

Cherokee Nation Code Annotated
Title 27: Environmental Quality
Chapter 9: Water Quality Code
§ 901. Declaration of policy and authority
Cite as: 27 CNCA § 901

This chapter recognizes the authority of the Cherokee Nation Environmental Protection Commission to take all actions necessary to implement the goals and policies of the Nation to:

1. restore, maintain and improve the chemical, physical and biological integrity of waters of Cherokee Nation;
2. utilize area-wide planning and management to control sewage and other discharges;
3. assert and defend the Nation's legal rights and claims to waters and related natural resources;
4. monitor and ensure that the United States and surrounding states and nations take meaningful action to protect water quality and comply with applicable laws for the protection of resources, whenever their actions or inaction may harm the Nation's waters or resources;
5. hold anyone who has, without authorization, used or damaged the Nation's waters or related natural resources accountable for restoring the same to their original condition and/or compensating the Nation for such damage or unauthorized use;
6. identify and protect waters and resources of the Nation with special cultural or historical significance, and develop and enforce such standards and antidegradation provisions as may be appropriate for such purposes;
7. engage in planning and participate in decision-making to assure that the Nation's waters and related natural resources are developed in a manner consistent with the goal of long-term, sustainable use and protection for future generations;
8. prohibit the discharge of toxic pollutants in toxic amounts and, to the extent practicable eliminate, or effectively control, the discharge of pollutants from any source;
9. require environmental review of proposed activities which may cause individual or cumulative adverse impacts to water quality, natural resources, public health, lands, recreation, cultural or historical values, air, quality of life, or other aspects of the Nation's environment;

10. require projects to be modified to avoid adverse impacts if possible, to minimize unavoidable impacts, and provide full mitigation for unavoidable impacts;

11. prohibit or restrict activities which may cause or contribute substantially to a violation of water quality standards or a violation of federal law.

Historical Data

LA 35-04, eff. August 16, 2004.