

# An Act

## Legislative Act 06-21

### AN ACT ESTABLISHING THE CHEROKEE NATION PARK, WILDLANDS, FISHING AND HUNTING PRESERVE ACT OF 2021

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This act shall be known and cited as the "Cherokee Nation Park, Wildlands, Fishing and Hunting Preserve Act of 2021" and codified at Title 29, Chapter 2 "Tribal Reserved Lands", of the Cherokee Nation Code, which is hereby amended in accordance with the Act.

#### Section 2. Legislative Intent and Purpose

The purpose of this Act is to establish a regulatory scheme for the management of Cherokee Nation parks, wildlands, hunting and fishing reserves, and conservation of Cherokee Nation lands. It shall be the policy of the Cherokee Nation to acquire and manage lands for the beneficial use of Cherokee Citizens, conservation of natural resources, and preservation of Cherokee culture and traditions.

#### Section 3. Legislative History

Legislative Act 36-06, effective January 10, 2007; Legislative Act 10-10, effective March, 22, 2010.

#### Section 4. Substantive Provisions

§ 1001 Definitions. The following words and phrases shall have the meanings ascribed in this article, except where the context requires otherwise:

- A. "Act" means the Cherokee Nation Park, Wildlands, Fishing and Hunting Preserve Act of 2021.
- B. "Conservation" means restrictions placed on property, or other natural resources, for the purpose of preservation, rehabilitation, restoration, or otherwise protecting a property, or natural resource from degradation for the benefit of current and future Cherokee Citizens.
- C. "Conservation Lands" means any land, including Wildlands, Hunting Lands, Fishing Lands, Parks, and other properties set aside for specific or general conservation purposes in accordance with the Act.

- D. "Culturally Protected Species" shall have the meaning set forth in Legislative Act 10-10, effective March, 22, 2010, and such other designations made in regulations adopted in accordance with the Act .
- E. "Cultural Resource" means a natural resource or product of Cherokee activity, or an object or place given significance by Cherokee action or belief, including Culturally Protected Species and such other designations made in regulations adopted in accordance with the Act.
- F. "Hunting Lands" means lands, including water, designated for the taking of wildlife for subsistence and recreational purposes.
- G. "Fishing Lands" are lands, including water, designated for the taking of aquatic wildlife for subsistence and recreational purposes.
- H. "Park" means an area of land or water open to the public for traditional outdoor activities, recreational use, or other purpose permitted by the Act.
- I. "Principal Chief" means the Principal Chief of the Cherokee Nation.
- J. "Privileges" means the opportunity to utilize Reserve Lands for the purposes set forth in the Act and associated regulations.
- K. "Reserve Lands" means Wildlands, Hunting Lands, Fishing Lands, Conservation Lands, Parks, and other properties designated by, and subject to, the requirements of the Act.
- L. "Secretary" means the Cherokee Nation Secretary of Natural Resources.
- M. "Wildland" means an area of land or water which has retained its natural environmental integrity, although not necessarily completely natural and undisturbed, or has rare or culturally significant species of plant or animal life or similar features of interest worthy of management and preservation for current and future Cherokee citizens.
- N. "Wildlife" means any wild animal, whether alive or dead, including, without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof.

§ 1002 Authority.

The Principal Chief, through the Secretary of Natural Resources, shall have authority to manage all Reserve Lands under this Act. The Secretary shall be responsible for identifying, evaluating, listing, or otherwise restricting Reserve Lands for use consistent with the policies

and requirements of this Act. The Secretary shall advise the Principal Chief, the Council of the Cherokee Nation, the divisions, departments, programs, agencies, authorities, and enterprises of the Cherokee Nation, and the federal, state and local governments on matters pertaining to the use of Reserve Lands designated for the purposes set forth in the Act. The Secretary shall develop written plans for the management and use of Reserve Lands and such other procedures and regulations necessary to effectuate the purposes and policies of this Act.

§ 1003           Activities Permitted.

Activities permitted on Reserve Lands covered by this Act shall be for any purpose that provides increased opportunities for Cherokee citizens, families, and other individuals to experience compatible recreation, subsistence, and cultural preservation activities, including, but not limited to conservation, hunting, fishing, public and private recreation, traditional outdoor activities, and any other accommodations consistent with the policies and requirements of the Act.

§ 1004           Protection of Natural and Cultural Resources.

No person shall disturb, immure, cut, burn, remove destroy, or possess any real or personal property, or Cultural Resource of the Cherokee Nation, including natural growth in any area of the Reserve Lands; or take or possess any Wildlife, plant, or Cultural Resource from the Reserve Land, unless such activities are permitted by the Act or regulations, procedures, standards and guidelines established in accordance with the Act, an express provision of law, or Executive Order issued by the Principal Chief of the Cherokee Nation.

§ 1005           Designation of Properties.

The following properties are hereby designated as Reserve Lands under the Act:

- A. "Cherokee Nation Sallisaw Creek Park", as more fully described in the attached legal description, is approximately 790.70 acres of Tribal trust land located in Sequoyah County and is a partially developed public park utilized for hunting, fishing, camping and other recreational purposes.
- B. "Cherokee Nation Shawnee Preserve", as more fully described in the attached legal description, is approximately 155.34 acres of Tribal trust property located in Craig County that is considered Wildlands and currently used for hunting and traditional outdoor activities.
- C. "Cherokee Nation Medicine Keepers Preserve", as more fully described in the attached legal description and formerly referenced as CMS 83, is approximately 810 acres of Tribal trust property located in Adair County that is considered Wildlands and is currently utilized for traditional gathering and Cherokee cultural activities. This property shall be reserved for traditional cultural uses, with restricted access to the public.

- D. "Cherokee Nation Sequoyah Hunting Preserve", as more fully described in the attached legal description, is approximately 4376.53 acres of Tribal fee property located in Sequoyah County that is considered Wildlands and currently utilized for hunting, fishing, and traditional outdoor activities.

§ 1006 Additional Properties Designated Under the Act.

The Principal Chief, upon recommendation of the Secretary, may designate additional properties as Reserve Lands under the Act for compatible purposes. A list of additional properties designated as Reserve Lands by the Principal Chief in accordance with this Act shall be reported to the Council of the Cherokee Nation at least quarterly, and the formal names of such properties may be modified by resolution of the Council of the Cherokee Nation.

§ 1007 Suspension or Revocation of Privileges.

The Secretary of Natural Resources may suspend or revoke any privileges granted under this Act upon determining that continuation of such privilege is not in the best interest of the Cherokee Nation.

§ 1008 Criminal and Civil Penalties.

Any person violating § 1004, or any other provision of this Act, including any regulation established in accordance with the Act, shall be guilty of a crime and or civil infraction and subject to the following penalties.

- A. Criminal Penalties. Violation of the Act as established in this Section shall be a misdemeanor punishable by a term of imprisonment not to exceed one (1) year, or a fine in a sum not to exceed Five Thousand Dollars (\$5,000), or by both.
- B. Civil Penalties. Violation of the Act as established in this Section shall also be a civil infraction punishable by a fine a fine in a sum not to exceed Five Thousand Dollars (\$5,000).

§ 1009 Jurisdiction.

Any person who enters onto any land covered by this Act consents to the civil and criminal jurisdiction of the Cherokee Nation to fullest extent allowable under the laws of the Cherokee Nation, and applicable federal law and shall be subject to the jurisdiction of the Cherokee Nation courts.

§ 1010 Regulations, Procedures, Standards, and Guidelines.

The Secretary of Natural Resources shall develop, promulgate, publish and implement such regulations, procedures, standards, and guidelines necessary to implement the requirements of or achieve the purpose of this Act.

§ 1011 Cooperative and Governmental Agreements.

The Principal Chief is authorized to negotiate and execute agreements with entities and agencies of the Cherokee Nation, including Cherokee Nation Businesses, federal, state, local governments, and other public and private entities to facilitate the purpose, policies, and requirements of the Act, which may include applications for grant funding, leases and other cooperative agreements.

**Section 5. Provisions as Cumulative**

The provisions of this act shall be cumulative to existing law. If a provision of the Act is inconsistent with existing Cherokee Nation law, including any provision of Title 29 of the Cherokee Nation Code, the operative provision of this Act shall apply.

**Section 6. Severability**

The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this act.

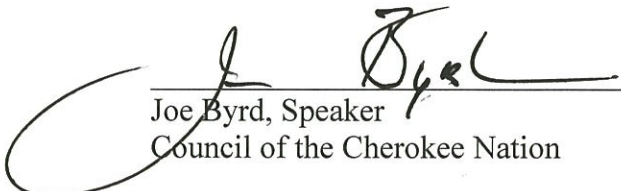
**Section 7. Effective Date**

It being immediately necessary for the welfare of the Cherokee Nation, the Council of the Cherokee Nation hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.


**Section 8. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 22<sup>nd</sup> day of February, 2021.

  
\_\_\_\_\_  
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
\_\_\_\_\_  
James Taylor, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 1<sup>st</sup> day of March, 2021.



\_\_\_\_\_  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

**ATTEST:**



\_\_\_\_\_  
Tina Glory Jordan, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Canaan Duncan	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

**Attachment 1**  
**Legal Descriptions**

As a supplement to § 1005 (A), the legal description for the “Cherokee Nation National Park” is as follows:

A parcel of land located in Section 21, 27, 28 and 33, Township 11 North, Range 23 East, of the Indian Meridian, in Sequoyah County, Oklahoma, more particularly described as: Beginning at the Section corner common to Sections 20, 21, 28, and 29, Township 11 North, Range 23 East; Thence N 89°45'41" E along the South line of said Section 21, a distance of 1654.37 feet, to Corps of Engineers Monument (C. of E. Mon.) 7-8; Thence N 13°45'51" E a distance of 1367.13 feet, to C. of E. Mon. 6-7; Thence S 89°59'44" E a distance of 662.09 feet to C. of E. Mon. 5-6; Thence S 00°14'29" E a distance of 1323.70 feet, to C. of E. Mon. 8-5; said monument being on the South line of Section 21; Thence N 89°45'41" E along said line, a distance of 2151.71 feet, to C. of E. Mon. 3-4; Thence S 24°08'40" W a distance of 1914.38 feet; Thence N 88°27'25" W a distance of 771.75 feet; Thence N 27°36'48" W a distance of 1800.00 feet; Thence S 89°53'12" W a distance of 830.00 feet; Thence S 00°06'48" E a distance of 1520.00 feet; Thence S 20°38'51" E a distance of 1535.02 feet; Thence N 84°26'32" E a distance of 1710.92 feet; Thence N 59°37'02" E a distance of 1327.14 feet; Thence N 07°56'57" E a distance of 228.68 feet; Thence N 62°39'01" E a distance of 190.50 feet; Thence S 43°00'46" E a distance of 173.50 feet, to a point on the East line of said Section 28, said line also being the West line of said Section 27; Thence N 52°15'59" E a distance of 334.62 feet; Thence S 52°39'33" E a distance of 294.34 feet; Thence S 22°16'40" W a distance of 471.06 feet; Thence S 26°13'22" W a distance of 404.66 feet; Thence S 36°11'52" W a distance of 242.52 feet, to the West line of said section 27, said line also being the East line of said Section 28; Thence S 33°37'32" W a distance of 379.37 feet; Thence S 47°58'46" W a distance of 1234.39 feet; Thence S 54°48'57" W a distance of 1174.84 feet; Thence S 05°41'58" W a distance of 663.65 feet; Thence S 42°22'50" W a distance of 2046.21 feet; Thence S 78°00'52" E a distance of 2109.25 feet; Thence S 15°06'48" E a distance of 2770.00 feet; Thence S 89°44'13" W a distance of 1660.00 feet; Thence S 00°10'38" E a distance of 422.41 feet, to the south line of said Section 33; Thence S 89°51'01" W along said line, a distance of 1676.13 feet; Thence N 12°43'20" W a distance of 5409.62 feet, to the Section Corner common to Sections 28, 29, 32 and 33, Township 11 North, Range 23 East; Thence N 00°10'38" W along the West line of said Section 28, a distance of 5274.35 feet, more or less, to the point of beginning, Containing 790.70 acres, more or less.

As a supplement to § 1005 (B), the legal description for the “Cherokee Nation Shawnee Tract and Hunting Reserve” is as follows:

155.34 acres m/l located in part of Section 36, and part of Section 35, Township 25 North, Range 18 East, Craig County Oklahoma, more particularly described as: The W/2 of NW/4 and the NE/4 of NW/4 and the N/2 of SE/4 of NW/4 and the NW/4 of SW/4 of Section 36, Township 25 North, Range 18 East of the Indian Base and Meridian, according to the United States Government Survey thereof, And A piece, parcel or tract of land lying in the E/2 of the NE/4 of the NE/4 of Section 35, Township 25 North, Range 18 East of the Indian Base and Meridian, Craig County, State of Oklahoma according to the U. S. Government Survey thereof, more particularly described as follows: Beginning at the SE corner of said E/2 of the NE/4 of the NE/4; thence South 89°50'36" West for a distance of 495.97 feet along the South line thereof to the center line of an existing county road; thence North 04°54'15" West for a distance of 30.41 feet along the center line of an existing county road; thence North 12°07'03" East for a distance of 60.68 feet continuing along said center line; thence North 28°34'02" East for a distance of 55.74 feet continuing along said center line; thence North 43°22'27" East for a distance of 55.82 feet continuing along said center line; thence North 57°37'15" East for a distance of 58.76 feet continuing along said center line; thence North 69°13'18" East for a distance of 120.76 feet continuing along said center line; thence North 67°10'41" East for a distance of 53.15 feet continuing along said center line; thence North 47°50'57" East for a distance of 43.34 feet continuing along said center line; thence North 36°08'18" East for a distance of 70.06 feet continuing

along said center line; thence North 30°35'48" East for a distance of 51.65 feet continuing along said center line; thence North 29°11'18" East for a distance of 162.92 feet continuing along said center line; thence North 18°39'17" East for a distance of 27.50 feet continuing along said center line; thence North 16°58'57" East for a distance of 52.14 feet continuing along said center line; thence North 08°44'02" East for a distance of 66.42 feet continuing along said center line; thence South 89°18'43" East for a distance of 2.77 feet continuing along said center line to the East line thereof; thence South 00°33'48" West for a distance of 686.65 feet along East line thereof to the Point of Beginning, less and except a tract of land in the NW NW of Section 36, more particularly described as: Beginning at the NW corner of Section 36; thence N90°00'E 1,450.00 feet; thence S00°00'W 660.00 feet; thence S75°56'W 1,501.53 feet; thence N00°21'E 1,024.97 feet to the Point of Beginning.

As a supplement to § 1005 (C), the legal description for "Candy Mink Springs 83" is as follows:

The E2 and the E2 of the NW1/4 of Section 13, Township 14 North, Range 26 East; and The E2 and the S2 of the NW1/4, and the SE1/4 NE1/4 NW1/4 of Section 24, Township 14 North, Range 26 East, all located in Adair County, Oklahoma, containing 810 acres, m/l

As a supplement to § 1005 (D), the legal description for the "Cherokee Nation Sequoyah Hunting Reserve" is as follows:

Township 12 North, Range 25 East, I.B.&M., Sequoyah County, Oklahoma,  
Section 1 Lot 3, Lot 4, N/2 SW/4 NW/4, SE/4 NW/4;  
Section 3 North 29.75 Acres of Lot 1, Southwest 10 Acres of Lot 1, Lot 2, Lot 3, Lot 4, SW/4 NW/4, W/2 SE/4 NW/4, NE/4 SE/4 NW/4, N/2 SW/4 NE/4, NE/4 SE/4 NE/4;  
Section 4 Lot 1, Lot 2, Lot 3, Lot 4, S/2 NE/4, SW/4, SE/4 SE/4 SE/4, SW/4 SE/4, S/2 NW/4 SE/4, N/2 NW/4 SE/4, W/2 SE/4 SE/4, S/2 NW/4, SW/4 NE/4 SE/4 LESS the North 66 feet;  
Section 5 Southeast 10 Acres of Lot 1, North 29.62 Acres of Lot 1, North 29.59 Acres of Lot 2, Lot 3, Lot 4, S/2 NW/4, S/2 NE/4, SW/4;  
Section 6 Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, NW/4 SE/4 NW/4, SE/4 SE/4 NW/4, E/2 SW/4, S/2 NE/4, N/2 SE/4, SE/4 SE/4, N/2 SW/4 SE/4, SW/4 SW/4 SE/4, SE/4 SW/4 SE/4, SW/4 SW/4 SW/4;  
Section 7 Northeast 10 Acres Lot 1, Southwest 6.97 Acres Lot 1, Lot 2, West 13.75 Acres of Lot 3, West 13.65 Acres Lot 4, N/2 NE/4 NW/4, SE/4 NE/4 NW/4, SE/4 NW/4, NE/4, N/2 NE/4 SE/4, NE/4 NW/4 SE/4, East 20 Acres Lot 4,  
Section 8 NW/4 NW/4, NW/4 NE/4 NW/4, W/2 SW/4 NW/4, SE/4 SW/4 NW/4, North 100 feet NE/4 NE/4 NW/4;  
Section 9 N/2 NW/4, W/2 SW/4 NW/4, NE/4 SW/4 NW/4, SE/4 SW/4 NW/4, N/2 SE/4 NW/4, SE/4 SE/4 NW/4, SW/4 SE/4 NW/4, NW/4 NE/4, NW/4 NE/4 NE/4, and all that part of NE/4 NE/4 and the East Half of E/2 SW/4 NE/4 lying North and West of certain Roadway running in a Northeasterly direction through said real property, NW/4 SW/4, LESS AND EXCEPT All that part of N/2 SW/4 lying South and East of County Road; LESS AND EXCEPT the South 100 feet of SW/4 SW/4 NW/4,  
Township 13 North, Range 25 East, I.B.&M., Sequoyah County, Oklahoma,  
Section 29 W/2 SW/4, W/2 SE/4 SW/4, SE/4 SE/4 SW/4, SW/4 SW/4 SE/4;  
Section 30 A part of E/2 SE/4 described as follows: Beginning at the Southeast Corner of Section 30, THENCE, West 857.62 feet; THENCE, N13°55'20"E 2733.17 feet; THENCE, East 200.00 feet; THENCE, South 2652.88 feet to the Point of Beginning, also described as of SE/4, lying East of the centerline of the creek which runs North and South through the E/2;  
Section 31 E/2 NE/4, E/2 W/2 NE/4, E/2 SW/4, SE/4, Lot 4;  
Section 32 NW/4, W/2 W/2 NE/4, NE/4 SW/4 NE/4, SW/4, SE/4 NE/4, N/2 SE/4, SE/4 SW/4 NE/4, S/2 SE/4;  
Section 33 NW/4, SW/4;



# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
Dept/Program:	
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer (Required: Grants/Contracts/Budgets):</b>	
Signature/Initial	Date
<b>Government Relations:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
Signature/Initial	Date
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
Chairperson:	Date
Signature/Initial	Date

**TITLE:**

**AN ACT ESTABLISHING THE CHEROKEE NATION PARK, WILDLANDS, FISHING AND HUNTING PRESERVE ACT OF 2021**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Chad Harsha

COUNCIL SPONSOR: Daryl Legg, EO Smith, Canaan Duncan, Mike Shambaugh, Janus Taylor, Dana Patz, Joe Deere, Rex Jordan, Joe Byrd

**NARRATIVE:**

An Act Establishing the Cherokee Nation Park, Wildlands, Fishing and Hunting Preserve Act of 2021.

JAN 12 '21 AM 10:46