

Committee: Resources

Date: 10-11-10

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Author: Charlie Soap/Michael Lynn

Sponsor: H. Buzzard, T. Jordan, B. J. Baker, J. Crittenden,
J. FISHINGHAWK, D. Thornton, J. Fullbright, D. Garvin,
C. Snell, M. Frailey, C. Soap, C. Watts, B. Anglen,
C. Hoskin Jr.

RESOLUTION NO. 94-10

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION ON QUESTION 10 OF THE 25 CFR PART 170 REGULATIONS

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

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;

WHEREAS, Cherokee Nation is committed to providing safe and reliable roads and bridges though out its jurisdiction;

WHEREAS, the existence of roads and bridges within Cherokee Nation are possible because of the easements set-aside by Cherokee Nation during the time of allotment;

WHEREAS, the vast majority of roads and bridges within Cherokee Nation are reliant upon the Indian Reservation Roads (IRR) Program for improvement;

WHEREAS, the Bureau of Indian Affairs Division of Transportation and Federal Highway Administration intend to interpret Question 10, as published in the Federal Register (Vol. 69, No 137 of Monday, July 19, 2004), in a manner that would limit IRR funding for roads and bridges within Cherokee Nation in favor of roads and bridges found on Indian reservations;

WHEREAS, a tribal/federal negotiated rulemaking committee developed Question 10 and as such, any administrative change is not justified.


BE IT RESOLVED BY THE CHEROKEE NATION that we strongly oppose any change, modification, or reinterpretation of Question 10 that poses a reduction in funding and/or limits our ability to provide safe and reliable access for the citizens of the Cherokee Nation. Furthermore, the laws that govern the IRR Program are without bias and as such, the limitation of certain roads and bridges versus others not only misrepresents the statutes it changes the intent of Congress.

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 11th day of October, 2010, 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:



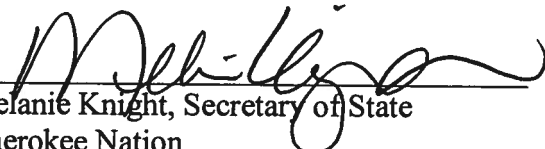
Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of October, 2010.



Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State
Cherokee Nation

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

ADMINISTRATIVE CLEARANCE	
Dept/Program: <i>Michael Lynn</i>	
Signature/Initial	Date 10/8/10
Group Leader:	
<i>Charlie Soap</i>	
Signature/Initial	Date 10/9/10
Finance (if needed):	
Signature/Initial	Date
Government Resources:	
<i>None</i>	
Signature/Initial	Date 10/5/10
Administration Approval:	
<i>W. F. ...</i>	
Signature/Initial	Date 10-08-10
LEGISLATIVE CLEARANCE:	
Legal & Legislative Coordinator:	
<i>Brittain</i>	
Signature/Initial	Date 10/11/10
Standing Committee & Date:	
<i>Resources 10/11/10</i>	
Chairperson:	
<i>Shel</i>	
Signature/Initial	Date
Returned to Presenter: _____	
Date	

TITLE:

DEPARTMENT CONTACT: Charlie Soap

RESOLUTION PRESENTER: Charlie Soap/Michael Lynn

COUNCIL SPONSOR: Harvey Buzzard

NARRATIVE:

The Cherokee Nation's opposition to any change, modification, or reinterpretation of Question 10 of the Federal Register (Vol. 69, No 137 of Monday, July 19, 2004).

10-30-10 P. 00:02