

## Union Calendar No. 383

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1532

[Report No. 115-513]

To reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2017

Mr. BYRNE (for himself, Mr. GAETZ, Mr. ADERHOLT, Mr. BROOKS of Alabama, Ms. SEWELL of Alabama, and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Natural Resources

JANUARY 11, 2018

Additional sponsors: Mr. COLE, Mr. COOK, Mr. MOONEY of West Virginia, and Mr. DENHAM

JANUARY 11, 2018

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Poarch Band of Creek  
5 Indians Land Reaffirmation Act”.

6 **SEC. 2. REAFFIRMATION OF INDIAN TRUST LAND.**

7       (a) IN GENERAL.—Lands described in subsection (b)  
8 that were taken into trust by the United States for the  
9 benefit of the Poarch Band of Creek Indians prior to the  
10 date of enactment of this Act are reaffirmed, subject to  
11 valid existing rights, as trust land and shall remain as In-  
12 dian country under section 1151 of title 18, United States  
13 Code.

14       (b) DESCRIPTION OF LAND.—The land referred to in  
15 subsection (a) is comprised of the following:

16           (1) The approximately 229½ acres described in  
17 the final Notice of the Department of the Interior’s  
18 Poarch Band of Creeks Establishment of Reserva-  
19 tion (50 Fed. Reg. 15502 (April 18, 1985)), and  
20 Poarch Band of Creeks; Establishment of Reserva-  
21 tion: Correction (50 Fed. Reg. 19813 (May 10,  
22 1985)), and shown on Poarch Band of Creek Indi-  
23 ans Trust Lands Maps 1, 2, and 5 as “Reserva-  
24 tion”.

1           (2) The approximately 1 acre named as Parcel  
2           5 located within the exterior geographic boundaries  
3           of Escambia County, Florida, which was taken into  
4           trust by the Department of the Interior via Statu-  
5           tory Warranty Deed on November 21, 1984, shown  
6           on Poarch Band of Creek Indians Trust Lands Map  
7           7, and further described as:

8                       Commence at the Southeast corner of the  
9                       Northwest Quarter of Section 5, Township 5  
10                      North, Range 33 West, Escambia County, Flor-  
11                      ida; thence go West along the South line of the  
12                      Northwest Quarter of said Section 5 for a dis-  
13                      tance of 420 feet; thence run North for a dis-  
14                      tance of 40 feet to the point of beginning;  
15                      thence continue North along said line for a dis-  
16                      tance of 210 feet; thence run West for a dis-  
17                      tance of 210 feet; thence run South for a dis-  
18                      tance of 210 feet; thence run East 210 feet to  
19                      the point of beginning, containing one acre,  
20                      more or less.

21           (3) The approximately 1 acre named as Parcel  
22           6 located within the exterior geographic boundaries  
23           of Monroe County, Alabama, which was taken into  
24           trust by the Department of the Interior via Statu-  
25           tory Warranty Deed on November 21, 1984, shown

1 on Poarch Band of Creek Indians Trust Lands Map  
2 3, and further described as:

3 One acre in a square in Southeast corner  
4 of the ten-acre strip on the North side of South  
5 Half of Southeast Quarter lying West of the  
6 highway in Section 26, Township 5 North,  
7 Range 6 East, being the same property con-  
8 veyed to the Grantor by deed dated July 23,  
9 1984 and filed for record in the office of the  
10 Judge of Probate of Monroe County, Alabama  
11 on July 23, 1984, and by correction deed dated  
12 November 21, 1984.

13 (4) The approximately 10 acres named as Par-  
14 cel 12 located within the exterior geographic bound-  
15 aries of Escambia County, Alabama, which were  
16 taken into trust by the Department of the Interior  
17 via Correction Deed on November 21, 1988, shown  
18 on Poarch Band of Creek Indians Trust Lands Map  
19 4, and further described as:

20 Begin at a 2'' iron pipe at the intersection  
21 of the South line of Section 5, Township 1  
22 North, Range 6 East, and the East right of  
23 way line of Alabama State Highway No. 21;  
24 thence run S 89° 03' 00'' E along said South  
25 line of Section 5 a distance of 860.93 feet;

1           thence run N 00° 04' 57" W a distance of  
2           608.47 feet; thence run N 89° 56' 20" W a dis-  
3           tance of 575.73 feet to the aforementioned East  
4           right of way line of Alabama State Highway  
5           No. 21; thence run S 25° 32' 21" W along said  
6           East right of way line a distance of 659.22 feet  
7           to the point of beginning, said property lying  
8           and being all in Section 5, Township 1 North,  
9           Range 6 East, and containing 10.09 acres,  
10          more or less.

11           (5) The approximately 10 acres named as Par-  
12          cel 10 located within the exterior geographic bound-  
13          aries of Escambia County, Alabama, which were  
14          taken into trust by the Department of the Interior  
15          via Warranty Deed on August 17, 1992, shown on  
16          Poarch Band of Creek Indians Trust Lands Map 2,  
17          and further described as:

18                   Commencing at the Southeast corner of  
19                   the Northeast 1/4 of Southwest 1/4 - Section  
20                   28 Township 2 North Range 6 East; thence  
21                   North 577.5 feet; thence North 89 degrees  
22                   West 2726 feet to the point of beginning;  
23                   thence North 89 degrees West 100 feet; thence  
24                   South 210 feet; thence North 89 degrees West  
25                   855 feet; thence South 0 degrees 21 minutes

1 West 378.37 feet; thence South 84 degrees 40  
2 minutes East 966 feet; thence North 28 degrees  
3 32 minutes East 300 feet; thence North 89 de-  
4 grees West 148 feet; thence North 395.34 feet  
5 to point of beginning. Containing 10.08 acres.

6 (6) The approximately 52 acres named as Par-  
7 cel 14 located within the exterior geographic bound-  
8 aries of Escambia County, Alabama, which was  
9 taken into trust by the Department of the Interior  
10 via Warranty Deed on August 17, 1992, shown on  
11 Poarch Band of Creek Indians Trust Lands Map 1,  
12 and further described as:

13 All of the North half of Northwest Quarter  
14 of Section 34, Township 2 North, Range 5 East  
15 lying East of the Poarch-Perdido Road.

16 (7) The approximately 31 acres named as Par-  
17 cel 15 located within the exterior geographic bound-  
18 aries of Escambia County, Alabama, which were  
19 taken into trust by Warranty Deed on August 17,  
20 1992, shown on Poarch Band of Creek Indians  
21 Trust Lands Map 1, and further described as:

22 All of the West Half of Northwest Quarter  
23 of Section 34, Township 2 North, Range 5 East  
24 lying North of Dees Road and West of the  
25 Poarch-Perdido Road.

1           (8) The approximately 8 acres named as Parcel  
2           16 located within the exterior geographic boundaries  
3           of Escambia County, Alabama, which were taken  
4           into trust by the Department of the Interior via  
5           Warranty Deed on August 17, 1992, shown on  
6           Poarch Band of Creek Indians Trust Lands Map 1,  
7           and further described as:

8                   Beginning at the Southwest corner of  
9                   Northwest Quarter of Southwest Quarter of  
10                  Section 27, Township 2 North, Range 5 East;  
11                  thence run East 1145 feet to the public road;  
12                  thence North 3 degrees 15 minutes East 380  
13                  feet along said road; thence run West 1167  
14                  feet; thence run South 380 feet to point of be-  
15                  ginning containing ten acres, except two acres  
16                  described as follows:

17                   Beginning at the aforesaid point of begin-  
18                   ning thence run East 848 feet to the starting  
19                   point; thence run North 297 feet, thence run  
20                   East 298 feet, more or less, to the West right  
21                   of way of Old Sullivan Mill Road; thence run  
22                   Southwesterly along said right of way to the  
23                   South line of Northwest Quarter of Southwest  
24                   Quarter of said Section 27; thence run West



1           297 feet to the starting point, containing eight  
2           acres, more or less.

3           (9) The approximately 34 acres named as Par-  
4           cel 22 located within the exterior geographic bound-  
5           aries of Escambia County, Alabama, which was  
6           taken into trust by the Department of the Interior  
7           via Warranty Deed on August 17, 1992, shown on  
8           Poarch Band of Creek Indians Trust Lands Map 1,  
9           and further described as:

10                   Commence at a one-inch metal pipe being  
11                   the Southwest corner of Section 27, Township  
12                   2 North, Range 5 East Escambia County, Ala-  
13                   bama; thence go N 00° 38' 26'' W along the  
14                   West line of said Section 27 for a distance of  
15                   8.0 feet to a point on the Northerly right of  
16                   way line of Jackson Road (40 foot right of  
17                   way), said point also being the point of begin-  
18                   ning; thence continue N 00° 38' 26'' W along  
19                   said West section line for a distance of 1321.23  
20                   feet to the Northwest corner of the Southwest  
21                   Quarter of Southwest Quarter at said Section  
22                   27; thence go N 89° 30' 13'' E along the North  
23                   line of said Southwest Quarter of Southwest  
24                   Quarter for a distance of 1146.48 feet to the  
25                   Westerly right of way line of Poarch-Perdido

1 Road (40 foot right of way); thence go S 00°  
2 34' 55" W along said Westerly right of way line  
3 for a distance of 287.65 feet: thence go S 01°  
4 30' 05" W for a distance of 40.0 feet; thence  
5 go S 00° 00' 31" W along aforesaid Westerly  
6 right of way line for a distance of 195.59 feet;  
7 thence go S 02° 34' 30" W along aforesaid  
8 right of way line for a distance of 172.73 feet;  
9 thence go S 04° 24' 35" W along aforesaid  
10 right of way for a distance of 630.72 feet to the  
11 intersection with the Northerly right of way of  
12 said Jackson Road; thence go S 89 39' 16" W  
13 along said Northerly right of way line for a dis-  
14 tance of 1071.43 feet to the point of beginning,  
15 it being the intention to describe herein and  
16 convey hereby all of the Southwest Quarter of  
17 Southwest Quarter of Section 27, Township 2  
18 North, Range 5 East, lying West of the public  
19 road.

20 (10) The approximately 13 acres named as Par-  
21 cel 17 located within the exterior geographic bound-  
22 aries of Montgomery County, Alabama, which were  
23 taken into trust by the Department of the Interior  
24 via Warranty Deed on March 23, 1995, shown on

1 Poarch Band of Creek Indians Trust Lands Map 6,  
2 and further described as:

3 Commence at the SW corner of Section 27,  
4 T-17-N, R-19-E, Montgomery County, Alabama  
5 and run EAST, 4340.49 feet; thence NORTH,  
6 1806.29 feet to a point on existing fence line  
7 and being the Point of Beginning; Thence con-  
8 tinue along said fence line S89°13'03"E,  
9 136.34 feet; Thence continue along said fence  
10 line S23°49'20" E, 62.92 feet; Thence continue  
11 along said fence line N69°23'34"E, 219.92 feet  
12 to an existing iron pin; Thence continue along  
13 said fence line N17°23'26"W, 968.84 feet to an  
14 existing iron pin; Thence leaving said fence line  
15 N18°23'28"W, 503.62 feet to a point on the  
16 southeast edge of the Tallapoosa River; Thence  
17 along said edge S43°24'16"W, 618.01 feet;  
18 Thence leaving said edge S39°49'22"E, 150.00  
19 feet to a point on an existing fence line; Thence  
20 along said fence line S26°17'56"E, 374.05 feet;  
21 Thence continue along said fence line  
22 S39°39'24"E, 198.60 feet; Thence continue  
23 along said fence line S17°38'01"E, 386.15 feet  
24 to the Point of Beginning. All lying in the E 1/  
25 2 Section 27, T-17-N, R 19 E, Montgomery

1           County, Alabama, and containing 12.86 acres  
2           more or less.

3           (c) APPLICATION.—This Act shall apply to all claims,  
4 including claims challenging the validity of title or the ef-  
5 fectiveness of any action of the Secretary acquiring and  
6 taking land described in subsection (b) into trust, that are  
7 pending on the date of enactment of this Act, or that are  
8 filed on or after that date.



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115<sup>TH</sup> CONGRESS  
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