SCOMM

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May 6, 1991

Members of the Alaska Legislature
P. O. Box V
Juneau, Alaska 99811

Re: Exxon Settlement - "Let us stone them. . ."

Dear Members of the Legislature:

The time for proceeding with maturity and the spirit of cooperation is here. If the people of Alaska are to reflect democracy with the hope of retaining and regaining the individual freedoms which are so rapidly being consumed by government regulation of our lives, we must show ourselves and others that individuals and corporations can live and function in harmony.

Exxon did not intentionally run a supertanker onto the shoals of Prince William Sound. Exxon did react responsibly in attempting to clean up the mess. Those efforts assisted countless families whose men and women found a new source of income that was not determined by their "poverty level" under social legislation. Exxon did react responsibly in attempting to settle civil claims with the State by paying almost ten times as much as the maximum ($100 million) allowed by state law. A.S. 46.03.758. (In 1989 the legislature raised the maximum to $500 million, still only half of what Exxon already agreed to pay!) Exxon acted responsibly in pleading to the criminal charges pending against it under state and federal law. And most significantly, Exxon accepted responsibility for the spill although another corporation (Exxon Shipping Co.) could have shielded the parent company from liability. How many of you have erected a corporation to shield you from personal liability?

The executive branch of government acted responsibly in resolving a most complex lawsuit for payment of a substantial monetary consideration. Attorney General Cole acted responsibly in maintaining the sanctity of contract before the onslaught of the House committee. How responsibly has the legislature acted in "politicizing" yet another issue over which they legislated more than ten years ago when the TAPS Act became the law of the land?

The state's Oil Pollution Control Act (A.S. 46.04) vested enormous power in the Alaska Department of Environmental Conservation ("DEC"). In 1989 the DEC Commissioner was the exclusive agency empowered to approve an "oil discharge contingency plan for [the Alyeska oil terminal]." The state Act mandated that DEC attach "reasonable terms and conditions to its approval of an oil discharge contingency plan" which plan "must provide for the use of the best available technology." A.S. 46.04.030(a) and (e).

The same if not greater power is vested in the federal government's U.S. Coast Guard and Environmental Protection Agency. Their enormous power is derived from a plethora of legislation: e.g., National Environmental Policy Act, Clean Water Act, Ports and Waterways Safety Act and the Ports and Tanker Safety Act (with thousands of pages of regulations "necessary to carry out the purposes of the Act[s]." When the spill happened, these highly paid officials reacted as though the possibility of a tanker running aground in the Sound had never occurred to them despite years of planning and oversight.

These regulatory and enforcement agencies can act IRRESPONSIBLY for a decade yet they lead the crusade to impale Exxon. When the spill occurred, our highly paid government officials and regulators did not even know which bureaucrat should assume responsibility for preventing any further spillage. The only entity who took affirmative action was Exxon. All of the environmental and pollution control "experts" employed by the state and federal governments stood idly and irresponsibly by and did nothing. We should ask: Is this the contingency planning they have done since the TAPS Act was passed? These government regulators did not know what action to take even when the most obvious accident - a tanker running aground in Prince William Sound - occurred because they had never planned for such a contingency.

And now despite your oaths of office to support the Alaska and U.S. Constitutions, you politicize even the highly generous settlement CONTRACT between the executive branch and Exxon. Incredibly, Exxon agreed to pay nine times the $100 million statutory limit enacted by the legislature, pre-1989, raised to $500 million AFTER the spill. A.S. 46.03.758(e) (pre-spill) and A.S. 46.03.759 (post-spill). Yet, just as incredibly, the legislature refuses to abide by its own legislation, which happens also to be the law of the land, wanting instead even more than the law, as amended in ex post facto fashion, authorizes. A majority of the current legislators voted in favor of the post-spill amendments. Did the House rely on an ex post facto law to disapprove the settlement agreement? The right to be free from ex post facto laws and another basic right believed sancrosanct by the Founding Fathers were adopted as Article I, §10, U.S. Const., which forbade:

> No state shall. . .pass any. . .ex post facto law or law impairing the obligation of contracts. . .

The people of Alaska believed so strongly in these principles that a similar prohibition appears in Article I, §15, Ak. Const.:

> No. . .ex-post facto law shall be passed. No law impairing the obligation of contracts. . .shall be passed.

Yet the failure of the House to honor the Exxon settlement contract represented to this writer a poor example of adherence to the democratic principles embodied in the sanctity-of-contract provisions of our Constitutions.

Are we as a people, and our legislators as our voice, to act so as to defeat, rather than defend, such constitutional rights?

Oil money is the reason our legislature convenes more often than every two years. Oil money funded this government from the $900 million in bonus bids for Prudhoe Bay in 1968 to $900 million in ANCSA settlement funds in 1971 to the $900 million in final payment of civil reparations for the oil spill in Prince William Sound in 1991. Oil money has funded billions in roads and highways, municipal revenue sharing, public educational facilities throughout the state, housing and public building programs, and a bureaucracy of the highest paid and highest density per capita group of public employees ever assembled in the United States (with 100% medical and dental benefits, five-year vesting in retirement plans and 30-day paid vacations annually). The question of responsible decision-making soon becomes rhetorical.

We raise our voices in condemnation without remembering the Oil Pollution Act was passed unanimously by our legislature in 1980. The Act gave Alaska's DEC the power of Gideon over Alyeska's oil spill contingency plan and Exxon's tankers. The U.S. Coast Guard and the EPA are federal agencies vested with the power of God over oil spill contingency planning in the Nation.

Where have these watchdog agencies been throughout the past ten years?

The legislature continues passing yet more laws to "protect" Alaska's pristine environment. I heard someone say that what we need now are tough regulations. POPPYCOCK! We've had the toughest laws and regulations on the books since NEPA in 1969 and Alaska's EPA in 1971. Alaska doesn't need another law or regulation or - Heaven forbide! - another government agency to prevent tankers from DWI'ing onto the shoals of Prince William Sound. What is needed is someone who can roll up their sleeves, keep abreast of the technology, and fulfill the responsibilities of office.

While a little adversity is a good thing, too much is a war. The time to put away our guns is here. We must usher in a new era of cooperation and forgiveness and put the spill peacefully behind us. If someone is out there who can say that they have acted responsibly in fulfilling their duties of office in all matters, then let them step forward and cast the first stones.

An embarrassed American,

J. Michael Robbins

J. Michael Robbins

cc: Governor W. Hickel
Alaska Congressional Delegation
Attorney General Cole
DEC Commissioner Sandor
Revenue Commissioner Fisher
Anchorage Daily News
Anchorage Times

May 1, 1991

All Alaska State Legislators
P.O. Box V (MS3100)
Juneau, Ak 99811

From what information I have been able to gather concerning the Legislative review of the Exxon settlement, it certainly appears that major issues are being ignored. I must admit however that I consider a great deal of my information as unreliable because it is limited to press coverage based on inane remarks by Max Gruenberg.

Notwithstanding however, I feel the following items must be addressed:

In placing a value on the settlement, if you consider the 2.2 billion dollars that Exxon has already spent on cleanup and the 1 billion dollar settlement proposal, the cost per barrel of oil spilled is $12,325 dollars per barrel! This does not even include the $300,000,000 plus paid out in claims so far or what will be spent on cleanup this summer. If you used this same standard, a settlement on the 3 million barrels of oil spilled in the Persian Gulf would be nearly 37 billion dollars!

The State's settlement, if there is one, is going to set a precedent that we are going to have to live by. And, as difficult as it is for everyone to admit, the State's liability has not been established and the State will more than likely end up paying also, so the same set of standards will apply.

I have brought up many times that the State required, administered, regulated and approved Alyeska's oil spill contingency plan. And, as brought up time and time again, the plan clearly stated that the results of a spill the size of that of the Exxon Valdez, would have the results that were ultimately experienced. In other words, the State "pre-approved" the Exxon spill. I wonder, how many of you have reviewed this plan?

Much ado was made over the federal report released 4/8/91. This report made the headlines and was heralded as new information that showed that the spill was worse than originally thought. This of course was totally false because the information was not new, was not current and dealt with conjective theory rather than proven data.

On the other hand, when Exxon filed reports on 26 separate scientific spill studies on 4/16/91, it didn't even make the paper. Have all of you seen these studies? Ignoring something doesn't mean that it doesn't exist. If this settlement is litigated, proven scientific studies showing how the sound is. will be the dominate deciding factor, not theories on how bad it was.

Very truly yours,

Jerry Celey
6766 Double Tree Court
Anchorage, Ak 99516

Governor Hickel:

I believe I know why you want to settle a sweatheart of a deal with Exxon. Why would you risk legislative anger in approving the deal if the legislature votes it down? Your quote from Los Angeles (Manilee Enge and David Postman deal: Criminal fine called too low; entire settlement in jeopardy - Anchorage Daily News, April 25, 1991), confirms this.

I believe Exxon Chairman Rawls corrupted you. You ask how could he corrput Governor Hickel?? Maybe he offered you the North Slope Natural Gas Selling contracts the Japanese demand before they sign the purchasing contracts. These contracts would get your pipeline built. Would you sell the State of Alaska down an oily sewer for a couple of hundred million dollars (received after you leave office, of course) ?? I believe you would.

Legislators take note----If he approves the settlement, if you vote it down, would this be an impeachable offense?? Send your legal staff running full tilt to answer this one!!!!

Anonymous

Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366
Fax 907-463-3312

The Alaska Environmental Lobby (AEL) urges the legislature to reject the Exxon Valdez civil settlement.

4/26/91

The Exxon Valdez oil spill profoundly affected thousands of Alaskans. However, the very process to redress these damages excluded those injured parties. By excluding the public, the administration negotiated an unacceptably flawed settlement.

Justice Holland's ruling to reject the criminal settlement sends a message: Exxon's and Alyeska's punishment does not fit their crimes. This same message carries through to the proposed civil settlement--Exxon and Alyeska have not provided suitable recompense for the damages they inflicted upon the environment. To Alaskans, the Exxon Valdez oil spill is the greatest environmental catastrophe to affect our state. The oil spill wiped out livelihoods, converted entire subsistence cultures to cash economies overnight, and inflicted a staggering toll on animal communities. The proposed Exxon civil settlement does not repair all that was lost.

This settlement--

1. Is not a deterrent . . .
This settlement sets a poor example for future offenders. Alyeska failed to fulfill its promise to respond to a spill in Prince William Sound. Not only is Alyeska released from natural resources damage liability, but the financial cost, with a real dollar, amount after taxes of only $425 million in 1991 dollars, is insignificant to a corporation the size of Exxon.

2. Discounts the value of scientific studies . . .
This settlement permits the suppression of scientific and economic studies. The public cannot make an intelligent and informed decision on the settlement without these studies. The studies' suppression enforces a cruel ignorance on the people. This sets an unjust precedence.

3. Neglects the people . . .
The trustees system fails to include a vehicle for meaningful public input. The trustees have already met--in private. There is no mechanism in place to include the public, the legislature or local governments. Indeed, the formation of such a mechanism is up to the trustees.

4. Does not provide for adequate restoration. . .
This settlement fails to ascertain adequate protection for spill affected areas. In order for these ecosystems to recover, they will need to be adequately protected. This will require acquisition of land and its resources. Local communities need to be involved with the selection and management of these purchases.

Alaska Center for the Environment

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501 • (907) 274-3621

April 24, 1991

Senator Dick Eliason
Alaska State Legislature
P.O. Box V
Juneau, AK 99801

Dear Senator Eliason:

The following comments are submitted on behalf of the Alaska Center for the Environment (ACE) regarding the proposed Exxon Valdez criminal and civil settlement agreements. ACE greatly appreciates the work done by the House and Senate Special Committees on the Exxon Valdez Settlement to provide opportunities to the public to testify before the Legislature regarding the settlement. As stated in verbal testimony, ACE considers the settlement presented to the people of Alaska by Exxon, the Governor, and the federal government to be flawed irreconcilably as currently proposed.

Release of Economic and Scientific Spill Data

ACE finds it ludicrous to be asked to evaluate the adequacy of the settlement without first being given the opportunity to review the biologic and economic study data measuring natural resource damages to Prince William Sound. Public monies paid for that data, and the public has a right to it. Attorney General Cole's argument that the spill data should not be released because it could potentially be used against the state in a lawsuit is horrifying in terms of public policy. If indeed the state was party to events leading to or causing improper response to the Prince William Sound spill (e.g. approval of a faulty spill contingency plan, failure to inspect response equipment, etc.), then the public has a right to know where the flaws were in order to evaluate how to correct them before a future spill occurs.

Review of the spill data is needed not only to evaluate the settlement, but also to help direct efforts towards restoration of Prince William Sound and prevention of future spills. How can we know where restoration is needed most, or what ongoing studies are needed without review of the spill data? Equally as important, little is currently known in "dollar for dollar" terms about the value of preventative measures compared to the costs of spill response and natural resource damages. The data from the Exxon Valdez spill could help provide answers to some of these questions. It would truly be a tragedy if another spill like the Exxon Valdez occurred in Alaska tomorrow because, for example, the arguments for prevention were outweighed by industry resistance to expending the upfront capital needed for a double-hulled tanker, or because the state did not want to pay the costs of maintaining adequate staffing of the Oil Spill Response Office in the Department of Environmental Conservation.

The summary of federal spill data recently released is not enough. Economic analysis is not included in the summary, and the report plainly states that it is "preliminary" and "available data are not fully analyzed and interpreted." The rest of the federal scientific and economic data, in addition to the state studies, must be released in order to be of value.

Public Participation

The public has been given no opportunity to participate in decisions about how settlement monies would be spent, were the settlement approved. The Trustees Council thus far has met behind closed doors, and has made no move towards soliciting public input on this matter. ACE would like to see the money spent on 1) purchase of timber rights along spill-affected coastlines to prevent further damage to these areas, 2) other restoration activities, and 3) ongoing studies of spill impacts in Prince William Sound.

ACE is disturbed to hear the Trustees Council part from the state administration's long stated intention to use the settlement monies to purchase timber tract lands. The statements against purchase of timber rights by members of the Trustees Council came forth despite the clear public support for timber buy-backs expressed in the legislative hearings on the settlement, and is further evidence of the Council's oblivion to public concerns.

Deterrent Value of Settlement

ACE is extremely pleased with Judge Holland's ruling that the $100 million fine required of Exxon in the proposed criminal settlement is inadequate. A criminal penalty should both reflect the enormity of the crime committed by Exxon and should act to deter further crimes of this sort. The settlement fashioned by Exxon and the state and federal administrations accomplishes neither of these goals.

The entire settlement package clearly fails to send a message to polluters that egregious environmental crimes are unacceptable and will not be tolerated. The message it does send, however, is that polluters can make deals behind closed doors and buy their way out of messy pollution problems-- including the largest oil spill in North America.

Alyeska's Release from Culpability

ACE objects to the release of Alyeska Pipeline Service Company and its owner companies from any criminal charges, civil penalties or administrative penalties in the criminal plea, and release from natural resource damages in the civil settlement.
Alyeska's failure to comply with the oil spill contingency plan in effect on March 24, 1989 significantly compounded the environmental damage that eventually occurred. According to material presented by Rep. George Miller, U.S. House of Representatives, in his letter to Judge Holland and Judge Sporkin dated April 8, 1991, Alyeska and its owners had advance knowledge of the company's inability to respond to an oil spill in Prince William Sound, and failed to take action to correct that situation. It is clearly not in the public interest for the state and the federal government to waive their rights to pursue charges against Alyeska for the Exxon Valdez oil spill.

Because of the major flaws inherent in the Exxon Valdez settlement agreement, the Alaska Center for the Environment strongly urges you to reject the settlement. We encourage you to consider these concerns and work to avoid the reemergence of the same problems in any potential future settlement proposals. Thank you for considering these comments.

Sincerely,

Karen Word

for Sue Libenson
Executive Director

- [x] Mary ✓
- [ ] Sheila
- [ ] Laura
- [ ] Jo-Eve
- [ ] Carol
- [ ] Brandie

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Staff Notes:

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- [x] Dick

Notes to Dick:

Oiled Mayors want a seat on the Trustees for Exxon Settlement Trust

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Eliason's Instructions:

- [ ] File
- [x] Back to Staffer Mary

Instructions/Action to Be Taken:

ALASKA CONFERENCE OF MAYORS

PRESIDENT 1991
Robert B. Brodie
Mayor, City of Kodiak
(907) 486-8635

217 SECOND STREET, SUITE 200
JUNEAU, AK 99801
(907) 586-1325 Fax 463-5480

VICE PRESIDENT
Dan Keck
Mayor, City & Borough of Sitka
(907) 747-3294

"OILED" MAYORS SUBCOMMITTEE
Robert B. Brodie, Chairman
Box 1397, Kodiak, AK 99615
(907)486-8642 Fax 486-8600

SECRETARY/TREASURER
Gary L. Davis
Mayor, City of Soldotna
(907) 262-9107

April 16, 1991

Governor Walter J. Hickel
Pouch A
Juneau, AK 99811-0101

Dear Governor Hickel:
[redacted] regarding the pending EXXON VALDEZ oil spill settlement.

First I would like to begin by thanking you and Attorney General Cole for meeting with us during our trip to Juneau in March of this year. As a result of this meeting and the continued dialogue between our staffs I feel progress was made in clarifying our respective positions.

We appreciate the modifications which were made to the EXXON Settlement Agreement which reflected some of the Oiled Mayors concerns. But I feel obligated to bring to your attention several of our continuing concerns.

The legal staff of the Oiled Mayors continue to review the technical aspects and implications of the agreement and will communicate those concerns in a separate letter. Those concerns reflect our desire to clarify how certain sections of the EXXON settlement will impact our own situations.

A major concern that we would like to raise is one that was broached at our February meeting and continues to haunt us. This is the matter of the make up of the Exxon Settlement Trustee Council. [redacted] A substantial representation of these groups is not inappropriate in light of the fact of the wide spread damage caused by EXXON'S oil on Alaska's environment. [redacted] specifically we refer to the cannery worker, businessman, fisherman, subsistence user and landowner affected by the spill.

It is our contention that these groups can be no better represented than by a member of local government. It was the local governments that stood alone in the early days of the EXXON spill. It was the local governments that stood alone and dealt with the tremendous influx of clean up activities. It was the local governments that still stand alone in dealing with the aftermath of damage now that EXXON is long gone.

Through out this process of dealing with EXXON'S arrogance, VECO'S incompetence, the Federal government's indifference and the state's impotence the Oiled Mayors have steadfastly refused to publicly criticize the Coast Guard or the State's efforts. Rather we have chosen to pursue the role of quiet diplomacy in dealing with our elected officials and administration agencies.

Consequently we feel that the Oiled Mayors have a legitimate basis for requesting that a seventh seat be established on the Trustee Council to include a member of local government. I would suggest that the ranks of the Oiled Mayors would provide no better source for such a representative.

I believe that this change would go along way in relieving another concern which is that there still remains a perception that Prince William Sound continues to be the center of the spill universe. No sooner had the announcement of the settlement been made than EPA Secretary Riley made the statement to the effect "now that a settlement has been reached we can now go about the business of rebuilding Prince William Sound".

Those of us in Alaska recognize that EXXON'S oil had far reaching effects throughout the Gulf of Alaska and that in all fairness the entire area should be given appropriate consideration in the restoration process. It is through the inclusion of the municipal representative on the Trustee Council that this point can be brought home.

I recognize that this is not a new topic but we feel that now is the time to formally bring forth this reasonable request. We will be espousing this doctrine to a number of agencies, legislators and interested parties in state and federal government.

I look forward to discussing this further with you during the next visit of the mayors to Juneau April 25 and 26. If you or your staff have any questions please do not hesitate to get in touch with me or our legal council Mr. Matt Jamin.

Sincerely,

Bob Brodie

Bob Brodie, Mayor
City of Kodiak
President, Alaska State Conference of Mayors
Chairman, Alaska's "Oiled Mayors"

cc:DNR,ADF&G,ATTNY GEN.,AK SENATE & HOUSE MEMBERS, DEPT'S OF INTERIOR, EPA, TRANSPORTATION, USCG, CONGRESS, MEDIA

4/26 Ruth Wood dropped this by

April 26, 1991

The **Alaska Environmental Lobby** and the **Oil Reform Alliance** strongly oppose the proposed Exxon Valdez oil spill claims settlement. The following list of conditions is provided in the spirit of laying a foundation for further negotiations.

CONDITIONS

Memorandum of Agreement

1) Full release of all scientific and economic studies/data with summary interpretations provided by all parties AND sufficient time (60 days) for the public to comment on an appropriate settlement amount.

2) Clear provisions for how the funds may and may not be spent with emphasis on restoration, replacement and acquisition of equivalent resources. For example, appropriate use of funds includes IN-STATE acquisition of land and development rights, and spill-related scientific studies; inappropriate use of funds includes road building, economic development, creation of recreational facilities, etc.

3) Provide in the trustee arrangement for including, as voting members, representatives from regional or statewide Native, environmental, and commercial and sport fishing groups.

Agreement & Consent Decree

4) Obtain significantly more money in the settlement (natural resource damage estimates range from three to eight billion dollars) with non-tax deductible payments, if possible, and compounding interest.

5) Remove the restrictive language in "re-opener" clause and the $100 million cap.

6) Separate cleanup funds (past and future) from restoration funds and from the settlement - cleanup funds should be reimbursed directly by the spiller.

7) Retain state rights to pursue recovery natural resources damages against Alyeska.

8) Settlement should not jeopardize legitimate claims by private parties.

April 9, 1991

Jennifer Nelson
5100 Spruce Ck. Cir.
Anchorage, Ak 99516

This is in response to the proposed Exxon settlement, both criminal and civil. Throughout the entire tragedy, Exxon has done nothing but defend itself and attempt to downplay the devastation which occurred. I have yet to see any evidence on their part of genuine concern for what they destroyed through their ignorance, incompetence, and general disregard for the unique environmental treasure chest of this state. The oil spill has forever destroyed the delicate balance of this enriched environment. Exxon's proposed punishment for this travesty is so minute it is unbelievable. The possibility that the company's directors and others responsible will not be forced to serve time in jail after the incarceration sentence they have handed to Alaska is outrageous. The one billion dollar settlement would be laughable if it was not so depressing. This settlement represents one quarter of Exxon's profits for last year alone, not to mention the fact that half of this petty cash qualifies as a tax deduction.

If we are to protect the part of this great state that has not already been destroyed, we must demand retribution that will not only cause great financial hardship to those who are responsible for so much damage and destruction, but will also allow us the financial capabilities to prevent this from happening again. We need to have the ability to develop research and preventative programs as well as state funded wildlife centers for those animals affected by the spill through physical damage as well as destruction of habitat.

If this settlement is approved, Exxon as well as other oil companies will realize that they can get away with murder.

Sincerely,

Jennifer Nelson

Oil Reform Alliance

The Oil Reform Alliance strongly opposes the Exxon Valdez settlement and urges legislators to do the same because

IT SETS BAD PRECEDENT

* There is much more than money at stake. The settlement should send a strong signal to potential spillers that they will be held to the highest degree of criminal culpability and financial accountability for oil spills.

* The settlement should modify the behaviour of potential spillers, but the oil industry is lobbying as strongly as ever against increased reform. The industry is actively working to weaken oil spill planning and response standards and financial responsibility (through the 567 draft regulations and introduction of HB196, respectively).

* The settlement gives away the farm. Instead of building public trust, this settlement shakes the foundation of our trust. It will be very difficult for the ORA to support future oil and gas developments unless the state takes forceful steps to hold spillers accountable and proves itself a regulator capable of balancing responsible development with public concerns and environmental protection.

IT LETS CRIMINALS OFF THE HOOK

* The total cost to Exxon, after tax, is less than $425 million in 1991 dollars. The cost to Alyeska is zero. Congressman George Miller discovered that the Alyeska owners decided in June 1988 that Alyeska could not and would not respond to oil spills past Valdez Narrows - contrary to their public promises. Alyeska and responsible officers should be exposed to substantial criminal penalties.

* The U.S. Justice Dept. waives its rights to pursue criminal charges against Alyeska and its owner companies, AND its rights to pursue civil or administrative penalties against these same parties.

* The largest U.S. settlement for environmental damages was the Allied Chemical case at $13 million or 10% of Allied's earnings that year. Exxon's yearly sales are over $100 billion.

IT IS A BAD DEAL FOR NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

* The settlement holds hostage future spill-related scientific studies and restoration projects. Until a settlement is reached, there are no funds available to continue state and federal scientific studies or initiate restoration projects. Legislators should work out a funding mechanism for this type of work immediately, either

519 W 8th [redacted] Anchorage, Alaska 99501 • (907) 274-3621

through direct appropriations or a state loan. The Oil Pollution Act of 1990 created a billion dollar renewable fund to avoid precisely this dilemma.

* Continued scientific studies are critical to the public's understanding of spill impacts. Life cycles of some species, such as salmon and herring, are such that full impacts will not even be known for several more years. Scientists at the Woods Hole Oceanographic Institute have studied the West Falmouth oil spill for over twenty years and are still reporting effects to the biota and the environment.

* Federal summaries of scientific studies show natural resource damages were up to twice as severe as previously estimated and long-term damage may be extensive. Although all economic data are still held secret, leaked estimates range from $3 to $10 billion.

* The settlement must outline in detail how funds can be spent to prevent "an institutional feeding frenzy." Funds should be spent on projects for restoration, rehabilitation or enhancement as stated in the Clean Water Act.

* The trustee system inspires no public confidence. Two state trustees stated they did not intend to spend much money on land acquisition, despite public support and precedence for this idea. (The recent settlement for the Arther Kill spill included $5 million for land acquisition.) Another potential trustee is a co-conspirator of the Alyeska owner companies' plan not to clean up spills past Valdez Narrows - a plan that carries criminal liability overtones.

* Funds for environmental restoration, research and monitoring will dribble out over a ten year period. The payment schedule does not include compounding interest and it is tax deductible. The payment schedule successfully impedes capitol heavy mitigation projects such as land acquisition.

* Future - and past! - cleanup expenses should be assessed directly to the spiller, not included in the settlement. Natural resources could well be the looser in competition for funds with past and future cleanup projects.

<u>IT IS A BAD DEAL FOR THIRD PARTY VICTIMS (THE PUBLIC!)</u>

* The settlement drives a wedge between the State and its injured citizens by requiring governments to act in defense of each other if one is sued. Citizens will be forced to sue the State to recover compensation for the State's "percentage of fault" as decided by a jury (AS 9.17.040).

The Oil Reform Alliance also requests a new settlement be worked out and it should start with release of scientific and economic studies and full public participation.

The next spill - and there will be a next spill: it is part of the risk we take for our oil dependency - the public will look back to the voting record on this settlement. We will ask what you did to impress upon spillers that they would be held accountable for oil spills.

THINK AHEAD! VOTE "NO" ON THIS SETTLEMENT!

15 APR 1991

A PARTIAL 1991 CHRONOLOGY OF EXXON SETTLEMENT EVENTS

by Joe Sonneman

GOVERNOR MEETS PRESS, Jan-Feb. ?

Responding to 2nd floor saying that "a governor can cut, but he can't add," Gov. Hickel says perhaps he can find a way to "multiply."

HOUSE JUDICIARY, February dates

AG repeatedly refuses to answer Committee questions about settlement progress and clauses, alleging incomplete answer-preparation process.

HOUSE JUDICIARY, 3/7

Asked if his repeated failure to answer Committee questions, on deadlines he chose, was an effort to stall the Committee until after the settlement was complete, the AG says "What difference would that make?"

AG says legislative involvement in negotiation process or settlment approval would be "highly ill-advised public policy."

HOUSE JUDICIARY, Feb-March??

AG says some settlement negotiators do not want Legislature to be able to appropriate to <u>any</u> purpose.

HOUSE SETTLEMENT REVIEW COMM., ??

AG says negotiators had "no substantive discussion" of Legislature's power to appropriate.

AG does not answer Rep. Gruenberg question re: any discussion of dividing the damaged resources between Alaska and U.S. governments. Gruenberg asks again if "any discussion." AG then says he did not discuss that with U.S. Asst. AG Stewart.

AG says Hickel got idea for $1.2 billion figure from "intuition."

SENATE SETTLEMENT REVIEW COMM. ??

AG says Hickel got idea for $1.2 billion figure from analysis.

HOUSE SETTLEMENT REVIEW COMM, 4/5

AG says some settlement negotiators "who shall remain nameless" do not want Congress to control funds.

AG tells Rep. Hudson that the Legislature can <u>not</u> have "advise and consent" power over Trustee spending, but may have advisory-only role.

Rep. Barnes says that <u>some</u> damaged natural resources were State assets, that money recovery for that damage must thus also be a State asset even if not so called, and that only the Legislature can appropriate State assets. "So I have a constitutional problem" with the proposed settlement"s Executive branch trustee control of most settlement money.

SENATE SETTLEMENT REVIEW COMM., 4/6

AG says he considered alternative, that Legislature might want to fund restoration, would need half of Exxon money and Legislature might want to spend it on education.

Private lawyer questions settlement amount as inadequate, especially upset that no trial means no chance of punitive damages.

AG says he would consider releasing data if Legislature asked him to do so by a joint resolution. Sen. Eliason asks why the Legislature would want to take Cole off the hook and put themselves on it.

CONG. MILLER LETTER, 4/8

U.S. Rep. George Miller writes Judges Holland & Sporkin that: "Exxon and the other owner companies which control Alyeska: (1) knew that Alyeska could not effectively respond to an oil spill in Prince William Sound; (2) failed to make necessary improvements in Alyeska's oil spill response capabilities; and (3) secretly decided that Alyeska would not respond to an oil spill in Prince William Sound in the manner prescribed by Alyeska's Oil Spill Contingency Plan."

Cong. Miller includes photocopy telex evidence as proof, asks the judges not to accept plea bargain.

SENATE MEMORANDUM, 4/8

Findley writes that possible constitutional issues exist, both as to dedicated funds--because settlement receipts mostly for special purposes, though "federal programs" exception may apply--and as to the power only of the Legislature to appropriate--because Trustees, not Legislature, disburse Exxon settlement payments.

FEDS RELEASE STUDY SUMMARY, 4/9

U.S. Govt. releases summary of scientific studies, showing spill damage as reportedly twice the level previously known.

LEGISLATOR COMMENTS, 4/6-9

Rep. Sharp observes that if State & Federal trustees are not unanimous, a single Federal judge decides, and "our batting average is not good before Federal judges."

Rep. Koponen says Hickel administration was "relying on the settlement as a way of keeping payments out of the Legislature's hands."

Rep. Kubina says settlement "a poorly-negotiated contract, but what's the alternative?" He "won't vote 'No' lightly," because of the District 6 money, likes idea that all settlement funds limited to natural resource restoration purpose, but still has "many questions."

GOVERNOR'S PRESS CONFERENCE, 4/12

Gov. Hickel publicly admits an intent to try to shift the balance of power from the Legislature to the Executive branch.

Gov. says he will stand by DNR Comm'r Heinze as State Trustee, even though Heinze may have acted for ARCO in agreeing not to provide Alyeska the oil spill response capabilities required under the Contingency Plan.

JUNEAU BAR ASSOCIATION LUNCHEON, 4/12

Former AG Baily questions the public policy decision of election to proceed <u>only</u> under the Federal Clean Water Act, rather than advancing some State claims under State law, so that recovery for those claims could flow to the General Fund.

Baily & Asst Revisor of Statutes Findley agree that settlement puts the State on the same side as Exxon, against Alaskan citizen-litigants. They forecast political, public policy problems as legislators are asked to fund litigation against their own constituents. Baily: legal "civil war;" doubts that the State avoids litigation through settlement, if result is only to join State with Exxon defense against many plaintiffs,

Baily says that "the greater the rapidity by which the Exxon VALDEZ spill recedes, the sooner it is politically possible to consider ANWR development." A relationship exists.

Findley says that Clean Water Act limits recovery on a $/bbl.basis, to much less than under proposed settlement. She says this means either settlement is <u>not</u> wholly under CWA or else Exxon knew it had much bigger liabilities for non-CWA claims.

HOUSE SETTLEMENT REVIEW COMM., 4/12

AG admits to Rep. Brown that no village by village assessment of damages was made.

AG also admits to Rep. Brown that subsistence opportunities were not evaluated.

AG tells Rep. Brown that best-available damage assessment techniques were used.

AG tells Rep. Gruenberg that the "reasonably anticipated" language of the re-opener clause is mutually exclusive with "reasonably known".

AG tells Rep. Gruenberg that language excusing restoration if costs are "grossly disproportionate" to results is "like any other legal test."

AG refuses, despite repeated requests, to provide Rep. Gruenberg and the Committee with a "contractual history" of the whole settlement, offers to provide such a history only for requested parts of the settlement. Rep. Gruenberg says the "re-opener" section would be one such requested part.

HOUSE REVIEW COMM.--in Kodiak, 4/13

AG explains that Alyeska's release from liability was a "deal-breaker" requirement of Exxon, who did not want to settle its own liability only to find itself liable for its part ownership of Alyeska. Rep. Gruenberg notes that this is first time AG said this.

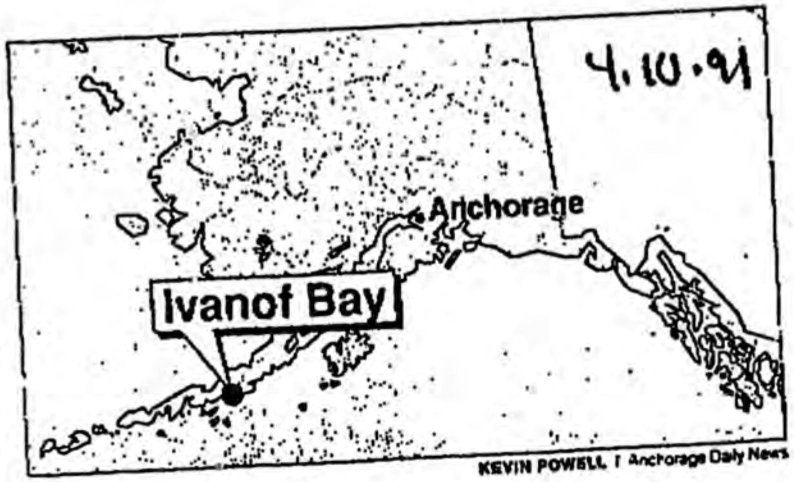
AG tells Rep. Gruenberg that the State would be unable to sue Alyeska for natural resource damages due to Alyeska's independent action, or due to Alyeska's actions on behalf of non-Exxon Alyeska owners, even despite Congressman's Miller's allegations of owner company intentional violations, because of the settlement clause intended to release Alyeska for liability for its actions on behalf of Exxon only.

Aquaculture Assn. says funds promised it by Exxon were not paid.

HOUSE REVIEW COMM.--in Cordova, 4/14

Mayor says, "Don't ask us to trust you; we prefer it in writing, backed by a letter of credit."

Oil Spill Response Center worker says "continue suit;" good evidence exists; Exxon pays costs, fees; you set environmental law precedent.



KEVIN POWELL / Anchorage Daily News

14 have their say on spill settlement

By DON HUNTER
Daily News reporter

A Native village council, a Chicago senior citizen and a man who thinks the Exxon Valdez oil spill was intentional are among the handful of people and organizations that have responded to a federal judge's call for public comment on the plea ... Exxon Corp. and its shipping subsidiary.

The 14 responses received as of noon Tuesday were running more than 3-to-1 against the deal, under which Exxon and Exxon Shipping Co. would plead guilty to misdemeanors and

Please see Back Page, LETTERS

LETTERS: 14 write to U.S. judge

Continued from Page A-1

pay fines and restitution totaling $100 million. Federal prosecutors have agreed to drop more serious charges against the oil companies if Judge Russel Holland accepts the agreement.

Exxon officials entered guilty pleas for the companies at a hearing March 22. Holland scheduled sentencing for April 24, but said he wanted to hear from victims of the spill before deciding if he will accept the pleas. All public comment must be in the federal court clerk's office by the close of business Thursday to be considered.

So far, only three people have urged Holland to accept the deal. Eleven respondents either oppose it outright or ask Holland to add other conditions — the release of government-financed studies of the spill's effects, for example.

Jerry Celey of Anchorage told Holland the state is more to blame for the spill than Exxon. "Therefore, based on the present condition of Prince William Sound, and based on the terms of the plea agreement, I think the State and Federal government 'made out like bandits' and 'should grab the money and run.'"

The traditional council of the Native village of Ivanof Bay told Holland the village's 45 residents watched with dismay as the oil crept closer and closer during the summer of 1989.

"Ivanof Bay is nowhere near Prince William Sound and at the time no one realized that the spill would travel 650 miles from Bligh Island in Prince William Sound, down the Kenai Peninsula, across Shelikof Straits to Kodiak and down the Alaska Peninsula to Ivanof Bay," wrote the council's technical assistant, Jo Ann Holmes.

"This mindless mass of crude oil closed commercial fisheries, fouled traditional subsistence use areas and sent the Ivanof Bay Council into chaos ... The people had no money to purchase winter food supplies and did not know if their traditional subsistence resources were contaminated."

Villagers found piles of 300 to 400 dead crab washed up on beaches, and, at a place called Humpback Bay, "a mass of feathers, crude oil and other unidentifiable matter that was one foot deep and 12 feet wide for as far as they could see," the letter said.

The most distant correspondence came from Chicago, where 76-year-old Edwina Reed saw a story about the agreement in the local paper.

"I'm just incensed at the thought they can get away with misdemeanors — the third largest company in the world," Reed said in a telephone interview Tuesday.

"This damage will exist long after everybody here is dead," she said. "So I called our newspapers and news departments, saying there should be a bigger article about (the plea bargain) so our people could complain."

In her letter to Holland, Reed said a criminal trial might deter other companies from polluting.

"Companies and people must realize that our Earth is fragile and if companies can cause this kind of pollution and not be punished, they will continue to do damage and soon our planet will be like the other planets in our solar system — no living things on it," Reed said in her letter.

Tim Martin said he believes investigating agencies have overlooked or ignored evidence that the Exxon Valdez was intentionally grounded. Martin told Holland he's trying to get $10,000 from the state to finance a diving expedition at Bligh Reef to prove his claim, and he charged that Gov. Wally Hickel has betrayed Alaskans by pushing to settle the Exxon litigation and criminal charges.

"He represents the interests of oil," Martin wrote.

April 12, 1991

Alaska State Legislators
Pouch V
Juneau, Alaska 99801

Dear Legislator,

Attached is my submitted testimony to U.S. District Judge Holland on the proposed settlement of the federal and state charges against the Exxon Corporation, Exxon Shipping, and Alyeska Services Corporation. I hope you take the opportunity to review these comments and consider either new settlement terms or the pursuit of original and new charges through the court system, both federal and state. These are extremely important issues which, if allowed to be settled in present form, will only reinforce the understanding in Congress and the nation as a whole that Alaskans are willing to sacrifice the environment and the trust of many state residents for a very small monetary deposit in the treasury. Thank you for your time and consideration.

Sincerely,

Chip Thoma

Chip Thoma

TO: Honorable H. Russel Holland

United States District Judge
U.S. District Court
222 W.Seventh Avenue, No.4
Anchorage, Alaska 99513

April 10, 1991

RE: A 90 - 015 CR

FR: Theodore P. Thoma
#2 Marine Way
Juneau, Alaska 99801

RE: CRIMINAL PLEA BARGAIN PROCEEDINGS
concerning EXXON CORPORATION, EXXON SHIPPING, ALYESKA SERVICES

For the record, I am a self-employed environmental lobbyist and have been closely involved in Alaska resource issues for over 20 years. As such I was a chief proponent for the re-design of the Alyeska pipeline, for an all land route through Canada, and for full environmental safeguards to protect state and national/international waters connected with the eventual marine terminal and tanker route emanating from Valdez. As you are aware, the pipeline and marine route escaped full NEPA court review as a result of Congressional action instigated by the Alaska delegation in 1973. I still believe that NEPA review would have addressed the basic environmental safety and compliance responsibilities that were the root cause of the EXXON VALDEZ disaster, and subsequent inadequate response. My direct comments follow:

1) I oppose the agreement to drop the FELONY criminal charges against Exxon Corporation and Exxon Shipping Company (A90-015). I strongly believe that the pursuit of these grand jury charges and probable convictions are the only way to reform the inadequate staffing and competency levels aboard U.S. tankers that service Valdez and the West Coast to Panama. From the week-long live broadcast of the National Transportation Safety Board (NTSB) hearings in the summer of 1989, it was obvious that:

A) Mr. Frank Iarossi, former chairman of Exxon Shipping, knowingly cut back the number of crew members aboard the EXXON VALDEZ, compromising safety, stretching the physical ability of crew to competently man this carrier of dangerous, toxic material;

B) That Mr. Iarossi, Exxon Shipping, and Mr. Hazelwood, the ship's master, allowed Mr. KAGAN, a known incompetent, to serve aboard the EXXON VALDEZ, against the wishes and counsel of competent crew members who knew of his mental and physical problems, and caused KAGAN to steer the vessel through dangerous, ice-choked waters, resulting in the crash of the EXXON VALDEZ and resultant spillage of 11 million gallons of oil;

C) That Mr. Iarossi, Exxon Shipping, and Exxon Corporation knowingly allowed Mr. Hazelwood to operate the EXXON VALDEZ without monitoring his acute alcoholism, and in fact fabricated the small amounts of paperwork in Exxon files relative to Hazelwood's condition. These two reports were without dates or signatures, yet purported to show that monitoring of Hazelwood did occur;

Consequently, I believe that counts IV & V (A90-015)should be reinstated and litigated, and actively pursued by the federal government, as these circumstances were the BASIS of state testimony before the NTSB. The agreement to bring these charges for litigation by the federal government was done in lieu of applicable state laws covering crew safety and competence.

2) Additionally, I strongly believe that the MISDEMEANOR criminal charges against Exxon Corporation and Exxon Shipping Company are being settled far too cheaply for the great, extensive damages to wildlife over a 700 mile region. It is my understanding that the ALLIED CHEMICAL case was the largest, previous U.S. settlement for environmental damages, at $13 million. However, this was also 10% of Allied's earnings for that year. EXXON's yearly SALES are over $100 BILLION; their reported net, yearly earnings are $5 BILLION; and their NYSE traded stock has gone up 13 points in the last two years, at a estimated value of $1 BILLION per point. This huge corporation is in effect being given a pittance fine by the plea-bargain, and it in no way should be viewed as a properly negotiated fine for either the extent of damages or the worth of the corporation. Also, as you may be aware, Mr. Lawrence Rawl of Exxon has repeatedly stated to the press that the fines and settlement will in no way impair or harm his company, and that all costs will be immediately passed on the consumer in pump prices. Finally, the overall terms of the settlement, payments over ten years, are an affront to Alaskans and the nation as a whole; once Mr. Rawl 'passes on the costs', consumers will in effect be paying over and over for Exxon's corporate liabilities, while the corporation makes token payments for it's environmental assault on the nation's common resources.

3) Finally, I strongly believe that civil and criminal charges, both felony and misdemeanor, against Exxon, Exxon Shipping and ALYESKA should be reinstituted and pursued by the federal and state governments, based on the complicity, culpability and liability of Exxon and the owner companies of Alyeska to secretly plan non-compliance with terms of agreements struck with the federal and state governments to immediately respond and clean up ANY spill in Prince William Sound. The documents obtained and verified by U.S. Congressman George Miller amply demonstrate that collusion on the part of Exxon and Alyeska to ignore the existing contingency plan was commonplace, and an active topic of discussion among the owner companies in 1987-88, even to the point of written, internal memos that materials, personell and marine transport were not on-hand to address but the most minor spills in Port Valdez and Valdez Arm. The June, 1988 owners meeting of Alyeska in Phoenix, Arizona, as referenced by Stanley Factor, Vice-President of Arco Marine, Inc., states clearly the Alyeska HAD NO INTENTION of responding to a spill in Prince William Sound, except with dispersents that were not on hand, with no properly fitted aircraft to utilize them. On March 24, 1989, in the early am hours, one of the first calls made by Mr. Iarossi, upon hearing of the spill in Houston, was to Southern Air Transport of Miami, for a C-5 aircraft, specially fitted for dispersent application, to be airborn, fly to New Mexico to pick up the dispersent ("ADDS PACK") and proceed to Anchorage. As the record shows, dispersent was not on-hand in Alaska, the plane was in Miami. The Valdez personell were not trained or available, the barge was empty, and whatever small booms and skimmers on-hand were buried in snow. I term these circumstances as criminal acts on the part of Alyeska and owner companies who were far more interested in tanker turn-around times and under manning than taking any responsibility for the consequences.

In summary, I trust you take these points into consideration, and I do appreciate the opportunity to comment. The Alaska Legislature is holding daily hearings on these vitally important issues, and I hope you are able to see the wisdom in recommending rejection of these present settlement terms, as a judicial officer responsible for determining the fairness of the settlement for immediate and long-term damage to national resources.

Sincerely,

Theodore P. Thoma

In Exxon Deal, Transportation Chief Wins Another One for the President

By KEITH SCHNEIDER
Special to The New York Times

WASHINGTON, March 20 — A week ago Tuesday, Lawrence G. Rawl, the chairman of Exxon, flew to Washington. In an informal ceremony at the Justice Department just before midnight he signed a $1.1 billion settlement that he hoped would put the nation's worst oil spill, and the two years of civil and criminal cases that followed, behind him and his company.

Standing with Mr. Rawl, Gov. Walter J. Hickel of Alaska and the lawyers for the Department of Justice was Transportation Secretary Samuel K. Skinner.

Once again Mr. Skinner had pulled it out for the White House, bringing to a successful conclusion talks that by all accounts could easily have tipped the other way.

"I viewed my job as a facilitator," said Mr. Skinner, a former United States Attorney from Chicago. "You had a huge amount of egos and interests that had to be blended together.

"In my experience I've found that if the principals don't want to settle they look for an opportunity to get out. In this case everybody wanted a deal because they knew the alternatives didn't make sense."

A 52-year-old lawyer and protégé of James R. Thompson, the former Governor of Illinois who at one time was considered as a potential national Republican figure himself, Mr. Skinner has made his career in the capital handling domestic political issues without embarrassing the President. His background as a litigator has helped. So has his instinct for the spotlight and his good feel for the Washington social circuit.

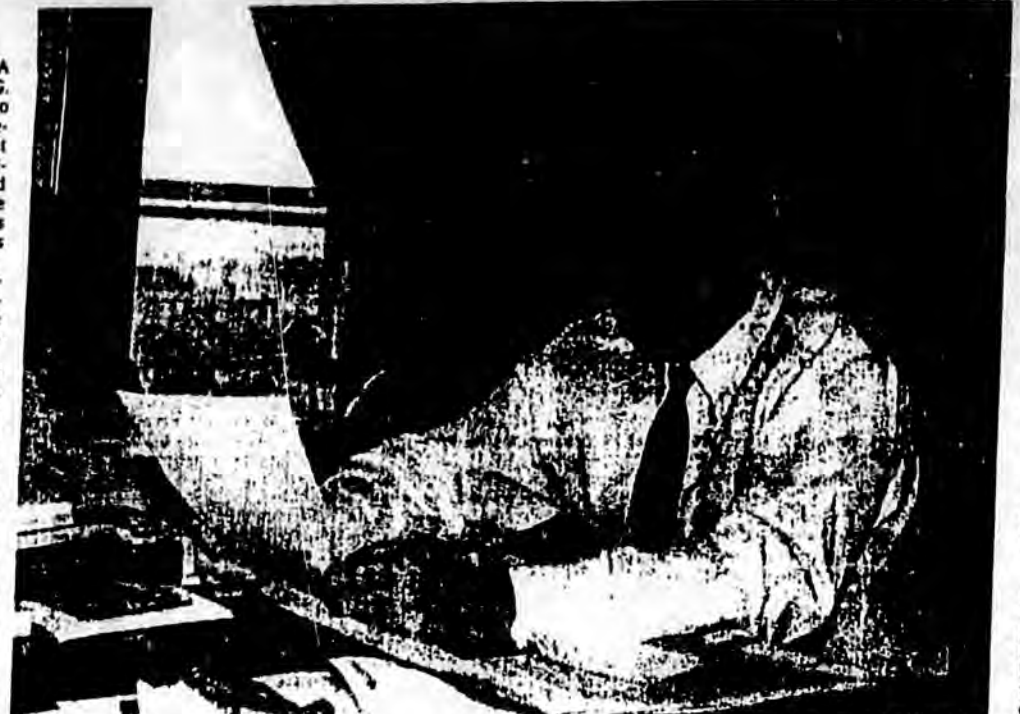
In Response to Disasters

When the tanker Exxon Valdez struck a reef in Prince William Sound in Alaska on March 24, 1989, spilling 11 million gallons of Alaska crude into the sound and turning beaches into a chaos of oil-soaked birds and dying otters, it was Mr. Skinner who was dispatched to supervise the Government's response.

Earlier that month, when machinists at Eastern Airlines went on strike, President Bush tapped Mr. Skinner instead of Elizabeth Dole, then Secretary of Labor, to handle the strike. Mr. Skinner's advice to the President: stay out of the struggle.

In September 1989 Hurricane Hugo swept through the Caribbean and struck the mainland in South Carolina, killing 24 Americans and causing immense property damage. A month later a powerful earthquake hit the San Francisco Bay area, killing 59 people. In both disasters Mr. Skinner was called in.

Now there is the Exxon deal. With his company facing a criminal trial in April and civil litigation afterwards being prepared by the Justice Department, Mr. Rawl had been ready for months to talk. "It's been a burden to us," the Exxon chairman said in a news conference on March 13 in Irving, Tex.



Marty Katz for The New York Times

"I viewed my job as a facilitator," said Transportation Secretary Samuel K. Skinner of Exxon's Justice Department settlement. "You had a huge amount of egos and interests that had to be blended together."

Eager for a Settlement

Governor Hickel, an independent, wanted a consistent source of money to continue recovery work in Prince William Sound, the source of a prosperous fishing and tourism industry.

The Federal Government was eager to settle, too. The civil case against Exxon was expected to take at least five years to litigate, and in the criminal case, scheduled to begin April 10, the Justice Department was going to be testing new applications of environmental law. Nobody knew how a jury would respond.

"The cleanup efforts Exxon had made in the sound made a significant difference," Mr. Skinner said. "Nature had also done a tremendous job there. Scientists were telling everybody this was not a multibillion-dollar damage suit."

Mr. Rawl and Lee R. Raymond, Exxon's president, flew to Juneau, Alaska, on Jan. 15 at Governor Hickel's invitation. The state and the Federal Government had agreed three weeks earlier to work together, he told them. Mr. Raymond called Mr. Skinner and told him that the Governor was seeking an agreement.

An experienced litigator finds a way to satisfy everybody.

Mr. Skinner said he believed that a successful negotiation was possible, but only if it was conducted at the Cabinet level. "I said this case will not be settled by lawyers," Mr. Skinner said. "First of all, they don't know how to settle it. Second, they have a built-in conflict of interest. This could go on for years."

The Chairman Cools His Heels

On Feb. 5 Mr. Rawl and Mr. Raymond were asked to come to Washington for a meeting at the Commerce Department with the Federal and state negotiators: Mr. Skinner; Manuel Lujan Jr., Secretary of the Interior; William K. Reilly, Administrator of the Environmental Protection Agency; John Knauss, Administrator of the National Oceanic and Atmospheric Administration; Governor Hickel and Charles E. Cole, the Alaska Attorney General.

Mr. Rawl, a combative executive whose four-year tenure as Exxon's chairman had been marred by the oil spill, was in a dour mood, several negotiators recalled. After being asked to wait outside a conference room for 30 minutes while the government officials finished a meeting, Mr. Rawl became furious.

"I went out twice and asked them to please be patient," said Thomas A. Campbell, general counsel of the National Oceanic and Atmospheric Administration, who organized the meeting. "Rawl said: 'Just tell them they don't need to take much time. What I'm going to say is short and sweet.' He was going to tell them he's had it, he'll see them in court."

Mr. Skinner said that when the Exxon chairman entered the room he lashed out at the negotiators, saying he was sick and tired of how the company had been treated by the Government, the news media and the people of Alaska. Exxon had spent $2 billion to help clean up Prince William Sound, Mr. Rawl said, more than had ever been spent by any company for an environmental restoration project, and had received no credit.

Nobody responded until Mr. Skinner disarmed Mr. Rawl, according to participants.

"Look, Larry," said Mr. Skinner, whose department includes the Coast Guard and who has developed a personal relationship with Mr. Rawl in the two years since the spill. "Let's not relive it. If we do, we'll never get past it."

'Reopener Clause' Is a Snag

Over the next 90 minutes, participants say, the broad outline of a settlement of the civil claims was established. Following Mr. Hickel's lead, the state and the Federal Government said they were looking for at least $1 billion. Mr. Reilly insisted that the settlement include $300 million more to be put into a special fund if more damage was found, a provision that came to be known as the "reopener clause."

Mr. Rawl and Mr. Raymond said that they wanted the settlement to make Exxon immune to any more state and Federal claims, that they did not want to pay the money in a lump sum and that they hated the reopener clause.

Three more meetings were held in Washington in February and early March before lawyers were dispatched on March 3 to put the agreement into legal language. With Washington gripped by the Persian Gulf war, the group was able to work undistracted by reporters or environmental groups or other interests.

"This had to be handled by the principals only, and it had to be handled in a short period," Mr. Skinner said.

Through February, the talks were never far from collapse. "We knew the longer the discussions went on the harder it would be to put it together," the Secretary said.

Justice Department lawyers and other participants credit Mr. Skinner with keeping Exxon and government officials at the table.

When Mr. Rawl and Mr. Raymond almost walked out because of Mr. Reilly's insistence that the agreement should have a reopener clause, Mr. Skinner told them the E.P.A. administrator's signature on the agreement was vital politically. Without it, the Secretary said, the Bush Administration and Exxon would have a hard time justifying the settlement to environmental groups.

And when Exxon insisted that Mr. Reilly be barred from attending a meeting on Feb. 24, Mr. Skinner assured Mr. Reilly that the Government would not negotiate something the E.P.A. administrator was unable to accept. In the end, Exxon and Mr. Reilly accepted a provision that called for the company to spend up to $100 million after the year 2001 if more work in the sound was needed.

Mr. Skinner also kept the White House informed. During a meeting at the White House, John H. Sununu, the President's chief of staff, remarked that the $1.1 billion deal sounded "like an awful lot of money," Mr. Skinner said. But he assured Mr. Sununu that the agreement between the Government, Alaska and Exxon would be a good deal for everybody.

Exxon and its shipping subsidiary pleaded guilty to four criminal misdemeanor violations of environmental law and agreed to pay a $100 million fine. It was the largest penalty ever assessed in a pollution case, more than three times higher than the $29.7 million that the Government collected in 1990 for all environmental crimes. Even more, from the White House point of view, it makes good on Mr. Bush's campaign promise to penalize polluters.

From the state's point of view, the cost of the settlement, $1.1 billion, will keep Exxon involved in the restoration of Prince William Sound for at least a decade.

Exxon, like any corporation (or person, for that matter), would have preferred not to spend any money. But Mr. Rawl said last week that he thought the settlement was good for the company. Paid out annually over 10 years, the payments reach a maximum of $190 million this year, and then drop to $70 million each year from 1994 to 2001.

To a corporation with an annual revenue of $100 billion, the cost of the settlement each year is roughly the same as drilling two difficult offshore wells. "It will not curtail any of our plans," Mr. Rawl said.

Samuel [illegible] Skinner
Born [illegible]
Hometown [illegible]
Education [illegible]
Career [illegible]

TO: Honorable H. Russel Holland April 10, 1991

United States District Judge
U.S. District Court
222 W.Seventh Avenue, No.4
Anchorage, Alaska 99513

RE: A 90 - 015 CR

FR: Theodore P. Thoma
#2 Marine Way
Juneau, Alaska 99801

RE: CRIMINAL PLEA BARGAIN PROCEEDINGS
concerning EXXON CORPORATION, EXXON SHIPPING, ALYESKA SERVICES

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Sincerely,

Theodore P. Thoma

- [x] Mary ✓
- [ ] Sheila
- [ ] Laura
- [ ] Jo-Eve
- [ ] Sheri
- [ ] Brandie

****

Staff Notes:

****

- [ ] Dick

Notes to Dick:

****

Eliason's Instructions:

- [ ] File
- [ ] Back to Staffer

Instructions/Action to Be Taken:

Find out if this guy really has any affiliation with Greenpeace

ROBERT A. GIGLER
7447 O'Brien Street
Anchorage, Alaska 99507

Dear Member of The Alaska Legislator:

On March 15, 1991, I met with Governor Walter Hickel and Special Assistant James Rockwell to discuss public concerns regarding the EXXON Valdez Oil Spill.

Mr. Rockwell said he spoke with the underwater survey company contracted by EXXON to assess vessel damage. He gained information which suggested that the EXXON Valdez struck Bleigh Reef twice. If this is true, the public was misinformed by the initial report released by EXXON's underwater construction company.

Based on their report the following article appeared on Page A-8 of the March 27, 1989 Anchorage Times. The Starboard side of the EXXON Valdez collided with a pinnacle rock following this the tanker turned westward while sliding toward the South. Afterwards it struck the second pinnacle, at midship. Both strikes occurred approximately 2 miles apart. The President of the EXXON Corporation said the tankers speed was unknown at this time. (This is another inconsistent fact).

Page A-10 of the March 27, 1989 Anchorage Daily News, Spill Archives Reference said this collision occurred at 11:50 p.m. and the vessels speed was estimated at 8 knots. The impact ruptured three holes in the starboard side causing the tanker to turn to the west. Inertia kept it moving in the southerly direction of the first Pinnacle. This forced the vessel to travel more than a mile from the shipping lane and ground on the second pinnacle of Bleigh Reef at 12:03 a.m. on March 24, 1989.

National Transportation Safety Board hearings on May 16-19, 1989 identified the following. From the Archives of the Anchorage Daily News May 17, 1989, page A-10 included the following comments from the May 1989 NTSP hearing.

The EXXON Valdez left the shipping lanes to allegedly possibly avoid impact with ice bergs. The tanker headed west 200° at 12 knots with speed increasing to 15 knots. The course was changed to 180° and the tanker was placed on auto pilot. Afterwards the Captain left the bridge. At 11:57 p.m. March 23, 1989 Constat calls from New Jersey EXXON Valdez began and continued for 33 minutes. Captain Hazelwood did not report the new heading to the Coast Guard radio operator. After the collision, the vessel's main engine was shut down at approximately 1:45 a.m., according to engine log.

The impact was identified by Gregory Cousins in the National Transportation Safety Board hearing room in his testimony May 17, 1989. Deck watch observed the following: The Busby Island red light was viewed from the dangerous waters of Tatitluk Narrows. The 1st strike was located approximately 4000 yds. northerly from Bleigh Reef. The Loran location at 7960X 14337-7960Y32162. The Loran location was documented by a witness to the grounding in Tatitluk Narrows (Bud Hall) commercial fisherman.

From the evidence shown, we believe the grounding of the EXXON Valdez to be deliberate and intentional.

What is the truth?

Sincerely,

Robert Gigler
Greenpeace Action International

4/13/91
Tom Lakosh
PO Box 100648
Anchorage, Ak. 99510
(907) 2585767

Chairman Eliason:
Senate Special Committee on the Exxon Settlement

Dear Sir

Would you please provide a copy of the tape made of the public testimony Teleconference of 4/13/91. I will reimburse the State for costs associated with the reproduction of the original tape. Please send the copy to the LIO in Anchorage ASAP. Thank you for your Cooperation.

Sincerely
Tom Lakosh
Tom Lakosh

4-10-91

Dear Senator Bliosen,

This is in regard to the Exxon Settlement. I showed up to testify last Saturday (the 6th) + was dissapointed you had closed shop for the day. I have a few comments:

1. If nothing else comes out of this spill we better learn something. Please release the scientific studies/data. What a stupid thing not to be learning from the spill.

2. Extend + increase Public comment periods. I notice + commend your efforts but also find it frustrating to show up + have my oppurtunity to comment closed. I also notice that no directly elected official is on the spill Trustees.

3. Obviously the settlement is a cop-out. Exxons ability to pay is much more than what is being tapped.

4. The $50 million of the criminal settlement going to the state should go entirely to aquisition of lands in the affected area.

5. ~~State~~ Government expenses should not come out of the settlement, Exxon should have to pay for expenses. Additionally settlement $ should not be spent on agency budgets!

The 'wolves' of Beaurecracy ~~are~~ will eat up this $ in a blink, and the areas affected by the spill will continue to be degraded and misused.

I do not pretend to understand 1/2 of this issue, but do know PWS + the Kenai Coast and hope that we do the best to protect + restore them!

Thanks +
Good Luck,

Paul Twardock

Paul Twardock,
Box 544-
4101 University Dr.
Anchorage AK,
99508

☑ Mary ✓

☐ Sheila

☐ Laura

☐ Jo-Eve

☐ Carol

☐ Brandie

****

Staff Notes:

****

☐ Dick

Notes to Dick: Here's a new twist. This guy says that the holes & scrape marks on the Exxon Valdez hull show that the crash was intentional! And there has been a big cover-up.

****

Eliason's Instructions:

☐ File

☑ Back to Staffer Mary - Exxon files

Instructions/Action to Be Taken:

March 27, 1991

TO: The Honorable Judge H. Russell Holland
U.S. District Court
222 West 7th
Anchorage, Alaska 99513

FROM: Tim Martin
7100 Lake Otis #37
Anchorage, Alaska 99507

SUBJECT: Comments concerning the Exxon Settlement

Judge Holland:

I was the first caller to talk with Gov Hickel yesterday on the live statewide call in "Live With The Governor", broadcasted on public radio.

I told Gov Hickel that I received his response to my letter from James Rockwell, the governor's special asst., concerning Exxon's settlement with Alaska.

Mr Rockwell's letter to me stated that he talked with the dive supervisor of the local construction company that handled the underwater work for Exxon on the Exxon Valdez. He confirmed my observation that there were two impacts on the Exxon Valdez. The letter went on to state that the ship's inertia caused the second impact. His explanation was that tankers don't stop on demand and the first outcropping wasn't enough to halt forward movement and that the second and final impact did.

At this point I told Gov Hickel that this letter doesn't address my question. Where is the site of the first impact?

I've studied the depth chart and there is no place close by where the Exxon Valdez could have hit on the starboard side. I said, "The first impact caused more damage to the vessel than the grounding, yet the crew acts like they didn't feel it".

I told Gov Hickel that I was under the impression that Caleb Brett Co gauged the Exxon Valdez and that the gauging process was closely monitored by the Coast Guard and the Alaska Department of Conservation, but found out later that Exxon did all the gauging on the Exxon Valdez and that the DEC and Coast Guard did not monitor the gauging process but that the DEC simply took the figures from Exxon.

I told Gov Hickel that I also discovered that Exxon used the wrong process for determining how much oil was on the Exxon Valdez. They used the loadmaster which only shows how much liquid was in the tanks, but this process doesn't show how much of the liquid is oil or water. I said that the proper way to have gauged the tanker is the "paste and ball method", which shows how much water is below the oil. Because the wrong method was used to figure the loss of oil far more spilled from the Exxon Valdez than was reported.

At this point my phone line to the governor was cut off.

Gov Hickel went on to say, in effect, that the settlement with Exxon is a done deal.

He wasn't concerned that this settlement is contingent upon a public comment peroid nor did he care what might be the result of these comments.

Gov Hickel is not representing the interests of Alaskans. He represents the interests of oil.

Though he appears to take a tough stand against the industry, pushing for greater interest penalties on monies owed to the state, his figures don't add up. Gov Hickel said there are monies owed by the industry to the state that go back 14 years and that Alaska could realize hundreds of millions when these debts are paid.

"No Governor, Alaska should see a few billion from past debts owed to the state".

Alaskans have benefited from oil, but where do we draw the line?

If this grounding had been caused by one impact it would have been, literally, impossible to prove that it wasn't accidental. But being that the first impact caused more damage to the tanker than the grounding, and since no one on board seems to have really felt it, the grounding of the Exxon Valdez was intentional and far more oil was lost than was reported.

I'm a 17 year member of the Alaska Piledriver's Union, the Bridge, Dockbuilder's and Diver's Union. I worked on the first piling holes on the first tanker dock at Valdez.

I've talked with divers who worked on the Exxon Valdez. The scrapes on the bottom of the tanker run straight from bow to stern. If the tanker had been in the process of turning these scrapes would have tended to run from port to starboard.

I've also heard from reliable sources that a considerable amount of sea water was pumped off the Exxon Valdez to the on-loading tankers.

Some lawmakers and attorneys have been pushing for Exxon to release data concerning the cause of the spill. Why should they incriminate themself? If Exxon did release information, could it be trusted?

As a person, not associated with the industry, I believe that I know more about the details of this grounding than anyone.

I could organize a preliminary dive to determine the site of the first impact, on my own, but against industry's efforts to squelch information, how could I reach established channels? Last month's, 'Live With The Governor' was covered in the Anchorage Daily News the next day, but this month's program wasn't covered in either paper. Was it too much truth?

I wrote and had printed a letter in 'Letters to the Editor' in the Anchorage Daily News more than a year ago and had one printed recently, calling for a first impact dive, but no one from the state or media has seen fit to follow it up. Does any of them know where the tanker first hit?

Gregg Erickson, former director of the state's Oil Spill Assessment and Restoration Division was fired from his post on March 1st for making mildly abrasive comments against Exxon, so this is supposed to make him emminently suited for his new position as economist for the House Oil-Spill Settlement Committee that reviews this statement? I agree with Jim Zawacki, R-Girdwood, I don't trust him either. He reminds me of Lee Fisher, Revenue Commissioner, who boldly lashed out at the governor's proposal for collecting oil debts as an "immoral business practice" who announced that he now supports the governor. He's the same person that told me I have no right to oil royalty information.

Though most members of the legislature are beholden to oil, where do they draw the line?

Gov Hickel is no longer pushing his agenda on a few hundred thousand Alaskans. He's now subject to world opinion, as is Alaska's legislature.

If a three day dive will clear up all doubt as to whether or not the grounding was intentional, shouldn't it be performed?

As a certified commercial diver, I want to see for myself the location and take pictures of it. I want to head up this dive.

I'm requesting $10,000 from the state for divers and the charter of a fully equipped diving vessel with chamber. This amount will also cover a detailed report on the findings of a three day dive. I also extend an offer for Exxon to take part in a coordinated fact finding mission, but they supply their own boat.

Sincerly,

T. Martin

Tim Martin

Inclosures

next page

Thomas A. Cambell NOAA

Barbera Herman Attorney General's Office

Nancy Quinto Senate Special Committee on Exxon Settlement

Cheryl Hinkes Tundra Times

Howard Weaver Anchorage Daily News

Dan Lawn Alaska Department of Environmental Conservation

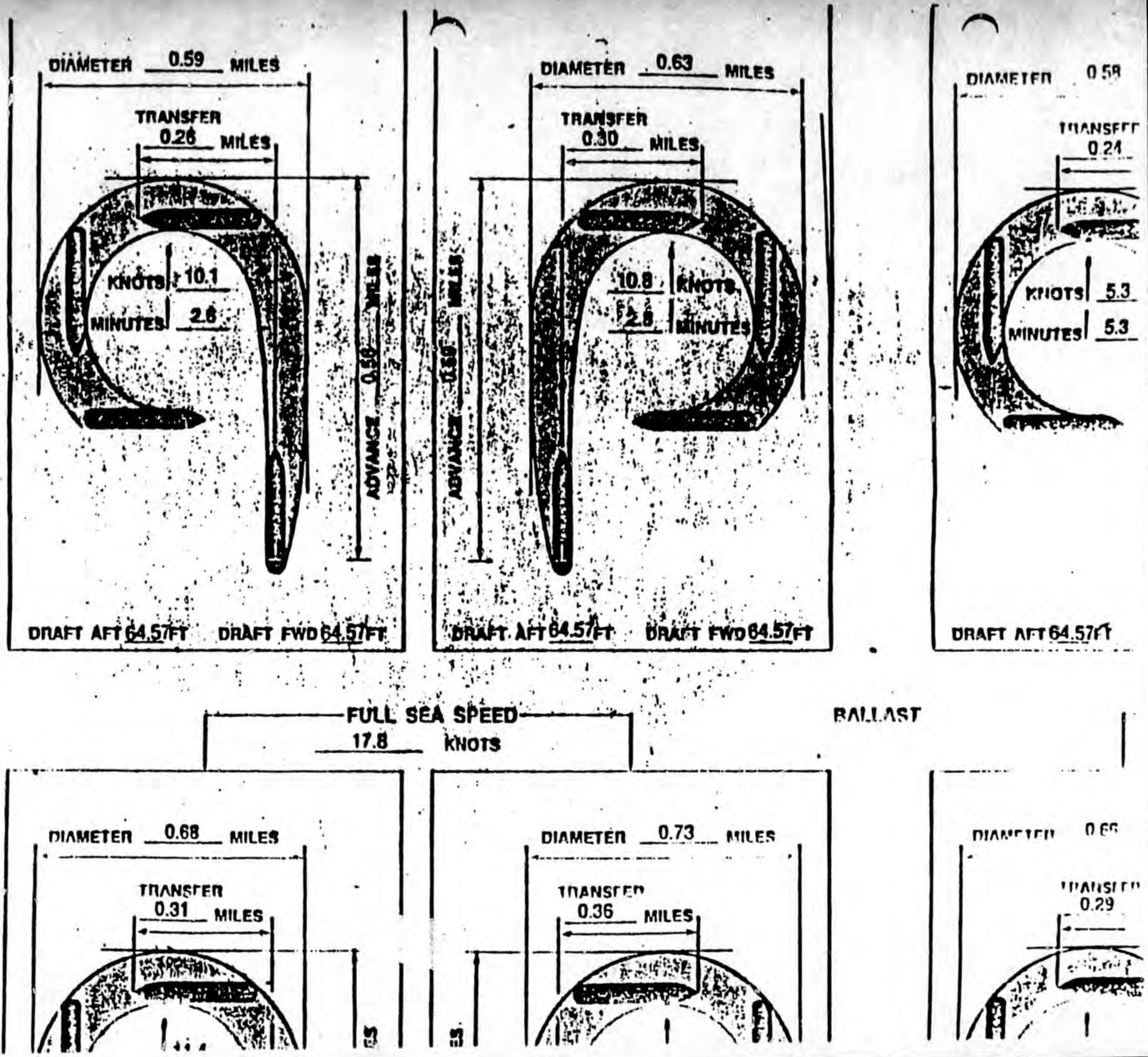
Greg Erikson House Special Committee on Exxon Settlement

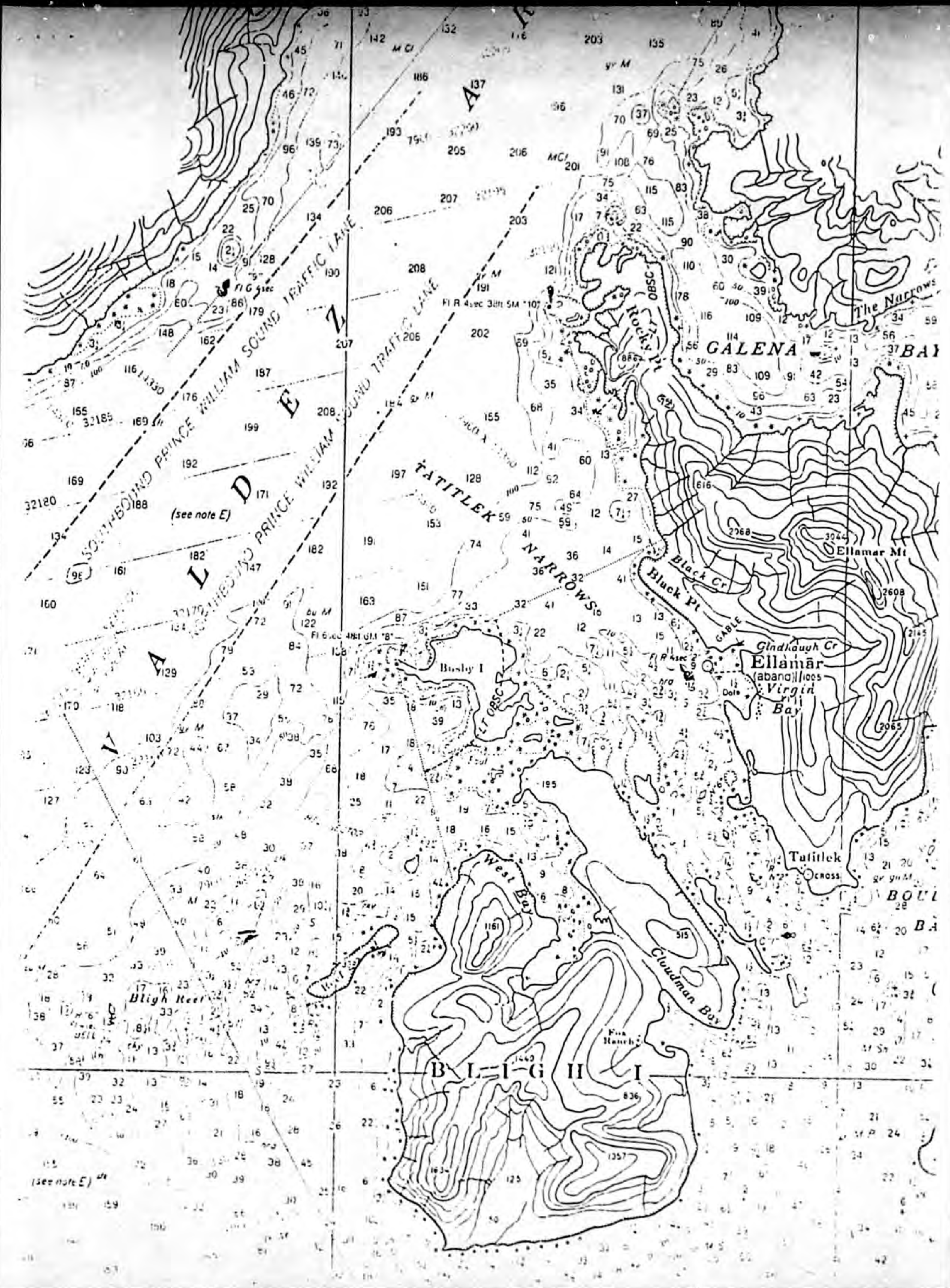
Lawrence G. Rawl Exxon

Walter Hickel Governor's Office

Others

FROM NTSB HEARINGS





V A L D E Z
PRINCE WILLIAM SOUND TRAFFIC LANE
PRINCE WILLIAM SOUND TRAFFIC LANE
(see note E)
TATITLEK NARROWS
Rocky Pt
LT OBSC
GALENA
The Narrows
Black Cr
Black Pt
GABLE
Ellamar Mt
Gladhaugh Cr
Ellamar
(aband)
Virgin Bay
Busby I
Tatitlek
CROSS
West Bay
Cloudman Bay
Bligh Reef
Fox Ranch
B L I G H I
(see note E)

☒ Mary ✓

☐ Sheila

☐ Laura

☐ Jo-Eve

☐ Carol

☐ Brandie

****

Staff Notes:

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☒ Dick

Notes to Dick: Well, that guy who said in the telecon. that he would drop his suit against the state in exchange for the studies did make his offer official.

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Eliason's Instructions:

☐ File

☒ Back to Staffer Mary

Instructions/Action to Be Taken:

Box 1185
Cordova, Alaska 99574
April 7, 1991

Charles Cole, Attorney General
STATE OF ALASKA
Box K
Juneau, AK 99811

Dear Mr. Attorney General:

I appreciated the opportunity to speak with you by teleconference on Saturday, April 6, 1991 during the special Senate subcommittee hearing on the EXXON Valdez oil spill settlement. I feel that Governor Hickel and you have taken the proper position in submitting the settlement to the legislature for review and approval.

[redacted]

I ask that you release all of the abovementioned studies to me.

[redacted]

I ask that you comply promptly with my request. Thank you.

Sincerely,

Karl Becker

Karl Becker

Witnessed by me this 8th day of April, 1991.

Notary for Alaska
My commission expires: 4-11-93

cc. Representative Gene Kubina
Senator Jalmar Kerttula
Senator Kurt Menard
Members of the House/Senate special committees on the EXXON Valdez settlement

AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS

11661 Rockridge Dr.
Anchorage, AK, 99516
March 21, 1991

Senate Oil Spill Committee
Pouch V
Juneau, AK 99811

Dear Sirs:

The Alaska Section, American Institute of Professional Geologists, a Certifying organization akin to your ABA, is strongly opposed to one of the conditions of the Federal/State-Exxon Valdez Spill Settlement Agreement, i.e. the provision to not release the scientific studies regarding the spill.

We feel that the spill studies contain extremely valuable data which MUST be available to the public. Some of the data in these studies may be critical in formulating a best response to the inevitable future events in similar environments. Most of the studies were undertaken on the basis of precisely such rationale.

Further, it should be noted that most of the studies were funded or supported by the federal government and as such would be subject to disclosure through the Freedom of Information Act. Others were conducted under NSF and private grants which contracturally REQUIRE the publication of results. Finally, in the event of a lawsuit the "Discovery" process should effectively unmask these studies.

Rather than supressing these studies, NOAA would better serve the worldwide scientific community in sponsoring the dissemination of data gained through these studies. Happily, the U.S. Forest Service has already opened an office for such purpopse, and at least one of NOAA's experts is already describing study results on the Lecture Circuit.

Whereas most of the studies involved would be of great value to the scientific community; were conducted with public funding; and would, in any case, eventually become public through various means; we feel that that portion of the settlement be deleted.

Respectfully,

R B Sanders

Dr. Robert B. Sanders
Legislative Affairs Committee

Mr. Eric Opstad
President, Alaska Section

Martin & Sheila Nickerson
540 West 10th Street
Juneau, Alaska 99801

4/13/'91

Dear Senator Elicson ~~Legislator~~,

We urge that you vote to reject the proposed Exxon Settlement. The terms offer too little. It denies the public the opportunity to learn the full extent of the damage. It leaves the State liable for all the secondary suits while holding Exxon harmless (which, after all the affected individuals get through, could end up with nothing for the State). Its puts supervision of the fund created by the settlement outside the review of any elected officials and outside the political process. And, by a decision of the present State Administration, it puts all the economic and scientific studies out of public scrutiny. Each of those items causes harm. Together, those terms amount to a bad deal.

Studies made by the State to date support at least a $3.5 billion dollar settlement on the basis of direct damages alone. The so-called, currently-proposed "$1.0 billion dollar settlement" actually amounts to less than $500 million for the state in present value since it will come in to the state over some time. That amounts to inadequate compensation.

Aside from the questionable allegiance of those who negotiated this deal, and apart from the shabby terms, we need to face the full impact of the spill and identify what needs to be done to lessen its impact and prevent it from happening again. There should be additional funding for the Departments of Environmental Conservation, Fish and Game and Natural Resources to identify the effects of the spill over time and to counteract them as much as possible. We should know the full extent of the damage and review the fate of Prince William Sound and the other affected communities for as many years as the impacts are felt. Nothing in this settlement and nothing proposed by those who negotiated it points in the direction of a responsible attitude to this problem or any continuing concern for this tragedy.

We urge that you take a step in the right direction and reject this bad first offer. It does not adequately address the responsiblilties of the State.

Yours sincerely, MN

Sheila and Martin Nickerson

- [x] Mary ✓
- [ ] Sheila
- [ ] Laura
- [ ] Jo-Eve
- [ ] Carol
- [ ] Brandie

****

Staff Notes:

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- [ ] Dick

Notes to Dick: This person evidently believes that the settlement will keep the state from being sued for its own liability and ~~the~~ negligence in the spill?

****

Eliason's Instructions:

- [ ] File
- [ ] Back to Staffer

Instructions/Action to Be Taken:

Dick Saw

April 15, 1991

Sandra Clark
6766 Double Tree Court
Anchorage, Ak 99516
(907) 346-2800

Senate Special Committee
On Proposed Exxon Settlement
P.O. Box V
Juneau, Ak 99811

The comments contained in the attached copies of various letters to the editor, pretty well expresses the opinion of most knowledgeable Alaskans as to the role the State played in the Exxon "Valdez" incident.

The attached portion of Alyeska's oil spill contingency plan clearly shows that the effects of the spill were just as should have been expected under the circumstances as shown in the State approved plan.

The quicker the State can get this settlement behind it, the better off it will be.

Very truly yours,

Sandra Clark

Sandra Clark

State bumbled cleanup

Dear Editor:

I would like to add a little more to your excellent editorial of Friday, Feb. 2, and Hugh Cunningham's column of Sunday, Feb. 4, regarding the continuing mass of oil spill misinformation that pours forth from both the Department of Environmental Conservation, and our chief executive — the "lame turkey."

I observed DEC's handling of the oil spill in Kodiak far over seven months, and the fact they made a numerical error saying 224 beaches were deeply fouled when it's really only two beaches, is probably closer than most of the statistical information they've presented as a result of their 10 months of "scientific research."

The Kodiak DEC office during the spill consisted of some 40 people — the largest collection of non-Alaskan hippy types to be seen since Woodstock — all "supervised" by a man whose previous experience with the department had been as a restaurant inspector in Anchorage.

This amazing group punched in their time cards at 6 a.m. and punched out at midnight — seven days a week for six months. During that time they played cards and computer games, slept, ate and flew around the country sightseeing, fishing, taking pictures, and occasionally collected samples and figures that no one on earth will ever be able to figure out.

They also had wild parties, wrecked a state vehicle, refused to consult with the natives of the six Kodiak villages on any pertinent issue — were unable to handle even a simple phone call, and only the fact that God protects fools and drunks kept some of them from getting killed. Their second supervisor, who replaced the restaurant inspector after he's "lost" several hundred miles of beach, did break a few bones prefarming silly tricks.

As far as the Kodiak office is concerned, I personally doubt that one true or usable piece of information was developed in the entire 10 months they've spent getting rich at state expense. As a witness to their action, I also believe that the blame for any long-term environmental damage can be laid firmly on DEC's doorstep. They hampered and restricted the cleanup — over extended their authority with Exxon, Veco and the Coast Guard and showed more ignorance and stupidity than this world has seen since the Titanic set sail without enough life boats.

It certainly makes me wonder if Alaska will be able to survive the remaining months of Cowper's administration.

Laura "Sasha" Hughes
Sitka

Time to fire Kelso

Dear Editor:

I am totally outraged about the Department of Environmental Conservation employees and their so-called overtime pay. If any of those union rip-off artists worked 121½ hours a week, I'll eat my hat. That would be 17.35 hours a day, seven days a week, leaving only 6.65 hours for a meal, a bath and sleep. Come on, what kind of nonsense are these people trying to shove down our throats? Not only are they overpaid in the first place, but to see them sticking it to the Alaskan people for $10,000 to $18,000 a month is totally abominable.

The papers say their boss, Steve Provant, is concerned and that his boss, Bob LeResche, is investigating. But they don't go directly to the problem of the entire DEC and that's with their loud-mouthed leader, Dennis Kelso. This is the man who should shoulder all the blame and should actually be fired for allowing his people to gouge the people of Alaska.

Dennis Kelso is the man whose early decisions in the spill not only exacerbated cleanup efforts but also probably did more damage to the beaches than some of the oil did, over the advice of scientists, I might add.

This is the man who had never even set foot in Valdez in all the time he was on the payroll until after the spill.

If we can prosecute the guy who was asleep in the back seat for what the man behind the wheel did, we can surely demand Dennis Kelso's pink slip.

Larry W. Phillips

The blame is in Juneau

Dear Editor:

Perhaps now some new light can be shed on the Exxon Valdez grounding. We Alaskans all got a black eye from this accident. Captain Hazelwood and Exxon have been highlighted.

Are we so naive as to overlook the real cause of the wreck? I personally find it appalling that one man is being held responsible for embarrassing the state of Alaska. Where were the safeguards that were supposed to be in place to prevent this very thing? In theory we had agencies whose sole function was monitoring and ensuring that this couldn't happen. But if it did, it could be contained!

Hopefully no one at the Department of Environmental Conservation and the U.S. Coast Guard was hurt in the stampede to distance themselves from exposure of their neglect.

I've seen enough oiled birds and otters to gag. Let's see some coverage of those agency directors that pulled their heads out of the sand and got to higher ground. Buzzards aren't native to Alaska, but at the Daily News they are in abundance and gorging on the oil industry!

Dan Whitehead
Anchorage

Kelso bears much of blame

There has been a preponderance of misleading stories written by the Anchorage Daily News lately alluding to the premise that Alyeska was unable to handle the Exxon Valdez oil spill as promised. Most of these stories appear to be based on information and complaints furnished by the DEC and its commissioner, Dennis Kelso.

If Mr. Kelso had bothered to read the Alyeska Oil Spill Contingency Plan before approving it (it was reported he did not), he would have known the following:

1. The plan clearly shows that if a spill of this magnitude did occur, and the use of dispersants and burning were not immediately allowed, the amount of oil reaching the shoreline would be just like it was in this case.

2. The plan further states that even under the most ideal conditions, in a spill only 1/65th the size of that of the Exxon Valdez, 40 percent of all the spilled oil would reach the shoreline and would require approximately two months to clean up.

By approving this plan, the DEC approved of the expected consequences. Remember, this plan was 100 percent DEC-required, -administered and -approved.

In spite of all of the attempts to whitewash, praise, and glorify Mr. Kelso and the DEC, the only conclusions that can be drawn from all of the evidence are:

1. If Dennis Kelso did indeed not read the plan before he approved it, he should be immediately fired.

2. If, in light of Dennis Kelso's remarks as to the inadequacy of the plan, he did read it and then still approved it, he should be immediately fired.

— *Sandra Clark*

Pumping up the numbers

Dear Editor:

Did you ever wonder why oil is discovered, produced, transported and processed in barrels but only spilled in gallons? Because bigger numbers sound much more dramatic!

So goes the governor's DEC report on oil penetration of Prince William Sound beaches (the misstatements were uncovered and reported in The Anchorage Times Feb. 1).

Mr. Kendziorek made lame excuses and stated, "the figures are definitely approximate" and "these measurements are approximate by the way you measure them."

Then why measurements in centimeters? Elementary, my dear Watson, look at the big numbers!

Now no one will deny that any oil spill no matter what size is serious. But let's get real and put things in perspective! I'm [illegible] minutes old but I sure as heck wasn't born yesterday.

Marvin [illegible] AT 2-16-90

An end to smokescreens

Dear Editor:

Many people in the state are currently focusing on the projected future revenue shortfalls which will be caused by decreasing oil revenue, but there is another large liability looming on the horizon that appears to go unnoticed by the general public.

State statutes place protection of the environment in Alaska as the responsibility of the Department of Environmental Conservation (i.e., Dennis Kelso). Therefore because DEC was lax in working effectively with Alyeska and Exxon in the containment of the Valdez oil spill, the state will have to share part of the responsibility.

The lawsuits filed against the state so far are probably just the tip of the iceberg. Once the public finds out that claims filed against Exxon will be paid by both Exxon and the state, the "oily" mousse will really hit the fan.

Kelso can hide a while longer behind the smoke screen that he continues to throw up, but he better remember one thing — there is no smoking allowed in the courtroom!

James Bialack
Anchorage

Paying the piper AT 2-17-90

Dear Editor:

I noted the other day that Exxon has countersued the state. It seems that after the state insisted that Exxon spend $2 billion on the spill, washing rocks, they then sued Exxon for damages. Exxon, of course, countersues saying that the state prevented them from using dispersants or burning before the spill got out of hand. Therefore, the state should reimburse them for most of their $2 billion cost.

What happens five or six years from now when this mess finally emerges from the court system and Exxon wins? Those of us still here will have to come up with $2 billion, plus interest, plus attorney fees, etc. Mr. Cowper and Mr. Kelso will probably be living in California saying, "Gee, that's too bad," while we spend our Permanent Fund paying off the debt.

I think it is time to start focusing on all the bad guys in this mess, not just Exxon. Cowper and Kelso have not contributed anything positive to the problem. In fact, they became part of the problem.

I think we should hold these guys accountable now. Why is Kelso still DEC commissioner? Why is Cowper not being taken to task for his actions? We Alaskans who were here when these two clowns came to Alaska will be here after they leave, paying the bills for their actions.

Bob Bell
2810 Curlew Circle

Questions on DEC overtime

I would like to pose several questions to the state Department of Environmental Conservation. I hope they will use this public forum to reply.

The issue is not about the overtime wages paid to employees of the department working, presumably, on the Exxon tanker spill. My questions are:

1) What were the employees doing of such importance to justify the massive use of overtime, much in the winter months?

2) If the work was essential, why was the overtime eliminated just when the public learned of the issue?

3) If the overtime was non-essential, then how was it authorized in the first place?

4) Who is to pay this overtime: the public or Exxon?

ADN 1-31-90 — *David G. Hendrickson*

Prince William Sound Tanker Casualty: Spill Amount 200,000 Barrels

Alyeska Pipeline Service Company has been requested to respond to a scenario of a 200,000-barrel spill in Prince William Sound. APSC believes it is highly unlikely a spill of this magnitude would occur. Catastrophic events of this nature are further reduced because the majority of tankers calling on Port Valdez are of American registry and all of these are piloted by licensed masters or pilots. Nonetheless, should such an incident occur, the following is our overview of the initial response to that scenario. Attached is an oil spill trajectory of the oil movement. A spill of this magnitude would require considerable resources and logistical operations, the minute details of which are not included in this scenario because the details are not useful in long-term response planning. This scenario will not address the circumstances responsible for the loss of cargo or of the fate of the tanker. Once a tanker is immobilized, the U.S. Coast Guard will determine future movement of the vessel.

Assumptions

The following assumptions are made in presenting the response to the scenario: The sea state and weather conditions are in and remain in a state conducive to oil containment and cleanup. For example, winds less than 15 knots, sea state less than 5 feet, currents less than 1.6 knots, waves less than 2 feet, visibility equal to or greater than 2 miles.

The spill incident occurs through some failure of the tanker crude tanks and does not discuss other disaster possibilities such as collision or fire.

Conditions

In addition to the above assumptions on sea state, the weather is assumed to be conducive to oil spill cleanup and remains in this mode for the response actions. For this particular scenario and trajectory input, the date of June 22 at 6:00 a.m. was chosen for the spill incident with winds from the east at 5 knots. The location is 60° 30' 5" North, and 147° 2' 0" West longitude. The tanker has a cargo amount of 550,000 barrels. The trajectories show two possibilities—one is an instantaneous spill of 200,000 barrels and a second is a 10,000 barrel per hour spill that continues for 20 hours. Figure 306-6 shows the trajectory oil spill movement. It is approximately 30 miles to the site from the Valdez Terminal; an average speed of 12 knots is used to determine the travel time to the area for the Crowley tugs. An approximate speed of 8 knots is used for towed equipment and 20 knots for the workboats without tows. Figure 306-4 is a summary of equipment capacity and response times. Figure 306-5 is a table of equipment in the first response effort.

Immediate Response Actions

On notification of the pollution incident, the following response actions would be simultaneously initiated. The closest empty or light loaded tanker will be directed to the spill site with an estimated maximum arrival time of 12 hours. The initial response would include moving containment booms, skimmer equipment, support equipment and personnel to the site. Additional backup personnel and equipment from the pump stations along the line would be mobilized. Private commercial vessels from the Valdez small boat harbor would be employed to assist in booming and logistical support. Aircraft in Valdez would be employed to assist in the response with overflights, communication or logistics. This would immediately be backed up with air support from our eleven on-call flight services contractors. APSC would request U.S. Coast Guard Pacific Strike Team assistance through the Valdez U.S. Coast Guard office. In addition, all oil spill contractors in the state of Alaska would be asked to mobilize and move to the site as soon as possible to respond to the spill. Also, a request to the local cooperatives, CIRO and Alaska Clean Seas, would be made for any additional equipment that they could supply to this area. See Figure 607-1 for a summary of air transport response times and Figure 607-2 for vessel response times. A request would be made to the Association of Petroleum Industry Co-op Managers to respond with available equipment and personnel that can be located in the West Coast area. The International Bird Rescue Research Organization would be immediately requested to mobilize and prepare for movement to Prince William Sound. A request would be made immediately to the OSC to apply dispersants to the oil slicks. Biegert Aviation and other dispersant contractors would be requested to mobilize in Valdez and be prepared to apply dispersants. A request to open-burn slicks on the ocean and debris and oil on the shoreline would also be made immediately to the OSC.

to open-burn slicks on the ocean and debris and oil on the shoreline would also be made immediately to the OSC.

It is expected the agencies response actions would include the following: The regional response team would be immediately mobilized. The decision process on dispersant application would be begun immediately. There would be a joint meeting between the U.S. Coast Guard, EPA, Alyeska, Alaska Department of Environmental Conservation, U.S. Fish and Wildlife Service and possibly other government entities, to keep all affected parties apprised of the situation and, hopefully, to facilitate the decision making on the response alternatives.

As a result of the initial coordination meeting, it was decided certain response priorities would have to be made as this would be a long-term impact and cleanup situation.

The trajectories indicate that oil will threaten Eleanor Island, Naked Island, Lone Island, Perry Island and the Pigot Bay area, Culross Island and the Main Bay area shorelines. Although it is unlikely oil will reach Main Bay, as a precaution the fish hatchery will be boomed immediately. Some of the exclusion area numbers 79 through 92 may be impacted by the oil movement. The first areas of consideration would likely be exclusion areas 81, 82 and 83.

Second considerations would include areas 79, 80, 89, 90, 91 & 92, and third consideration would likely be sites 84 through 88. These sites are considered sensitive, primarily because they are salmon spawning areas. Additional sites or other areas may have a higher priority, depending on the oil movement and other additional information that may become available. The oil spill trajectory indicates the above priorities are likely to be the most gnificant. This information is listed in Section 300. One of the oil spill response contractors would be directed to hittier with the sole task of providing exclusion booming in these areas with the above-listed priority, unless her priorities were agreed to among the agencies and Alyeska at the coordination meeting.

300

PRINCE WILLIAM SOUND SCENARIO RESPONSE TIMES

Vessel	Storage Cap. (bbls)	Recovery Rate (bbls/hr)	Vessel Speed (knts)	Prep Time (hrs)	Travel to Spill with Prep Time (hrs)
Tugs	N/A	N/A	12	0	2.5
2 Mooring Launches	N/A	N/A	8	0.5	3
Towing:					
Marco Class V	40	428			
Marco Class VII	80	428			
2 Vikoma Seapacks	w/1500' boom each				
2-21' Monarks	N/A	N/A	20	0	1.5
1-26' Monark	N/A	N/A	20	0	1.5
1-26' Monark	N/A	N/A	8	0.25	2.75
Towing:					
1 Vikoma Seapack	w/1500' boom				
Tug & Contingency					
Barge with/	4700	N/A	8	2.5	5.0
Sea Skimmer	N/A	536			
Equipment	1976 (bladders)				
Towing:					
2 Vikomas	w/1500' boom each				

PRINCE WILLIAM SOUND SCENARIO RESPONSE TIMES

Figure 306-4

Distribution of Oil

It is estimated that approximately 50% of the oil will be recovered at sea, either directly after the spill or at a later time by being washed off of the rocks, contained and skimmed off of the water. Approximately 15 percent of the spill will evaporate during the time it is moving toward the shoreline and prior to removal. Of the oil that remains approximately 15 percent of the oil will be recovered from the shore, primarily by washing the oil off of the rocks and recovering it on the water. Fifteen percent of the oil will naturally disperse and approximately 5 percent will remain in the environment.

Environmental Considerations

Along with the salmon spawning areas and the sea bird colony areas there are some purse seine and drift gill net areas around Esther Island in the Port Wells area. There is also some ground fish activity on the west side of Naked Island, Eleanor Island, Ingot Island and the Port Wells area.

Section 600 of the Prince William Sound Contingency Plan gives us the Sea Bird colony areas that would likely be impacted by a spill of this nature. The Naked Island group, Eleanor Island, Bald Head Criss Island, Dutch group, Perry Island, Fool Island, Egg Rock, and Esther Rock are likely impact areas of the sea bird colonies. There is a possibility that Smith Island and Little Smith Island sea bird colonies may also be impacted with a slight wind change. The most likely effective protection of the sea bird colonies is to prevent the oil from impacting the shore lines at all. This can be done of course only by dispersing the oil at sea, or allowing an open burn of the oil at sea. Since the timely application of dispersants is so important it is necessary that the decision process for allowing dispersant application be approved prior to an incident such as this. It will allow the oil industry to stockpile the necessary dispersants and application means so that resources such as the sea bird colonies can be protected in the most reasonable manner.

This has been a brief initial response to the spill scenario of a 200,000 barrel catastrophic event. There would, of course, be a long term cleanup of the spill on the various beaches of Prince William Sound. In reviewing the aspects of this size spill it becomes very apparent how important it is to have dispersants approved so that they can be used very effectively to prevent the continuing input of oil into the small bays and shorelines in Prince William Sound. Burning also has to be looked at as a very good alternative to the cleanup in Prince William Sound on the various inlets and bays in which oil may accumulate.

April 18, 1991

M E M O R A N D U M

TO: Max Gruenberg, Chairman
House Special Committee on
Exxon Valdez Oil Spill
Settlement Agreement

FROM: Chip Thoma

SUBJECT: <u>Final NTSB Report, June 1990</u>

These excerpts from the NTSB report give credence to the contention that failures on the part of Exxon and Exxon Shipping management contributed directly to grounding of the <u>Exxon Valdez</u>.

The Executive Summary (p. v.) under "Probable Cause" details some of these failings, while the excerpts give specific information on:

1) the background and rating of Joseph Hazelwood (p.28)

2) lack of Exxon monitoring of the Master (p.32)

3) workload of the third mate (p.34)

4) background on Helmsman Kagan (p.35)

5) manning on the Exxon Valdez (p.137)

6) continued increases on crew workloads (p.140)

7) safety conclusions (p.141)

8) Alyeska response to spill (p.144)

9) contingency plans (p.146)

10) dispersants (p.147)

11) conclusions (p.166)

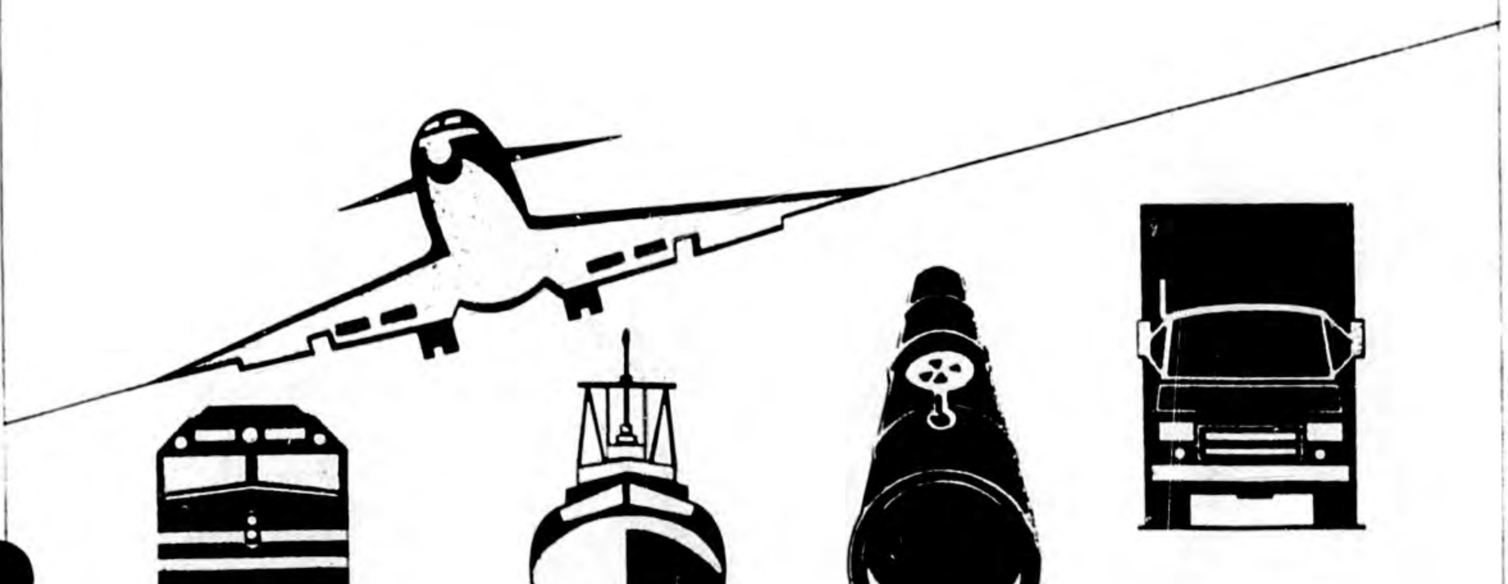
12) probable cause, recommendations (p.170)

PB90-916405
NTSB/MAR-90/04

NATIONAL TRANSPORTATION SAFETY BOARD

MARINE ACCIDENT REPORT

GROUNDING OF
THE U.S. TANKSHIP EXXON VALDEZ
ON BLIGH REEF, PRINCE WILLIAM SOUND
NEAR VALDEZ, ALASKA
MARCH 24, 1989



CONTENTS

EXECUTIVE SUMMARY

About 0009, on March 24, 1989, the U.S. tankship EXXON VALDEZ, loaded with about 1,263,000 barrels of crude oil, grounded on Bligh Reef in Prince William Sound, near Valdez, Alaska. At the time of the grounding, the vessel was under the navigational control of the third mate. There were no injuries, but about 258,000 barrels of cargo were spilled when eight cargo tanks ruptured, resulting in catastrophic damage to the environment. Damage to the vessel was estimated at $25 million, the cost of the lost cargo was estimated at $3.4 million, and the cost of the cleanup of the spilled oil during 1989 was about $1.85 billion.

The safety issues discussed in the report are:

(1) The adequacy of the navigation watch on the EXXON VALDEZ on the night of the grounding;

(2) The role of human factors, including fatigue and alcohol abuse, in this accident;

(3) Coast Guard and Exxon Shipping Company manning standards and Exxon's procedures for determining manning levels for tankships;

(4) Exxon Shipping Company's drug/alcohol testing and rehabilitation program;

(5) Coast Guard regulations and procedures for drug/alcohol testing aboard commercial vessels;

(6) The role of the Coast Guard Vessel Traffic Service at Valdez; and

(7) Oil spill contingency planning and initial response to this accident.

Recommendations concerning these issues were made to the U.S. Coast Guard, the U.S. Environmental Protection Agency, the U.S. Geological Survey, the Exxon Shipping Company and other tankship companies carrying North Slope crude oil from Port Valdez, the State of Alaska, the Alyeska Pipeline Service Company, and the Alaska Regional Response Team.

Probable Cause

The National Transportation Safety Board determines that the probable cause of the grounding of the EXXON VALDEZ was the failure of the third mate to properly maneuver the vessel because of fatigue and excessive workload; the failure of the master to provide a proper navigation watch because of impairment from alcohol; the failure of Exxon Shipping Company to provide a fit master and a rested and sufficient crew for the EXXON VALDEZ; the lack of an effective Vessel Traffic Service because of inadequate equipment and manning levels, inadequate personnel training, and deficient management oversight; and the lack of effective pilotage services.

rboard ballast tank No. 2. There was some loss of cargo after the ullage measurements on March 25. Exxon calculated that the total cargo lost was about 258,000 barrels. The value of the lost cargo was estimated at $3.4 million. Exxon expended approximately $1.85 billion on cleanup operations in 1989.

Crew Information

Master.--Personnel records provided by Exxon show that the master of the EXXON VALDEZ, age 42, received a Bachelor of Science degree in Marine Transportation from the State University of New York Maritime College in May 1968. At that time he also received a Federal license, which qualified him to serve as a third mate of steam and motor vessels of any tonnage upon oceans.

He was employed by Humble Oil and Refining Co. (the predecessor company of Exxon Shipping Company) as a third mate on June 10, 1968. During his career with Humble/Exxon, he took numerous marine courses sponsored by Exxon. He upgraded his license to second mate in 1971, to chief mate in 1973, and to master in 1977, making him eligible for promotion to the level of the respective licenses. He obtained a Federal pilotage endorsement to his master's license for Prince William Sound between Cape Hinchinbrook and Rocky Point in Alaska in 1987. He was promoted to second mate in 1978, to chief mate in 1979, to relieving master in early 1979, and to master in 1980.

Since his promotion to master, he had served on nine tankships with no breaks in service except for authorized leave periods. He had served as the alternate master on the EXXON VALDEZ since 1987 and had worked in the Alaskan trade for about 10 years (during this period, the master made well over 100 round trips through Prince William Sound).

Submissions by Exxon provided a seriatim ranking of the master in comparison with other Exxon masters from 1981 to 1988. These rankings are as follows:

	Year	Rating/group size	Percentile (100 equals the highest possible ranking)
1988	23/38	39	
	1987	24/29	17
	1986	35/37	5
	1985	35/37	5
	1984	24/34	[illegible]
	1983	29/33	[illegible]
	1982	35/39	[illegible]
	1981	25/36	36

Each year's ranking was for the performance period of the previous year. The EXXON VALDEZ in the West Coast Fleet and the EXXON GALVESTON in the Gulf Coast Fleet were selected as the best performing vessels in 1987. In 1988 the EXXON VALDEZ was the sole winner of this award. The master was one of two masters of the EXXON VALDEZ when the vessel was judged to be the best performer in the fleet in 1987 and 1988.

In addition to the employment history shown in Exxon and Coast Guard records, the master told Safety Board investigators that he had served as a lightering superintendent in the Gulf of Mexico for about 3 1/2 months and had acquired additional seagoing experience in the Esso foreign flag fleet.

Additional employment information on the master is contained in appendix C.

About 13 hours before the accident, the master, accompanied by the chief engineer and the radio electronics officer, went ashore while the EXXON VALDEZ was loading cargo at the Alyeska Marine Terminal. The Alyeska security logbook shows that they departed the terminal gate at 1059. They were met by the ship's agent, who drove them to the agent's office at Alaska Maritime Agencies, Inc., in Valdez. The agent's supervisor recalled that the three men arrived shortly after 1100 and that the master and chief engineer conducted routine ship's business in a meeting that lasted about 45 minutes. The agent informed investigators that the master seemed "more relaxed" than when she had seen him on previous trips. She explained by saying that she had worked with the master for 8 to 10 years. After the meeting, the pilot who had conducted the inbound transit of the vessel to Valdez picked up the three men at the agent's office in his automobile and drove them to a nearby restaurant, where the four had lunch together. The chief engineer said that they spent about 1 1/2 hours at the restaurant. The chief engineer and the radio electronics officer told investigators that the master and pilot had nonalcoholic beverages with their lunch. However, the master told the Coast Guard investigating officer that he had had a beer at lunch.

After lunch, the pilot drove the three men to a small shopping center, and the three separated to run personal errands. The three men had agreed to meet again at a town bar later in the afternoon. Safety Board investigators located a gift store where the master had ordered flowers sent to his family. The owner of the gift shop recalled having a pleasant conversation with the master and stated that he did not appear to have been drinking. The chief engineer recalled walking to several newsstands, looking unsuccessfully for a newspaper, and then going to the bar, arriving alone about 1600. He said that the master arrived about a half hour after he did. However, the master told the Coast Guard investigator that he arrived at the bar about 1500. The radio electronics officer said that when he arrived at the bar about 1630, the master and chief engineer were already there. According to the radio electronics officer, they played darts with local residents and otherwise enjoyed themselves while each purchased one or more rounds of drinks. The radio electronics officer said that he drank beer while the master was drinking a "clear" beverage and the chief engineer was drinking gin and tonic. The chief engineer told Safety Board investigators that he had three gin and tonics and that he did not recall how much the master had.

The chief engineer said the three men left the bar about 1900 and returned to the restaurant where they had had lunch. They ordered two pizzas to take back to the ship and then went next door to an adjacent bar to await the preparation of the pizza. The chief engineer and the radio electronics officer in separate interviews agreed that each man, including the master, had one drink while they waited. The radio electronics officer stated that he believed the master had a vodka while they waited. The chief engineer said that about 1930 their pizza order was ready and they called a cab to return to the ship.

According to the cab driver who transported them back to the Alyeska terminal, a fourth person from an ARCO tanker joined them in the cab for the trip to the terminal. He said that no one in the group appeared to be "under the influence of alcohol." The security log at the terminal gate showed that the cab arrived there at 2024. Terminal security officers stated that all persons arriving in cabs were required to check in to the office and walk through a metal detector and that they did not believe any of the men arriving at that time were intoxicated. The cab was permitted to proceed to the dock without delay.

The chief engineer said that they had expected the vessel to depart later in the evening and were surprised that it was ready to get under way. He also said that during the afternoon, the master had discussed the presence of ice in the traffic lanes and was considering delaying departure until daylight.

According to the radio electronics officer, the three men boarded the ship together. The ship's agent was aboard the vessel in the wheelhouse when the master arrived. She said that she met with him there to discuss cargo and ship's fuel. She said that he was in a good mood and did not appear to be intoxicated, although his eyes were watery. The agent and the master agreed that they would talk further on the VHF/FM radio to confirm cargo quantities after the vessel got under way.

The pilot conducting the outbound transit from the Alyeska terminal told Safety Board investigators that he smelled alcohol on the master's breath when the master returned to the ship from Valdez. However, it was his impression that the master's behavior and speech were unimpaired. The pilot said that the master left the bridge after they had gotten under way and remained away until the pilot called him shortly before disembarking at Rocky Point. The pilot said that the master returned to the wheelhouse soon after the call, and he estimated that the master had been gone for about 1 1/2 hours. The pilot stated that he again smelled alcohol on the master's breath, but the master's speech and behavior gave no indication of impairment.

Both the XO and the SIO of the MSO who boarded the vessel after the accident about 0335, smelled alcohol on the master's breath when they met with him on the bridge. The investigating officer described the odor as the very strong smell of "stale" alcohol. In response to a question about the smell of alcohol, the master explained to the investigating officer that he drank two Moussy beers (.05 percent alcohol) after returning to the vessel from Valdez. The investigating officer reported finding two empty Moussy beer bottles in a wastebasket in the master's stateroom.

The XO reported to the Commanding Officer (CO) of the MSO that the master smelled of alcohol, and he requested that someone be sent to the vessel to conduct toxicological testing. The CO then contacted an Alaska State trooper by telephone and requested him to proceed to the vessel to conduct the testing. However, when the trooper arrived about 0630, he had no equipment to conduct any testing or to collect urine specimens for subsequent testing. The XO again called the CO to request someone to conduct the testing. During a later telephone conversation, the CO suggested that the XO check with the master to ascertain if the vessel carried any equipment for collecting toxicological samples. About 1000, the Coast Guard officers learned that kits for obtaining toxicological samples were on board the vessel, and urine specimens were obtained soon thereafter from the third mate and the two ABs on watch when the grounding occurred. The master also was asked to provide a urine specimen at this time, but he said he was unable to urinate.

Meanwhile, ashore, a Coast Guard medical technician from Anchorage, Alaska, who had been conducting an inspection of health records of the MSO, was located at the airport about 0830 and instructed to proceed to the vessel to take blood and urine samples. About 1030, the Coast Guard medical technician boarded the vessel to obtain blood samples for toxicological testing. The master was selected to provide the first blood sample. At this time the master also provided a urine specimen. Blood samples also were taken from the third mate and the two ABs. At this time it was discovered that the urine specimen earlier provided by the AB on lookout was not sealed correctly, and she provided a second specimen.

The results of the toxicological testing by Chem West Laboratories, Inc., of Sacramento, California, of the samples collected on March 24, 1989, are shown in the following table:

Table 3.--Toxicological testing results

	Blood		Urine	
Position	Time	% Ethanol	Time	% Ethanol
Master	1050	0.061	1000[13]	0.094
Third Mate	1100	0	1000	0
Lookout	1140	0	1145	0
Helmsman	1115	0	1000	0

Portions of the blood and urine specimens provided by the master were sent to the Center for Human Toxicology (CHT) for an independent ethanol analysis. The CHT measurement showed the blood contained 0.06 percent ethanol and the urine contained 0.1 percent.

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[13]Although the sample container was marked 1000, the urine specimen probably was taken about 1050.

The president of Exxon Shipping Company testified that the master, while on leave, had entered a hospital for treatment of an alcohol problem and that the company learned about the master's hospitalization when a shoreside manager attempted to contact the master. Exxon provided investigators limited medical records for the master's treatment. An Exxon Individual Disability Report, signed by the attending physician and dated April 16, 1985, showed that the master was admitted to a hospital on April 2, 1985, and "remains in residence at the present time." The report stated: "He is a 38 yo W/M who has been depressed and demoralized; he's been drinking excessively, episodically, which resulted in familial and vocational dysfunction." A treatment program was suggested that included a recommendation that he be given a leave of absence to get involved in Alcoholics Anonymous (AA), psychotherapy, and aftercare. The report indicates his first day of disability was April 1, 1985. Further documents show that the master was on sick leave from April 1, 1985, through May 15, 1985, and that disability was terminated on May 16, 1985, at which time he was placed on leave of absence for 90 days starting on May 16, 1985. Exxon did not provide documentation to indicate when he was granted sick leave or what followup monitoring was provided.

The master had made no claims for medical care or health services with the Exxon health care contractor during the last year of his employment before the accident.

The president of the Exxon Shipping Company testified that a fleet manager and a ship group coordinator were given the responsibility to follow up on the master after he was returned to duty following his hospitalization in 1985. According to this testimony, the followup consisted of visits by the ship group coordinator to the master's vessel in the west coast ports of San Francisco and Long Beach about every 2 weeks. The president testified, "I think he [the master] felt he was the most scrutinized employee in our company. I think he felt a little uncomfortable with it."

Early in the investigation, an Exxon representative said the company could find no documents covering this followup period. Exxon later provided documents that included a memorandum dated June 27, 1988, initialed by the master's shoreside supervisor at the time, regarding the master's performance. In this memorandum, the master was complimented for his professional expertise, leadership, and interdepartmental cooperation. Exxon also provided an unsigned and undated document that discussed the supervision of the master during his rehabilitation from October 1985 to April 1987. This document was developed from memory, after the accident, by a former shoreside supervisor of the master. The frequency of the visits and the outcome of these visits were not detailed in the document, except for a statement that no evidence of alcohol use by the master could be found and that it was concluded that he was "clean."

The Safety Board made a 50-State search of the National Driver Register (NDR) to investigate the master's driving record. This check revealed that the master had one "driving while intoxicated" (DWI) conviction in Huntington, New York, in 1985, and a second DWI conviction in Conway, New Hampshire, in 1988. The police report for the first DWI conviction showed that on September 21, 1984, he ran a red light, struck another vehicle, and left the scene without providing information to the driver of the other vehicle. The investigating police officer subsequently met the master in the driveway of his residence and reported that the master smelled strongly of alcoholic beverage, was unsteady on his feet, and that his speech was slurred. The master refused to take a Breathalyzer test. The master's second DWI conviction, on September 15, 1988, resulted from his being stopped for driving 44 mph in a 30 mph zone. The reporting officer reported that he smelled strongly of alcoholic beverage, had difficulty getting his driver's license out of his wallet, and was unsteady on his feet. The master submitted to a Breathalyzer test that gave a blood alcohol level of 0.19 percent.

The chief engineer and the radio electronics officer stated that the master was going through divorce proceedings at the time of the accident. The radio electronics officer on the EXXON VALDEZ stated that the master appeared to undergo noticeable changes in mood.

The radio electronics officer said that he witnessed the master drinking alcohol on board the EXXON VALDEZ during the last voyage of the vessel at the end of February 1989. The master had called him about a design for a ship's T-shirt, and in the course of the conversation, the master asked him to come to the lounge to "destroy a bottle." When the radio electronics officer arrived, the third mate was already there and the master removed a bottle or a flask from his jacket. Soon thereafter, the master sent the third mate to the galley for some ice, and the radio electronics officer went to bring some orange juice to the lounge. He said that the chief mate came into the lounge while the drinking was going on but did not participate. According to the radio electronics officer's recollection, the incident took place in the morning or early afternoon. The radio electronics officer said that one or two other persons were in the lounge watching a concert video, but he could not recall who they were. He said that the bottle was placed on the deck while he, the master, and the third mate watched the video. He did not recall tasting alcohol in any beverage he drank during the incident. He said the contents of the bottle were clear. It was his impression that the master had been drinking before he was called to the lounge, but no one appeared to be intoxicated during or after the incident.

<u>Third Mate</u>.--The third mate told Safety Board investigators that he had begun sailing in 1977 on National Oceanic and Atmospheric Administration (NOAA) vessels as an ordinary seaman after having worked several years as a shipfitter and a hull inspector. He said that he had served 3 years on NOAA vessels and in 1980 had begun sailing with Exxon as an AB. Coast Guard records for his sea duty with Exxon show that he worked as an unlicensed seaman from December 1980 to January 1987, principally as an AB. The third mate said he had attended a Page Navigation School course in New Orleans to prepare for the third mate's license examination. He obtained a third mate's license in March 1986. Since January 1987, he had served as third mate on five Exxon vessels with no breaks in service of more than 3 1/2 months. He told investigators that he had made six round trips to the port of Valdez with the current master and had served one previous tour on the EXXON VALDEZ. Company records show that he joined the vessel on February 20, 1989. He

obtained a second mate's license on January 12, 1989. Information provided by the company showed that the third mate had made 18 voyages through Prince William Sound, but the information did not indicate how many were as an AB and how many were as an officer.

Exxon provided four performance appraisals for the third mate to the Safety Board. The lowest rating given to the third mate was in 1986 while he was serving as an AB on the EXXON JAMESTOWN; it was "above normal" in the rating category of "Steers In Confined Waters." The same rating category was "outstanding" on two earlier appraisals of his service on the EXXON NORTH SLOPE. The third mate's overall performance as an AB was rated as "outstanding" on three of the Exxon performance appraisals.

In one performance appraisal as a third mate, his "overall effectiveness" had been evaluated as "high," one rating below "outstanding." The two lowest ratings he received as a third mate were given to him while he was on the EXXON JAMESTOWN in 1987 and contained the following comments: "performs adequately" in the rating categories of "seeks advice or guidance at the appropriate time and informs supervisor when appropriate" and "demonstrates thorough knowledge of ship and its handling characteristics." In a summary of employee weaknesses, the evaluator wrote, "He [third mate] seems reluctant or uncomfortable in keeping his superior posted on his progress and/or problems in assigned tasks."

During the third mate's initial interview by the Coast Guard investigating officer, he stated that he began work on March 23, 1989, at 0800, had a "cat nap" at 1330, relieved the chief mate for supper and worked thereafter until the grounding. He testified that he had been on watch when the EXXON VALDEZ approached the terminal dock on the day preceding the accident. The third mate said that after his watch ended, he had a brief conversation with the chief mate about how he [the chief mate] "starts up the cargo." He also testified that he had gotten to sleep at 0100 and was called at 0720 for his watch on the morning of March 23.

The crew on the EXXON VALDEZ did not normally break sea watches while they were transferring cargo or ballast. Since the chief mate oversaw cargo handling operations, the second mate and the third mate stood watch extra hours to enable the chief mate to rest. The second mate said that in addition to relieving the chief mate, the two mates tried to "cover one another when needed." The second mate told Safety Board investigators that on this trip to Valdez, the two mates began their extended watches at midnight on March 23. He indicated to Safety Board investigators on board the vessel on March 26, 1989, that he and the third mate essentially stood watches 6 hours on and 6 hours off during cargo operations.

The third mate testified that he went to the engineroom to conduct a "salinity test" after lunch on March 23 and then went to his room for a nap between 1300 and 1350. According to the testimony of an Exxon Seaman's Union officer, it was "common practice for the mates off watch to assist in the cargo operations." The pumpman told Safety Board investigators that he had seen the third mate walking forward on the main deck early during the afternoon watch on the day preceding the accident.

At 1700 on March 23, the third mate relieved the chief mate for the evening meal, and about 1730, he was in turn relieved by the chief mate. About 1800, he assisted the chief mate with completing the cargo loading. The third mate checked navigation gear on the bridge about 1848 and remained on the bridge until he was relieved by the chief mate, probably sometime prior to 1900. The third mate was next reported by an AB as standing by at his usual location at the aft mooring lines during undocking about 2100. The third mate then returned to the pilot house about 2150 to relieve the chief mate. He sai[illegible]e relieved the chief mate early because the chief mate had bee[illegible] long time and needed rest. The pumpman who met and talked brie[illegible] third mate immediately before he returned to the bridge stated t[illegible]rd mate appeared to be fatigued. Another AB also told Safety Bo[illegible]gators that he had heard on the night of the grounding that the second mate was tired and this explained why the third mate had remained on watch after midnight. The third mate remained on duty until sometime after the Coast Guard boarding officers arrived about 0335.

Helmsman.--Coast Guard records show that the AB serving as helmsman when the grounding occurred had obtained his first seaman's document in 1965. Between 1965 and 1970, he had acquired only 25 days of documented marine work, all of which was in the steward's department for Boatel, Inc., an offshore catering company. The helmsman had no further documented shipping time until he began working for Exxon in April 1975. He initially worked in the steward's department on Exxon vessels for about 1 year and then began working regularly as an ordinary seaman. He obtained a lifeboatman endorsement in April 1980 and an unlimited AB rating in October 1981. Coast Guard records indicated that he had worked each year without remarkable breaks in service except in 1978 and 1987, when he sailed 1 month and 1 1/2 months, respectively. Since joining Exxon, he had served on 19 vessels, including the EXXON VALDEZ.

Since acquiring his AB rating, the helmsman had acquired about 7 1/2 months of documented time as an AB, according to Coast Guard records. Those records show that the helmsman had worked primarily as an ordinary seaman and in other unrated positions. On January 18, 1989, he was assigned to the EXXON VALDEZ as an AB.

Exxon provided seven performance appraisals for the helmsman from February 1986 to August 1988. No performance appraisal for the helmsman referred to an AB-specific job classification, and for the corresponding periods in Coast Guard records he was shown as an ordinary seaman. Five performance appraisals were for the position of maintenance seaman,[14] one was

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[14] Maintenance seaman is a designation for a crewman having cross responsibilities in deck, engine, and steward's departments.

for ordinary seaman corrected to read "MS," and one was for wiper.[15] Safety Board investigators could not locate any Coast Guard record for the periods during which the helmsman was evaluated as wiper.

The performance appraisals for the helmsman included at least one evaluation from the deck, engine, and steward's departments. In May 1986, he received ratings from a chief mate with whom he had worked on two vessels successively. This evaluator indicated a "cannot rate" for the "steers in confined waters" category and commented that the helmsman "needs to practice [helmsmanship] before sailing AB." The chief mate listed the helmsman's strengths as "a hard worker who was thorough in cleanup operations" but stated "[the helmsman] must prove himself capable [of an AB's position] by steering in confined waters ... and other skills required of an AB." A chief mate on the EXXON NEW ORLEANS rated the helmsman as a "normal" overall performer but commented that "[he] must concentrate more on the task at hand." In 1987, the helmsman's performance appraisal on the EXXON CHARLESTON included an "above normal" for the category "steers in confined waters" with the comment, "steers well to pilot's orders." The chief mate commented that "[he] is not ready at this time to sail as AB." In January 1988, the first assistant engineer on the EXXON BALTIMORE rated him less than the midpoint for overall performance, "needs improvement." The helmsman noted on the same performance appraisal that his ambition was to "sail on my AB's papers and/or obtain my oiler's endorsement and sail in the engine department." The helmsman also received a performance appraisal for his duties in the steward's department on the EXXON BALTIMORE and was given an overall assessment of "generally meets requirements," a midpoint rating. In August 1988, the helmsman received a performance appraisal for his maintenance duties in the engine department on the EXXON BALTIMORE and was rated with an overall assessment of "generally meets requirements."

The helmsman indicated that from March 17 through March 23 he had experienced a normal routine at sea, adhering to 4-hour watches with the customary 8 hours off. The helmsman indicated that he usually slept from about 0400 until called some time after 1100 in time for lunch before his afternoon watch. After [illegible] he remained awake to eat supper about 1700 and then returned [illegible] sleep about 1800 until called [illegible] for the next morning wa[illegible]ted that on March 23, he obt[illegible] usual sleep between the[illegible] and an unusually early cal[illegible] at about 1030. He the[illegible]noon to about 1600 loading [illegible] supper, and went to bed. [illegible] indicated that he assisted [illegible] undocking from the termina[illegible]ut 2000 until 2200. He indicat[illegible] he returned to his room for a nap until called for watch at 2320. The helmsman declined most voluntary opportunities to work in excess of 8 hours a day.

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[15]An entry-level position in the engineering department on board a merchant ship. A wiper assists in the performance of general work in the engineroom and is so named because he is commonly occupied in cleaning machinery, etc.

> Issue rules specifying zero (no alcohol) as the blood alcohol concentration for private sector employees in safety sensitive positions in all transportation modes and for Federal employees in safety sensitive positions. (Class II, Priority Action) (I-89-12)

The DOT has not responded to these recommendations and they are still classified as "Open--Await Response." The Safety Board believes that the EXXON VALDEZ accident demonstrates the continuing need for action on these recommendations; accordingly, they are reiterated.

Manning on the EXXON VALDEZ

The EXXON VALDEZ was operated with a reduced crew complement. Evidence indicated that watchkeeping safeguards on the EXXON VALDEZ had been compromised because of the manning level. The number of unlicensed crewmembers in the deck department was not sufficient to provide uninterrupted lookout capability when other routine deck-department duties arose. When one AB was required to serve as helmsman, the remaining ABs on duty had to cover all work and lookout responsibilities unless an AB from another watch was "turned to" on overtime. Moreover, when a lookout was required for long transits through congested waterways, no other qualified persons on duty were available to relieve that crewmember for breaks. As a result, on the EXXON VALDEZ, the lookout position routinely went unattended when the AB was called for other tasks or took a break.

The Exxon Seamen's Union officials testified during depositions that the sea passages for voyages between Alaska and California were not long enough for conducting necessary maintenance or permitting thorough crew rest between the around-the-clock demands of cargo handling in port. When the current minimum crew requirements were established for the EXXON VALDEZ, the vessel had been scheduled for the Valdez-Panamanian trade. But that trade was discontinued after December 1988, and the EXXON VALDEZ then began operating regularly between Valdez and ports in California.

According to company and union officials, crewmembers in addition to those required by the COI were regularly assigned to the EXXON VALDEZ. The minimum crew for the EXXON VALDEZ required by the Coast Guard was 15, including the master, and the company regularly assigned 4 additional unlicensed crewmembers to the vessel. Two of these crewmembers were QMEDs; one performed pumpman's duties and the other performed maintenance. These additional crewmembers, specifically the two QMEDs, showed the company's awareness of manpower needs in addition to those recognized by the Coast Guard. The other two additional seamen regularly assigned to the EXXON VALDEZ were members of the steward's department and prepared meals for the crew. A third unlicensed engine department crewmember was aboard when the vessel was grounded but apparently was riding for only that one trip. The Safety Board believes that the additional crewmembers regularly assigned to the EXXON VALDEZ engineering department were needed to perform essential work and that the number of crewmembers required by the Coast Guard was not adequate.

The mates on the EXXON VALDEZ were usually fatigued after cargo handling operations in Valdez, and the vessel usually put to sea with a fatigued crew. Although the EXXON VALDEZ had cargo handling automation, the equipment did not eliminate the need for deck officers to spend many hours on cargo watches. The Safety Board is concerned that the manning and working conditions producing fatigue on the EXXON VALDEZ are likely to exist on other U.S. tankships that carry three mates and/or have reduced manning.

Compliance with Exxon Shipping Company procedures that require two officers on the bridge during maneuvering may have provided sufficient sharing of the workload to prevent the grounding of the EXXON VALDEZ. However, the Safety Board is reluctant to endorse the routine use of two officers, who may not have had adequate rest, as a means of obtaining a sufficient number of personnel for a navigation watch. The Safety Board contends that manning levels aboard ships should incorporate realistic expectations for human endurance and fallibilities so that the amount of work required for peak periods, such as cargo handling in port and tank cleaning at sea, can be accomplished without debilitating fatigue.

Reduced Crews

Coast Guard Manning Practices.--The investigation reviewed relevant Coast Guard practices and standards for setting reduced-crew minimum manning levels for inspected vessels. The regulatory agency is admittedly under conflicting pressures from ship owners, operators, and labor unions. Long-standing manning practices are being replaced with more economically advantageous ones, and current manning appears to be at or near the limits for individual workloads. Although these circumstances explain some of the criticism of Coast Guard manning decisions and the manning review process, the Coast Guard's limited perspective for justifying reduced crews may be the primary shortcoming. The trend toward reducing crew complements has been based principally on labor-saving shipboard equipment and equipment reliability, which serve to reduce workload at sea primarily in the engineroom. However, in establishing reduced manning levels, the Coast Guard gave practically no thought to the work load in port. This omission is serious because tankship crews are required to perform much more demanding work in port than at sea, and this work leads to fatigued crews taking their ships to sea. Also, having fatigued crewmen in charge of cargo transfer operations increases the risk of a catastrophic accidental release of the cargo in port that could result in fire/explosion, as well as pollution.

The Safety Board believes that the Coast Guard must promptly implement manning safeguards that directly address crew working conditions in port, as well as at sea. If additional authority is needed, the Coast Guard should seek such authority. These safeguards should incorporate verifiable man-hour requirements for cargo handling in port and for all vessel operations, including tank cleaning, at sea. The safeguards should directly address risk factors associated with fatigue, low morale, and other consequences of longer work hours. The safeguards must also address the consequences of the social isolation that results from lower manning levels and longer tours of sea duty. The Safety Board believes that human capacities and limitations require no less attention in the manning process than the shipboard equipment criterion.

The Safety Board is particularly interested in the outcome of two research efforts sponsored by the Coast Guard that are intended to examine variables in human factors on reduced-crew vessels. One project, which is being conducted by the Marine Board at the National Academy of Sciences, has used input from vessel operators and marine labor unions to obtain information about existing workloads and working conditions. The Safety Board believes it is important that the Coast Guard evaluate different viewpoints in order to assess the current safety of manning and to develop guidelines to ensure that future manning levels are appropriate to the work load. Similarly, the Safety Board recognizes the interest that the Coast Guard and MARAD have shown in the fatigue factor in their companion project for manning vessels with smaller crews.

Although Coast Guard officers stated that the review process for manning decisions used a "worse case" criterion, there is no evidence of this consideration in documentation related to the manning of the EXXON VALDEZ or EXXON LONG BEACH. Nor is there any evidence th[illegible]st Guard considered the fact that crewmen may be fatigued from in[illegible] additional work owing to tank cleaning or to machinery breakdo[illegible]y Board believes that the Coast Guard should re-examine m[illegible] practices and establish amended standards using the same [illegible]o other safety standards for vessels. For example, calcu[illegible]btain structural standards acceptable to the Coast Guard are norma[illegible]ated on the vessel being in adverse loading conditions and, in some cases, the most adverse conditions possible. Even if it can be argued that the vessel will seldom operate in those adverse conditions, standards based on less rigorous loading criteria are generally considered inadequate. The Safety Board urges the Coast Guard to exercise comparable rigor for manning standards and to set minimum manning requirements that provide safe vessel operation for all foreseeable operating circumstances.

The equipment currently installed for deck-department operation may not reduce manpower needs to the extent projected in the reduced manning requests. With the exception of cargo tank sounding automation, remotely controlled cargo tank valves, and newer equipment that required less maintenance than older equipment, no substantial labor-saving devices were on board the EXXON VALDEZ. In fact, crewmembers on Exxon vessels normally verified manually the operation of all automated sounding and cargo tank valve positions. Since reduced manning of vessels means fewer people on board to do about the same amount of work as was previously done by larger crew complements, the Safety Board views future verification of the assumed lower workload for deck-department personnel as important. Thus, the Coast Guard should develop procedures to more accurately gauge the manning requirements for modern tankships that also take into account human performance needs such as adequate rest, relief from isolation owing to smaller crews, and less time in port.

<u>Exxon Shipping Company Practices</u>.--The Safety Board identified several general operating practices of the Exxon Shipping Company pertaining to

reduced crews that prompted concern. First, no evidence indicated that the company had policies or procedures intended to compensate for the risks involved in having smaller crews on its vessels. For example, Exxon had no program to ensure that mates complied with the requirement in U.S.C. 8401(a) that they have 6 hours of off-duty time in 12 hours before taking charge of the navigation watch. Aside from one introductory reduced-crew manning conference, officers received no specific supervisory training in recognizing fatigue in subordinates or in understanding the debilitating effects of fatigue on themselves or on their subordinates.

Finally, Exxon Shipping Company policy was to manipulate overtime records relevant to crew workload for vessels assigned to at least one "ship group coordinator" in order to support periodic unmanned status for enginerooms and thus to permit reducing crew size. Payment of overtime for officers on all Exxon vessels had been discontinued several years earlier, and during the investigation, no company method was identified that was designed to monitor officers' work in excess of 8 hours daily. Aside from concern about the morale problem created by the loss of direct compensation for time worked, the Safety Board is concerned that unrecorded overtime was not reflected in the work load data used by Coast Guard personnel who evaluated reduced-manning requests. Also, this investigation uncovered evidence that deck officers were used to do maintenance and other work previously done by unlicensed crew who had since been eliminated from service on the vessels.

Because of the Exxon Shipping Company memoranda that directed officers to minimize reports of equipment maintenance and overtime, the minimum manning requirements on Exxon Shipping Company vessels may have been based upon incomplete and inaccurate information. Assuming that the recipients of the memoranda complied with the directive, their maintenance and overtime records would not be representative of actual crew work loads. In addition, the Coast Guard had probably agreed to minimum manning reductions using the same deficient information for its evaluations and consequently may have underestimated crew workloads on all reduced-crew Exxon Shipping Company vessels.

Exxon submitted graphs to the Safety Board that showed a favorable comparison between lower manning levels and casualty and personal injury statistics. The Safety Board does not consider these comparisons useful evidence of safe vessel operation. Gross measurements, such as the number of oil spills per vessel or injuries per million man-hours over a 15-year interval, do not provide sufficient information for causal inferences about any safeguards on these vessels. The evaluations did not provide information on safety programs in effect, composition of crew complements, crew overtime, length of crewmember tours, equipment installed on the vessels, or other variables from which the effects of lower manning on safety may be methodically deduced.

The Safety Board is also concerned that Exxon has continued to increase crew work load in its fleet even after the grounding of the EXXON VALDEZ. A recent company directive, issued after the grounding, required manning of periodically unmanned machinery spaces while vessels are in inland waterways. Since engineering crew complements were reduced on these vessels because the machinery spaces were said to no longer require monitoring, the reestablishment of watchstanding without replacing the deleted engineers and QMEDs places an additional workload on the number of engineers retained. In another directive issued after the grounding, the company restricted off-duty crewmembers to their vessels when cargo handling operations are in progress. The apparent intent of requiring off-duty crewmembers to remain on board was to ensure the availability of enough manpower for cargo-related incidents or other emergencies. These measures may show a necessary concern for engineroom and cargo safety, but they impose additional burdens on crewmembers without compensating for the human factors involved. As a result, the Safety Board is concerned that Exxon's measures may not adequately provide for the safety of personnel, the vessel, or the environment.

Evidence also indicated that the Exxon Shipping Company planned to further reduce the crew size and to lower crew qualifications for most vessels in its operating fleet. The company was planning to eliminate the current position of the radio electronics officer by assigning communication and maintenance duties to the master and engineers, respectively. The company also planned to institute a separate maintenance department of unlicensed seamen having duties across deck, engine, and steward's departments. Implementation of such a department would have weakened the navigation watch by enabling a minimally manned vessel to operate with a complement of only four ABs and two ordinary seaman instead of six ABs. According to the Coast Guard, implementation of the new department was delayed only by the Exxon Seamen's Union. In the interim, the Coast Guard issued a directive requiring that the company retain six certified ABs on each vessel. The maintenance department concept under which ordinary seamen are employed to perform maintenance is reasonable, but its implementation should not lead to a reduction in the number of ABs. Six ABs, two per watch, are needed for an underway navigation watch in order to provide two qualified helmsman so that the helm can be relieved, thereby reducing the possibility of having a fatigued seaman steering.

The Safety Board considers the reduced manning practices of the Exxon Shipping Company generally incautious and without apparent justification from the standpoint of safety. The financial advantage derived from eliminating officers and crew from each vessel does not seem to justify incurring the foreseeable risks of serious accidents.[90] Regarding company manning practices that related to the EXXON VALDEZ, the Safety Board does not believe that the Exxon Shipping Company showed sufficient regard for the known debilitations that occur as a result of crewmember fatigue. Furthermore, the Safety Board could find no reasonable explanation for the following: the absence of company programs to ensure that crewmembers observed hours-of-service regulations; the lack of procedures to ensure that at least one rested deck officer, in addition to the master, was available for watch at departure; the practice of rating a crewmember's performance in part according to willingness to work overtime, thus giving an incentive to work

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[90]The cost of cleanup is expected to exceed $2 billion.

an excessive number of hours; and the indiscriminate increase in work loads and standby time throughout the fleet before and after the grounding of the EXXON VALDEZ.

Fatigue in Transportation Safety

In a letter dated May 12, 1989, to the Secretary of Transportation, the Safety Board expressed its concerns about the far-reaching effects of fatigue, sleepiness, sleep disorders, and circadian factors in transportation system safety. The Board further stated that:

> poor scheduling of work and rest time continues to affect the performance of operating personnel in virtually all modes of transportation. Safety Board experience also indicates that most employees and supervisors in the transportation industry do not receive training on the problems associated with work and rest schedules and the effects such schedules have on safety and performance. Additionally, proper living habits, including attention to exercise, diet, and rest, are important to good health. However, many transportation operating personnel may not adequately appreciate the importance of these habits in relationship to their fitness for duty and their susceptibility to fatigue in the face of their irregular and often unpredictable work/rest patterns. Therefore, the Safety Board believes there is a need to develop and disseminate educational materials that will assist transportation employees in adapting living habits appropriate to their work/rest patterns.
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> Furthermore, it appears that, with minor exceptions, neither management nor the labor segments of the transportation industry properly considers the adverse effects of irregular and unpredictable cycles of work and rest on its vehicle-operating personnel. Although some private research has been conducted on this safety issue, the Safety Board is unaware of any systematic activity by the DOT to address the safety concerns of inadequate work and rest scheduling in any of the transportation modes.
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> Since 1972, the Safety Board has issued about 39 safety recommendations to transportation modal administrations, operators, and associations concerning fatigue, duty time, and hours of service. Collectively, these recommendations addressed most aspects of the fatigue and fitness-for-duty issues, but they constitute uncoordinated and piecemeal efforts directed to various government and industry segments of the transportation community. The Safety Board is aware of the March 1989 DOT report entitled "Transportation-Related Sleep Research," which was prepared in response to a request by

the U.S. Senate Committee on Appropriations and which describes current departmental activities in this field. This report provides an overview of current diverse activities by various departmental administrations regarding the role of fatigue, sleep disorders, and sleepiness in their respective modes. However, the Board believes a review of the report also indicates a need for more overall planning, direction, and control of these activities to assure that they are administered as a coordinated, effective program that will provide the best possible safety benefits for the entire transportation community.

Based on its experience in accident investigation, the Safety Board believes it is time for an aggressive Federal program to address the problems of fatigue and sleep issues in transportation safety. Such a program should include a coordinated research effort, an extensive educational effort directed toward all segments of the transportation industry, and a systematic review and improvement of regulations governing hours of service across all transportation modes.

Therefore, the National Transportation Safety Board recommends that the DOT:

Expedite a coordinated research program on the effects of fatigue, sleepiness, sleep disorders, and circadian factors on transportation system safety. (Class II, Priority Action) (I-89-1)

Develop and disseminate educational material for transportation industry personnel and management regarding shift work; work and rest schedules; and proper regimens of health, diet, and rest. (Class II, Priority Action) (I-89-2)

Review and upgrade regulations governing hours of service for all transportation modes to assure that they are consistent and that they incorporate the results of the latest research on fatigue and sleep issues. (Class III, Longer-Term Action) (I-89-3)

These recommendations are currently classified as "Open--Acceptable Action." The Safety Board believes that these safety recommendations are pertinent to the EXXON VALDEZ accident and reiterates them to the Secretary of Transportation.

Response Activities During the First 24 Hours

Coast Guard Response Activities.--At 0027 on March 24, 1989, the Coast Guard VTC at Valdez was advised by the master of the EXXON VALDEZ that his vessel was aground and leaking oil. About 10 minutes later, the CO and XO of the Coast Guard MSO in Valdez arrived at the VTC and activated the COTP Prince William Sound Pollution Action Plan, and the CO assumed responsibility as the OSC. Soon after arriving, they notified the Alyeska Terminal's marine operations watchstander, the local ADEC representative, and the Seventeenth Coast Guard District Office staff of the accident. The CO also advised the Alyeska Terminal watchstander to send its pollution contingency barge to Bligh Reef. The XO and SIO were sent to the vessel to initiate the casualty and pollution investigations and to determine the extent of the oil spill. The CO of the MSO expected that the spill would be classed as a "major" oil spill (in excess of 100,000 gallons, about 2,380 barrels) because the vessel was a large tanker and had grounded on a rocky reef. At 0249, he asked for assistance from the PACAREA Strike Team. He believed that asking for assistance from the strike team was a prudent action because it has the additional manpower, expertise, and equipment needed to supplement the local response to a major oil spill.

The CO, as Federal OSC for the oil spill, followed proper procedures in initiating Coast Guard actions in response to the report of the spill. Because Alyeska was responsible for cleaning up oil spilled at its Terminal and from ships that carry North Slope crude oil and had successfully cleaned up oil spills from ships carrying such crude oil in the past, the Federal OSC, in accordance with the NCP and RCP, assumed his customary duties: investigating the accident and oil spill, assessing the situation, monitoring the removal actions, and providing guidance and assistance as necessary for the cleanup activities. During the first 24 hours, Alyeska employed company personnel and local workers, ordered additional workers, and was using or had ordered all cleanup equipment available in the area to be delivered to the Terminal or the EXXON VALDEZ. If the OSC had taken over the cleanup during the first 24 hours, he would have had to employ the same people and contract for the same equipment that Alyeska was using at the time. His work load would have expanded considerably because he would not only have been directing the cleanup but also increasing his record keeping and contracting responsibilities. Such an action would not have enhanced the cleanup effort already under way; it would only have changed who was directing and paying for cleanup actions. The Safety Board believes that it was unwarranted for the Federal OSC to assume cleanup responsibility from Alyeska during the first 24-hour period after the spill for the following reasons: all equipment in the area was being used, other equipment was being mobilized or ordered into the area by Alyeska and Exxon, and the only change in cleanup actions would have been who paid directly for the cleanup.

Alyeska's Response Activities.--The contingency barge was not loaded with oil spill response equipment as had been the Terminal's practice in the past and the expectation of the ADEC. However, the Alyeska Contingency Plan, which had been approved by ADEC, did not specify that response equipment had to be kept on board the barge at all times. The barge had been used in response to a pollution incident in early January 1989, and its equipment had been offloaded so that it and the barge could be cleaned. The barge had also been damaged above the waterline during a storm in February 1989, and reloading of the response equipment had been delayed to allow for repairs. Alyeska had not thought it necessary to inform the ADEC that the barge was not loaded with equipment because the barge could still be loaded and used in an emergency.

When it became apparent that the EXXON VALDEZ could not be moved safely off Bligh Reef in its damaged condition, the Federal OSC assigned a nigh priority to lightering the EXXON VALDEZ, and Alyeska and Exxon prepared for the lightering of the vessel. Exxon had to request lightering hoses and fittings from tankships at anchor near Bligh Reef and hired a small freighter in the area to collect and deliver the equipment to the EXXON VALDEZ. Lightering of a damaged or stranded tanker was covered in the Alyeska contingency plan, and the plan included a list of some of the equipment needed for the process. Large ship fenders for mooring the EXXON VALDEZ and the lightering vessel together had to be found in Valdez, and other lightering equipment had to be located and gathered from various storage areas at the Terminal, requiring additional time to load the barge. The extra effort and time necessary to locate and collect sufficient lightering equipment demonstrated a lack of preparation on the part of Alyeska and the need to have such equipment readily available.

On the night of the spill, poor weather conditions, darkness, and the gathering of extra cleanup equipment, including lightering equipment, prolonged the loading of the Alyeska contingency barge. Had another contingency barge been preloaded with lightering equipment, locating, collecting, and gathering the equipment would not have been necessary and the cleanup supervisors could have used the additional time to plan other cleanup activities. These actions increased the time needed to load and prepare the barge for towing from the 2.5 hours provided in the plan to 10 hours. It took another 5 hours to tow the barge to the EXXON VALDEZ, which was about 28 miles from the Terminal. The Alyeska contingency plan's 200,000-barrel oil spill scenario, which was predicated on daylight and summer weather conditions, allowed a total of 5 hours for preparation and towing of the barge to a spill site about 30 miles from the Terminal. This timetable can only be met if the barge is already loaded. If the contingency barge had been preloaded with its cleanup equipment and had left the dock as soon as the tug PATHFINDER received orders to proceed to the EXXON VALDEZ, the barge could have been at Bligh Reef within the 5 hours prescribed in the Alyeska contingency plan. The Safety Board believes that the almost 10 additional hours needed to load, prepare, and tow the barge to the site constituted an unwarranted delay that could have been avoided if the barge had been loaded. The 10-hour loss had no material impact on the cleanup because of the size of the spill. However, had the spill been more manageable, the opportunity for quick response would have been lost. Even though the 10-hour delay did not make a difference in this spill, the delay might have been significant under other conditions.

Because every spill is different in size and location, a variety of cleanup equipment is required. Equipment stored on one barge may be adequate for a small spill, while larger spills may require additional equipment that must be loaded on two or more barges. An accident may also necessitate the use of lightering equipment, as was the case in this spill. To save time in gathering and loading response equipment and to allow cleanup supervisors to use their time for other activities, such equipment should be preloaded on barges and ready for deployment. Thus, Alyeska should be prepared beforehand with barges loaded with different levels of cleanup equipment so that the response to an accident is not delayed by the need to load or unload equipment.

The cost of an additional barge or barges with equipment aboard, compared to the value of the oil on board a tankship and the large volume of oil transported from the Alyeska Terminal in Valdez, should more than justify the need for additional barges loaded with cleanup and response equipment. Moreover, the equipment on the barges should be placed in protective containers, and the loaded barges should be moored under shelters to protect them from the detrimental effects of weather. The Safety Board believes that barges should be loaded with different levels of oil spill cleanup equipment and lightering equipment and that the barges should be ready at all times for immediate deployment to the scene of a spill.

State of Alaska's Activities.--ADEC also established an emergency response center in Valdez that was fully operational by the evening of the day of the spill. It planned to monitor, assess, and oversee the cleanup response from the response center. During the first day of the spill, ADEC was concerned that Alyeska had not deployed cleanup equipment to the scene as provided for in the Alyeska contingency plan. The State wanted to make sure that the Federal OSC would intervene early in the response process and take over the cleanup if the responsible parties did not do what was expected in a timely and effective manner. A letter was drafted by the ADEC for the State representative to the RRT. Although the letter mentioned the State's concerns, it was not conveyed to the RRT during the first day. ADEC was following the requirements of its contingency plan to assess, monitor, and oversee spill cleanup activities.

Contingency Plans.--Not covered in the Alyeska contingency plans was a procedure for the transfer of cleanup responsibility from Alyeska to the shipping company that was responsible for the oil spill because it came from one of that company's vessels. A procedure for transferring cleanup responsibility should be developed by Alyeska and the individual shipping companies loading oil at the Valdez Terminal so that there will be continuity in the cleanup work and so that the transfer can be fully monitored by the Coast Guard and the State of Alaska. Because of the remote location of Valdez and the time it takes for a shipping company's oil spill response personnel to arrive on the scene, Alyeska should continue to be the initial responder to oil spills from vessels carrying oil from the Valdez Terminal in Prince William Sound. The vessel's parent company should have an organization or plan to respond effectively so that it can relieve Alyeska of long-term cleanup responsibility within a reasonably short period of time. After being relieved, Alyeska should remain on the scene to support the responsible company by providing continuity to the cleanup activity, local knowledge, and advice.

ARCO Marine had conducted a simulated oil spill drill in 1988, during which ARCO relieved Alyeska. The Coast Guard, ADEC, and local government officials participated in the drill. ARCO was the only company that had a State-approved plan that included procedures for relieving Alyeska of cleanup responsibilities. As a result of this drill, the OSC apparently assumed that Alyeska and Exxon would follow similar procedures. Alyeska and Exxon did not have any State-approved procedures for relieving Alyeska of cleanup responsibilities, probably because Alaska had not required any such procedures. Exxon had submitted proposed oil spill cleanup plans on two previous occasions, but the State had returned the plans to Exxon because, according to the State, they were not required. Alyeska stated that it had an understanding with Exxon that Exxon would assume cleanup responsibilities for a major spill, but the understanding was not written into Alyeska procedures. Exxon announced soon after it was advised of the spill that it would assume cleanup responsibility, supporting the contention that such an arrangement had existed with Alyeska. After Exxon received notice of the spill, the president of Exxon Shipping Company activated the Exxon-wide spill response teams, and he and his staff proceeded to Valdez to take over the cleanup responsibilities from Alyeska. They arrived on the afternoon of the accident day, but they did not relieve Alyeska immediately, although Exxon was taking action to assume responsibility for the cleanup. Companies shipping oil from the Alyeska Terminal at Valdez should amend their individual plans to include procedures for assuming cleanup responsibility for major oil spills from Alyeska and have the individual plans approved by the State. It is possible that some companies may not be fully capable of assuming responsibility quickly. Each company's response capability and procedures should be listed in the Alyeska contingency plan. Following State approval of a company's plan, it should be included in the Alyeska contingency plan for Prince William Sound.

<u>Use of Dispersants</u>.--The Alaska RCP addresses the use of oil dispersants in the State. It provides a decision matrix and a description of the biological effects of dispersants in the water but no guidance or information about the conditions under which the application of dispersants is effective. Wind and sea conditions and the length of time that the oil has been on the water when dispersants are applied alter their effectiveness. Such information about dispersant application should be included in the Alaska RCP and other contingency plans so that proper dispersant procedures are readily available. An OSC would then know when to use dispersants and would not waste time using them when they would not be effective. On the afternoon of the spill, a test was conducted using dispersants when the sea was calm. However, calm sea conditions are not conducive to the effective use of dispersants, which must mix with the oil in order to cause it to break into droplets and disperse into the water column. If the OSC had had guidelines in the RCP that described the wind and sea conditions necessary for effective use of dispersants, a test application would have been unnecessary.

The company contracted by Alyeska needed more than 3 hours to prepare a helicopter with a 300-gallon spray bucket to conduct a dispersant test application, which was done about 18 hours after the spill was reported. Air-deliverable dispersant system (ADDS) packs for fixed-wing aircraft were not available in Valdez and had to be ordered from storage sites in Alaska and the continental United States. The Alyeska plan states that aircraft capable of applying dispersants are to be available in 9 to 17 hours. However, the aircraft and ADDS packs were not available for use during the first 24 hours after the spill occurred. If dispersants are to be used on an oil spill, especially in such a remote area as Valdez, the delivery system must be readily available and stored on or near the Terminal. The Safety Board believes that if dispersants continue to be regarded as an oil spill response option, ADDS packs and other dispersant application equipment should be stored in Valdez and ready for immediate use and that appropriate aircraft or vessels should be available on short notice.

In-Situ Burning.--The Alaska RCP and the Alyeska plans also mention in-situ burning of oil as an approved alternative to mechanical cleanup, but the plans provide no guidance about how to proceed with in-situ burning or about possible results of burning, such as smoke or oil and tar residue. The use of in-situ burning is at the discretion of the OSC, with guidance from the RRT. Thus, the OSC is in the difficult position of being able to authorize certain methods--dispersant use and in-situ burning--but only after consulting and seeking advice from the RRT. The RRT may provide some information and agree to the use of a particular method, but the final decision is the OSC's. At times, the OSC may not be able to contact the RRT, or the RRT may not provide clear guidance. Such problems may result in delays that could render the application of dispersants useless and in-situ burning ineffectual. The OSC could also make an incorrect decision because of the lack of sufficient guidance or information, but incorrect action probably would not be as harmful as no action while awaiting a consensus from the RRT. In any case, the OSC's decisions will probably be second guessed during and after the cleanup because the results may not be acceptable to all parties. The cleanup party may think there was a delay in authorizing a certain procedure; the environmentalists may believe the physical environment was damaged or fish and wildlife were destroyed; fishermen may think their livelihood was threatened; the State may regard the impact on its environment, revenue, or tourism as negative; or the RRT may think its guidance was interpreted incorrectly. OSCs need more than advice from a committee. They need guidance in writing, before a spill occurs, from the NCP and the RCP about the use of dispersant chemicals and in-situ burning so that their decisions can be based on accepted procedures.

During the first 24 hours after the spill, Exxon applied to the RRT to conduct in-situ burning of the spilled oil. The RRT recommended approval if the OSC was satisfied that the burning could be done without degrading other cleanup efforts. In addition, the State had to issue a burn permit. "Approval to open burn" was issued by the ADEC on the same day, March 24, but the permit was not sent to Exxon until the next day. Even though the permit was not received until the next day, neither Alyeska nor Exxon was prepared to burn oil on the first day of the spill because neither one had a fire- or burn-proof boom on hand. The boom had to be shipped in from the North Slope and Seattle. Had the boom been immediately available and a burn permit issued earlier, this method of cleanup could have been used on heavy concentrations of oil before the wind and currents spread the oil so far that effective containment was not possible.

The burn permit stated: "Exxon has the responsibility to ensure smoke from their burning does not impact public health or violate Air Quality Standards. Following the limits of this permit does not relieve Exxon of been fitted with a double hull, the risk of oil spills owing to collision or grounding would have been significantly reduced.

The United States has taken unilateral action and will require U.S. flag and foreign flag tank vessels entering U.S. waters to have double hulls. Although this action will not afford total protection of the U.S. coastline from accidental oil spills in international waters off the U.S. coast, it will protect U.S. coastal waters from oil spills as a result of groundings and collisions in U.S. waters. Since a large percentage of the world's tank vessels operate in U.S. waters, this action by the United States will probably promote double-hull construction of many new foreign flag tank vessels so that these vessels can be used in the U.S. market. This action by the United States may also lead to international requirements for double hulls or unilateral action by other countries.[92]

CONCLUSIONS

Findings

1. The master's decision to depart from the Traffic Separation Scheme to avoid ice was probably reasonable, even though it required a heading toward shoal water.

2. Navigating the EXXON VALDEZ between the ice field and Bligh Reef required a diligent, competent navigation watch capable of conning the vessel, watching for ice, and fixing the vessel's position frequently; hence, two officers were required on the bridge--one with conning and shiphandling experience to conn the vessel and one to fix the vessel's position frequently--to navigate the vessel safely.

3. The master's decision to leave the third mate in charge of the navigation watch was contrary to Federal regulations and Exxon policy and was improper given the course of the vessel, the uncertain extent of the ice conditions, the proximity of a dangerous reef and the fact that the third mate did not have the required pilotage endorsement.

4. The master's judgment was impaired by alcohol during the critical period the vessel was transiting Valdez Arm.

5. The performance of the third mate was deficient, probably because of fatigue, when he assumed supervision of the navigation watch from the master about 2350.

6. The third mate's failure to turn the vessel at the proper time and with sufficient rudder probably was the result of his excessive workload and fatigued condition, which caused him to lose awareness of the location of Bligh Reef.

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[92]Finland has already implemented an oil protection fee in order to minimize the number of single-bottom tank vessels in its waters.

7. The vessel was in the red sector of Busby Island Light for several minutes before grounding, which afforded a warning of the reef that apparently was not noticed by the third mate or the lookout.

8. There were no rested deck officers on the EXXON VALDEZ available to stand the navigation watch when the vessel departed from the Alyeska Terminal.

9. Many conditions conducive to producing crew fatigue on the EXXON VALDEZ exist on other Exxon Shipping Company vessels because many are three-mate vessels and because the company has pursued reduced manning procedures.

10. The Exxon Shipping Company did not adequately monitor the master for alcohol abuse after his alcohol rehabilitation program.

11. Exxon Shipping Company did not have a sufficient program to identify, remove from service, if necessary, and provide treatment for employees who had chemical dependency problems.

12. Exxon Shipping Company manning policies do not adequately consider the increase in workload caused by reduced manning.

13. The Exxon Shipping Company had incentives and work requirements that could be conducive to fatigue.

14 The Exxon Shipping Company had manipulated shipboard reporting of crew overtime information that was to be submitted to the Coast Guard for its assessments of workloads on some tankships.

15. The Coast Guard was unduly narrow in its perspective when it evaluated reduced manning requests for the EXXON VALDEZ; it based manning reductions primarily on the assumption that shipboard hardware and equipment might reduce the workload at sea but did not consider the heavier workload associated with cargo operations in port and the frequency of such operations.

16. The Coast Guard was not adequately prepared to implement the requirement to obtain toxicology samples from mariners involved in marine accidents.

17. Department of Transportation regulations for postaccident/incident drug testing of employees in safety-sensitive positions are not adequate.

18. Drug testing of Vessel Traffic Center watchstanders was not conducted in a timely manner in accordance with Department of Transportation directives.

19. The Coast Guard needs to have access to National Driver Register information and other information regarding alcohol-related traffic offenses committed by licensed maritime officers in order to better determine a merchant mariner's fitness to hold a Federal license.

20. The Alyeska Pipeline Service Company failed to meet the expected response-time objective of its approved spill plan because it failed to have an oil spill cleanup barge loaded and ready for deployment.

21. The Alyeska Pipeline Service Company should have, at a minimum, a second barge that is loaded with additional cleanup and lightering equipment so that cleanup equipment will be ready for immediate deployment at all times.

22. The National Oil and Hazardous Substance Pollution Contingency Plan and Alaska Regional Oil and Hazardous Substances Pollution Contingency Plan both lack adequate guidance for On-Scene Commanders about the use of dispersants and in-situ burning.

23. Requiring the On-Scene Commander to confer with the Regional Response Team before using dispersants or in-situ burning needlessly delays the use of these methods and complicates the decision process.

24. There was no evidence that the Federal Government (Coast Guard) or any other organization would have been capable of increasing the efforts under way during the first 24 hours after the spill.

25. The Alyeska Pipeline Service Company contingency plans lacked procedures that would allow individual companies transporting oil from the Valdez Terminal in Prince William Sound to relieve Alyeska of cleanup responsibilities in a manner that would prevent interruption.

26. The Alyeska Pipeline Service Company plan should include guidelines that describe the wind and sea conditions under which different types of skimmers, dispersants, and in-situ burning can be used most effectively for North Slope crude oil.

27. Ice in Valdez Arm is a significant hazard to navigation and requires closer monitoring and reporting.

28. The limited supervision of the Vessel Traffic Center probably contributed to the commanding officer's and operations officer's lack of awareness that tankships were departing from the traffic separation scheme to avoid ice and were passing close to Bligh Reef.

29. The Vessel Traffic Service radar was operating satisfactorily, and the detection range of the radar was not significantly reduced by weather or sea conditions while the EXXON VALDEZ was transiting Valdez Arm.

30. The Vessel Traffic Center lost radar contact with the EXXON VALDEZ about 7.7 miles from the radar site, which is about 5.5 miles from the northern part of Bligh Reef, because the Center's watchstander did not use a higher range scale and not because of any limitation or malfunction of the radar. Had he used a higher range scale, the vessel probably could have been tracked as far as the site of the grounding, but no firm policy required that he do so.

31. The monitoring of vessels in Valdez Arm was left to the discretion of the Vessel Traffic Center watchstander because the senior watchstander decided to allow the Center's watchstanders to monitor instead of plot the positions of vessels transiting Valdez Arm.

32. A firm policy requiring the Vessel Traffic Center to plot tankships transiting the full length of Valdez Arm could have alerted the commanding officer of the Marine Safety Office to the fact that tankships were departing from the traffic separation scheme in the vicinity of Bligh Reef to avoid ice.

33. Monitoring the EXXON VALDEZ by radar as it transited Valdez Arm would have revealed to the Vessel Traffic Center watchstander that the vessel had changed course to 180^{0}, had departed the vessel traffic separation scheme, and was headed for shoal water east of Bligh Reef.

34. A query or warning from the Vessel Traffic Center might have alerted the third mate to the impending danger from Bligh Reef.

35. Ice reports issued by the Vessel Traffic Center frequently are neither sufficiently timely nor sufficiently accurate to enable masters to ascertain before leaving Port Valdez the ice conditions that will be encountered in Valdez Arm.

36. The policy adopted by the Coast Guard about 1985 to discontinue independent collection of ice information and statistics about vessel deviations from the traffic separation scheme probably contributed to the commanding officer and the operations officer not knowing that ice was causing vessels to depart from the traffic lanes and pass close to Bligh Reef.

37. A radar site near Bligh Reef would enable the Vessel Traffic Center to obtain current information on ice in Valdez Arm and to reliably track vessels in Valdez Arm.

38. The communication and microwave systems for the Vessel Traffic Service, Prince William Sound, were not reliable owing to age, the scarcity of proper replacement parts, and improvised repairs.

39. The Coast Guard has not maintained an effective vessel traffic service in Prince William Sound.

40. Although moving the pilot station to Rocky Point was apparently based on a consideration for pilot safety, the move also resulted in a reduction in pilotage services past Bligh Reef, where local knowledge is needed.

41. Moving the pilot station to a position south of Bligh Reef enhanced navigation safety by ensuring the presence of an officer with local knowledge of the area on the bridge of each vessel transiting Valdez Arm past Bligh Reef.

42. Former COTP Order 1-80, which included requirements for two officers on the bridge and for plotting and position reporting by vessels, contributed to navigation safety.

43. Current monitoring of the amount and size of ice being calved from the Columbia Glacier is inadequate for the safety of tankships transiting Prince William Sound.

44. The EXXON VALDEZ met all U.S. and international segregated-ballast regulations.

45. Current standards for segregated ballast and cargo tank size do not provide sufficient protection against oil spills caused by groundings or collisions.

46. If the EXXON VALDEZ had been fitted with an 11-foot double bottom (based on the 1/15 of the beam criterion), the resulting oil spill would have been small, and possibly eliminated.

47. Double bottoms on all U.S. and foreign tank vessels (tankships and barges) that enter U.S. waters and have a capacity of more than 20,000 deadweight tons would minimize oil pollution in U.S. waters caused by groundings.

Probable Cause

The National Transportation Safety Board determines that the probable cause of the grounding of the EXXON VALDEZ was the failure of the third mate to properly maneuver the vessel because of fatigue and excessive workload; the failure of the master to provide a proper navigation watch because of impairment from alcohol; the failure of Exxon Shipping Company to provide a fit master and a rested and sufficient crew for the EXXON VALDEZ; the lack of an effective Vessel Traffic Service because of inadequate equipment and manning levels, inadequate personnel training, and deficient management oversight; and the lack of effective pilotage services.

RECOMMENDATIONS

As a result of its investigation, the National Transportation Safety Board made the following recommendations:

--to the Exxon Shipping Company and all shipping companies operating in Prince William Sound:

> Eliminate personnel policies, including performance appraisal criteria, that encourage marine employees to work long hours without concern for debilitating fatigue and commensurate reduction in safety of vessel operations. (Class II, Priority Action) (M-90-26)

Implement manning policies that prevent excessively long working hours for crewmembers during cargo handling operations. (Class II, Priority Action) (M-90-27)

Institute a written policy forbidding deck officers to share navigation and cargo watch duties on a 6-hours-on, 6-hours-off basis, except in emergencies. (Class II, Priority Action) (M-90-28)

Require that two licensed watch officers be present to conn and navigate vessels in Prince William Sound. (Class II, Priority Action) (M-90-29)

Implement an alcohol/drug program for seagoing employees that prevents such personnel from returning to sea until their alcohol/drug dependency problem is under control. (Class II, Priority Action) (M-90-30)

Train persons who monitor the alcohol/drug rehabilitation program in the recognition of recidivism after treatment, in the utilization of appropriate professional referrals, and in the interpersonal skills necessary for competent rehabilitation supervision. (Class II, Priority Action) (M-90-31)

--to the Coast Guard:

Develop a means for rigorous enforcement of 46 U.S.C.8104(a) to ensure that officers on watch during departures from ports have had at least 6 hours of off-duty time in the previous 12 hours. (Class II, Priority Action) (M-90-32)

Expedite the study programs to establish manning levels and safeguards based on human factors, as well as on shipboard hardware and equipment, and incorporate the findings into the manning review process. (Class II, Priority Action) (M-90-33)

Establish manning standards to ensure that crew complements reflect all expected shipboard operating situations and that procedures are in place for dealing with unusually high workloads at sea, such as tank cleaning, and with cargo handling operations in port. (Class II, Priority Action) (M-90-34)

Seek authority for access to the National Driver Register and other driving records and make use of the information from these sources to prevent any person with a drug and/or alcohol problem from holding a merchant marine license. (Class II, Priority Action) (M-90-35)

Adopt a permanent policy to plot all vessels participating in the Valdez Vessel Traffic System between the pilot station south of Bligh Reef, or as near the pilot station as possible, and their berths in Port Valdez. (Class II, Priority Action) (M-90-36)

Increase the manning level at the Marine Safety Office, Valdez, Alaska, to provide the following: enough watchstanders to plot all participating vessels between the pilot station south of Bligh Reef and their berths in Port Valdez; an officer-in-charge of the Vessel Traffic System who will have time to manage and supervise the system effectively; and sufficient additional officers to staff a duty officer watch with officers capable of monitoring and supervising vessel traffic watchstanders outside normal working hours. (Class II, Priority Action) (M-90-37)

Install an additional radar site as close to Bligh Reef as feasible to enable the Vessel Traffic Center to accurately monitor and plot all participating vessels and ice in the area of Valdez Arm from Busby Island to the pilot station south of Bligh Reef. (Class II, Priority Action) (M-90-38)

Initiate procedures to collect information on ice conditions in Valdez Arm so that all participating vessels receive accurate and timely ice reports before departing port and so that all supervisory personnel associated with the Valdez Traffic System are cognizant of ice conditions in Valdez Arm. (Class II, Priority Action) (M-90-39)

Improve the communications system operated by the Marine Safety Office in Valdez, Alaska. (Class II, Priority Action) (M-90-40)

Improve the microwave system operated by the Marine Safety Office in Valdez, Alaska. (Class II, Priority Action) (M-90-41)

Limit any proposed reduction in Federal pilotage to that part of Prince William Sound from the entrance outside Cape Hinchinbrook to the current pilot station at latitude 69°49'N, longitude 174° 01'W, which is south of Bligh Reef, thus ensuring that Federal pilots will be required between the entrance to Valdez Arm south of Bligh Reef and the berths in Port Valdez. (Class II, Priority Action) (M-90-42)

Incorporate into the Vessel Traffic Service regulations for all vessels the provisions of former COTP Order 1-80 (except the requirement for daylight transit), including the requirements about vessel condition, crews, navigation equipment, and publications, as well as the requirement that a licensed officer in addition to the licensed officer on watch be available to plot the vessel's position. (Class II, Priority Action) (M-90-43)

--to the Environmental Protection Agency:

Develop guidance in the National Contingency Plan for Regional Response Teams and On-Scene Coordinators about dispersant use. (Class II, Priority Action) (M-90-44)

Develop guidance for Regional Response Teams and On-Scene Coordinators about in-situ burning of oil and include the guidance in the National Contingency Plan. (Class II, Priority Action) (M-90-45)

Develop procedures that would eliminate the need for the On-Scene Coordinator to obtain burn permits from a State after the Regional Response Team has agreed that the spilled oil can be burned in situ. (Class II, Priority Action) (M-90-46)

Develop guidance for Regional Response Teams that enables them to establish the minimum amount of cleanup equipment that must be immediately available to initiate a cleanup response. (Class II, Priority Action) (M-90-47)

--to the Alaska Regional Response Team:

Develop clearer guidance for dispersant use in order to eliminate the need for a dispersant test before dispersants are used on an oil spill and include that information in the Alaska Regional Contingency Plan. (Class II, Priority Action) (M-90-48)

Develop guidelines and procedures for in-situ burning of oil, identify the range of wind and sea conditions for which in-situ burning of oil can be used effectively, and incorporate that information into the Alaska Regional Contingency Plan. (Class II, Priority Action) (M-90-49)

--to the State of Alaska:

Require that the oil spill contingency barge or barges at the Alyeska Pipeline Service Company Terminal at Valdez be loaded at all times with the response equipment specified in the plan. If a barge is unloaded and unavailable for immediate deployment, require that a replacement barge be provided and loaded with the equipment specified in the plan. (Class II, Priority Action) (M-90-50)

Require that the companies loading oil at the Alyeska Pipeline Service Company Terminal in Valdez provide a plan for assuming cleanup responsibility from Alyeska Pipeline Service Company in the event of a major oil spill or potential major oil spill of more than 100,000 gallons. (Class II, Priority Action) (M-90-51)

Develop and require minimum levels of mechanical oil spill cleanup equipment, fire- or burn-proof boom, air-deployable dispersant system packs, and other dispersant application equipment to be stockpiled and immediately available at the Alyeska Pipeline Service Company's Valdez Terminal. (Class II, Priority Action) (M-90-52)

--to Alyeska Pipeline Service Company:

Provide at its Valdez terminal two or more oil spill contingency barges that are loaded with pollution-response cleanup equipment, lightering equipment, and fire- or burn-proof booms that are maintained and ready for immediate deployment, thus facilitating an effective response to different spill conditions. (Class II, Priority Action) (M-90-53)

Identify the range of wind and sea conditions for which dispersants can be used effectively and incorporate that information into company contingency plans. (Class II, Priority Action) (M-90-54)

In conjunction with each of the companies that load oil at its terminal in Valdez, develop a plan or procedures for relieving Alyeska Pipeline Service Company of primary cleanup responsibility in the event of a major oil spill or potential major oil spill of more than 100,000 gallons and include the procedures in its contingency plan after they have been approved by the State of Alaska. (Class II, Priority Action) (M-90-55)

In its company contingency plans, list also the companies that do not have a plan for relieving Alyeska Pipeline Service Company of cleanup responsibility. (Class II, Priority Action) (M-90-56)

Store air-deployable dispersant system packs and other dispersant application equipment at its Valdez Terminal, as agreed upon with the State of Alaska, for use with fixed wing aircraft, or helicopters, or vessels. (Class II, Priority Action) (M-90-57)

Store fire- or burn-proof booms at its Valdez Terminal, as agreed upon with the State of Alaska, and include procedures for their use in the company's oil spill contingency plan. (Class II, Priority Action) (M-90-58)

--to the US Geological Survey:

Intensify efforts to monitor the state of the Columbia Glacier, particularly to identify the amount of ice calving from the glacier and any changes in the rate that might affect the number and size of icebergs emanating from the glacier, and make this information available to agencies, such as the U.S. Coast Guard, tasked with assuring the safety of shipping into and out of Valdez Harbor. (Class II, Priority Action) (M-90-59)

Also, the Safety Board reiterated the following safety recommendations:

--to the Department of Transportation:

I-89-1

Expedite a coordinated research program on the effects of fatigue, sleepiness, sleep disorders, and circadian factors on transportation system safety.

I-89-2

Develop and disseminate educational material for transportation industry personnel and management regarding shift work; work and rest schedules; and proper regimens of health, diet, and rest.

I-89-3

Review and upgrade regulations governing hours of service for all transportation modes to assure that they are consistent and that they incorporate the results of the latest research on fatigue and sleep issues.

I-89-4

Develop postaccident and postincident testing regulations that are separate from the pre-employment, random, and reasonable suspicion testing regulations in all modal agencies.

Elton PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: MATT KINNEY
TITLE:
ADDRESS: P.O. BOX 1502
CITY: VALDEZ ZIP: 99686
PHONE: 835-4817
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

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MARTIN	PEARCE
TAYLOR	JONES
GRUENBERG	HALFORD
DONLEY	SHULTZ
DAVIDSON	STURGULEWSKI
NAVARRE	ZHAROFF
KUBINA	
HUDSON	
ULMER	
BARNES	
G.PHILLIPS	

PUBLIC OPINION MESSAGE

SENATOR ELIASON

AME: JERRY MCCUTCHEON
ITLE:
DRESS: 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

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NAVARRE	PARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

AR: SENATOR ELIASON

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

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NAVARRE	PARNELL	STURGULEWSKI
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ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: DEBBIE MILLER
TITLE:
ADDRESS: 1446 HANS WAY
CITY: FAIRBANKS ZIP: 99709
PHONE: 479-2189
BILL NO: SB 209
SUBJECT: APPROP: ANWR NATIONAL EDUCATION EFFORT
MESSAGE: I HOPE YOU ARE AWARE THAT THE ALASKA COALITION FOR AMERICAN ENERGY SECURITY HAS ALREADY PUT ASIDE$11,243,000.00 TO PROMOTE THE OPENING OF ANWR. I SEEMS WASTEFULL TO SPEND MORE MONEY ON LOBBYING EFFORT. PLEASE KILL SB 209! THA NK YOU. EOM/CLS

POMID: 07142659
DATE: 91/03/27
TIME: 14:26:59
LIONAME: FAIRBANKS LIO

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SHARP	DUNCAN
	ADAMS
	UEHLING
	HOFFMAN

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: MIKE MCDERMOTT
TITLE: COUNCILMAN
ADDRESS: CITY OF BARROW, BOX 629
CITY: BARROW, ALASKA ZIP: 99723
PHONE: 852-6811
BILL NO:
SUBJECT: CONFIRMATION OF COMMISSIONER OF FISH AND GAME
MESSAGE: I CAN NOT SUPPORT CARL ROSIER AS FISH AND GAME COMMISSIONER UNTIL SUMMERVILLE RESIGNS OR IS TRANSFERED OUT OT THE DEPARTMENT.

POMID: 04092221
DATE: 91/03/27
TIME: 09:22:21
LIONAME: BARROW INFO OFFICE

COPIES: SENATORS

JONES
COTTEN
MENARD
HALFORD
ZHAROFF
FRANK

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: JAMES TILTON
TITLE:
ADDRESS: POBOX 670062
CITY: CHUGIAK ZIP: 99567
PHONE: 688-9651
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

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Dick —

FYI —

This is a representative sample of the POMS coming in re: Settlement

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: STEVE JYURICSKO
TITLE:
ADDRESS: PO BOX 733385
CITY: FAIRBANKS ZIP: 99707
PHONE: 456-7860
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

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	MARTIN	M.A.MILLER	RODEY
	M.W.MILLER	MOYER	SHULTZ
	NAVARRE	PARNELL	STURGULEWSKI
	G.PHILLIPS	R.PHILLIPS	UEHLING
	SHARP	TAYLOR	ZHAROFF
	ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: MARTI RESSLER (MS.)
TITLE:
ADDRESS: 16431 HOME PLACE, NO 6
CITY: EAGLE RIVER ZIP: 99577
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

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

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NAVARRE	
HUDSON	
BARNES	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

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

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PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

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

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BARNES	
G.PHILLIPS	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: DAVID S. ANDERSON
TITLE:
ADDRESS: 4106 SVEDLUND
CITY: HOMER ZIP: 99603
PHONE: 235-5489
BILL NO:
SUBJECT: KACHEMAK PARK BUYBACK AND EXXON SETTLEMENT
MESSAGE: I SUPPORT WHOLEHEARTEDLY THE KACHEMAK BAY STATE PARK BUYBACK IN THE INTEREST OF PRESERVING THE TOURIST AND WILDERNESS POTENTIAL ACROSS THE BAY, AN I'M ALSO AGAINST THE OIL SPILL SETTLEMENT THAT HAS BEEN ARRANGED BY THE HICKEL ADMINISTRATION AND FEEL THAT A MORE EQUITABLE ARRANGEMENT NEEDS TO BE WORKED OUT TO BENEFIT THE CITIZENS OF ALASKA AND NOT THE EXXON CORPORATION. THANK YO

POMID: 18130232
DATE: 91/04/10
TIME: 13:02:32
LIONAME: HOMER INFORMATION OFFICE

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PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

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:

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BARNES	UEHLING

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: SALLY DODD BUTTERS
TITLE:
ADDRESS: P.O. BOX 1223
CITY: HOMER ZIP: 99603
PHONE: 235-5994
BILL NO:
SUBJECT: VARIOUS
MESSAGE: I AM ADAMENTLY OPPOSED TO THE EXXON SETTLEMENT AS WELL AS THE PAI
RIVER FISH LADDER PROJECT AND THE HICKEL ADMINISTRATIONS OBSESSIVE ATTEMPTS
TURN US ALL INTO FUNDAMENTALISTS; I.E. DAY CARE CUTBACKS, ANTI-ABORTION RUL
THE MASSACRE OF THE WOMEN'S COMMISSION AND THE EDUCATION COMMISSION. I AL
THINK THAT THE TREES AND LAND NEXT TO KACHEMAK BAY STATE PARK SHOULD BE BOU
BACK BY THE STATE.

POMID: 18125230
DATE: 91/04/10
TIME: 12:52:30
LIONAME: HOMER INFORMATION OFFICE

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JACKO	SHULTZ
LARSON	
KOPONEN	
BARNES	
SHARP	
R.PHILLIPS	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: MR. LEE BEESON
TITLE:
ADDRESS: P.O. 2667
CITY: PALMER ZIP: 99645
PHONE: 746-3351
BILL NO:
SUBJECT:
MESSAGE: I AM TOTALLY OPPOSED TO THE PROPOSED SETTLEMENT WITH EXXON. MY OPINION IS THAT THE PEOPLE IN ALASKA HAVE BEEN DELIBERTLY MISLED BY BOTH THE OIL COMPANIES AND THEIR EMPLOYEES IN THE STATE GOVERNMENT.

POMID: 14111255
DATE: 91/04/10
TIME: 11:12:55
LIONAME: MAT-SU LIO

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SHARP	TAYLOR	ZHAROFF
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PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

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:

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NAVARRE	PARNELL	STURGULEWSKI
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ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: TOM LAKOSH
TITLE: AK RESIDENT LITIGANT
ADDRESS: BOX 100648
CITY: ANC ZIP: 99510
PHONE: 258-5767
BILL NO:
SUBJECT: EXXON SETTLEMENT
MESSAGE: THE STATE SHOULD ADD ITS PORTION OF LIABILITY FOR CONTRIBUTORY NEGLIGENCE 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	C.DAVIS	FRANK
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GRUENBERG	PARNELL	PEARCE
ELLIS	MARTIN	FISCHER
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DAVIDSON	LINCOLN	MENARD
IVAN	MOYER	HALFORD
FINKELSTEIN	CARNEY	RODEY
HUDSON	LEMAN	ADAMS
ZAWACKI	KUBINA	COLLINS
CHOQUETTE	BRUCKMAN	JONES
NAVARRE	ULMER	DUNCAN
BARNES		POURCHOT
		UEHLING
		KERTTULA

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: TOM LAKOSH
TITLE: ALASKA RESIDENT LITIGANT
ADDRESS: BOX 100648
CITY: ANCHORAGE ZIP: 99510
PHONE: 258-5767
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

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PUBLIC OPINION MESSAGE

EAR: SENATOR ELIASON

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:

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DONLEY	PEARCE
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KUBINA	
ULMER	
NAVARRE	
HUDSON	
BARNES	

Mary - You should love This one!

PUBLIC OPINION MESSAGE

EAR: SENATOR ELIASON

NAME: CLAIRE DUBIN
TITLE:
ADDRESS: P.O.BOX 870978
CITY: WASILLA ZIP: 99687
PHONE: 344-6116
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 ON ALASKA. THEY SHOULD PAY ALL THE MONEY AT ONCE. ALASKANS MUST STOP THE FARCE AND START NEGOTIATING AN AGREEMENT THAT WILL HELP ALASKA OVER COME HER GREAT LOSS.
/CMR

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

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PUBLIC OPINION MESSAGE

EAR: SENATOR ELIASON

NAME: JOHN ALFONSI
TITLE:
ADDRESS: 2484 OUTSIDE BLVD.
CITY: NORTH POLE ZIP: 99705
PHONE: 488-1361
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. EOM-FZ

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

COPIES:

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PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: SHEILA R. HOWE
TITLE:
ADDRESS: 6831 E. 10TH
CITY: ANCHORAGE ZIP: 99504
PHONE: 333-2225
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

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ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: ALLEN HOWE
TITLE:
ADDRESS: 8869 BOOM CIRCLE
CITY: ANCHORAGE ZIP: 99502
PHONE: 243-6570
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. /CMR

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

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HUDSON	IVAN	JONES
JACKO	KOPONEN	KERTTULA
KUBINA	LARSON	MENARD
LEMAN	LINCOLN	PEARCE
MACKIE	MACLEAN	POURCHOT
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NAVARRE	PARNELL	STURGULEWSKI
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SHARP	TAYLOR	ZHAROFF
ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

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:

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BAKER	BARNES	ADAMS
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DONLEY	ELLIS	FISCHER
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MARTIN	M.A.MILLER	RODEY
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NAVARRE	PARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

EAR: SENATOR ELIASON

NAME: SHEILA HOWE
TITLE:
ADDRESS: 6831 E. 10TH AVENUE
CITY: ANCHORAGE ZIP: 99504
PHONE: 333-2225
BILL NO:
SUBJECT: INFORMATION

FYI

MESSAGE: THE FEDERAL GOVERNMENT HAS A FREEDOM OF INFORMATION ACT. MAYBE IT TIME ALASKA HAS ONE TOO.IF WE DO NOT HAVE ACCESS TO ALL THE RESEARCH INFORMA ON THE EXXON VALDEZ WHEN WE PAID FOR IT,WHY SHOULDN'T IT BE PUBLIC DOMAIN.I WOULD BE HELPFUL TO A GREAT MANY OF PEOPLE WHO WOULD LIKE TO MAKE RATIONAL JUDGMENT ON IT. /CMR

POMID: 03121011
DATE: 91/03/18
TIME: 12:10:11
LIONAME: ANCHORAGE LIO

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