

AFN, Inc. Returns from Reg. Confab

By AFN PRESIDENT
WILLIE HENSLEY

Exclusive to the Tundra Times

(EDITORS NOTE: Returning from Washington D.C. Willie Hensley, President of the Alaska Federation of Natives, immediately phoned an exclusive report to the Tundra Times on the meetings between AFN and the Department of Interior on final drafting of the regulations for implementing the Alaska Native Land Claims Settlement Act.)

We had substantial differences with the Department of the Interior over the last set of regulations that were proposed here in April, which were no better, and possibly worse than the ones that came out in September.

With time running on, we felt it was necessary to take a different approach to rule-making by the Department. We made a pitch to become directly involved in the drafting of the regulations and the Interior Department accepted our proposal. Every region was represented in Washington, D.C. except Ahtna.

Present in Washington were

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AFN, Inc. Returns from Talks on Settlement Regulations ..

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John Borbridge of Sealaska, Cecil Barnes from Chugach, Hank Eaton from Koniag, Mike Swetsof of the Aleut League, Nels Anderson and Bill Johnson from Bristol Bay, Robert Nick from Calista, Gary Longley from Bering Straits, myself and John Schaeffer from NANA, John Sackett from DOYON, and Andy Johnson from Cook Inlet.

Some regions had more than one representative, and many had either an advisor or an attorney with them. Arctic Slope had Jake Adams there but they weren't participating too much with the group discussions. I'm not sure what their approach was but they did make comments by letter to the Task Force.

We started off having a difficulty in terms of representation. They wanted 5 representatives to meet with them.

They had two separate teams: the technical team of attorneys and various interests within the Department working on the language of the bill, and the Alaska Task Force, chaired by Lawrence Lind, Assistant Secretary for Program Development and Budget, which has the responsibility of overseeing the implementation of the Land Claims Act.

We initially sent five attorneys to work out the areas of differences and to try to take care of the non-controversial areas.

We stood very firm on our beliefs. We thought that every region should be able to participate, particularly at the policy level with the Secretary. There was a hiatus at the beginning, then we did iron out the non-problem areas and pretty much outlined the areas of disagreement in our initial discussions

on policy as to how we saw the Act.

We were concerned about village eligibility for one, about the chargeability of non-navigable waters as part of that 40 million acres. We were concerned about the public easement issue.

I think some of the overriding concerns that we had in representing the regional corporations was that we felt that the Secretary of the Interior was taking an approach that made it appear that we had no advocate within the Department.

Our position was that if there was any discretion that was allowed on any question as to which way he ought to rule in the normal construction of legislation dealing with native people, that he should rule in favor of the Indians.

What we wanted to do early on was to try to get the Secretary to state his philosophic approach and that this would then guide his drafting.

But we did not meet with him until following the decisions having been made, so that our feeling was that every Bureau — the outdoor recreation, the sport fisheries and wildlife, mines and minerals and everybody else had an advocate in there, but not the native people. We felt that we were at a slight disadvantage.

We thought that they took too much of a land management-conservationist approach to decisions that affected really the native people, and thereby we felt that we lost the flexibility we could have had in making our land selections.

Nevertheless, it was acknowledged by Sec. Lind that had we not been there, the rules would have been very much different. I think this is the feeling of practically all of those who were there, that we had a substantial effect on the regulations and I talked to our attorneys this morning (Tuesday), and they indicate that the final draft is now presently being reviewed by our attorneys and may well be published this week.

I do not think we won the major points at issue though.

(NEXT WEEK: Hensley outlines several areas of controversy

and reports on the decisions that were reached in Washington, D.C. He discusses regional selections by full townships,

chargeability of non-navigable waters, announces a victory on village eligibility, and agreement on public easements.)