

Mr. Boyd L. Rasmussen
Page Two
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The first group of changes under part A of the enclosure deal with indemnification of persons damaged by the pipeline.

Generally speaking, a liability for damage to third parties is imposed paralleling the responsibility provided for by the present Stipulation B.5.a (page 11) for repair and rehabilitation of structures, property, and land or aquatic habitat, including wildlife and fishery resources. The loss protected against is economic as well as physical. If the fishery or the game are lost or driven away, then the people who depends on them for subsistence or for their livelihood must be adequately compensated. Provision for interim subsistence, medical care and the like is made, and, because the protection afforded by the liability provision is essential to the people who live or make their livelihood in the path of the proposed pipeline, changes in the clause will require agreement of the appropriate Native Villages and Regional Associations.

Liability will not be limited to negligence or wilful harm. If the pipeline is required by reason of national security considerations or for the realization of economic benefits by Alaska, the nation and the oil companies, then the costs of devastation are properly a part of the cost of the production and delivery of the oil that flows through the pipeline. These costs should be borne by the oil companies and ultimately by the users of oil rather than being forced upon the relative handful of people to whom the areas traversed by the pipeline, and the natural resources thereof, are home, sustenance and life itself.

If it be considered that the provision is unprecedented, so too is the Trans-Alaskan pipeline itself. If it be considered that the protection afforded is broad, that protection is no broader, and to be meaningful must be no less, than the capacity for damage, conceded by the Department and so clearly demonstrated by the testimony at the hearings, which inheres, integrally and inseparably, in the very pipeline itself.

The second provision transmitted under part B of the enclosure would assure Native consultation in matters involving the planning, location, construction and operation of the pipeline and its related facilities. Little need be added in justification to what I said at the hearing in my statement of February 17.