

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, September 21, 2016

Public and Environment to Benefit from Proposed \$12 Million Settlement with ExxonMobil for Natural Resource Damages from 2011 Yellowstone River Oil Spill

The Departments of Justice and the Interior joined with the state of Montana today to announce a proposed settlement with ExxonMobil Pipeline Company to resolve claims stemming from the July 2011 oil spill into the Yellowstone River.

ExxonMobil Pipeline Company has agreed to pay \$12 million in natural resource damages to the federal government and the state of Montana as trustees for the natural resources injured by the spill. A proposed consent decree was filed in federal court today. The state and federal government have also issued a draft restoration plan which sets forth proposed actions to restore the river and wildlife habitat, and improve public lands and recreational resources.

"This proposed settlement will restore this great natural resource for the people and the environment of Montana and its benefits will flow for generations to come," said Assistant Attorney General John C. Cruden for the Justice Department's Environment and Natural Resources Division. "This agreement will require Exxon Mobil Pipeline Company to make this river – upon which both people and wildlife depend for enjoyment and sustenance – whole again."

"This settlement is an important part of the work being done to ensure that the 2.7 million miles of oil, gas and liquid chemical pipeline in this country remain safe and that when incidents occur, the operators assume responsibility for cleanup," said U.S. Attorney Mike Cotter for the District of Montana. "This settlement was the product of significant collaborative work by federal and state negotiators over a number of years and sends a strong message to operators in this field that they must assume the costs and risks, as well as reaping the benefits, of extracting natural resources."

"Montanans deserve and expect ExxonMobil Pipeline Company to be held accountable for the damages they caused to Montana's Yellowstone River, our communities and our economy," said Governor Steve Bullock for the state of Montana. "This proposed settlement goes a long way in protecting Montana's Yellowstone River, one of the last, great, free-flowing rivers in the United States that plays a vital role in our strong \$6 billion outdoor economy."

"This settlement was reached through the efforts of the Montana Department of Justice's Natural Resource Damage Program and the U.S. Departments of Justice and the Interior," said Attorney General Tim Fox for the state of Montana. "Under a joint State-Federal restoration plan, also issued today for public comment, these funds will be used to restore and improve the environmental and recreational resources of this great river."

The state and federal government are seeking public comment on both the proposed consent decree and the draft restoration plan.

On July 1, 2011, a 12-inch diameter Silvertip pipeline owned by ExxonMobil Pipeline Company ruptured near Laurel, Montana, resulting in the discharge of crude oil into the Yellowstone River and floodplain. The discharge is estimated to have been approximately 63,000 gallons (about 1,500 barrels) of oil. The discharge occurred during a

high-flow event, affecting approximately 85 river miles and associated floodplain. Oil from the spill, along with the cleanup activities, harmed natural resources including fish and other aquatic life, birds (including migratory birds), wildlife, large woody debris piles, aquatic habitat, terrestrial habitat, recreational use and the services provided by these natural resources. These public natural resources are under Trusteeship of the state of Montana and the U.S. Department of the Interior under the Oil Pollution Act and other laws.

The primary goal of the Oil Pollution Act is to make the environment and public whole for injuries to natural resources and services resulting from a discharge of oil or other hazardous substances to the environment. In the restoration plan, the trustees have presented an evaluation of injuries to the natural resources, restoration alternatives and projects that benefit the same or similar resources injured by the oil spill.

Projects include:

- Acquiring terrestrial/riparian bottomland to conserve and restore terrestrial habitat with some acquisitions focusing on habitat requirements for injured birds;
- Acquiring and restoring terrestrial/riparian habitat;
- Controlling invasive woody species on state and federal lands;
- Acquiring channel migration or other easements or fee title land acquisitions to provide areas for large woody debris recruitment;
- Removing flanked riprap from the river;
- Removing side channel blockages;
- Providing fish passage around fish barriers;
- Restoring and stabilizing river banks using soft bank restoration techniques;
- Increasing American white pelican production through improvement of breeding and nesting areas;
- Improving city parks and public lands bordering the Yellowstone River;
- Improving urban fishing opportunities adjacent to the Yellowstone River;
- Developing new and preserving existing public access on the Yellowstone River.

The trustees evaluated a range of restoration alternatives that would provide resource services to compensate the public for losses pending natural recovery of resources injured by the oil spill. The trustees have identified preferred restoration alternatives designed to address the resource injuries. The trustees plan to work with project partners such as local, state and federal agencies and nonprofit organizations and landowners to implement the projects.

The trustees will host a public meeting to summarize key components of the restoration plan and hear public comment. The public meeting will be held on Wednesday, Oct. 12, at the Montana Fish, Wildlife and Parks conference room at 2300 Lake Elmo Drive in Billings, Montana, from 6:00 PM to 8:00 PM. The trustees will review and consider comments received during the public comment period when preparing the final restoration plan.

Today's settlement, lodged with the U.S. District Court for the District of Montana, is subject to a 30-day public comment period following notification in the Federal Register and final approval by the court. To view the consent decree or to submit a comment, visit the department's website: www.justice.gov/enrd/Consent_Decrees.html.

16-1072

Environment and Natural Resources Division

Topic:

Updated September 21, 2016

Environment