

CLERK'S OFFICE

APPROVED

Date: 5-23-06

Submitted by: Assemblymember JENNINGS

Prepared by: Assembly Counsel

For reading: May 23, 2006

ANCHORAGE, ALASKA

AR NO. 2006-138

A RESOLUTION OF SUPPORT BY THE ANCHORAGE MUNICIPAL ASSEMBLY TO REOPEN THE 1991 CIVIL SETTLEMENT FROM THE EXXON VALDEZ SPILL AND CLAIM THE FULL \$100 MILLION FOR RESTORATION OF NATURAL RESOURCES SUFFERING UNANTICIPATED INJURY.

WHEREAS, on October 9, 1991, the U.S. District Court for the District of Alaska approved a settlement among Exxon, the United States, and the State of Alaska for injuries to natural resources from the *Exxon Valdez* Oil Spill (EVOS); and

WHEREAS, this settlement includes a clause entitled the "Reopener for Unknown Injury," which provides that, between September 1, 2002, and September 1, 2006, Exxon shall pay to the Governments such additional sums as are required (up to \$100 million) to restore injured populations, habitats, or species if the injury could not reasonably have been known nor anticipated at the time of the settlement; and

WHEREAS, long-term injuries were unanticipated at the time of the settlement because the understanding of oil persistence and toxicity held that oil only caused short-term injury at water levels of parts per million, and scientists now realize that oil also causes long-term injury at water levels of parts per billion and trillion; and

WHEREAS, only 7 of the 30 resources or species listed by the EVOS Trustee Council as injured by the EVOS have recovered; and

WHEREAS, 18 of the 30 resources or species listed by the EVOS Trustee Council as injured by the EVOS have not recovered, including:

- Common Loons
- Harbor Seals
- Pacific Herring
- Cormorants (3 spp.)
- Harlequin Ducks
- Pigeon Guillemots
- Clams
- Intertidal Communities
- Marbled Murrelets
- Sea Otters
- Designated Wilderness
- Killer Whales (AB Pod)
- Mussels

- Sediments
- Recreation and Tourism
- Passive Uses
- Commercial Fishing
- Subsistence; and

WHEREAS, the status of the remaining 5 of the 30 resources or species listed by the EVOS Trustee Council as injured by the EVOS is unknown; and

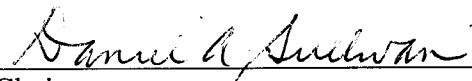
WHEREAS, unanticipated injury from the EVOS has been documented by scientists funded through the EVOS Trustee Council and, separately, through federal and state agencies, universities, and private foundations; and

WHEREAS, much of the unanticipated injury stems from unexpectedly high levels of lingering oil, which remain buried in the intertidal zone and which NOAA scientists now estimate will take at least another 20 years to naturally degrade; and

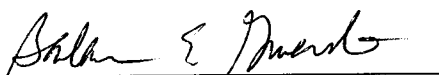
WHEREAS, neither the United States nor the State of Alaska have acted to reopen the settlement;

NOW, THEREFORE, BE IT RESOLVED that the Anchorage Municipal Assembly hereby requests that the United States and the State of Alaska reopen the 1991 civil settlement and claim the entire \$100 million to restore populations, habitats, or species that suffered significant losses or declines as a result of the spill and that suffer injuries that could not reasonably have been known or anticipated at the time of the settlement.

PASSED AND APPROVED by the Anchorage Assembly this 23rd day of May, 2006.


Chair

ATTEST:


Municipal Clerk

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AR 2006-138

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED
	EXXON VALDEZ SPILL AND CLAIM	5/17/06
		Indicate Documents Attached <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME	DIRECTOR'S NAME
	Assembly	Dan Sullivan, Chair
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
	Julia Tucker - Assembly Counsel	343-4419
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Cultural & Recreational Services	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	CONSENT AGENDA - RESOLUTIONS FOR ACTION-OTHER	
6	ASSEMBLY HEARING DATE REQUESTED	7
	5/23/06	
	PUBLIC HEARING DATE REQUESTED	
	N/A	

2006 MAY 17 AM 9:09
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