

**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. 4445**

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. 4445, a bill to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian Pueblos in New Mexico.

H.R. 4445 involves the definition of certain lands already held in trust by the federal government for the benefit of 19 Indian pueblos in New Mexico. The Department acknowledges that Congress is the federal entity that has the authority to repeal the restriction on the trust lands referred to in H.R. 4445. President Obama committed to work with federally recognized Indian tribes on a government-to-government basis on matters that affect such federally recognized Indian tribes. It is in the spirit of this commitment that the Department looks forward to the opportunity to work with members of Congress, the 19 Indian Pueblos in New Mexico, the state of New Mexico and the City of Albuquerque on H.R. 4445.

H.R. 4445 would amend Public Law 95-232 by striking certain language that currently precludes the subject land from being defined as “Indian country” under section 1151 of title 18, United States Code. The Department supports H.R. 4445, provided that the state of New Mexico and the City of Albuquerque concur with the purposes of H.R. 4445, and the with the addition of language clearly stating that the subject lands are “Indian country” for the purposes of section 1151 of title 18 of the United States Code.

Public Law 95-232 was signed into law by former President Jimmy Carter on February 17, 1978, and provided for the conveyance of land to the United States and to be held in trust for the Indian pueblos in New Mexico. The language in Public Law 95-232 states that “such land shall be held in trust jointly for such Indian pueblos and shall enjoy the tax-exempt status of other trust lands, including exemption from State taxation and regulation. However, such property shall not be “Indian country” as defined in section 1151 of title 18, United States Code.” If enacted, H.R. 4445 would strike the “However,” language in Public Law 95-232, and the Department believes that removing this language would result in the subject property currently held in trust for the Indian pueblos to be defined as “Indian country” under section 1151 of title 18 of the U.S. Code. If the intent of the bill is for the subject property to

be considered “Indian country” under section 1151 of title 18 of the U.S. Code, the Department recommends that the bill include such language to ensure that there is no ambiguity as to Congress's intent.

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

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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.

Statement for the Record

Bureau of Land Management, Department of the Interior House Natural Resources Committee H.R. 2340, Salmon Lake Land Selection Resolution Act April 21, 2010

Thank you for the opportunity to testify on H.R. 2340, the Salmon Lake Land Selection Resolution Act. As a party to the Salmon Lake Area Land Ownership Consolidation Agreement, the Bureau of Land Management (BLM) has supported efforts between the State of Alaska and the Bering Straits Native Corporation (BSNC) to resolve overlapping land selections at Salmon Lake. As such, the BLM supports H.R. 2340 because it will ratify the agreement between the BLM, BSNC, and the State of Alaska, and allow for a reasonable and practicable conveyance of lands in the Salmon Lake area.

Background

Salmon Lake is located on the Seward Peninsula, approximately 40 miles northeast of Nome. The lake is one of the largest bodies of fresh water on the peninsula, and has long been an important source of food and resources for the Native people. Because the area contains significant fisheries and other subsistence resources, it remains a popular resource and destination for local communities.

The BLM is responsible for expediting the conveyance of Federal lands to Native corporations, including the BSNC, under the Alaska Native Claims Settlement Act (ANCSA), and to the State of Alaska under the Alaska Statehood Act of 1958.

The BSNC, the Native regional corporation for the Bering Straits area, and the State of Alaska each sought to gain title to the Salmon Lake area through selection applications filed under respective provisions of ANCSA and the Alaska Statehood Act. However, the land addressed by the two applications overlapped. The BSNC and the State negotiated a resolution to this issue whereby each entity would receive title to distinct lands. The BLM supported this resolution, and the three parties signed the Salmon Lake Area Land Ownership Consolidation Agreement on July 18, 2007. Legislation is now required to ratify the Agreement between the United States (acting through the Department of Interior, BLM), the BSNC, and the State of Alaska. The Agreement would have expired on January 1, 2009, but its term was extended to January 1, 2011 in anticipation of ratifying legislation.

H.R. 2340

H.R. 2340 represents an opportunity to resolve the overlapping land selections between the BSNC and the State. The bill would ratify the Agreement between the BLM, the BSNC, and the State, and allow for finalization of land conveyances in the Salmon Lake area. The lands would be transferred in accordance with the terms of the signed Agreement.

As noted, the BLM supported the efforts between the BSNC and State, and signed the Agreement to recognize the desires of the entities. The bill would also further the intent of the Alaska Land Transfer Acceleration Act of 2004 (PL 108-452), expediting the transfer of title to federal lands to Native corporations and the State of Alaska.

Conclusion

Thank you for the opportunity to testify in support of H.R. 2340. I am happy to answer any questions.

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Thank you for the opportunity to testify in support of H.R. 2340. I am happy to answer any questions.