

Committee: Resource Committee
Date: 03-01-11 Committee Date: 03-14-11

Author: Susan Work
Sponsor: Cara Cowan Watts

RESOLUTION NO. 23-11

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION APPROVING AGREEMENT CONCERNING THE COOPERATION
AND COORDINATION AMONG THE TAR CREEK TRUSTEE COUNCIL INDIAN
TRIBES**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people; and

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America; and

WHEREAS, the Cherokee Nation is a natural resource trustee pursuant to the federal Comprehensive Environmental Response, Compensation and Restoration Act, and in that capacity has participated in the assessment of injuries to natural resources impacted by Tar Creek Superfund Site hazardous substances releases; and

WHEREAS, the Cherokee Nation lacks available funding for legal representation required to more adequately participate in the natural resource damage assessment and other activities related to Tar Creek Superfund Site restoration and response; and

WHEREAS, the Cherokee Nation desires to work with other tribal natural resource trustees impacted by Tar Creek Superfund Site hazardous substances releases through an Agreement Concerning the Cooperation and Coordination Among the Tar Creek Trustee Council Indian Tribes; and

WHEREAS, one purpose of the Agreement among the Tar Creek Trustee Council Indian Tribes is to authorize a single tribe to apply for, receive and administer on behalf of all party tribes joint funding for legal representation in the natural resource damage assessment and other activities related to Tar Creek Superfund Site restoration and response; and

WHEREAS, the said Agreement designates the Ottawa Tribe of Oklahoma to act on behalf of all party tribes in applying for and administering such funding for legal representation in the natural resource damage assessment and other activities related to Tar Creek Superfund Site restoration and response.

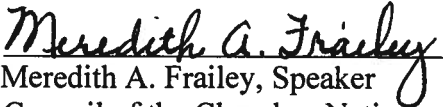
BE IT RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation does hereby approve entering into the Agreement among the Tar Creek Trustee Council Indian Tribes, and the Principal Chief or his designee is authorized to sign the attached Agreement; and

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION, that the Principal Chief is authorized to approve, without further Council action, any amendments to said attached Agreement as deemed necessary and appropriate; and

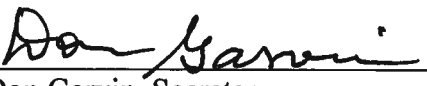
BE IT FINALLY RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation expressly authorizes the Ottawa Tribe of Oklahoma to act on behalf of the Cherokee Nation, pursuant to and for the duration of said Agreement, in applying for, receiving and administering funding for legal representation in the natural resource damage assessment and other activities related to Tar Creek Superfund Site restoration and response, PROVIDED, that this authorization shall extend to such other tribe as may be designated to fulfill this function by full mutual agreement of all party tribes in future written modifications of said Agreement, and PROVIDED FURTHER, that the Cherokee Nation remains a party to said agreement for its duration.

CERTIFICATION


The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 14th day of March, 2011, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation


ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of March, 2011.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:
[Signature] 2-24-11
 Signature Date

Department Director:
[Signature] 2/24/11
 Signature Date

Group Leader:
[Signature] 02/24/10
 Signature Date

Finance Approval (if needed):

 Signature Date

Government Resources Group:

 Signature Date

Administration Approval:
[Signature]
 Signature Date

LEGISLATIVE CLEARANCE

Legislative Aide:
[Signature] 3/1/11
 Signature/Initial Date

Standing Committee:
[Signature]

 3-14-11
 Next Meeting Date

Chairperson:
[Signature]
 Signature/Initial Date

Returned to Presenter: _____
 Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act

Resolution

TITLE: A resolution approving agreement concerning the cooperation and coordination among the Tar Creek Trustee Council Indian Tribes

Department Contact: Nancy John

Resolution Presenter: Tom Elkins

Council Sponsor: Cara Cowan-Watts

NARRATIVE:
(See Attached Outline for Information Needed)

The purpose of this resolution is to approve an agreement between seven tribes impacted by the Tar Creek Superfund site to establish the Tar Creek Trustee Council Indian Tribes (TTCIT), authorize the Ottawa Tribe of Oklahoma to pursue legal support funds from the U.S. Department of Interior and to authorize the Principal Chief or his designee to enter into such an agreement for the TTCIT.

(NOTE: The seven tribes pursuing the establishment of the TTCIT and impacted by the Tar Creek Superfund site include: Cherokee Nation, Eastern Shawnee Tribe, Miami Tribe, Ottawa Tribe, Seneca-Cayuga Tribe, Wyandotte Nation and Peoria Tribe. The Ottawa Tribe currently serves as the Lead Administrative Tribe for the Tar Creek Trustee Council and has agreed to continue serving in the same capacity with the formation of the TTCIT.)