



March 17, 2010

Laurel Jennings
Exxon Valdez Oil Spill Trustee Council
441 West 5th Avenue, Suite 500
Anchorage, AK 99501

and via email to dfg.evos.nepacomments@alaska.gov

Re: Notice of Intent to prepare Supplemental EIS for EVOS Restoration Efforts.

Dear Trustee Council:

These comments on the above-referenced Notice of Intent to prepare a Supplemental EIS (the "SEIS") are submitted on behalf of Chugach Alaska Corporation ("Chugach"), the Alaska Native Regional Corporation for the Chugach Region established pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. § 1601, *et seq.* ("ANCSA"). *All* of the Native Villages in the Chugach Region (Tatitlek, located a mere seven miles from Bligh Reef and the nearest of any community to the catastrophe, Chenega, Eyak, Nanwalek and Port Graham) were devastated by the 1989 Exxon Valdez Oil Spill. In addition, *all* of the incorporated municipalities within the Chugach Region (Cordova, Valdez, Seward and Whittier) were severely impacted by the Spill.

Under ANCSA, Chugach owns or has valid selection rights to nearly 600,000 acres of surface estate and subsurface estate within the spill affected area as its land settlement for aboriginal claims. Under ANCSA, Chugach also owns or has applied for conveyance of numerous cultural/historical sites, including prehistorical and cemetery sites, in the spill affected area. All of Chugach's 2,459 shareholders are from or have traditional and ancestral connections to the area. Today, 557 Chugach shareholders live in the Chugach Region.

The impact of the Oil Spill on Chugach, as the Alaska Native Regional Corporation with a unique, federally created social and economic corporate mission, and the Chugach Region, cannot be overstated.

General Statement Regarding the proposed SEIS

Chugach strongly objects to the proposed narrowing of the scope of the Council's restoration efforts in that it excludes mitigation of the Spill's continuing adverse social and economic impacts on Alaska Natives, and in that it includes further acquisitions of Native lands. Instead, if any change in restoration focus is warranted, remaining funds should be used to mitigate the impacts on the people and communities most adversely affected by the Spill, and to assess the impacts of acquiring Native lands of the corporations, communities and shareholders in the spill affected area.

According to the NOI, approximately \$600 Million has been spent on studies, restoration projects, habitat acquisition and administration. Review of the projects funded by the Trustee Council to date does not show a meaningful effort to directly help the people most affected by the Spill to deal with the clearly identified adverse social and economic impacts. Studies undertaken since 1990 clearly establish significant impacts involving individual, family, and community psychological and social distress. While not a comprehensive list, studies by Impact Assessment's study for the Oiled Mayors (1990, 1993), Picou et al (1990, 1992, 1993, 1996, 1997, 2000, 2007), Dyer (1992), Araji (1992, 1993), US Department of Interior (1992, 1993, 2009), Jorgensen (1993), and Arata et al. (2000), have been funded by cooperative research plans and federal grants. All agree there were significant economic, cultural, psychological and social traumas caused by the spill, cleanup and litigation. Impact Assessment's 1993 report states, "... *the oil spill's impact on the psychosocial environment was as significant as its impact on the physical environment*" (Palinkas et al, 1993). The Trustee Council's proposed action continues its failure to provide the resources necessary to mitigate these impacts.

Individual Impacts

Large scale technological disasters, such as the Exxon Valdez Oil Spill, cause much greater stress and dysfunction among affected individuals in comparison to natural disasters. Impact Assessment Inc.'s 1990 and 1993 studies, along with Picou et al (1990-2007), determined there were

definite, measureable impacts to the more remote and directly impacted residents and communities than to more urban or less affected populations. The studies show there were significantly increased levels of collective and mental stress, disruptions to daily life and family life, feelings of helplessness, betrayal and anger, increased mental disorders including depression, anxiety and Post Traumatic Stress Disorder, fear, drug and alcohol abuse/dependency, increased divorce and domestic violence. Picou and Martin (2007) found these conditions to be chronic since the Spill. The most recent study by the Minerals Management Service, May 2009, also noted persistence of these long-term mental health impacts to the residents of the impacted communities.

The deleterious community impacts of the EVOS, one of the worst technological disaster(s) in U.S. history, were both immediate and long-term. Many communities suffered a variety of social structural, cultural and individual impacts that have persisted from 1989 to present. (*Synthesis of Research on Alaska OCS Socioeconomic Effects*, Minerals Management Service, Alaska OCS Region, May, 2009).

Marshall, Picou and Schlichtmann reported intrusive stress scores more than double for litigants of the spill than non-litigants in 2004.

Cultural Impacts

“Our lives are rooted in the seasons of God’s creation. Since time immemorial, the lives of Native people harmonized with the rhythm and cycles of nature. We are a part of nature. We don’t need a calendar or clock to tell us what time it is. The misty green of new buds on the trees tell us, the birds returning from their winter vacation tell us, the daylight tells us. The roots of our lives grow deep into the water and land. That is who we are. The land and the water are our sources of life. The water is sacred.” From *‘The Day the Water Died’*, Walter Meganack, Chugach and Port Graham Elder, 1989.

“The water is just dead.” Chenega Bay resident, interview, 1995.

“I feel like someone has died, like a part inside me is gone.” Eyak Elder, interview, 1993.

From *The Exxon Valdez Disaster: Readings on a Modern Social Problem* (Gill, Picou, 1997):

Of all the groups negatively impacted by the EVOS, Alaska Natives were the most devastated. The oil spill destroyed more than economic resources, it shook the core cultural foundation of Native life. Alaska Native subsistence culture is based on an intimate relationship with the environment. Not only does the environment have sacred qualities for Alaska Natives, but their survival depends on the well-being of the ecosystem and the maintenance of cultural norms of subsistence. The spill directly threatened the well-being of the environment, disrupted subsistence behavior, and severely disturbed the sociocultural milieu of Alaska Natives.

Impact Assessment Inc.’s researchers analyzed psychological stress levels among the communities most impacted by the spill, and through various standards and metrics found Alaska Natives within those areas were found to have relatively higher levels of intrusive stress and avoidance behavior than any other group, whether considered by race, occupation or other social strata. Stress scales show that many Alaska Natives directly impacted by the spill to have higher intrusive stress, after 6 months, than clinical patients undergoing therapy for symptoms of bereavement from the death of a parent. Alaska Natives directly impacted also were shown to have higher stress and avoidance behavior scores, after two years, than the average found for rape victims over the same time frame. (Gill and Picou, 1997).

In 2000, Arata et al., found that Alaska Natives and commercial fishers within the spill affected areas continued to manifest high-levels of psychological stress from lost resources “spirals”.

They also exhibited inadequate coping skills which further exacerbated chronic patterns of psychological stress.

Alaska Native culture, in large part, revolves around customary traditions and norms centered on subsistence activities, from anticipation and preparation, to harvesting, sharing, frequent gatherings and celebrating. The social and psychological importance of these activities cannot be undervalued. Subsistence is not only about sustenance, because it also involves social interaction, kinship, ritual, ceremony and celebration. In surveys conducted in 1991 through 1995, 77% of the Alaska Natives in Cordova “agreed that sharing subsistence brought them closer to other people and reminded them of what was good about life”. “Further, over 80% percent of the Alaska Natives agreed that collecting local foods was an important activity for them and 84% wanted their children to have the opportunity to participate in subsistence harvests” (Picou and Gill, 1995). When the spill devastated the traditional subsistence resources, the entire culture was put at risk, both as community and individually. The traditions that helped define life for an entire culture were irrevocably damaged.

Sacred waters and sites were damaged through the contamination of oil, the oil recovery practices and by vandalism and theft from the workers. In some instances, grave sites and archeological sites were robbed or desecrated. These types of activities only served to heighten the sense of anger, frustration, depression and anxiety felt by Alaska Natives living in or physically or culturally dependent on the spill affected area.

Discrimination and cultural ignorance by clean-up crews and oil company executives exacerbated the adverse social and economic impacts on Alaska Natives from the Oil Spill. One instance related in Impact Assessment, Inc.’s study “in attempting to assist the village of Tatitlek preserve fish, Exxon sent salt that been chemically treated to de-ice roads”. Another reported Exxon sent a barge of shellfish to Tatitlek. When consumed, many in the village fell sick with food poisoning, only to find out the food was actually intended for rescued sea otters, but shipped to the

village instead. “The villagers were outraged and some perceived this event as demonstrating that Exxon treated people little better than animals” (Impact Assessment, Inc., 1990).

Even before the villages had a chance to collect their thoughts and mourn their loss, they were “invaded” by Exxon officials with the promise of jobs. Out of desperation, there was no other choice but to accept the offers. The villages felt overrun by government workers, cleanup crews, scientists, lawyers and media personnel. This strained many households and created new and additional stressors. Many village residents felt threatened by the influx, especially since many of the interlopers were ignorant to Native ways and culture, showing disrespect and further adding to the animosity. A few villages finally banned the media from travel to their village.

Impact Assessment also reported that racial discrimination was both plainly evident and also subdued. From derogatory racial slurs and remarks to only hiring Alaska Natives for peripheral, more hazardous, or lower paying jobs. Many would not listen to the local knowledge many of the villagers prided themselves on. None were asked about their concerns of the chemicals used for dispersants, though it was the villages that would have to live with this impact.

In light of this record, the Council’s failure to include mitigation of adverse social and economic impacts in the final phase of its restoration efforts is inexplicable and unconscionable. At the end of the day, success of the Council’s restoration efforts can only be measured by the improved well being of the people most impacted by the Oil Spill. The proposal presented in the NOI utterly fails to acknowledge this simple equation.

Social Structure Impacts

The devastation and stress of the Oil Spill, the inadequate response and the economic desperation the Spill created, became a tremendous burden on families, friends, social and professional groups and entire communities. Work on cleanup crews took parents and spouses away from their family for extended periods of time. Young children didn’t understand why their parents

were not around. Fear and panic swept through the villages and communities. There were documented and quantified changes in established and functional social groups. Fisherman turned on their fishing brethren who either felt that by taking a job with Exxon for the cleanup was the right thing to do for the environment, or were panicked on the economic outlook of future fishing. Some saw this as selling out and the term “spillionaire” became a popular derogatory epithet. Further division occurred when those that chose to work on the cleanup crews became much more financially stable than their neighbors, friends and family and tribal members.

It is part of the historic record that public officials and oil industry executives all long promised that the Trans Alaska Pipeline System and the transport of oil through the Prince William Sound was safe as humanly possible, and that industry and government was well prepared in the unlikely event of an oil spill. Indeed, such promises are the very foundation on which ANCSA was enacted and the construction of the Pipeline authorized. The Exxon Valdez Oil Spill proved all such promises hollow, engendering an atmosphere of pervasive distrust of government and industry. The United States Supreme Court’s recent 90% reduction in the amount of damages awarded by an Alaskan jury against Exxon for harm arising from the Spill after 20 years of wrenching litigation only reinforced the sense of alienation and hopelessness among the very people most directly impacted by the Oil Spill.

In this context, the Trustee Council’s continued focus on the health of animal species to the exclusion of the health and well being of the people directly harmed by the Spill is irresponsible and culturally arrogant. Many continue to feel the Trustee Council has become a group of officials and scientists concerned more with institutional and career preservation than with working in the best interest of the residents of the spill affected area. Some feel it is evident, through the money spent and projects funded, that far greater attention is given to the biological environment rather than to the 20+ communities that were most affected by the Oil Spill. Even though many considered the Prince William Sound and spill affected OCS to be a pristine wilderness, the aboriginal Alaska Natives have inhabited the spill zone for at least 4,500 years. People are as much of a part of the natural environment in this area as the eagles, herring, salmon or numerous other wildlife species.

Conclusion

Without question, the 1989 Exxon Valdez Oil Spill devastated the people and communities in the spill affected area. The effects are real and measureable. Today, 21 years later, the area's residents continue to suffer. According to the NOI, the Trustee Council has spent roughly \$600 Million in its restoration efforts. Two GAO reports have raised questions about the applicability of some projects funded as a part of the restoration effort. With approximately \$180 Million left, we believe the majority of those funds should be directed to assisting the people affected by the Spill and by mitigating the adverse human and cultural impacts created by the Spill, and in assessing the social and economic impacts of the Council's habitat acquisition program over the last 20 years, as well as its effectiveness as a restoration tool. We are aware of no evidence to suggest that natural resources and wildlife on lands not sold to the Trustee Council have suffered any greater effects than on the lands acquired. For these reasons, we object to the proposed narrowing of the Council's restoration focus as outlined in the NOI.

On March 28, 1989, in the Cordova High School gymnasium, Exxon spokesman Don Cornett addressed the town and flatly stated, "We will consider whatever it takes, to make you whole". Seemingly, a significant portion of Exxon's effort to do fulfill that promise has been through the Trustee Council. The Council needs to not only focus on the wildlife and water, but also the most precious resource in the cycle of life this disaster has harmed - the people most affected.

Chugach Alaska Corporation appreciates the opportunity to comment on the SEIS for the EVOS Trustee Council.

Sincerely,



Sheri Buretta, Chairman
Board of Directors