

The Cordova Times - 23 years later, governments still study damage from Exxon Valdez oil spill

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In their latest report filed with U.S. District Court, government attorneys said they anticipate discussing with Exxon Corp its interest in possible resolution of environmental damages stemming from the Exxon Valdez disaster.

Then they asked, and were granted by U.S. District Judge H. Russel Holland, permission to submit another status report to the court on June 30, 2013.

The document was filed Sept. 28, in U.S. District Court in Anchorage, under orders Holland, who has been presiding over Exxon Valdez litigation for more than two decades.

Enough is enough, says conservation biologist Rick Steiner, of Anchorage. "Exxon needs to write a check today to the (federal and state of Alaska) governments for \$92 million plus interest since 2006," interest Steiner calculates would bring the tab to about \$120 million.

"But I'm worried," Steiner said in an interview Oct. 17, "that the governments will settle it for \$10 million to \$20 million."

Steiner, a former University of Alaska marine advisor for Prince William Sound, has been following the trail of Exxon Valdez oil spill litigation for years. He was on the scene in Prince William Sound in 1989 when the spill occurred, helped to establish the regional citizens advisory councils, the Prince William Sound Science Center, and the billion dollar legal settlement between Exxon and the government with which much of the area's coastline was protected.

Even after the initial cleanup, much oil spill damage remained and in 2006, the federal and state governments told Exxon Corp. they wanted \$92 million for remaining environmental damage from the spill of nearly 11 million gallons of oil when the Exxon Valdez oil tanker ran aground in Prince William Sound.

Exxon balked, saying they would not pay this claim, "and the governments did nothing to try and collect it," Steiner said.

So in the spring of 2010, Steiner asked the U.S. District Court to order Exxon to pay up. Holland ordered a hearing, at which Exxon, the government attorneys and Steiner all testified.

The government attorneys requested and received another year's time to study the situation, during which time Exxon filed a motion to dismiss the case, Steiner said.

The requests for more time to study the situation kept coming, until Holland finally ordered them to file an update on their progress by Sept. 28.

In their filing of Sept. 28, the federal and state attorneys noted several additional studies, including an aerial survey of sea otter population abundance in Western Prince William Sound and Knight Island, conducted in July of 2012, but not yet peer reviewed, and studies of long term effects of oil exposure on 60 sea otters, also conducted in July 2012, and also still not peer reviewed.

The government attorneys said in the seven page brief that once the projects outlined in their brief are complete, that they would assess the information and determine the next steps to make final decisions regarding whether, and what types of actions are appropriate to restore the injured habitats.

"As identified in the plan, the governments will evaluate implementation of an effective treatment technology by taking into consideration the environmental benefit, likely costs, and public input," they wrote.

And they told Holland, that they "anticipate discussing with Exxon its interest in participating in those next steps and a possible resolution of the governments' demand to Exxon under the reopener" of the case.

The governments then proposed, and the court agreed to, another status report to the court on June 30, 2013.

"The court has said it will not intervene, or order Exxon to pay (as I requested) as it says that this is up to the governments to bring the claim into the court, which they so far refuse to do," Steiner said. "And there the clock is ticking on the statute of limitations on this claim, when it will expire entirely.

"Can you imagine the government giving you a bill for, say a \$92 traffic ticket, and letting you slide for 6-plus years, not paying?" he asked. "I think not.

"And all the while, the injured environment continues to suffer.

"I think the federal courts have been disastrous in the entire Exxon Valdez case, and we all would have been better off going before Judge Judy in 1990 to get this all resolved," he said.

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