

## **Joint Statement by the Billings Oil Spill Conservation Community. August 1, 2011**

One month after the industrial disaster, we have taken the time to observe and reflect on the ongoing impacts of ExxonMobil's pipeline spill into the Yellowstone River, and have identified a number of issues and concerns that need to be fully addressed. While we are encouraged by the efforts of many involved in the clean-up, we have several recommendations for action to deal with the effects of the spill. This is our first joint statement; we believe an honest, ongoing dialogue with all stakeholders is needed, and we may develop further and more specific recommendations as our understanding of the causes and impacts unfolds

### **1. Transparency**

There continue to be problems with transparency and access to critical information regarding the spill. For instance, though Exxon admitted that its initial assertion of a six minute leak was off by as much as ten-fold, it did not revise its estimate of the volume of oil spilled in the river until multiple weeks had passed. We are concerned that it took two weeks after the spill for news to come out that the pipeline has been carrying toxic and corrosive tar sands oil. We are also concerned that it has taken more than three weeks for oil samples to get tested when knowledge about the oil is crucial to clean-up plans.

Given Exxon's inconsistencies and delays, we appreciate the attention Governor Schweitzer and the state Department of Environmental Quality (DEQ) have given to the spill and encourage them to continue the good work. However, some steps still need to be taken.

Recommendation:

- Both EPA and the DEQ should publicly release their oil sample test results. All Montanans should have thorough and reliable information about what polluted the Yellowstone River.

### **2. Clean-up and Monitoring Efforts**

The State of Montana has the power to impose clean-up standards far stricter than the EPA's. It should do so, because years after Exxon's clean-up crews are gone, Montana's sportsmen and agricultural water users will still be here. Thorough clean-up is crucial not only for the river itself but for the 150 separate properties, as well as fishing access sites, parks, and all downstream water users.

Beyond state and federal efforts, it is also imperative that citizens remain vigilant. Though it is unwise for ordinary Montanans to attempt clean-up themselves, they have a vital role in documenting damage and informing agencies about what they find.

Recommendations:

- The State of Montana should use the full extent of its authority to make sure that the Yellowstone River is put back the way it was before the spill.
- Montanans who observe troubling signs affecting fish or wildlife should call the U.S. Fish and Wildlife Hotline at 800-259-0596.
- Citizens should record and photograph any residual oil from locations that are purported to be cleaned.
- A long-term wildlife monitoring program should be developed, and Exxon should provide multi-year funding. For example, citizen science efforts focused on birds are feasible; Montana Audubon, in conjunction with the Yellowstone Valley Audubon Society are able to lead such efforts.

### **3. Landowner Rights and Agricultural Productivity**

Area landowners deserve rapid compensation that doesn't take away their rights to future claims. After the Exxon Valdez spill in Alaska, many fishermen waited nearly 20 years for payment. Landowners who have lost crops and feed for their livestock should not have to bear the immediate financial hardships. They should also not have to sign away their rights in order to receive relief. All too frequently with these sorts of incidents, settlements require landowners to give up future remedies, a particularly dangerous gamble in the face of potentially long-term unanticipated effects. Landowners should not have to choose between their immediate needs and long-term agricultural productivity, and should consider carefully before signing anything.

Recommendations:

- Exxon should offer swift payment to landowners without any conditions regarding future claims.
- Landowners should consider carefully before signing anything offered to them by Exxon.
- The State of Montana should require long-term monitoring for agricultural productivity and hold Exxon accountable for long-term impacts to landowners.
- The State of Montana should create a Citizen Advisory Council of affected stakeholders to provide for the on-going sharing of information and to make sure that future impacts continue to get noticed.

#### **4. Taxpayer Burden**

Montanans did not bury the pipeline close to the river's bottom. Montanans did not neglect to shut down or repair the pipeline even though an anomaly was discovered in June. Exxon did, and Exxon should foot the bill for its unfortunate mistake. We hope that state, local, and federal agencies are keeping close tabs on clean-up expenditures and charge Exxon, America's second largest corporation, whose second-quarter profits neared \$11 billion (up 69% from the prior year).

Recommendations:

- Exxon should be required to pay all costs associated with clean-up, monitoring, oversight and administration.
- The various state agencies incurring expenses because of the spill should publish the tally of such expenses on a regular basis, perhaps monthly, and indicate how much they have been reimbursed.

#### **5. Pipeline Safety**

This spill is not an isolated incident and, as such, raises broader questions of pipeline safety. The Pipeline and Hazardous Materials Safety Administration has documented at least 106 American ExxonMobil pipeline spills between 2002 and April, 2011. And the problem extends beyond Exxon. For instance, on July 12, an oil spill from yet another company was discovered in northwestern Montana. It had gone unreported for a month. We commend the Governor for announcing his Pipeline Safety Review Council, but feel that similar due diligence should be paid to future pipelines as well.

TransCanada's proposed Keystone XL tar sands pipeline would have 20 times the transport capacity of the ExxonMobil Silvertip Pipeline and carry a highly corrosive type of oil under hundreds of waterways, including Montana's Yellowstone and Missouri Rivers. Given that TransCanada's already-constructed Keystone I pipeline in the Dakotas has reported a dozen leaks in the last year, state and federal decision-makers should take a closer look before approving Keystone XL.

Recommendations:

- Governor Schweitzer and the DEQ should require TransCanada to have a publicly available emergency response plan, as well as work with landowners to make sure their livelihoods are protected.
- Our Congressional delegation should vote against proposed legislation that would needlessly force the State Department to finish its review of the pipeline by November 1. The bill would shortcut the proper analysis needed to prevent future accidents.

Put simply, our Yellowstone River and surrounding lands must be put back the way they were before the spill, and we cannot afford another Yellowstone River oil spill.

#### **The Billings Oil Spill Conservation Community**

Northern Plains Resource Council  
Montana Audubon  
Montana Conservation Voters  
Montana Conservation Voters- Yellowstone Chapter  
Magic City Fly Fishers, Trout Unlimited Chapter 582

National Wildlife Federation Northern Rockies and  
Prairies Regional Center  
Western Organization of Resource Councils  
Yellowstone Valley Citizens Council