TESTIMONY OF
GEORGE SKIBINE,
ACTING PRINCIPAL DEPUTY ASSISTANT SECRETARY
FOR INDIAN AFFIARS
IN THE
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ON H.R. 1554

April 21, 2010

Good morning, Mr. Chairman and Members of the Committee. My name is George Skibine. I am the Acting Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to provide testimony on behalf of the Department on H.R. 1554, a bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation.

H.R. 1554 involves the transfer of certain lands into trust for the benefit of an Indian tribe. President Obama committed to work with federally recognized Indian tribes on a government-to-government basis on matters that affect them. It is in the spirit of this commitment that the Department looks forward to the opportunity to work with members of Congress, the Muscogee Creek Nation (Tribe) and the U.S. Army Corps of Engineers regarding H.R. 1554.

H.R. 1554 would transfer administrative jurisdiction of approximately 18 acres of Federal land located in McIntosh County, Oklahoma at Lake Eufaula to the Secretary of the Interior (Secretary) and direct the Secretary to take such lands into trust for the benefit of the Tribe. The Department supports H.R. 1554, but has several concerns regarding the bill as it is currently drafted.

The Department is aware that the Tribe does own certain property in fee near and around Fountainhead Lodge near Lake Eufaula in Oklahoma. The Department is also aware that another tract of land adjacent to the tract already owned by the Tribe is owned by the federal government and is under the administrative jurisdiction of the U.S. Army Corps of Engineers for project operations at Lake Eufaula. It is that tract owned by the federal government, which is approximately 18 acres, that is the subject of H.R. 1554.

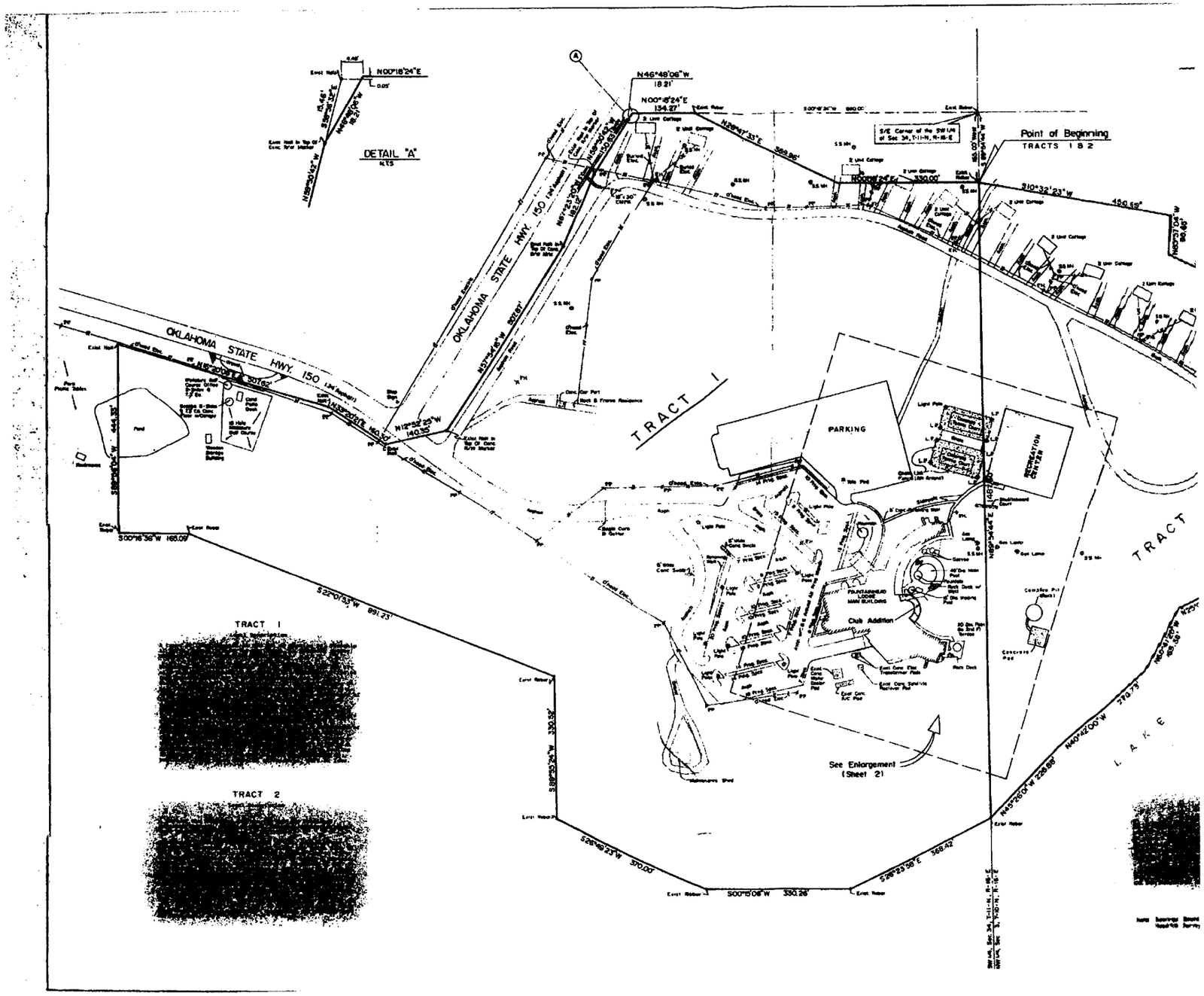
While H.R. 1554 does provide a definition of the property in Sec. 2(e), the Department does have a map and legal description of the land referred to in H.R. 1554 that is more specific and recommends that language be inserted into H.R. 1554 to reflect this map and legal description (Attachment A). The Department appreciates the opportunity provided in the bill to conduct a survey satisfactory to the Secretary to determine the exact acreage and legal description of the land. However, the Department recommends that the bill also provide for

the involvement of the Secretary of the Army in making these determinations since the U.S. Army Corps of Engineers has administrative jurisdiction over these lands.

H.R. 1554 also does not identify the other federal agency that currently has administrative jurisdiction over the property referred to in the bill and the Department recommends inserting language referencing the U.S. Army Corps of Engineers. The Department agrees with the language that requires the satisfaction of the Secretary for the transfer of the property, but also believes such "satisfaction" language should include the other federal agency, which is the Corps. The Department is also concerned with the language in the bill referring to the "reservation of flowage easements consistent with the Acquisitions Guide Line for Flowage Easement for the Lake Eufaula project and other applicable policies for that project." The Department understands that such flowage easements would be operated by the Corps and as such, the Corps should also have an opportunity to provide comments on the bill.

The Department is also concerned that H.R. 1554 is unclear as to the requirement for and costs associated with environmental site assessment prior to taking the land into trust. The Department recommends inserting language that requires an environmental site assessment of the property prior to taking the property into trust for the Tribe. Finally, the Department and the U.S. Army Corps note that each agency would likely incur administrative costs associated with the transfer of the property into trust.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.



DETAIL "A"
N.T.S.
N00°18'24"E
N46°48'06"W
18.21'
N00°18'24"E
134.27'
Point of Beginning
TRACTS 1 & 2
S10°32'23"W
450.65'
OKLAHOMA STATE HWY. 150
OKLAHOMA STATE HWY. 150
TRACT 1
PARKING
RECREATION CENTER
Club Addition
See Enlargement (Sheet 2)
TRACT
LAKE
S00°16'36"W 165.09'
S22°01'53"W 891.23'
S00°15'08"W 330.26'
S26°49'23"W 370.00'
S26°23'58"E 368.42'
N40°42'00"W 270.73'
N45°26'04"W 226.88'
TRACT 1
TRACT 2

Tract 2

A part of the Northwest Quarter (NW/4) of Section Three (3), Township Ten (10) North, Range Sixteen (16) East, McIntosh County, Oklahoma, more particularly described as follows: Commencing at the Northeast corner of said Northwest Quarter (NW); THENCE South 89° 54'44" West a distance of 165.00 feet along the North line of Northwest Quarter (NW/4) to the point of beginning; THENCE South 10°32'23" West a distance of 450.69 feet; THENCE North 85° 57' 04" West a distance of 90.65 feet; THENCE South 25° 14'26" West a distance of 457.92 feet; THENCE South 00°01"27" West a distance of 175.02 feet; THENCE North 37° 42'43" West a distance of 132.38 feet; THENCE North 70° 27'31" West a distance of 182.56 feet; THENCE North 51° 55'49" West a distance of 383.18 feet; THENCE North 25° 02'15" West a distance of 194.42 feet; THENCE North 60°41'20" West a distance of 165.36 feet; THENCE North 40° 42'00" West a distance of 270.73 feet; THENCE North 45°26'01" West a distance of 226.88 feet to the North line of said Northwest Quarter (NW/4); THENCE North 89°54'44" East 1487.60 feet along said North line to the point of beginning.