

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 2: Definitions and General Provisions
§ 201. Definitions
Cite as: 27 CNCA § 201

For purposes of this title:

1. **"Administrator"** means the person designated as administrator of the CN EPC.
2. **"Affected party"** means Cherokee Nation or any Department thereof. It shall also include any person or entity applying for or holding a permit or subject to regulation under this title and any citizen of Cherokee Nation, if such person, entity or citizen is directly and substantially impacted by an action or decision of the CN EPC and can demonstrate standing. The CN EPC may adopt rules which include other classes of persons or entities within the meaning of "affected party".
3. **"CN EPC", "Commission"** and **"EPC"** means the Environmental Protection Commission of Cherokee Nation.
4. **"Environment"** includes the air, land, wildlife, cultural and archaeological resources, and waters of the Nation.
5. **"Environmental Code"** means the Cherokee Nation Environmental Code and shall refer to Title 27 CNCA § 100 et seq.
6. **"Jurisdiction"** means jurisdiction of Cherokee Nation over lands of Cherokee Nation and over such other lands, air and water as may be allowed by law.
7. **"Lands of Cherokee Nation"** means tribal lands and those lands under the jurisdiction of Cherokee Nation, including but not limited to the territory legally described in the Treaties of 1828, 1835 and 1838 and the Cherokee Nation Patent issued in 1846, other such lands acquired by Cherokee Nation since 1838. For purposes of this title, the term "lands" shall include the earth, air and waters associated with such lands.
8. **"Nation"** means Cherokee Nation.
9. **"Nonpoint source"** means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined.
10. **"Person"** means any individual, trust, joint stock company, corporation, government, partnership, association, organization, agency or any other legal entity, or an agent, employee, representative, assignee or successor thereof.

11. **"Pollutant"** includes but is not limited to dredged spoil, solid waste, incinerator residue, medical waste, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste.

12. **"Pollution"** means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property;

13. **"Waste"** means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate or tend to pollute or contaminate, any air, land or waters of the Nation.

14. **"Waters of the Nation"** means all streams, lakes, ponds, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon Cherokee Nation or any portion thereof, and shall include under all circumstances waters which are contained within the boundaries of, flow through or border upon this Nation or any portion thereof.

Historical Data

LA 1–93, eff. June 14, 1993. Renumbered from 63 CNCA § 201. Amended LA 31–04, eff. July 16, 2004.