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Protecting Alaska's Future

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Alaska Department of Law and U.S. Department of Justice Submit Demand Letter to ExxonMobil for \$92 Million Pursuant to the EVOS Settlement Reopener Provision

(Anchorage) – Attorney General David Márquez announced today that the State of Alaska, Department of Law and the U.S. Department of Justice submitted a letter to ExxonMobil Corporation demanding payment of \$92,240,982 pursuant to the reopener provisions of the October 1991 settlement involving the Exxon Valdez oil spill.

In an earlier letter dated May 31, 2006 the two governments presented ExxonMobil with a *Comprehensive Plan for Habitat Restoration Project Pursuant to Reopener for Unknown Injury* ("Comprehensive Plan"), estimated to cost this amount, to address certain remaining injuries from the oil spill.

"We believe the Comprehensive Plan satisfies the requirements of the reopener provision and is built upon a foundation and commitment to sound science," said Márquez.

The 1991 settlement contained a reopener provision that would allow the state and federal government to make an additional claim up to \$100 million for specific restoration projects provided that the governments establish that:

1. a population, habitat, or species has suffered a substantial and continuing loss or decline in the spill area;
2. the loss or decline is attributable to the spill; and
3. the loss or decline could not have been known nor reasonably anticipated by any of the federal or state trustees from information available to them when the settlement was signed in 1991.

Prior to submitting the Comprehensive Plan representatives for both governments held a series of public meetings in Alaska communities around the spill area to share information regarding impacts to the area, to outline the mechanics for submitting a claim under the reopener, and to solicit public comments. "This effort was important in implementing our decision to assert a claim under the reopener provision," said Márquez.

The demand letter was mailed to ExxonMobil today. "We will wait to see how ExxonMobil responds to this demand in order to determine how we will proceed in our future legal efforts," said Márquez. The Comprehensive Plan is available online at: <http://www.law.state.ak.us>.

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