

Ahtna will appeal Interior subsistence denial

Ahtna, Inc. will appeal a decision by the Department of Interior denying emergency subsistence aid to Copper River Natives.

Two separate requests, one from Ahtna and one from the Copper River Native Association were sent to the Department in early January asking that Alyeska Pipeline Service Company be forced to provide emergency subsistence aid to needy subsistence-dependent persons living in the Copper Center-Glennallen area. Ahtna will appeal the decision to deny the requests says Roy Tansy, president of Ahtna.

The claims for emergency aid cited Section 204(a) of the TAPS Act and Paragraph 30 of the Right-of-way permit, which states in part:

"To the extent practicable, Permittees shall not damage any fish, wildlife, or biotic resources in the general area of the Right-of-way upon which persons living in the area rely for subsistence purposes... Upon the order of the Secretary, Permittees shall provide emergency subsistence and other aid, as required by the Secretary, to any affected Alaska Native, Native organization or other Persons pending expeditious filing of, and determination of, a claim by such Alaska Native, Native organization or other Person under Section 204(a) of the Trans-Alaska Pipeline Authorization Act."

The first evidence of a developing subsistence crisis came this summer when the Copper River salmon run failed. The Department of Fish and Game closed the Copper River to subsistence fishing and arrested four elderly Natives for subsis-

tence fishing in a closed period and padlocked their fishwheels. The Copper River Native Association wrote the Department of Interior, asking for aid to persons dependent on subsistence, pointing out that Copper River sockeye salmon move on a five-year cycle and that 1978 is the return run for 1973, the year of the heaviest construction. Alyeska had guaranteed absolute responsibility for the protection of subsistence.

In October, Alyeska awarded a pipeline maintenance contract to an outside firm rather than the Native subsidiary corporation which had the contract previously. The new firm fired 34 Ahtna and Chugach Natives. Many of these people were thrown back onto subsistence living at a time when resources were at all-time lows, and too late in the season to hunt and fish for the winter. Ahtna wired the Secretary of Interior invoking the subsistence provisions of both the Trans-Alaska Pipeline Act (TAPS Act) and the Agreement and Grant of Right-of-way permit.

The complaints were based on two things: Alyeska's responsibility for protection of subsistence resources and protection of biotic habitat.

Hearings were held in the Copper Center-Glennallen area in early January by a team from the Alaska Pipeline Office. Basing his decision on the reports from this team of investigators, Undersecretary of Interior James Joseph wrote a letter dated March 1 denying the requested aid.

The report from the investigating team stated

they had "found no evidence that any activity related to construction of the Trans-Alaska Pipeline would have affected the 1978 run of sockeye salmon."

They did acknowledge that establishing a cause-effect relationship of any sort in salmon runs is extremely difficult because the runs are affected by so many things. "There is no doubt that construction of the Trans-Alaska Pipeline did have some detrimental effects on fishers resources in some streams, as a result of buried stream crossings, various fish passage problems, siltation, pads laid directly over fish habitat, etc. In general, the impacts are estimated to be short-term (one to three years) and localized. . . For the most part, (areas which are affected) produce species other than sockeye salmon." High water conditions at the time of egg deposit in 1973 was cited as a more probably contributing factor in the poor return run.

Regarding wildlife, the report stated that ". . . we found no evidence. . . that the Trans-Alaska Pipeline is the direct cause of declines

in the population of caribou, moose, hares or furbearers, upland game or vegetative resources in the Copper River Basin."

However among the incidents that might affect the game populations were noise during construction of the pipeline, pipeline employees hunting during off-duty hours, circling caribou in airplanes and helicopters, open ditches during pipeline burial, and caribou being deterred from the pipeline till they got accustomed to it. These effects were felt to be "localized" and "short term," and their impact "insignificant."

No mention was made of reported incidents observed and reported at the hearings of helicopters letting hunters off who shot moose the same day, of spotting caribou and moose from helicopters for the benefit of hunters, of the greatly increased use of snow machines and other vehicles along the pipeline route and access trails, and other impacts.

In addition, the cumulative effect on subsistence of having trap lines cut off by the pipeline was cited many times at the hearings.

In only a few cases did the trappers succeed in obtaining permits from Alyeska to cross the pipeline for trapping. In one instance, a trapper told how a survey crew stole all his traps and guns at one time, and how he had been "run off" from trapping where he used to trap.

The heavy impact of hunters and fishermen from such places as Anchorage and Fairbanks was frequently cited as one reason for the decline, but the connection between the increased population and the pipeline construction was not established by witnesses at the hearings, and not mentioned in the report of the investigating team.

Roy Tansy, president of Ahtna, summed up the feelings of the people of the region in a written statement submitted with his oral testimony: "Before the pipeline we had a good way of life. There was enough food for all. Our culture was whole. Potlatches were common and all could come. Now the cash costs are too high, the food must be bought, and there is not enough money. If there was no pipeline, there would be a better life."