The Exxon Valdez Oil Spill Trustee Council is charged with administering funds from the civil settlement of claims of the United States and the State of Alaska against Exxon for recovery of natural resource damages resulting from the Exxon Valdez oil spill. The settlement, comprised of a Consent Decree and Memorandum of Understanding, was approved in U.S. District Court on October 9, 1991 and specifies how the $900 million in settlement funds may be used for restoration of the spill-impacted environment.

The Trustee Council office maintains the following programmatic records, which are described in the handout:

- EVOS Trustee Council Official Record
- Restoration Planning Work Group Administrative Record
- 1994 Restoration Plan Final Environmental Impact Statement Administrative Record
- Restoration Project Files
- Habitat Acquisition and Protection Program Files
- Public Advisory Committee Files
- Gulf Ecosystem Monitoring and Research Program Files

The Consent Decree also contains a reopener provision that allowed the governments to claim up to an additional $100 million between September 1, 2002 and September 1, 2006 for injury to resources or habitats that was unknown at the time of the settlement. Reopener funds must be used to restore resources that suffered a substantial loss or decline that could not have reasonably have been known or anticipated from information available at the time of the settlement.

On August 31, 2006, the U.S. Department of Justice and the State of Alaska Department of Law began the reopener claim process on behalf of the federal and state governments, providing ExxonMobil Corporation with a detailed project plan for the cleanup of lingering oil at an estimated cost of $92 million. This process continues and the claim is as yet unresolved.

The Trustee Council is not a party to the reopener claim, although individual Trustees may be involved because the agencies they represent are participants. Because the Trustee Council is not a participant, it cannot provide information on the reopener beyond that which is publicly available.

Although the Trustee Council office is not directly involved in the reopener claim, the work of the Council may be relevant to the reopener. Consequently, the Trustee Council staff must comply with the Court’s Stipulation and Order Regarding Retention of Documentary and Physical Evidence Pertaining to Reopener, issued in May 1997. This “Retention Order” specifies what must be retained and overrides any other records retention requirements until the order is lifted or modified.

More information about the Trustee Council and the Restoration Program, including the 1994 Restoration Plan and the settlement documents, is available at the EVOSTC website at www.evostc.state.ak.us. Information is also available at ARLIS, at www.arlis.org. If you have questions about Trustee Council records, contact Carrie Holba at carrie@arlis.org.