

**CITY OF CORDOVA, ALASKA
RESOLUTION 11-15-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
CALLING ON THE STATE AND FEDERAL GOVERNMENTS TO RECONSIDER THEIR
DECISION TO FOREGO RESTORATION FUNDS UNDER THE EXXON VALDEZ
SETTLEMENT RE-OPENER CLAUSE**

WHEREAS, in 2001, the state and federal governments settled civil claims regarding the *Exxon Valdez* Oil Spill, and the settlement included a so-called “re-opener” clause allowing the governments to pursue up to \$100 million in additional funds for damages unanticipated at the time of the settlement; and

WHEREAS, in 2006, the state and federal governments filed a demand letter with Exxon calling for \$92 million to implement a restoration plan designed to recover sea otters and sea ducks in the spill affected area; and

WHEREAS, Exxon refused to act on the demand letter, and in the ensuing years, otters and sea ducks recovered to pre-spill levels; however, herring did not recover, and to this day, *Exxon Valdez* oil remains embedded in Prince William Sound beaches; and

WHEREAS, the federal district court in Anchorage issued an order on April 17, 2015, calling for the opportunity for public comment prior to the disposition of the re-opener claim; and

WHEREAS, on October 4, 2015, the state and federal governments moved to close all re-opener claims, and failed to provide the public an opportunity to comment on the re-opener claim; and

WHEREAS, the U.S. Government also failed to uphold its obligation to engage in government-to-government consultation with Alaskan Native Tribes prior to resolving the re-opener claim; and

WHEREAS, the lack of opportunity to comment for the public, spill affected communities, and Tribes is a violation of the public trust; and

WHEREAS, the state and federal governments failed to consider resources and resource services that remain unrecovered due to the 1989 Exxon Valdez Oil Spill, including but not limited to Pacific herring and residual oil in intertidal sediments; and

WHEREAS, the injuries unfolding today in the spill affected area were clearly unanticipated in 1991, they are substantial, and there are cost-efficient restoration options for mitigate these harms; and

WHEREAS, the October 14, 2015 Status Report and decision ignored a broad range of government research conducted since the 2006 that prove ongoing harms that were unanticipated in 1991; and

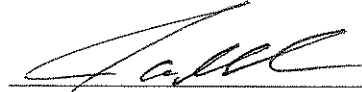
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cordova, Alaska does hereby ask that:

1. The state and federal government immediately vacate their decision to close claims related to the re-opener clause; and

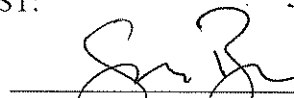
2. The 2006 re-opener filings be amended/augmented with updated scientific information on the lack of ecological recovery; and
 3. The governments hold public hearings to hear from Alaskan citizens on the issue; and
 4. The federal government engage in government to government consultation with Tribes in the spill affected region; and
- The governments file a claim in court against Exxon for the full \$92 million plus interest that was made claim to in 2006.

PASSED AND APPROVED THIS 18th DAY OF NOVEMBER, 2015




James Kacsh, Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk