The Exxon Valdez Oil Spill Litigation Records Project

Who We Are:
The Exxon Valdez litigation Records Project is a 2-year project to appraise the Alaska Department of Law’s litigation case records of the civil & criminal cases. The project is in its 2nd year of operation. Larry Hibpshman is Project Director and Wendy Sparkman is Project Archivist.
(http://archives.alaska.gov/valdezProject.html)

The Alaska State Archives is required by State Law (Alaska Statutes 40.21) to manage state government records, dispose of nonpermanent records when appropriate & keep permanent records for public study & research.
(http://archives.alaska.gov/)

The Alaska State Historical Records Advisory Board is Alaska’s referee board for National Archives grant proposals. ASHRAB also monitors & supports historical records & manuscript activities throughout the state.
(http://archives.alaska.gov/valdezProject.html)

The National Historical Publications & Records Commission is the grant funding agency of the National Archives. NHPRC offers grants to archives, museums, libraries & nonprofit organizations to identify, appraise, organize, digitize & publicize their historical records.
(http://www.archives.gov/nhprc/announcement/)

What We’re Doing:
We’ve appraised & organized records in Juneau and will appraise records in Anchorage. We’ll soon upload series & subseries data to WorldCat, the largest online bibliography of reference collections in the world. Now we’re reaching out to the public, beginning in the Spill Region, then progressing outward to the Nation and the World.

Why We’re Doing it? For Two Reasons:
1. Exxon Valdez was a major historical event that changed things in Alaska & the World. Reliable Spill information will assure public responsibility far into the future.
2. For future Alaskans, who follow in our wake.
Exxon Valdez Oil Spill Litigation Records Appraisal and Processing Project

About the Project

Oversight Task Force

Frequently Asked Questions

Links

Websites:

- Alaska & Polar Regions Collections, UAF
- Alaska Department of Fish & Game Education & Outreach
- Alaska History and Cultural Studies
- Alaska Municipal League
- Alaska Resources Library & Information Services
- Alaska State Library Historical Collections
- Anchorage Museum Library & Archives
- Archives & Special Collections UAA
- Briscoe Center ExxonMobil Collection, U. of TX
- Cordova District Fishermen United's (CDFU)
- Cordova Historical Museum
- Department of Law Environmental Litigation
- Division of Libraries, Archives & Museums
- Division of Spill Prevention & Response
- Ecotrust
- Marine Conservation Alliance
- Prince William Sound Citizens Advisory Council
- Richard Fineberg Associates (petroleum research consultants)
- UAF School of Fisheries and Ocean Sciences
- Valdez Museum and Historical Archives

Email Addresses:

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- Sara Bornstein, Exxon Valdez Project Archivist
  sara.bornstein@alaska.gov
- Dean Dawson, State Archivist
  dean.dawson@alaska.gov
- Linda Thibodeau, State Librarian
  linda.thibodeau@alaska.gov

The Exxon Valdez oil spill was a decisive event in world history. It permanently changed the lives of those who live in Alaska; especially people in the spill region. Lawsuits between the State of Alaska, the United States government and Exxon and Alyeska Corporations and other defendants lasted five years. All state and federal cases were eventually combined as a federal case presided over by Judge J. Russell Holland and a state case presided over by Judge Brian Shortell.

The Alaska Department of Law Environmental Litigation Section, led by Barbara Herman and Craig Tillery, tried the case on behalf of the State of Alaska. Over the years the State accumulated a huge case file ~ testimony, filings, evidence and miscellaneous other material ~ as many as eight million pages! Storing and managing files was and continues to be a significant cost to the People and State of Alaska.

Final litigation settlement with the State of Alaska came in 1993. (This doesn’t include private plaintiff cases nor the State’s current Reopener Clause litigation, which covers unforeseen additional damages, which were tried and settled separately.) State records policies required the Alaska Department of Law to retain the file for fifteen years. That ended in 2009 and the Alaska State Archives subsequently began to evaluate the records.

But 8,000,000 pages is a lot of material, and portions were spread among several locations in Anchorage and Juneau. Making decisions about these materials was a full time job; only one of many for the State Archives. Fortunately the National Historical Publications and Records Commission (NHPRC, the National Archives grant agency) provided funds for a special project to address these materials and to hire a project archivist. The State Archives provided one of its permanent staff to act as project director.
Oversight Task Force Members

Patience Andersen Faulkner,
Member Eyak Tribal Council
Prince William Sound Regional Citizens Advisory Council & Cordova District Fishermen United

Long lasting environmental and emotional impacts mean that Prince William Sound Spill History never goes away. Patience worked at the Fishermen’s Claims Office in Cordova processing nearly all 53 EVOS claims categories for class attorneys and coordinated direct action attorneys. She interviewed many claimants and collected interview support documents. She continued to assist on a pro bono basis and she’s still in contact with many claimants. She also serves on the Prince William Sound Regional Citizens’ Advisory Council and several public interest organizations.

Kurt Fredriksen,
Former Commissioner Alaska Department of Environmental Conservation

Kurt has more than 30 years resource and environmental regulation experience across multiple Alaskan venues. He established the Governor’s temporary Cordova Office during the State’s first Exxon Valdez Oil Spill response season and was an Oil Spill Trustee Council member. As Deputy Director and Director of the Spill Prevention and Response Division, 1990-1998 he collaborated with the Legislature, industry, regional citizen groups, federal agencies and other public stakeholders to develop the nation’s most advanced spill prevention, preparedness and response network. As Deputy Commissioner of Environmental Conservation, 1998-2004 and Commissioner, 2004-2006, he was Alaska’s primary spokesperson on environmental quality issues and approved state environmental quality standards.

Andrew Goldstein,
Curator of Collections & Exhibitions Valdez Museum & Historical Archives

Valdez, like all Southcentral Alaska communities, has a unique story to tell about how it was affected by the Spill. The Valdez Museum’s Archives has about 15,000 documents, photographs and other items that narrate this emotional story. Andrew is familiar with the complex issues and well acquainted with the museum’s archives collection and the need to prioritize EVOS collections. For 3 years he researched and then installed the Museum’s May 2011 Exxon Valdez Oil Spill Exhibit. He has connections to professionals, scholars, stakeholders, and community members from all perspectives.

Barbara Hendriksen,
Lead State Paralegal Exxon Valdez Oil Spill Litigation

Barbara filled an essential roll on the State’s Litigation Team. She was involved in every aspect of collecting documents from state custodians, how they were screened for privilege and production to defendants and private plaintiffs. She helped develop systems to identify deposition document sets and she knows who to contact for answers about particular document sets. Her work remains one of the most professionally exciting and gratifying experiences of her paralegal career.

Carrie Holba,
Librarian Exxon Valdez Oil Spill Trustees Council Alaska Resources & Information Services

Carrie has been the Trustee Council’s Exxon Valdez Oil Spill Collection manager and librarian since 1991. She’s worked at length with the documents and reports at the Trustee Council office, including the Council’s Official Record, and the extensive oil spill collection housed at ARLIS. For 20 years, Carrie has provided reference assistance to Alaskans and people around the world who are researching the spill from diverse perspectives.

Jennifer Schorr,
Assistant Attorney General Alaska Department of Law Environmental Section

Jen Schorr is an Assistant Attorney General for the State of Alaska in the Environmental Section. She serves as the Alternate Trustee for the Alaska Department of Law on the Exxon Valdez Oil Spill Trustee Council, and also served as the Interim Deputy Executive Director for the Trustee Council from 2008-2010. Jen attended law school at the University of Washington, where she also attended the School of Marine Affairs and earned a Master of Marine Affairs. Prior to moving to Anchorage in 2000, Jen was an environmental lawyer at the Seattle law firm Perkins Cole.

Craig Tillery,
Lead State of Alaska Attorney Exxon Valdez Oil Spill Litigation

Craig led management of state public document issues for ten years and brings detailed knowledge to the task force; he knows oil spill legal issues, the legal significance of particular documents and the implications of preservation orders. He’s familiar with spill history and most players from a first person perspective. He directed Exxon Valdez Oil Spill litigation and restoration literally from day one. Realizing that mastering the massive volume of litigation and natural resource damage assessment documents was key to mastering the litigation process Craig led efforts to organize the litigation generated documents. Craig served on the State’s team who negotiated the 1991 state and federal civil claims settlement that laid the foundation for the Exxon Valdez Oil Spill Trustee Council’s marine research and restoration efforts. As the Attorney General’s Trustee through 2010, and in a crucial de facto Council advisory role, he helped decide the uses for the $900,000,000 settlement funds. Others closely associated with the spill and litigation will provide advice and information.

Project Staff

Larry Hibpshman, Project Director

Larry grew up in Alaska and is a long time Alaska State Archives employee. He attended Alaska Methodist University, among other schools and has a Master’s Degree in American Studies. He’ll be responsible for the project’s general administrative management and Task Force activities. He’ll also be involved in hands-on review, appraisal, weeding, disposal, arrangement, description and public outreach.

Wendy Sparkman, Project Archivist

Wendy has lived in many places but grew up primarily in the Fairbanks and Chugiak-Eagle River areas. She received her Master of Library Science degree from Florida State University. She has previously worked for the Florida State University Library and the Chugiak-Eagle River Library. Wendy works mostly on day-to-day arrangement and description, but also takes on additional activities as needed. Project staff hopes others, particularly those in the Oil Spill Region will become involved, and we welcome emails and telephone calls.

Oversight Task Force

Our Task Force

Exxon Valdez Oil Spill Litigation Records Appraisal and Processing Project

http://archives.alaska.gov/valdezProject.html
Q: Why do the records need to be reorganized?
A: Actually reorganization is a misnomer. The records don’t need to be reorganized – we need to re-establish their original order. The litigation process was long and the records are complex. Since the records were created they’ve been scattered geographically and have become disarranged. The primary organizational goals are to determine and restore the original arrangement and to describe it so that people can use the records. We also must provide minimum necessary space. Most cubic foot boxes in storage are less than completely full, and some contain portions of several different file sets. If we draw related files together and eliminate unneeded ones we can store the records compactly.

Q: Why dispose of any of the material? Why not keep all of it?
A: There are several reasons:
1. It costs a great deal of money to store records. So far the State of Alaska has spent over a million dollars just storing about 10,000 cubic feet of Exxon Valdez Litigation files. By appraising the records and eliminating what isn’t really needed the project will save the State ~ and the tax payers ~ about $37,000 a year.
2. There is a lot of duplication. Litigants on both sides photocopied and microfilmed records and files repeatedly to assure immediate availability while the case was prosecuted. Many files are identical except that one is the original and the other a temporary backup copy. By eliminating duplicate files we can eliminate a lot of shelf space costs.
3. Not everything is needed to document the spill and its effects. Even when files aren’t actually duplicate copies there is a lot of overlap in content among several dozen file sets. Eliminating the least accessible and/or least descriptive allows us to provide better access to those who want to use the records.
4. It is standard records management practice to appraise records, determine the ultimate value of files and establish the best available retention policies, procedures and care. As the records are currently unorganized it is difficult to establish what these are, not to mention assist public access.

Q: How will the records be reorganized?
A: Professional Archives are guided by two organizing principles:
1. Provenance: Records should be arranged to reflect their organization of origin
2. Original Order: Records should retain their original organizational structure

Doing this assures content and context aren’t lost and prompt retrieval possible.

Q: Can I help?
A: Yes. We would love to hear from you. Please communicate with us as described above. Also let others know about the project.

Q: Why haven’t the records been available to the public for the last 18 years?
A: They have been available to a somewhat limited extent. State records law requires public access to public resources if they aren’t restricted by law or judicial protection. However, until records become noncurrent they are kept in semi-current storage under the control of the creating agency. Until then the Department of Law (in this case) must approve access requests. This creates a burden for Department of Law personnel whose primary responsibilities are directed elsewhere. Once the records become noncurrent the State Archives reference staff ~ people whose primary job is to provide access ~ will provide routine access.

Q: Why will all of the records be made available to the public, and if all records will not be available, why?
A: Most but not all will be available. Some are protected from disclosure by attorney client privilege and attorney work product sanctions, or were sealed by court protective order. The State Archives must respect these serious legal requirements.

Q: Will all of the records then be available to view online?
A: Possibly. As we review what’s available we may choose selected items to show electronically. A project to scan and exhibit all records electronically would be too expensive and difficult to carry out given currently available technology.

Q: What happened to the tanker vessel Exxon Valdez?
A: Soon after the disaster Exxon towed it to San Diego and repaired its damage. The company renamed the vessel Exxon Mediterranean and put it to work in Europe. Exxon later transferred the tanker to a subsidiary, River Maritime Inc. renamed it SeaRiver Mediterranean, later shortened to S/R Mediterranean. The vessel's single-hull design prevented return to North American and European waters, so it was redeployed to Asia and the Middle East. In 2008 ExxonMobil sold the ship. The new owner refitted it as Dong Fang Ocean, an ore carrier. In November 2010 it collided with another cargo ship, was towed to China and again renamed Oriental Nicety. In March 2012 the ship was sold as scrap for $16 million to an Indian firm. Based on a March 20, 2012 Pennlive.com report. (Mechanicsburg PA Patriot-News; McClatchy/Tribune-MCT Information Services)

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We’ll Add:

2 More Elements We’ll Add to Our Webpage:

Acronyms Dictionary

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<th>DEFINITION</th>
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<td>AAC</td>
<td>Alaska Air Command</td>
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<td>AAC</td>
<td>Alaska Administrative Code</td>
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<td>Alaska Air National Guard</td>
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<tr>
<td>ACC</td>
<td>Alaska Conservation Corps</td>
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<tr>
<td>ACC</td>
<td>Alaska Conservation Corps (Controller Treasurer)</td>
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<td>ACE</td>
<td>Alaska Civil Exxon; Serial number assigned</td>
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<td>A.C.E.</td>
<td>Alaska Center for the Environment</td>
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<td>ACHP</td>
<td>Advisory Council on Historic Preservation</td>
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<td>ACMP</td>
<td>Alaska Coastal Management Program</td>
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<td>ACOE</td>
<td>US Army Corps of Engineers</td>
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<td>ACS</td>
<td>Alaska Clean Sea (Alyeska)</td>
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<td>ADA</td>
<td>(Department of Law section)</td>
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<td>ADAMHA</td>
<td>US Alcohol, Drug Abuse &amp; Mental Health Administration</td>
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<td>ADAPTS</td>
<td>Air Deployable Anti Pollution Transfer System</td>
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<td>ADSCR Center</td>
<td>CACI, Inc. Anchorage production center, Anchorage</td>
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<td>ADDS</td>
<td>Air Deployable Dispersant System</td>
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<td>ADDSPAC(S)</td>
<td>Aerial/Dispersant Delivery System Package (Alyeska)</td>
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<td>ADFGF; ADF/G/DCF</td>
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<td>Alaska Administration Department</td>
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Participants Dictionary

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