

Discover great Hotel & Guesthouse breaks from \$100*

*per night, double occupancy

Los Angeles Times

http://www.latimes.com/news/printedition/front/la-na-cordova 27 feb 27, 1,7934847, full.story? ctrack = 2 & cset = true

From the Los Angeles Times

COLUMN ONE

Exxon Valdez oil spill lingers in Alaska

In one fishing village, residents say they've never recovered from the 1989 disaster. Now the Supreme Court is hearing arguments on whether the company should pay \$2.5 billion in punitive damages. By Tomas Alex Tizon

Los Angeles Times Staff Writer

February 27, 2008

CORDOVA, ALASKA — By way of telling his story, and the story of this fishing village, Mike Maxwell --born, raised and hoping to die here -- wants to talk about what happened to the herring.

They were the little kings of the sea in these parts. They ran so thick in Prince William Sound that some days, it was said, you could walk on the water stepping on their silvery-blue backs.

When the Exxon Valdez spilled its oil in March 1989, the world saw images of blackened seabirds and otters and seals, of bloated whale carcasses and once-pristine beaches covered with crude. Hardly anything was said about the herring.

No one at the time understood the fish's central place in the ecosystem, nor did anyone know the herring's demise would lead to years of hardship for the people here.

"It's scary what we didn't know," says Maxwell, 47, a scruffy, balding, big-boned man with a small voice.

The herring disappeared four years after the spill -- long after intense public scrutiny had faded and the story line had devolved into squabbling between lawyers.

Exxon claimed the region recovered quickly. Government scientists, however, said oil remained and was still working its way through the ecosystem in a process that would last decades. At the back of a local tayern, hand-scrawled graffiti expresses a common sentiment here: "Oil spills are forever."

In December, nearly 19 years after the spill, scientists published the most definitive study of its kind linking Exxon oil with the collapse of the herring population. Oil killed adult herring, but more significantly, it damaged eggs and larvae.

Surviving fish developed lesions in their livers. Larvae hatched prematurely and never grew to their full 8 or 9 inches. They showed depressed immune systems, which made them susceptible to disease.

The population, which used to be scooped up by the millions of tons, never recovered and, from indications, may never return.

Countless species, including salmon, depended on the little fish as a food source, said Richard Thorne, a fisheries scientist and coauthor of the study. And Cordova fishermen, like Maxwell, made a living on herring. He fished in the summer and mended nets in the winter.

When the herring vanished in 1993, Maxwell lost the only life he knew how to live. His boat and equipment became worthless. His commercial fishing permit, valued at \$300,000 before the spill, amounted to a scrap of paper. Maxwell went into debt and eventually filed for bankruptcy. He withdrew from friends and family. He sank into a deep depression. His life fell apart, and he -- like the herring -- has not recovered.

Except for a small circle of scientists and local taverns of forlorn seamen, few know the fate of the Prince William Sound herring and the fishermen whose story runs parallel. They were collateral damage, a faint ripple long after the fact.

"For the rest of the country, Exxon happened a long time ago," Maxwell says, a plaintive crack in his voice.

"For me, for the people I grew up with, the oil is still spilling. We're still waiting for the end."

Cordova, population 2,300, is full of Maxwells -- people living in the long-running wake of a catastrophe. People waiting for resolution.

The legal saga, a bitter back-and-forth spanning 18 years, could finally end this year, as the U.S. Supreme Court hears arguments today on whether Exxon -- now Exxon Mobil -- should pay \$2.5 billion in punitive damages to 32,600 fishermen, cannery workers and Alaskan natives affected by the spill. A ruling is expected this summer.

The verdict is of monumental importance here. It will be history's judgment. And townspeople could use the money.

Cordova, the sound's biggest fishing village, has been called the prettiest dying town most Americans will never see. Glacier-carved peaks loom over what looks by comparison a toy-sized main street, and beyond, a harbor of crayon-colored boats. Only there aren't many boats left.

After the spill, the fishing fleet shrunk by half, three of the town's five canneries went bankrupt, countless fishermen and cannery workers left, a former mayor -- distraught over the town's bad fortune -- committed suicide, and lifers like Maxwell came to haunting the streets and docks like lost souls.

"That's my boat there," Maxwell says. He's leaning out the driver's window of his jalopy pickup. It is a frigid winter afternoon, overcast and darkening by the minute. Cordova gets as little as five hours of sunlight in the cold months.

Maxwell's words blow out in white gusts. Between odd jobs, he drives by his boat, a 28-foot bow picker, almost every day on his way to somewhere. It sits on blocks in a ragged lot next to an empty building. He paid almost \$60,000 for it in 1989. Now he couldn't give it away.

The town is a graveyard of old boats, dry-docked in junkyards and backyards, as if the tide receded and never came back. Some sit by themselves, many are thrown together, listing every which way.

If the plaintiffs win, Maxwell's share wouldn't amount to a fortune. The average payout would be about \$76,500 -- just enough, Maxwell figures, to fix up his boat.

"It's not like Exxon can't afford it," he says, driving off. "It's only the richest corporation in the world."

Much of Cordova turned speechless earlier this month when Exxon Mobil announced the highest profits ever recorded by any company in a single year: \$40.6 billion in 2007.

"Who's being punished?" Maxwell says, his voice rising as he navigates potholes in the road. "It's not Exxon. It's us."

The executives who spoke on behalf of Exxon just after the Valdez gushed its North Slope crude, 11 million gallons over 1,300 miles of coastline, have retired or moved on, but their words -- "The corporation deeply regrets the accident . . . " -- are repeated verbatim by today's company officials.

Spokesman Tony Cudmore, in an e-mail, said Exxon Mobil had already paid \$3.5 billion in cleanup and fines, including compensatory damages to plaintiffs within a year of the spill. Cudmore cited Exxonfinanced scientists who had repeatedly given Prince William Sound a clean bill of health. These scientists declared the sound "essentially recovered" within a few years of the accident.

One Exxon attorney, at the start of the civil suit, made the argument that crude oil didn't even qualify as a pollutant, the suggestion being that no permanent harm was done. The idea permeates much of the language of Exxon's defenders.

"The environment in Prince William Sound is healthy, robust and thriving," Cudmore said. The company's view is that it has already paid an enormous price, and "further punishment is unwarranted."

Exxon did compensate victims for actual damages just after the spill, but -- and here is the core of Cordova's complaint -- it wasn't until years later that the herring and pink salmon fisheries collapsed about the same time, setting off the town's decline. "Shouldn't Exxon be punished not just for spilling oil but for ruining lives?" says Kory Blake, 48.

A lifelong Cordovan, Blake grew up with Maxwell, fished the same waters and suffered the same fate. At his lowest point, he contemplated taking his own life, and got as far as pointing a gun to his head before

deciding, at the last second, he'd rather fight than die. Blake became a plaintiff in the case.

Maxwell parks his truck in front of a bronze statue across from the Alaska Commercial general store. The statue is of a wind-swept fisherman looking out at the sound. A wood railing, with a wide, flat top, runs along the front of the statue.

Maxwell grabs an ice-scraper and ambles toward it. He has bad hips and wobbles when he walks.

"I want you to meet some people," he says. He begins scraping the top of the railing. Under the snow lie bronze plaques embedded in the wood. Every few swipes of the scraper reveal another plaque, and each reads like a gravestone. Bob McMaster, 1997. Michael Roberts, 1998. Christopher Lee Fulton, 1998. Dan Lowell, 1999. William A. Merritt, 2004. Howard Johnson, 2005. The plaques are in no particular order.

All were fishermen or somehow connected to fishing. They died from accidents and diseases and old age, from all the things that people die from. They all lived in Cordova, and they were all profoundly affected by the spill. Each was a plaintiff.

An estimated 6,000 plaintiffs have died since an Anchorage jury in 1994 awarded punitive damages of \$5 billion, later reduced by an appellate court to \$2.5 billion. The deceased remain claimants. Exxon has appealed at every stage.

"They died waiting," says Maxwell, who finally lets the scraper fall to his side. His chest heaves from the effort. He gestures to the railing. "There's a bunch more names," he says, catching his breath. "I'm getting tired!"

Maxwell returns to his truck and putters to a warehouse down the street. It is a big wooden building filled with fishing equipment. Nets hang from the walls. Big bearded men stand around and talk. Maxwell grew up with these guys.

In one of the large rooms, a couple of men stand next to a suspended salmon seine net, tying knots along its edge. Their hands move slowly, delicately.

This is what Cordova fishermen do in the off-season: make and mend nets. There's been more work lately as pink salmon have slowly recovered. The market still pays only a fraction of what it used to for Prince William Sound salmon -- from a high of more than \$1 a pound pre-spill to a low of 6 cents a pound after the spill.

When the local fisheries collapsed, buyers went elsewhere for fish and many never returned. The stigma of oiled fish and competition from foreign and farmed-fish operations contributed to the price drop.

A popular hangout for years, the warehouse was a natural place for fishermen to vent. These walls absorbed untold curses. But now the men just seem worn out.

Everyone here is a plaintiff in the Exxon case. Each has a story with a different twist, and yet every story has the same narrative arch. They were all born into fishing. Now who were they?

"If Exxon gets away with it, it's time for civil war," says Mark King, 53, a cup of coffee clasped in his hand.

The men in the room nod.

"Is Cordova dying?" someone asks.

"Are the herring dead?" a voice answers. "Hell, yes."

"This town isn't dead yet," says James Aguiar, 47, the biggest, hairiest, burliest man in the place. The room falls silent. "It's moving sideways. It's part of the living dead."

Later that day, one of the locals, Mike Webber, walks over to the town museum, the Ilanka Cultural Center, which is just down the road. Every place here is just down the road.

Webber, 47, is a full Alaska native, part Alutiiq, part Tlingit. His family had done nothing but fish, according to oral history, since the beginning of time. Webber no longer fishes. After the fish disappeared, "the spirits," he says, moved him in a different direction. Now he carves. One of his pieces stands in the main room of the museum, a cedar totem pole dedicated to Exxon Mobil. It is a "shame pole," a type of totem once used by natives to bring shame to people who've committed dishonorable acts.

"The whole story's there," Webber says, looking up at his creation. He made it, he says later, because it was better than crying.

The Exxon pole is done in a modern style, like an impressionist painting, with bright colors and abstract images. At the top is an upside-down face of a man who symbolizes Exxon. A black river flows from his open mouth down to the rest of the pole. Below: the outline of two little fish without flesh. They are herring, the life of the sound turned skeletal.

Before 1989, few people, even in Cordova, would have called herring pretty. They were useful, abundant. No one knew those skinny little bodies held together such a complicated web.

If the herring ever come back, townspeople like Maxwell and Webber -- and the guys at the warehouse -- might start believing the spill is finally over. The signs aren't good, but even scientists can't know for sure. Otters have rebounded; bald eagles and murres too. Among the optimistic here, the flickering hope is that the natural forces of Prince William Sound will do, over time, what corporations and lawyers and governments can't.

Says Webber: "I just hope to live long enough to see it."

tomas.alex.tizon@latimes.com

If you want other stories on this topic, search the Archives at latimes.com/archives.

TMSReprints

Article licensing and reprint options

Copyright 2008 Los Angeles Times | Privacy Policy | Terms of Service Home Delivery | Advertise | Archives | Contact | Site Map | Help

partners:

