

# Elders sue for subsistence aid

## ***Pipeline claimed to ruin fishery***

By LONE E. JANSON

Four elderly Copper River Natives who had been arrested last summer for working their fishwheels for subsistence, have sued Secretary of Interior Cecil Andrus, asking that he compel Alyeska Pipeline Service Company to furnish them with subsistence aid.

The four men, Tony Jackson, Peter Ewan, Baccille George, and Tenas Jack, are all over sixty years of age, and one of them is over ninety. All depend heavily upon subsistence fishing for their survival.

They say that the salmon of the Copper River, which have a four year life cycle, were adversely affected by siltation and other disturbances connected with pipeline construction in 1974, leading to the disastrous returns this year while the rest of Alaska enjoyed a banner fishing year.

The Copper River runs were so poor that the Alaska Department of Fish and Game closed the river to subsistence fishing.

The four men were arrested and their fish wheels padlocked when they tried to continue harvesting fish for the winter. Charges against them were eventually dropped, but they were left without food for the winter. Now they are suing Andrus to force Alyeska to live up to stipulations in the Trans Alaska Pipeline Act and in the pipeline permit which guarantee protection of Native subsistence. They are asking \$250 per month each.

Meanwhile, a court-ordered 60-day cooling off period between Ahitna, Inc. and Alyeska came to an end with no apparent progress in the "good faith bargain-

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ing" ordered by Judge James A. von der Heydt in November. Ahtna has now filed a subsistence-related suit also; they are suing the Secretary of Interior on behalf of the 34 Ahtna and Chugach shareholders who were laid off after the October 1 expiration of the Meridian contract for pipeline maintenance.

Meridian Contracting Corporation is a subsidiary of the two Native corporations.

The basis of the suit is that the Natives working on the pipeline had substituted their subsistence lifestyle with wage employment, depending on promises made by Alyeska of jobs and contracts for the construction and operational phases of the

pipeline.

These promises, Ahtna points out, were not given for nothing — Ahtna gave up releases and permits for construction and use of the pipeline across Ahtna selected lands in return for special

consideration in Native hire and contracting.

Now, after the hunting and fishing seasons are over, says Ahtna, Alyeska has broken its agreements and the men find themselves out of work and

without alternate means of subsistence. The Copper Center area has always been an area of chronic unemployment.

The Ahtna suit is a follow-up to a telegram sent to the Secretary on October 20 urging him to "Do your job. Where else can we turn for justice?"

The telegram called the Secretary's attention to the subsistence crisis then just developing: "... with the coming of the pipeline the salmon runs in the Copper River have dropped off dramatically, and the moose and caribou are subject to hunting by many others equipped with off-road vehicles and able to afford fly-in hunts, expensive guides and extended time in the bush. . .

"The cruel truth is that with all these good people unemployed, with the fish run depleted. . . and with the hunting season completed, our people have no subsistence for the winter. . .

"In 1972, Secretary Morton told our people that the Department alone would protect our subsistence.

"In 1973, Congress passed the TAPS Act providing for strict liability against Alyeska, when such a crisis like this develops. That law was for our people. We invoke it now. . ."

The October 20 telegram has brought no response from the Secretary of Interior.