agencies overseeing CERCLA cleanups is essential.

This message also is reinforced by the D.C. Circuit's statement in the *Ohio* decision that under CERCLA §122(j)(2) "a responsible party can settle only if it pays restoration costs."⁷⁵ Thus, as the *New Bedford Harbor* court held, restoration costs at a minimum must be recovered from responsible parties in settlements, and these costs can only be determined with full trustee participation in cleanup decisions and settlement negotiations. EPA and the Department of Justice should accustom themselves to this result, and should make sure that the trustees are full partners in the hazardous waste and oil spill cleanup process. CERCLA §104(b)(2)⁷⁶ specifically provides full trustee-EPA cooperation in investigating and conducting cleanup at CERCLA sites; these recent court decisions simply reinforce that point.

Conclusion

To date, the natural resource damage program has failed to live up to its potential. Interior has had to be dragged into court to ensure its compliance with the law, and other federal agencies also have lacked the will or resources or both to make the program work. Relatively few state agencies have made a serious effort to implement these important provisions. Environmentalists, Interior, EPA, the Department of Justice, the states, and Congress should take the steps outlined above to rejuvenate this languishing but potentially powerful weapon in the effort to protect and restore our natural environment.

74. 712 F. Supp. 1019, 19 ELR 21210 (D. Mass. 1989).

75. 880 F.2d at 449, 19 ELR at 21107.

76. 42 U.S.C. §9604(b)(2), ELR Stat. CERCLA 013.

73. See Hair, *NWF Takes Up Call for Natural Resources Protection*, 29 ENVIRONMENT, May 1987, at 9; Atkeson & Dower, *supra* note 18.

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Compensation for Natural Resource Injury: An Emerging Federal Framework

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***Abstract** This paper provides an overview of the emerging "Superfund" natural resource damage assessment and compensation framework and a review of several economic and legal issues that are likely to affect the ability of the framework to achieve its objectives. The Superfund Act as amended establishes a federal regulatory structure that provides a legal "legitimization" for the use of economic-based nonmarket valuation techniques in judicial proceedings involving natural resource injuries resulting from oil and hazardous waste spills and releases. While the regulations have the potential to foster more appropriate compensation as well as prospective incentives to limit damages to natural resources, several controversial elements, definitions, and assumptions built into the damage assessment regulations appear to have the potential to undermine the efficiency and equity of damage assessments. These issues reflect the difficulty of integrating economic concepts of natural resource value and their estimation into the legal environment.*

Introduction

Until quite recently, the most visible application of economic techniques for natural resource valuation was in the context of helping to guide policy decisions. For example, economic tools for measuring natural resource values have long been used (with varying degrees of accuracy and efficacy) to evaluate the social costs and benefits of federal water resources development proposals. In recent years economic tools also have been increasingly applied to determine the benefits of specific federal regulatory options. The passage of the Comprehensive Environmental Response, Compensation and Recovery Act in 1980 (CERCLA) placed the spotlight on compensation for injuries to natural resources as another application of these tools. While there is a history under federal and state statutory and common law of using economic analysis to value natural resource injuries (especially from oil spills), CERCLA formalized this process by establishing a federal regulatory structure that may eventually set the rules for how economic analysis will be factored into a wide range of judicial proceedings involving oil and hazardous waste spills and releases.

The federal regulations that will implement the emerging CERCLA natural resource compensation framework were promulgated on August 1, 1986. The

content and requirements of these regulations may have important implications for both the allocation of social resources and for the field of natural resource economics. The historical legal approach to compensation for injury to public natural resources has relied typically on diminution in market price, or, in cases involving nonmarket resources, on restoration or replacement cost as a basis for measuring natural resource damages. Because these measures often do not adequately reflect real economic loss resulting from injury to public resources, their use for determining damages has limited the effectiveness of the common law judicial system in achieving the desired allocation of public resources.

The new federal regulatory framework provides a legal "legitimization" for the use of economic-based nonmarket valuation in the courts. The new rules have introduced the newer, and more theoretically appropriate and accurate, nonmarket valuation methods based on willingness-to-pay as the basis for damage assessment. The regulatory framework thus provides an important new application for nonmarket valuation methods in the public policy context. Moreover, the regulations have the potential to set a substantial precedent for the use of economic concepts and valuation methodologies in court cases involving injury to public resources, whether or not the federal rules are invoked.

Increased reliance on economic-based valuation methods for estimating natural resource damages could result in more appropriate compensation as well as prospective incentives to limit damage to natural resources. Yet, the interaction between the theory of natural resource valuation and the practical constraints of an adversarial judicial system is bound to affect the ability of the compensation scheme to achieve appropriate damage awards. The federal rulemaking has attempted to integrate economic valuation methods into a generally conservative legal system that has developed over a long period of time. It represents a somewhat uneasy compromise between being fair to economics and full compensation while not opening the door to a complete revamping of the common law. The resulting thin line drawn by the rules does expand some traditional notions of natural resource damages, while at the same time limits its broader application.

The purpose of this paper is to provide an overview of the federal natural resource damage assessment and compensation framework and to highlight several economic and legal issues that are likely to affect the ability of the framework to achieve its objectives. By briefly reviewing CERCLA and its natural resource damage provisions as a whole, and by outlining the assessment regulations and identifying certain potential concerns, we hope to help provide a better understanding of the compensation process and foster a broad evaluation of the emerging framework. One important caveat concerning many points raised in this paper is particularly worth noting. The Type B damage assessment regulations, which lay out the general assessment process and the specific procedures for assessing damages in individual cases, have been challenged by several environmental groups, and state resource trustees in administrative appeals filed in the U.S. Court of Appeals for the District of Columbia.¹ Even if the regulations remain unchanged as a result of these challenges, various provisions of the CERCLA natural resource damage assessment framework may be subject to judicial review as individual cases are brought under the statute. Court decisions on various aspects of the framework could change their meaning and interpretation.

The Legal Structure

Statutory Framework

1. Overview of the Act. In response to public concern over releases of hazardous substances into the environment, Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act² in 1980 to deal with the threats posed by abandoned hazardous wastes sites and releases of hazardous substances in general. The provisions of CERCLA were extended and strengthened by the Superfund Amendments and Reauthorization Act (SARA) passed on October 17, 1986.³ The Act as amended provides Federal and state governments with broad authorities to respond to releases of hazardous substances into the environment. CERCLA also provides a liability and compensation mechanism for recovery of governmental response costs from the parties responsible for hazardous substance releases. To ensure that money would be available to complete the job of cleaning up abandoned hazardous waste sites, CERCLA established a \$1.6 billion Hazardous Substance Response Fund financed primarily by excise taxes levied on crude oil and certain chemicals. (Under SARA, the name of the fund was changed to the "Hazardous Substance Superfund," and its size was expanded to \$8.5 billion.)

The basic liability and compensation provisions for response costs are set out in Section 107 of the Act. Liability is imposed on current and former owners and operators of polluting vessels or facilities, as well as those engaged in the generation, treatment, and disposal of hazardous substances⁴ for damages resulting from releases⁵ into the environment. The courts have interpreted these provisions as imposing strict, joint and several liability on these parties for hazardous substance releases.⁶ Essentially, this liability scheme can be used to force a "responsible party" to bear the full cost of cleaning up a hazardous waste release no matter how tenuous their connection to the release (or how many other parties contributed to the release) or how carefully they handled the offending wastes.

The Hazardous Substance Superfund⁷ was established to finance clean-ups in cases where the polluting parties are unknown or are unwilling or unable to provide recompense. The types of claims permissible against the Superfund include claims for payment of governmental response costs incurred under the Act's response authority provisions and other necessary response costs under the National Contingency Plan.⁸ Payment of claims by the Superfund transfers to the Fund the right of the claimant to sue the polluting parties.

An important but often overlooked component of CERCLA is the Act's natural resource damage provisions.⁹ While the problem of cleaning up abandoned hazardous wastes sites has garnered considerable publicity and a vast amount of litigation involving liability for response costs have occupied the courts, the potential significance of the natural resource damage provisions has generally escaped attention. However, these provisions have been called the Superfund "sleeper" and have the potential to greatly increase the amount of damages polluting parties may be held liable for under CERCLA.

2. Natural Resource Damage Provisions. The natural resource damage provisions authorize federal and state governments to recover compensatory damages from polluting parties for injuries to public natural resources which result from

discharges of oil or releases of hazardous substances pursuant to CERCLA and Section 311 of the Clean Water Act (33 U.S.C. §§1251-1376). These provisions reflect Congressional recognition that hazardous substance contamination of the environment may impose social costs which would not be fully redressed by the clean-up of waste sites and private causes of action brought under state common law. The CERCLA legislative history suggests Congress' intent to allow for compensatory natural resource damages following existing common law doctrines. Together, the response cost and natural resource damage compensation provisions of CERCLA form a mechanism to force responsible parties to provide redress for a significant portion of the social costs of their polluting activities.

Compensable natural resource damages are defined under Section 107 of CERCLA as damages for "injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release."¹⁰ The Act specifies that in the case of such natural resource injury "liability shall be to the U.S. government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State" and that "the President, or authorized representative of any State, shall act on behalf of the public as trustee of such natural resources, to recover for such damages."¹¹ Natural resources are defined very broadly to include land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources.¹² The Act thus enables Federal agencies and state government trustees, who act as custodians for the public through protection and care of a wide range of public resources, to recover damages for injury to such resources caused by releases of oil or hazardous substances. CERCLA further specifies that "sums recoverable shall be available for use to restore, rehabilitate, or acquire the equivalent of such resources by the appropriate agencies of the Federal government or the state government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources."¹³

The Act contains certain restrictions on compensation for natural resource injury. No claim can be made for the recovery of natural resource damages unless the claim is presented within three years after the discovery of the loss and its connection with the release or the date of final promulgation of the natural resource regulations, whichever is later.¹⁴ The Act further limits the liabilities of responsible parties for natural resource damages to \$50 million.¹⁵

Under CERCLA, natural resource trustees were originally authorized to make claims against the Superfund for natural resource damages in cases involving resource injury caused by hazardous substances. However, a new provision added by SARA prohibits claims against the Superfund for natural resource damages.¹⁶ Trustees seeking natural resource damages thus must sue potentially responsible parties directly.

To assist trustees in bringing natural resource damage actions, Section 301(c) of CERCLA required the President to promulgate regulations for use in guiding the assessment of natural resource damages. These regulations are to include two different types of standardized procedures for assessing natural resource injury and placing a dollar amount on this injury: Type A or simplified assessment techniques for smaller releases; and Type B protocols that will include more detailed and extensive assessment methodologies for more major releases. Type A procedures are defined by the Act as "standard procedures for simplified assessments

requiring minimal field observation, including establishing measures of damages based on units of discharge or release, units or units of affected area." Type B procedures are specified by the Act to include "alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss." The Act specifies that these regulations "shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover."¹⁷ CERCLA also provides that damage assessments developed using these regulations will create a rebuttable presumption of accuracy.

Natural resource trustees are not required to follow the assessment regulations in determining natural resource damages claims; however, a determination of damages conducted by any federal or state trustee in accordance with the assessment regulations "shall have the force and effect of a rebuttable presumption" on behalf of the trustee in any administrative or adjudicatory proceeding under CERCLA or Section 311 of the Clean Water Act.¹⁸ CERCLA's rebuttable presumption for natural resource damage claims provides leverage to trustees in proving damage claims if the regulations are followed, but exactly how and to what extent is unclear.

There is currently much confusion over how the rebuttable presumption will work in natural resource damage cases, as well as a significant debate within the legal profession concerning the exact force and effect of the tool in the CERCLA context. The Act itself and its legislative history are silent on these issues. It is helpful here to provide a basic definition for a legal presumption and to highlight its potential complexity in the CERCLA natural resource damage context, and to briefly outline the major issue in the legal debate.

A presumption is an evidentiary procedure that allows one to infer the existence of a presumed fact from a basic fact that has been established. Typically, a presumption applies to a single, reasonably well-defined basic fact and determines a single, reasonably well-defined presumed fact. For example, a common presumption used in drunk driving cases takes as the basic fact the level of alcohol in a driver's blood and derives the presumed fact that the driver is intoxicated. The situation under CERCLA is much more complicated, however. A trustee's determination of natural resource damages most likely will be the sum of many lesser, discrete damage determinations. A question arises as to whether the presumption in the CERCLA context applies to each of these lesser damage determinations that might be made in a particular case, or only to the total or final damage assessment. In this type of case, some of the basic facts used to infer the final presumption may actually be presumptions from previous determinations.

The crux of the legal debate surrounding the force and effect of the rebuttable presumption in the CERCLA natural resource damages context deals with whether the presumption shifts to defendants only the burden of going forward with evidence to rebut or meet the presumption, or both the burden of proof as well as the burden of going forward with evidence. The latter interpretation would give much more weight to trustee damage determinations. This issue likely will not be resolved until it is the subject of review by the courts in the context of a particular natural resource damage case. Some experts believe that the final out-

come will interpret the CERCLA rebuttable presumption heavily in favor of trustees.¹⁹

In summary, the CERCLA natural resource damage provisions create a potentially powerful new mechanism for the recovery of public damages resulting from natural resource injury caused by discharges of oil or releases of hazardous substances. By providing for damages from injury to a broad range of natural resources caused by many types of contaminants, and by requiring the development of a set of regulations to guide damage assessments bolstered by a rebuttable presumption of accuracy, the CERCLA natural resource damage provisions go beyond the scope of previous common law doctrines and statutes.²⁰

Regulatory Framework

1. Implementation. The President, in Executive Order No. 12316, delegated to the U.S. Department of the Interior (DOI) responsibility for promulgating the Type A and Type B natural resource damage assessment regulations. (The Executive Order also directed the U.S. Environmental Protection Agency (EPA) to promulgate procedures to guide trustees in bringing natural resource damage claims against the Superfund. As noted earlier, SARA disallowed the use of Superfund monies for natural resource damage claims.) However, the December 11, 1982 deadline imposed by the Act for promulgation of the assessment regulations passed without their publication. In order to force the rulemaking process, the state of Montana filed suit against DOI and EPA for failure to perform their respective duties. This suit was subsequently voluntarily withdrawn, but was followed by two new suits, one brought by the state of New Jersey and the other by the New Mexico Department of Health and the Environment.

The New Jersey suit was heard in the District Court of New Jersey.²¹ As a result of a finding in favor of the plaintiffs, DOI entered into a consent order whereby the agency agreed to a specific timetable for promulgation of the regulations. Under the consent order, DOI agreed to promulgate proposed rulemakings for Type B regulations by December 20, 1985 and proposed Type A regulations by April 5, 1986. The consent order further specified that final Type B and A regulations would be promulgated by April 22, 1986 and August 7, 1986, respectively. These deadlines were subsequently extended slightly by the court. A notice of proposed rulemaking for Type B regulations was published in the Federal Register on the court imposed deadline, and final Type B regulations were published on August 1, 1986.²² Proposed Type A regulations were published on May 6, 1986; final Type A regulations were published on March 20, 1987.²³ SARA requires the President to promulgate amended regulations for assessing natural resource damages that incorporate the new damage assessment provisions added by the Act. Proposed amendments to the assessment regulations were published by DOI in the Federal Register on April 17, 1987.²⁴

The Type A regulations deal exclusively with minor discharges of oil or releases of hazardous substances in coastal or marine environments. Specifically, they apply only to wildlife mortality and closure of recreational areas resulting from discharges or releases that occur in, or enter into, coastal or marine environments near the water surface or intertidal area, and that are of short duration. These assessment procedures make use of a computer model capable of mathe-

matically estimating damages to certain resources based on the type of discharge or release of specific contaminants and the specific receiving coastal or marine environment. The types of resource injuries considered by the model include: short-term lethal effects on lower trophic biota; direct and indirect lethal effects on fur seals, certain waterfowl and other shorebirds, seabirds, fish and shellfish; and the closure of fishing and hunting areas and public beaches.

The model is composed of interactive physical fates, biological effects, and economic damages submodels containing chemical, biological, and economic data bases, respectively. The physical fates submodel determines average concentration, transportation, and dispersion of oil or hazardous substances through the coastal or marine environment. Given input on the fate of the contaminants from the physical fates submodel, the biological effects submodel calculates the average loss in biomass by species category. Data on baseline biological resource conditions and beach uses are contained in the biological and economic submodel data bases, respectively. The commercial and recreational uses of biological resources are determined by historical patterns for each of these classes of uses. Public beach visitation rates are also based on historical patterns. In the case of fisheries damage, fish resources are allocated in the model between recreational and commercial harvests foregone. Quantification of resource services lost serve as data input into the economic damages submodel.

Dollar damages are calculated in the economic submodel using market and nonmarket prices for commercial use of fur seals, commercial and recreational fishing, hunting and birdwatching, and public beach use. Lost in-situ value for commercial fisheries is calculated as the change in the total value of landings (estimated using province-specific, ex-vessel prices) minus harvest costs. For all other resource injuries, nonmarket values based on willingness-to-pay (WTP) estimates derived in existing studies are used to calculate damages. For example, the lost value of recreational fisheries is based on province-specific marginal WTP estimates for sportfishing. The value of lost waterfowl and other birds are calculated using marginal WTP estimates for their consumptive and nonconsumptive uses. Beach days lost are valued using average WTP estimates obtained from existing studies of the value of recreational beach use. The regulations stipulate that these market and nonmarket values are applicable only if the discharge or release is not expected to significantly change recreational or commercial prices for these resource uses.

Due to the limitations of the Type A model, the regulations instruct the trustee to use the Type B procedures whenever the trustee has reason to believe that the types of potential resource injuries are significantly different than the types considered by the Type A model, or if any other model assumptions or conditions are violated. For example, in cases where potential injuries to wildlife species included in the model data bases only include sub-lethal, chronic effects, or if injury occurs to wildlife species not included in the model data bases, then the Type B procedures are to be used. The regulations also allow for parallel Type A and Type B assessments in cases where use of the Type A procedures may capture only part of overall resource damages resulting from a minor discharge or release into a coastal or marine environment. Thus, in cases involving multiple resource injuries resulting from the same discharge, a trustee could, for example, use the Type A procedures to assess damages for fish mortality, and use the Type B procedures to assess damages for injury to a mammalian species not included

in the Type A model data base. However, the rules do not allow for use of parallel assessments to determine damages for different types of impacts on service flows associated with the same resource. It should also be noted that the rules give the potentially responsible polluting party the right to request a Type B assessment even when the Type A procedures might be applicable, provided they can show that use of the Type A procedures may not be fully appropriate, and if they are willing to advance the assessment costs to the trustee.

The remainder of this paper focuses only on the Type B damage assessment procedures. We chose this focus because the major principles underlying both the Type A and Type B rules are set out by the latter rulemaking, and treatment of the more controversial elements of damage assessments, such as the inclusion of non-use values, are addressed by the Type B rules. Moreover, the Type A rules make use of market prices and unit values pulled from existing studies, while the Type B rules procedures set out specific methodologies for the use in estimating resource damage in individual cases. The Type B procedures are thus likely to produce more accurate estimates of economic welfare losses in individual cases than the Type A procedures.

2. *Overview of the Type B Regulations.* The Type B regulations set out the basic processes to be followed by Federal and state trustees for: 1) determining and documenting natural resource injury caused by releases of oil or hazardous substances; 2) quantifying the effects of this injury on the human uses of the services provided by these resources; and 3) determining natural resource damages. The regulations explain the procedural steps for trustees to follow and provide criteria for selecting methodologies to determine resource injury and damages. They do not, however, provide specific guidance for implementing the various methodologies. Additional information on the methodologies is provided by a set of accompanying Technical Information Documents.

Because trustees are authorized to recover the costs of performing the assessment from the responsible parties, the regulations mandate that the assessment process be performed at "reasonable cost." Costs are defined as reasonable when "1) the injury, quantification, and damage determination phases have a well-defined relationship to one another and are coordinated; 2) the anticipated increment of extra benefits, in terms of the precision or accuracy of estimates, obtained by using a more costly methodology for injury, quantification or damage determination outweigh the anticipated increment of extra costs of the more expensive procedure; and 3) the anticipated costs of performing the assessment are expected to be less than the anticipated damage amount."²⁵

The focus of this paper is on the provisions of the regulations that contain key economic decision points or that provide guidance for the use of economic methodologies to assess damages. These provisions include Subpart B—Pre-assessment Phase, Subpart C—Assessment Plan, and Subpart E—Type B Assessments.

a. *Subpart B—Pre-assessment Plan*—Subpart B of the rules sets out the procedural steps for initiating the damage assessment process and for preliminary analysis of potentially injured natural resources. Section 11.23 outlines the pre-assessment screen, which provides the criteria for determining whether the identified discharge or release justifies a natural resource damage assessment. The pre-assessment screen includes the first key economic decision point in the process.

The pre-assessment screen is designed to be a relatively quick "desk top" review of the existing data to determine whether the discharge or release warrants a natural resource damage assessment. Here the trustee is charged with qualitatively identifying the resources at risk and deriving preliminary assessment cost estimates based on a review of existing data using minimal fieldwork and previous trustee experience with similar accidents involving such resources. The screen requires that a decision to proceed with an assessment should be based on the following determinations by the trustee: 1) that the discharge or release is covered under the relevant sections of CERCLA or the Clean Water Act; 2) that the discharge or release has likely injured natural resources under the jurisdiction of the trustee; 3) that the quantity and concentrations of the contaminants released are sufficient to potentially cause resource injury; 4) that the data required to pursue an assessment are readily available or likely to be obtained at reasonable cost; and 5) that any planned or completed response action will not completely remedy the injury to the natural resources. The pre-assessment screen thus requires a preliminary determination by the trustee, based on existing data and minimal fieldwork, of the nature and extent of possible resource injury, and the human uses of the resources potentially affected. The rules discourage the early sampling of potentially injured natural resources at this stage unless it is absolutely necessary. The information gathered in the pre-assessment screen is to be used by the trustee to determine whether an assessment could be performed at reasonable cost and the likelihood that a damage action would be successful.

b. *Subpart C—Assessment Plan*—After an affirmative decision is made to proceed in the pre-assessment screen, but before initiating a damage assessment, the trustee must develop a detailed assessment plan in accordance with the procedures set forth by Subpart C of the regulations. Section 11.31 requires that the assessment plan identify and document all of the scientific and economic procedures and methodologies that are expected to be used in assessing the resource injury and determining damages. Documentation is required in sufficient detail to be able to make a determination of whether the proposed assessment approach is cost-effective. The regulations interpret the term "cost-effective" to mean "that when two or more activities provide the same level of benefits, the least cost activity providing that level of benefits will be selected."²⁶

The Economic Methodology Determination section of the proposed rules (Section 11.35) allows the trustee to use restoration or replacement costs, or diminution in use values as the basis for measuring natural resource damages, and provides guidance to the trustee for making the choice. This section specifies that "the authorized official shall select the lesser of 1) restoration or replacement costs or 2) diminution of use values as the measure of damages."²⁷ It further specifies that rough approximations of the costs and benefits of these alternative measures of damages should be calculated. The costs and benefits in this calculation are defined, respectively, as "the expected present value, if possible, of anticipated restoration or replacement costs, expressed in constant dollars, and separated into capital, operating, and maintenance costs, including the timing of the costs;" and "the expected present value, if possible, of anticipated use values gained through restoration or replacement, expressed in constant dollars, specified for the same base year as the cost estimate, and separated into recurring and non-recurring benefits, including the timing of the benefit."²⁸

The regulations further specify that the selection of an economic methodology

should rely upon existing data and studies, and that no new data collection or modelling is needed to complete the determination. They also stipulate that if the existing data is insufficient to perform the economic methodology determination, it may be postponed until the completion of the formal injury determination phase in Subpart E.²⁹

c. Subpart E—Type B Assessments—Subpart E of the regulations deals with the actual implementation of Type B assessments, and lays out the steps to be followed by trustees for choosing among and implementing alternative methodologies for each of the three major phases in the damages assessment process— injury determination, service reduction quantification, and damages estimation. The following discussion deals only with those parts of the Subpart dealing with the estimation of monetary damages.

Guidance to trustees for estimating damages based upon restoration or replacement costs and certain restrictions on what these measures may include is discussed in Section 11.81. When restoration or replacement costs are to be used, they must be based on the least-cost alternative restoration or replacement scheme that returns the resource services to their pre-injury, baseline condition. Further, the restoration or replacement alternative used to calculate damages must be technically feasible to undertake. The measure of damages calculated using restoration or replacement costs may also include any diminution in resource use value over the recovery period.³⁰

Criteria for the selection and implementation of use value methodologies is provided by Sections 11.83 and 11.84 of Subpart E. Key interpretations and definitions are also found here. The term "use value" is defined as "the value to the public of recreational or other public uses of the resource, as measured by changes in consumer surplus, any fees or other payments collectable by the government for a private party's use of the natural resource, and any economic rent accruing to a private party because the government does not charge a fee or price for use of the resource." The regulations also provide that, "In instances where the Federal or State agency acting as trustee is the majority operator or controller of a for- or not-for-profit enterprise, and the injury to the natural resource results in a loss to such an enterprise, that portion of the lost income from this enterprise . . . may be included as a measure of damages."³¹ Damages, however, can only be measured by the diminution in value of baseline "committed uses" of natural resource services over the period it takes for the injured resource to recover naturally. In addition, these baseline "committed uses" must be reasonable probable; purely speculative uses of the injured resource are precluded from consideration.³² A committed use of natural resource services is defined as "a current public use, or a planned public use of a natural resource for which there is a documented legal, administrative, budgetary, or a financial commitment before the discharge of oil or release of a hazardous substance is detected."³³

The specific methodologies that may be used by trustees to estimate damages for both market and nonmarket natural resource services, and the conditions under which they may be used to estimate certain resource damages are identified in Section 11.83. Guidance for selection of economic methodologies in this part prescribes a hierarchy among valuation methods, with one group of methodologies for resources (or resources similar to those injured) that are traded in markets, and another set of methodologies for nonmarket resources. An evaluation of these