



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

**File #:** 22-013      **Version:** 1      **Name:** CNCA 27 AMENDMENT - ISSUING CITATIONS  
**Type:** Legislative Act      **Status:** Passed  
**File created:** 1/13/2022      **In control:** TRIBAL COUNCIL  
**On agenda:** 1/27/2022      **Final action:** 2/21/2022  
**Enactment date:** 2/14/2022      **Enactment #:** LA-05-22  
**Title:** AN ACT AMENDING TITLE 27  
**Sponsors:** Victoria Vazquez, Mike Shambaugh, Danny Callison, Dora Patzkowski, Joe Deere  
**Indexes:** Environmental Programs, Environmental Protection, Environmental Quality Code, EPA  
**Code sections:** Title 27 - Environmental Quality  
**Attachments:** 1. LA-05-22.PDF

Date	Ver.	Action By	Action	Result
2/21/2022	1	OFFICE OF THE CHIEF	Signed	
2/14/2022	1	TRIBAL COUNCIL	Approved	Pass
1/27/2022	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

### AN ACT AMENDING TITLE 27

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

#### Section 1. Title and Codification

This Act shall be known as the “An Act Amending Title 27.

#### Section 2. Findings

The Cherokee Nation Tribal Council finds that in order to issue citations for littering and possession of prohibited materials on Cherokee Nation Scenic Rivers, this Amendment is needed.

#### Section 3. Legislative History

Title 27; Title 63; Legislative Acts 01-93, 08-98, 31-04, 35-04, 42-04, 15-05, 19-05, 41-05, 36-06, 06-08, 04-10, 10-10, and 25-10.

## Section 4. Purpose

The purpose of this Act is to provide criminal penalties for littering and pollution of the Scenic Rivers located in the Cherokee Nation Reservation and to prohibit items that could harm the rivers and streams.

## Section 5. Substantive Provisions

### § 1005. Littering, Use of Glass, Styrofoam or Plastic Containers, and TMDLs

A. It is recognized by the Council that littering by people using the "scenic river areas" is one of the most immediate threats to the scenic beauty of our free-flowing streams and surrounding areas.

B. Any cross-deputized law enforcement officer, marshal, ranger, staff or members of the Oklahoma Scenic Rivers Commission, police or peace officer, game wardens, landowner in the area, or any other interested party may file a complaint to enforce the provisions of the Scenic Rivers Act or to enforce other applicable requirements to prevent and clean up pollution.

C. Any person who deliberately places, throws, drops, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance on or near a scenic river area shall be subject to the provisions of Section 1761.1 of Title 21 of the Cherokee Nation Statutes. ~~monetary penalties and enforcement provisions of the CN Environmental Code for illegal pollution or discharges and any other applicable law.~~

D. The use of glass, Styrofoam or any plastic foam containers for any purpose shall be prohibited on any scenic river. Any person found in violation of this section shall be subject to the provisions of Section 1761.1 of Title 21 of the Cherokee Nation Statutes.

~~D.~~ E. For those impaired scenic river watersheds where a total maximum daily load (TMDL) for phosphorus or other pollutants is necessary, the Commission shall work with affected states, if possible, to allocate and enforce loadings for discharges of all types.

## Section 6. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

**Section 7.        Severability**

The provisions of this act are severable and if any part of 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 8.        Effective Date: Emergency Declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.