

Committee: Resource

Date: 10-02-12

Committee Date: 10-15-12

Author: Bruce Davis / Pat Gwin

Sponsor: C. Snell, T. Glory-Jordan, C. Cowan Watts, F. Hargis,
D. Walkingstick, J. Byrd, J. Fishinghawk, D. Thornton,
J. Fullbright, D. Garvin, C. Hoskin Jr., M. Frailey, D. Lay,
L. Keener, B. Anglen, J. D. Baker.

RESOLUTION NO. 99-12

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING
BETWEEN CHEROKEE NATION AND THE UNITED STATES DEPARTMENT OF
AGRICULTURE**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in 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, the citizens of the Cherokee Nation engage in agriculture, including various farming and ranching activities;

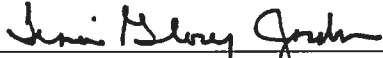
WHEREAS, barriers exist that prevent Cherokee Nation citizens from realizing the full economic opportunities of their agricultural activities, such as slaughter capacity and supply chain issues;

WHEREAS, the United States Department of Agriculture has expressed interest in assisting the Cherokee Nation in identifying and removing barriers to agricultural development for the tribe and its citizens;

BE IT RESOLVED BY THE CHEROKEE NATION, that the Office of the Principal Chief is authorized to enter into a Memorandum of Understanding with the United States Department of Agriculture for the purpose of identifying and removing barriers to agricultural development for the Cherokee Nation and its citizens.

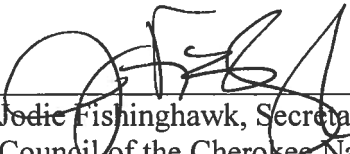
CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 13th day of November, 2012, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.



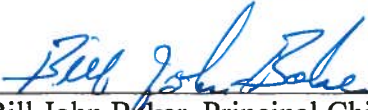
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:




Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 16th day of November, 2012.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Charles Head, Secretary of State
Cherokee Nation

**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED STATES DEPARTMENT OF AGRICULTURE
AND
THE CHEROKEE NATION**

This Memorandum of Understanding (MOU) is entered into between the United States Department of Agriculture (USDA) and the Cherokee Nation.

I. PURPOSE

The purpose of this MOU is the following:

A. Develop a forum to allow the tribal government of the Cherokee Nation and their associates to work more closely with USDA on a government-to-government basis to explore how the two governments may work together to create and expand economic opportunities and improve the quality of life of the peoples of the Cherokee Nation and NE Oklahoma.

B. Establish a working group among the Cherokee Nation, Cherokee Nation associates, USDA, and other supporting partners ("Working Group") to determine ways in which USDA and the supporting partners may be able to assist the Cherokee Nation and its associates in developing their economic resources for the betterment of their people.

C. Call for the production of recommendations by the Working Group to be presented to the tribal government of the Cherokee Nation concerning the viability of replacing red meat (beef, chevon, and lamb) products produced/processed outside of the Cherokee Nation and NE Oklahoma with more locally produced/processed sources (for use in restaurants, schools, hotels, and other similar facilities located within the Cherokee Nation and NE Oklahoma).

D. Call for the preliminary exploration/discussion by the Working Group into other (non-red meat related) agricultural endeavors that may offer significant economic opportunities for the Cherokee Nation and its associates and for the results of this exploration/discussion to be presented to the tribal government of the Cherokee Nation concerning the viability thereof and possible enabling strategies.

II. INTRODUCTION

Through government-to-government discussions between the Cherokee Nation, its associates, and USDA, it has been determined that to further the goals of the parties to this agreement a forum is needed to identify opportunities to create and expand economic opportunities and

improve the quality of life of the peoples of the Cherokee Nation and NE Oklahoma. Through this forum, the Cherokee Nation and its associates can identify goals and objectives for development; USDA, with their supporting partners, can identify ways in which they assist the Cherokee Nation and its associates to discover and develop projects and activities that support these goals and objectives.

The Cherokee Nation and its associates bring internal resources and experience in economic development in Indian Country, as well as a strong desire to find ways to create economic opportunities and improve the quality of life of its citizens and the people of NE Oklahoma. USDA and their supporting partners bring expertise in identifying, analyzing, encouraging, and funding economic development projects, as well as a desire to create sustainable economic development and improve the quality of life of those in rural America.

The parties to the MOU have identified several potential supporting parties, including but not limited to: the Department of the Interior; the Oklahoma Department of Agriculture, Food, and Forestry; the Colleges of Agriculture at Langston University, Oklahoma State University, and the University of Arkansas Fayetteville; the School of Law at the University of Arkansas Fayetteville; existing agricultural co-ops and producers located in the Cherokee Nation; Cherokee Nation and associate food policy councils; etc. These partners can provide invaluable technical assistance and other resources in a wide range of areas including economic and market analysis, meat production and processing expertise, business model analysis, financial analysis, and legal issues analysis and document preparation that will assist the parties in carrying out the MOU.

The parties to the MOU agree that by bringing their resources together with the resources of the supporting partners opportunities for sustainable economic development can be created within the Cherokee Nation and NE OK. The Working Group is designed to facilitate the identification and leveraging of these resources.

Over time, it is intended that the forum created in this MOU will be used to address a variety of development issues. For instance, the MOU may be used to address possible sustainable economic development opportunities through the enhancement of production and processing of fruits, vegetables, Cherokee heirloom crops, and other food products. However, the parties agree that the best way to begin this effort is to focus on one specific activity. Through initial government-to-government discussions among the parties to this MOU, it was determined that the first activity to initiate the Working Group's efforts would be the development of recommendations concerning the viability of replacing red meat (beef, chevon, and lamb) products produced/processed outside of the Cherokee Nation and NE Oklahoma with more locally produced/processed sources (for use in restaurants, schools, hotels, and other similar facilities located within the Cherokee Nation and NE Oklahoma). The Cherokee Nation and its associates believe that this activity represents an economic opportunity that leverages several existing economic strengths of the Cherokee Nation and its associates: 1) the developed ranching industry in the area/region, 2) the public's interest in foods that have a known and respected origin and are more locally and regionally produced and processed, and 3) the hotels, restaurants, and schools that represent potential markets for red meat produced in the Cherokee Nation and NE Oklahoma.

The identification and creation of these opportunities furthers the mission of USDA to foster the creation of economic opportunities that will improve the quality of life of rural residents, especially residents of Indian Country

III. INITIAL ACTIONS UNDER THIS MOU

Within 30 days from the date the MOU is fully executed, the parties to the MOU agree to:

1. Identify the individuals that will represent them on the Working Group that have the authority and expertise to enable the Working Group to carry out its functions.
2. Work with supporting partners to have them identify individuals that will represent them on the Working Group consistent with the provisions of the MOU.
3. Hold the first Working Group meeting.
4. Within 6 months from the date the MOU is fully executed, the Working Group will provide to the Cherokee Nation and their tribal partners recommendations concerning the viability of replacing red meat (beef, chevon, and lamb) products produced/processed outside of the Cherokee Nation and NE Oklahoma with more locally produced/processed sources (for use in restaurants, schools, hotels, and other similar facilities located within the Cherokee Nation and NE Oklahoma). In making these recommendations, the Working Group shall consider, at a minimum, the following:
 - a. possible markets for the product;
 - b. the production capacity for red meat and any significant limitations;
 - c. who will be responsible for ensuring that production meets market expectations and determining whether these individuals are capable of carrying out such duties;
 - d. what resources will be needed and where will they come from to implement the red meat production and processing expansion plan, including sources of technical and financial assistance from USDA;
 - e. what legal issues exist with respect to carrying out the expansion plan (Federal, State, and Tribal) and how will they be resolved; and
 - f. maintaining the confidentiality of any personal and financial information received in accordance with Federal privacy laws.
5. Within 60 days after the Working Group has presented its recommendations, the Cherokee Nation and its associates will inform USDA and the supporting partners whether:
 - a. the recommendations have been accepted or rejected; and

b. if the recommendations are accepted, the next steps that should be taken to implement the recommendations.

IV. LONG TERM ACTIONS UNDER THE MOU

Within 120 days after the Working Group has presented its recommendations to the Cherokee Nation and its associates, the parties to the MOU shall meet to evaluate the work of the Working Group and determine if the Working Group should continue to be a forum for government-to-government discussions on development issues between USDA and the Cherokee Nation with its associates.

If the parties to the MOU decide to continue the Working Group, the parties will amend the MOU to enable the Working Group to address additional issues as determined by the parties.

V. CONTACT PERSONS

USDA Primary Contact

Doug O'Brien
Deputy UnderSecretary
Rural Development

Cherokee Nation Primary Contact:

Charles Head
Secretary of State
Cherokee Nation

VI. DURATION

This MOU shall become effective on the date of the last signature and continue in effect until the earlier of:

1. 1 year after the Working Group provides its recommendations to the Cherokee Nation and their tribal partners; or

2. December 31, 2014.

VII. EFFECT OF AGREEMENT

This MOU is an internal Government agreement, and does not confer any legal right upon any private person or private entity.


This MOU does not restrict the parties from participating in similar activities or arrangements with other entities.

This MOU does not obligate the parties to use Federal funds, equipment or personnel.

All activities are subject to applicable laws and regulations.

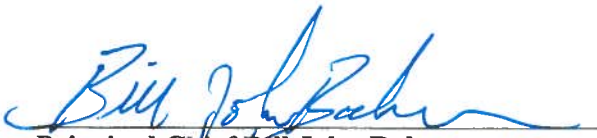
VIII. APPROVALS

The parties indicate agreement with this MOU by their signatures.



Doug O'Brien
Deputy UnderSecretary, Rural Development
United States Department of Agriculture

21 Aug 2012
DATE



Principal Chief Bill John Baker
Cherokee Nation

11-16-12
DATE

21020934R26 7-0EFLE

ADMINISTRATIVE CLEARANCE

Dept/Program:
Natural Resources

Signature/Initial _____ Date _____

Executive Director:
Bruce Davis

B.D. 10-1-12

Signature/Initial _____ Date _____

Treasurer: (Required: Grants/Contracts/Budgets)

NA

Signature/Initial _____ Date _____

Government Resources:

NA

Signature/Initial _____ Date _____

Administration Approval: Charles Head

Charles Head

Signature/Initial _____ Date _____

10/1/12

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Brittain 10/2/12

Signature/Initial _____ Date _____

Standing Committee & Date:

Resource 10/15/12

Chairperson:

Snell

Signature/Initial _____ Date _____

Returned to Presenter: _____

Date _____

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

TITLE:

DEPARTMENT CONTACT: Pat Gwin

RESOLUTION PRESENTER: Bruce Davis

COUNCIL SPONSOR: Curtis Snell

NARRATIVE:

This agreement between the CN and the USDA (MOU) is authorizing the undersigned to form a study group/complete a feasibility study regarding commerce pathway development between agricultural producers and the Cherokee Nation.