

Cherokee Nation Code Annotated

Title 27: Environmental Quality

Chapter 3: Cherokee Nation Environmental Policy

§ 304. Cooperation of Cherokee Nation Departments

Cite as: 27 CNCA § 304

The Council of Cherokee Nation authorizes and directs that, to the fullest extent possible:

1. the policies, regulations and laws of Cherokee Nation shall be interpreted and administered in accordance with the policies, procedures, and regulations adopted pursuant to 27 CNCA § 303; and
2. all Departments of Cherokee Nation undertaking activities regulated by this Title shall:
 - a. utilize a systematic, interdisciplinary approach and to ensure the integrated use of natural and social sciences in planning and in decision- making which may have an impact on the environment, natural resources and public health;
 - b. identify and develop methods and procedures which will ensure that presently unquantified environmental and cultural amenities and values will be given appropriate consideration in decision-making along with economic and technical considerations consistent with the regulations adopted under this title; and
 - c. include in all recommendations, reports and proposals for legislative actions, projects and programs identified in the regulations adopted under this title or identified by resolution or order of the CN EPC, a statement by the responsible official on:
 - i. environmental impacts of the proposed action and reasonable alternatives;
 - ii. any adverse effects on lands, resources, culture, water, air or other aspects of the environment of Cherokee Nation which cannot be avoided should the proposal be implemented;
 - iii. alternatives to the proposed action, and a comparison of the impacts and benefits of the proposal in comparison to the alternatives;
 - iv. the relationship between local short-term use of the environment and the maintenance and enhancement of long-term productivity, sustainable communities and a cohesive, distinct tribal culture; and
 - v. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The responsible Department shall submit pertinent information to the CN environmental offices and contract with those offices for preparation of such statement, or obtain authorization of the CN EPC or Principal Chief to prepare the statement themselves or utilize outside consulting services. Prior to finalizing any statement, the preparer should consult with and obtain the comments of any Cherokee Nation, federal, or state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views from appropriate Indian tribes or nations, and federal, state, and/or local agencies which are authorized to develop and enforce environmental standards or may be directly impacted by the proposed action, shall be made available to the CN EPC.

4. study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

5. make available to other Indian tribes and nations, states, and federal agencies and offices advice and information useful in restoring, maintaining, and enhancing the quality of their environment;

6. initiate and utilize ecological and cultural information in the planning and development of projects affecting tribal resources or the environment.

Historical Data

LA 1–93, eff. June 14, 1993. Renumbered from 63 CNCA § 304. Amended LA 31–04, eff. July 16, 2004.