



## INTERIOR BOARD OF INDIAN APPEALS

Alan Chapman; Kevin E. Dudley, et al.; Town of Fort Gibson, Oklahoma;  
Muskogee County, Oklahoma; Oklahoma Tax Commission; Harold Wade;  
Quik Trip, Inc., et al.; City of Catoosa, Oklahoma  
v. Muskogee Area Director, Bureau of Indian Affairs

32 IBIA 101 (03/13/1998)

Related Board case:  
35 IBIA 285



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

ALAN CHAPMAN,	:	Order Lifting Stay, Vacating
Appellant	:	Decisions, and Remanding
KEVIN E. DUDLEY, et al.,	:	Cases
Appellants	:	
TOWN OF FORT GIBSON, OKLAHOMA,	:	
Appellant	:	
MUSKOGEE COUNTY, OKLAHOMA,	:	
COMMISSIONERS,	:	
Appellants	:	
ALAN CHAPMAN,	:	
Appellant	:	
KEVIN E. DUDLEY, et al.,	:	Docket No. IBIA 96-115-A
Appellants	:	Docket No. IBIA 96-119-A
OKLAHOMA TAX COMMISSION,	:	Docket No. IBIA 96-122-A
Appellant	:	Docket No. IBIA 96-123-A
OKLAHOMA TAX COMMISSION,	:	Docket No. IBIA 96-124-A
Appellant	:	Docket No. IBIA 96-125-A
HAROLD WADE,	:	Docket No. IBIA 97-2-A
Appellant	:	Docket No. IBIA 97-3-A
OKLAHOMA TAX COMMISSION,	:	Docket No. IBIA 97-10-A
Appellant	:	Docket No. IBIA 97-11-A
QUIK TRIP, INC., et al.,	:	Docket No. IBIA 97-12-A
Appellants	:	Docket No. IBIA 97-14-A
OKLAHOMA TAX COMMISSION,	:	Docket No. IBIA 97-40-A
Appellant	:	
CITY OF CATOOSA, OKLAHOMA	:	
Appellant	:	
	:	
v.	:	
	:	
MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 13, 1998

These are consolidated appeals from four decisions of the Muskogee Area Director, Bureau of Indian Affairs, to take certain tracts of land into trust. The Area Director's decisions and the appeals challenging each are: (1) An August 2, 1996, decision to take a five-acre tract, approximately five miles from Muskogee, Oklahoma, and two miles from Fort Gibson, Oklahoma, into trust for the Cherokee Nation (Docket Nos. IBIA 96-115-A, 96-119-A, 96-122-A, 96-123-A, 97-2-A, and 97-10-A); (2) an August 12, 1996, decision to take a 160.59-acre tract, approximately three and one-half miles southwest of Tahlequah, Oklahoma, into trust for the Cherokee Nation (Docket Nos. IBIA 96-124-A, 96-125-A, and 97-3-A); (3) an August 29, 1996, decision to take a seven-acre tract in or near Catoosa, Oklahoma, into trust for the Cherokee Nation (Docket Nos. IBIA 97-10-A, 97-12-A, 97-14-A, and 97-40-A); and (4) a July 16, 1996, decision to take two tracts, in Owasso and Bartlesville, Oklahoma, into trust for Nancy Augerhold Ross (Docket Nos. IBIA 97-10-A and 97-11-A).

The appeals have been stayed since September 23, 1997, following issuance of the Board's decision in Village of Ruidoso, New Mexico v. Albuquerque Area Director, 31 IBIA 143 (1997).

On February 13, 1998, the Board received a motion from the Area Director, requesting that the Board lift the stay and allow him to submit supplemental findings in support of his decisions. In the alternative, he requested that the Board remand the cases to him for further review and decision.

No responses to the Area Director's motion have been received.

The Area Director concedes that these trust acquisition requests require further analysis on his part. The appropriate course of action in these circumstances is to vacate his decisions and remand the matters to him for further consideration.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Area Director's August 2, 1996; August 12, 1996; August 29, 1996; and July 16, 1996, decisions are vacated, and these cases are remanded to him for further consideration.

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Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge