



AHTNA/ALYESKA SIGNS OF THE TIMES—Alyeska's "Restricted Access" sign faces off with Ahtna's "No Trespassing" warning on a pipeline access road near Glenallen. The Native corporation, sued by Alyeska for placing the No Trespass signs, has countersued three user oil companies who, they say, never signed any document allowing them to use Ahtna land for pipeline delivery of their oil to Valdez. —ANNE GIBSON PHOTO

AHTNA sues oil companies

By LONE JANSON

Far from cooling off, the Ahtna/Alyeska dispute over the award of a pipeline maintenance contract to Northland Construction still sizzles, with a number of new developments over the past week. Briefly, the main events include a meeting with the arbitrator in San Francisco, a countersuit against three oil companies by Ahtna pending Interior Department investigation of Alyeska's Equal Employment Opportunity plan or lack of it.

Ahtna Inc., has countersued three of seven oil companies who were partners in a lawsuit against the Native corporation. Named in the new countersuit are: Amerada Hess, Phillips Alaska, and BP pipeline companies. These three, say Ahtna, were never a party to the 1974 Omnibus Agreement that originally gave permission to use Ahtna land for a pipeline. The agreement was given in exchange for job and contract preferences.

Alyeska and the seven oil companies recently sued Ahtna for harassment and among other things, preventing access to the Trans Alaska Pipeline for maintenance. Judge James A. von der Heydt ordered the two parties to begin good faith bargaining to settle the dispute. A full Ahtna delegation appeared at an appointed time and place the next day, but only the retained counsel for Alyeska attended.

Since the award of a pipeline maintenance contract on Oct. 1 to an outside firm, Ahtna and Alyeska have been engaged in a running dispute over the terms of the Omnibus Agreement. The matter was already the subject of an arbitration, and Ahtna asked that an injunction

be granted against the awarding of the new contract till the results of the arbitration were known. The injunction was not granted, and Ahtna posted pipeline access roads on the 55 miles of their own land with "No Trespassing" signs, barricades, and chains and locks. Alyeska removed the barricades, cut the locks, and went around the signs. At no time did Ahtna try to physically prevent access except on two of the access roads where gravel berms were dumped.

Ahtna meanwhile wrote the oil companies using the pipeline that they, too, were trespassing.

Alyeska and seven user-owner companies then sued Ahtna. Three of the seven plaintiff oil companies had never signed the agreement that gave permission to use the land in the first place.

While all this has been going on, the original arbitration has been grinding along. This arbitration was over the award of a contract for revegetation to Earth Movers back in March. Arbitration is covered by terms of the Omnibus Agreement, and a respected arbitrator agreeable to both parties has been chosen.

This past weekend, Ahtna and Alyeska representatives met in San Francisco with the arbitrator. He set a schedule which includes an exchange of briefs by the two parties by Jan. 10.

The briefs should address, among other things, the question of what are the implications of the Omnibus Agreement if it is found that Alyeska has indeed broken the agreement.

A hearing will be held in Anchorage on Feb. 1, 2 and 3 if necessary to determine whether the award of the contract was a violation of Omnibus.

It was further learned that the Department of Interior is planning to respond to Ahtna's complaint over Alyeska's failure to get an approved Equal Employment Opportunity plan. Rumor has it that Interior will follow up with a full scale investigation.

"This really bothers us" said Roy Tansy, president of Ahtna. "I have read press releases telling of the large amounts of money in Native contracts this year. What they don't say is that these contracts were all Ahtna contracts, and all cancelled."