



'Arctic John' claims pipeline ownership

By Bill Hess
Tundra Times

Arctic John Etalook says that 3,050 67/100 feet of the Trans-Alaska pipeline belongs to him, and if the owners want it back, they not only must have it condemned, they must pay for it. The same holds true for the Dalton Highway, a 48-inch pipeline valve, a small building and its contents, and a helicopter pad.

Etalook, who is 92 years old, made the claim in a lawsuit which charges the State of Alaska, Alyeska Pipeline Service Company and the different oil companies and their subsidiaries which actually own the pipeline with "willful and intentional trespass" upon his Native allotment "for the purpose of making a profit."

Late last August, U.S. District Court Judge James von der Heydt ruled in Etalook's favor that the State of Alaska and Alyeska had not followed proper procedure when they built the Dalton Highway "the haul road" and the pipe-

line across his 160-acre Native allotment.

Last week, Alyeska officials said they would use condemnation powers granted them by the state after Etalook's victory to seek to condemn the portion of his land upon which the pipeline sits.

Stephenson said Etalook understood that they had the right to condemn his land, but that because the land had not been acquired legally and had been used for profit, the pipeline now belongs to Etalook and will have to be paid for. He cited a Kentucky trespass case to back him up.

"I've been trying to get them to bring a condemnation suit for four years," Stephenson said of Alyeska's announcement. "We wanted to sell them this pipeline they built on Arctic John's land."

Stephenson said that over 3 billion barrels of oil have been pumped through the pipeline since Prudhoe Bay went into production. "Every bar-

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rel of that has gone across Arctic John's land," he added. In the suit, Etalook is calling for an accounting of the profit earned as the oil passed over his allotment.

He seeks to have that profit turned over to him.

The problem first began when Alyeska employees came on to Etalook's land in 1975. Etalook was in Fairbanks for medical care at the time. The workers found his cabin complete with unopened mail. Although Etalook reads and speaks his own Inupiaq tongue fluently, Stephenson says the mail was unopened because Etalook neither speaks nor reads English.

Etalook, who had lived in the cabin since he built it in 1937, had filed for the 160

acres around it in 1971 under the Native Allotment Act.

According to Stephenson, federal officials had accepted Etalook's application as having been "duly and properly" filed and had come out, inspected the land and Etalook's cabin, and found the remains of the cabin built on the land before hand.

The application was working its way through the last stages of bureaucracy necessary before Etalook could receive patent, or title, to the land when the pipeline officials "trespassed" on his land and began clearing out trees and vegetation, Stephenson said.

Land owned by Native Americans under the allotment act cannot be bought or sold without permission from the Secretary of the Interior. Ac-

counts of the incident appearing in Anchorage daily papers indicated that pipeline officials sought Etalook out after finding his cabin, and made a deal with him to obtain the right of way for a sum which eventually reached \$28,500.

Stephenson, however, said that when some of Etalook's friends found out was going on, Alyeska had already put in the road for the state, and Etalook was informed that nothing could stop the pipeline now. He reluctantly took

the payment, Stephenson said, and promptly found the sub-

sistence payments he received
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from the federal government cut off until he could use up the money.

"Arctic John didn't profit one penny!" Stephenson said.

That situation could be turned around if Etalook wins the new suit. Although Stephenson said he does not know how much the payments for the pipeline, the haul road, and other improvements put on the property would equal, he did say it would be "in the millions."

Stephenson said it was nec-

essary to name the oil companies which actually own the pipeline (Alyeska services and maintains it for them) as defendants in the suit as they had made the profit. "If Alyeska was the only party in the suit, we could not recover damages," he said.

Kay Herring, spokesperson for Alyeska, said it is against company policy to comment on ongoing litigation. "We do strenuously object to any suggestions that Alyeska did not deal fairly with Mr. Etalook or any other Native allotment in obtaining easements across

Alaska lands," Alyeska said in a press release.

The pipeline is known to cross at least eight other Native allotments.

The other defendants named in the suit include: Exxon Pipeline Company, Sohio Pipeline Company, Mobile Alaska Pipeline Company, BP Pipeline, Inc., ARCO Pipeline Company, Phillips Petroleum Company, Phillips Alaska Pipeline Corporation, Union Alaska Pipeline Company, Amarada Hess Corporation, and the Amarada Hess Pipeline Corporation.