

TAPS: Lands Released By Villages Invalid

The Trans Alaska Pipeline System has conceded that releases it obtained to land claimed

by five interior villages are not valid and has asked that a suit filed against it be dismissed on the grounds that there are no disputes, according to an attorney for the villages.

The request for a dismissal was made Friday, John Hedland, Alaska Legal Services attorney said, when TAPS filed a motion for a summary judgment in Superior Court in Anchorage. A hearing on the motion was set for April 3.

The TAPS action was in response to a suit filed Feb. 4 by the five native villages asking that the court uphold their rescission of earlier waivers.

The withdrawal of the waivers, according to native spokesmen, was based on a failure of TAPS to honor promises to provide maximum employment and contract opportunities to Alaskan natives.

The villages involved are Minto Rampart, Stevens, Alakaket and Bettles. Their earlier waiver would have allowed TAPS to construct a pipeline across land claimed by them.

These same villages recently filed a suit in a federal district court in Washington, D.C. seeking to bar Secretary of the Interior Walter J. Hickel from issuing construction permits for the pipeline and its access road.

Court hearings were set for April 1, and the Department of Interior agreed not to issue any construction permits until after that date.

A village spokesman said that

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the villages want assurance that the construction will be carried out in such a manner that traditional means of subsistence are protected against environmental disturbances and that Native land rights are respected.

Hedland said that TAPS' motion for a summary judgment will probably have some effect upon the suit filed against the Interior Department in Washington. In deciding whether to bar the Department of the Interior from issuing the construction permits, he explained, the Washington court will be faced with the fact that the natives have withdrawn earlier waivers to land rights and that TAPS, in effect, has said that the withdrawals are valid.

The suit filed in Washington charges that the pipeline access road will cross lands claimed, used and occupied by the natives and that it would interfere with their traditional hunting and fishing rights and destroy their means of subsistence.

The Interior Department, the suit alleges, has failed to obtain and utilize adequate ecological information and to consider the disruptive environmental effects of the pipeline construction.