

# Knotty Regulations—

## *AFN Squeezes Few from Interior*

By AFN PRESIDENT  
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Special to the Tundra Times

(EDITOR'S NOTE: Last week, Willie Hensley began a report on meetings in Washington D.C. between AFN representatives and Department of the Interior officials to draft the final set of regulations for implementation of the Alaska Native Land Claims Settlement Act. This installment concludes his report.)

I do not think we won the major points at issue. For instance, there's one area of difference that we had and that is whether the regions in their regional selections should have to select in 23,040 acre selections, in full townships. We feel this limits the flexibility of those regions that do have regional selections and we made the argument that we have to look ahead and try to select areas that are of economic benefit to native people. But here is one of those points where the

Secretary was arguing in favor of land management principles.

We feel if we had the right to select in half-township sections or quarter-township sections we could still manage that land effectively, yet get a greater economic benefit for the people.

Another area that we had substantial disagreement about was the chargeability of non-navigable waters to the village selections. Unfortunately, particularly in the Southwest and up on the North Slope there are substantial bodies of water. It's not specific that we have to select bodies of water in the Act but the Interior Department believes that areas of water must be selected if they lie within a township and if they're at least 320 acres in size. Of course these would be charged to the regions and we think unduly so.

One of the major victories I think we had was the fact that there is not a single community that will be found ineligible for village eligibility.

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One of the other things we finally agreed upon was the question of public easements. We were able to get them to agree to limit the easement thing to specific purposes, specific governmental purposes and planned government functions.

Also the Secretary would be allowed to terminate the easement if it was not used for the purpose it was designated or it will be terminated by the year 2001.

Even when we left Washington, the section on native allotments and primary place of residence was somewhat undetermined. That was one area we could not get agreement on, even within the Federation. We agreed on some principals but there were some other questions on provisions of that section.

The most difficulty we had was that the Secretary would not make it clear that those

four cities — Kenai, Kodiak, Sitka, and Juneau — would actually be allowed the full township that the Secretary was given discretion to grant to them.

Those communities of native people now have no idea of just how much land they will actually be acquiring under that section.

Under Section 14-H, that 2 million acres, they indicate that they will allow somewhere between 500,000 and 750,000 acres that will be set aside to be divided among the regions based population, with no region receiving less than 35,000 acres (to satisfy cemeteries, historical sites, and primary place of residence.)

The second provision would allow for 92,160 acres to be set aside for the Sitka, Kenai, Juneau, Kodiak communities, but as I said, it was not clear that he would allow them the

whole township. Also, they have to have public hearings on this whole thing.

There was going to be possibly around 400,000 acres set aside by the Secretary to satisfy the native allotments.

We feel that more than likely there will be adequate land (to meet the provisions of 14-H). For one thing they had listed something like 700 people that they felt would be qualifying for land under the group designation, and when we looked at those, it was obvious to us, that it was nowhere near the figures they had.

Whatever land is left under Section 14-H would be used up to satisfy the cemetery sites, the historical sites, and primary place of residence. They're going to put it in a pool to be divided among the regions on a population basis.

As to what comes next after the meetings in Washington, actually the regions did not discuss strategy. I think there are areas we could litigate and try to get clarification on. I'm not sure at this point whether we will try to get together in the Federation and take the Interior Department to task on some of these issues.

There are surely enough questions left unanswered as to the Secretary's "discretion" that could require clarification.

We spent an hour with the Secretary of the Interior discussing the Act. We tried to point out some of the problems we had and it was obvious that he had spent time with his Task Force and his legal advisors on some of these tough legal problems where we questioned him as to why he couldn't rule in our favor.

So we talked with him, just the regional leadership. We didn't have any attorneys with us at that meeting.

Congress got the legislation through and it's now a matter of the Administration to try to administer the Act as Congress desired. From the standpoint of Congress, the legislation is over and done with, although several Congressmen are quite interested in how it's being implemented.

The Department of the Interior did not pay the expenses of our representatives to go to Washington. This expense is all on the regions and the Federation but I think in the long run, it may have saved us a lot of money, and I think it was very much to the advantage of the villages and the region.

My statement to Secretary Lindewas that we felt it was unfortunate that we had to go to those lengths to get a fair and equitable set of regulations. We should not have had to fight for decisions that should normally be made in our favor.