

Committee: Resource Committee
Date: 02-21-17 Committee Date: 1/26/2017

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RESOLUTION NO. 09-17

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AGREEING TO ACCEPT THE UNITED STATES FOREST SERVICE- SOUTHERN REGION'S APOLOGY FOR DAMAGES TO A TRAIL OF TEARS SITE IN THE CHEROKEE NATIONAL FOREST

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, U.S. Forest Service-Southern Region construction activities in March-June 2014 precipitated adverse effects to a section of the Trail of Tears National Historic Trail/ Unicoi Turnpike in the Cherokee National Forest;

WHEREAS, these adverse effects to this historic site resulted in damages to the physical integrity and spiritual integrity of one of the most important and most visible reminders of the post-European contact experience endured by the Cherokee Nation;

WHEREAS, all of the Trail of Tears Routes hold cultural and historic significance to the Cherokee Nation and serve as a constant focal point for the hardships and loss of life resulting from implementation of the Indian Removal Act;

WHEREAS, the Cherokee Nation regards the forced removal of American Indian people from their native homelands through implementation of the Indian Removal Act as an assault on tribal sovereignty that disrupted and forever separated families; and sadly precipitated loss of lives, land and spiritual connection to sacred places of cultural significance;

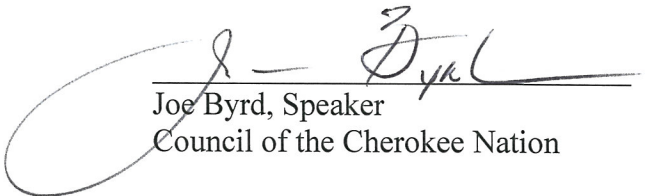
WHEREAS, the United States Forest Service-Southern Region recognizes the cultural and historic significance held by the Cherokee Nation regarding the Trail of Tears historic Site and extends an apology for the unfortunate and adverse effects that have occurred;

WHEREAS, the Cherokee Nation agrees to consult on a Government to Government basis with the United States Forest Service-Southern Region regarding the restoration and mitigation of these adverse effects to this Trail of Tears Sacred Site;

BE IT RESOLVED BY THE CHEROKEE NATION, that the Tribal Council hereby agrees to accept the United States Forest Service- Southern Region's apology as a 'Good Faith Effort' and commitment on the part of this federal agency to jointly pursue meaningful mitigation of these adverse effects.

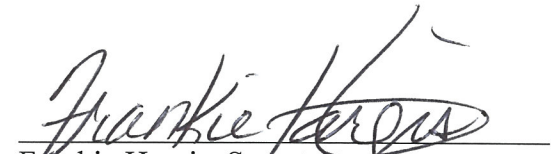
CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 21st day of February, 2017, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.



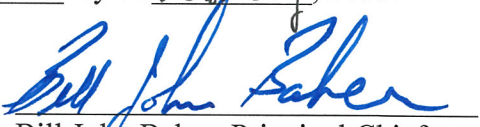
Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:



Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23 day of February, 2017.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State
Cherokee Nation



September 22, 2016

THE SECRETARY OF AGRICULTURE
WASHINGTON, D. C.
20250-0100

Mr. Jack Baker
President, National Trail of Tears Association
Tribal Council Member
Cherokee Nation /
National Trail of Tears Association
Webbers Falls, Oklahoma 74470

Dear President Baker:

On behalf of the U.S. Department of Agriculture, I am writing to express my deep regret and to apologize to the Cherokee and Creek Tribal Nations for the unjustifiable offenses that occurred on the Trail of Tears, National Historic Trail. These violations occurred in the spring of 2014 on the Cherokee National Forest as a result of the actions of the U.S. Forest Service. No words are adequate to express the full measure of our regret, but I apologize for the emotional and spiritual damage these violations have imposed on your people and sacred land.

You have my personal commitment we will urgently undertake all corrective measures to restore the Trail of Tears, Unicoi Turnpike, and ensure these violations will never again be repeated on this sacred ground. The Trail of Tears has significantly contributed to the sacred and cultural history of your people—a history that citizens of the United States should learn, together with its additional significance as an example of the strength of your Nations to survive such atrocities. We will demonstrate the lessons we have learned from you as we take extreme care to rehabilitate this sacred place. Further, we will continue to consult and work closely with you to comprehensively reverse the harm we have caused to the trust between the Tribes and the Forest Service. As agreed, the Forest Service will sign a formal Apology Resolution with the Cherokee and Creek Nations February 2017 at a signing ceremony during the “To Bridge a Gap” meeting in Tulsa, Oklahoma.

Moreover, we are deeply appreciative of the forgiving spirit and cooperation you have extended to the Forest Service during the last 2 years—with ongoing consultations that will help to repair damage caused by water bars and tank traps that were mistakenly constructed. We are also grateful for the time Tribal members took to share with our staff the deep harm these violations caused your people and the sacredness of this land—embodying spirits that sacrificed so much on this painful journey. As we agreed last year, the Forest Service will continue to consult with you and listen to your guidance as we restore this sacred place. Meanwhile, I plan to visit the site to survey the damage and the rehabilitation efforts to ensure we keep the promises we have made. While we are unable to reverse the spiritual and emotional harm these acts have caused, we will use this regretful incident to work to rebuild your trust in us and strengthen our relationship with you.

I sincerely apologize to each and every member of your Tribe for these regrettable and wholly avoidable acts. We humbly look forward to consulting with you regarding the stewardship of National Forest land along the Trail of Tears, which will continue to inspire the Nation with its lessons on the history and resilience of the Cherokee and Creek Tribes.

Sincerely,


Thomas J. Vilsack