

Cherokee Nation Code Annotated

Title 29: Game and Fish

Chapter 1: Hunting and Fishing

§ 104. Modification of laws adopted by reference

Cite as: 29 CNCA § 104

A. The provisions of laws and rules adopted by reference shall be read in all instances to give full effect to the establishment and implementation of a comprehensive Cherokee Nation wildlife program.

B. For purposes of this chapter, the following modifications shall apply to any provisions of law or regulation that may be adopted by reference:

1. Where the term "**Attorney General**" or "**General Counsel**" is used, it shall mean the Attorney General of Cherokee Nation.
2. Where the term "**code**" is used, it shall refer to this Cherokee Nation Hunting and Fishing Code and any rules or regulations adopted or promulgated in accordance herewith.
3. Where reference is made to a "**county jail**" or "**state prison**", it shall refer to such facilities as are used for imprisonment by Cherokee Nation.
4. Where there is reference to any "**Court**", it shall mean the Courts of the Cherokee Nation with corresponding jurisdiction.
5. Where the term "**Department**" is used, it shall mean such division of Cherokee Nation that the Principal Chief may designate.
6. Where the term "**Director**" is used, it shall mean the official to whom the Principal Chief has appointed such authority in writing.
7. Where the term "**Oklahoma**" or "**state**" is used, it shall mean Cherokee Nation.
8. Where the term "**Oklahoma Wildlife Conservation Commission**" or "**Commission**" is used, that authority shall vest in the Principal Chief of Cherokee Nation and any such designation or delegation.
9. Where the term "**Person**" is used, it shall mean an individual who is a member of any federally recognized Indian tribe, including Alaska Native entities, or such other person who would be considered an "Indian" for the purposes of federal criminal prosecution under 18 U.S.C. §§ 1152-1153.

10. Where the term "**warden**" or "**game warden**" or "**law enforcement division**" is used, it shall mean the Cherokee Nation Marshal Service and those officials cross deputized or otherwise designated by the Principal Chief as having authority to issue field citations or take other actions regarding violations, in accordance with the laws of the Cherokee Nation.

C. The following additional definitions shall apply:

1. Where reference is made to "**Cherokee citizen**", it means any enrolled citizen of Cherokee Nation.

2. The term "**Public Lands**" shall include lands within the jurisdictional boundaries of the Cherokee Nation that are owned, held, or administered by the State of Oklahoma or an agency thereof or the United States or any agency thereof and which are open to the public for purposes of hunting, fishing, trapping, or other wildlife harvesting activity.

3. The term "**Reservation Lands**" shall include lands within the jurisdictional boundaries of the Cherokee Nation, which lands constitute Indian Country, that term is defined by 18 U.S.C. § 1153, without regard to rights of way or fee title and such other areas subject to the Nation's jurisdiction.

4. The term "**Restricted Lands**" shall include lands the title to which is held, for any individual Cherokee Citizen, in trust by the United States or is subject to restriction against alienation imposed by the United States.

5. The term "**Tribal Lands**" shall include lands held in trust by the United States of America for the benefit of Cherokee Nation and fee lands owned by the Cherokee Nation, including any subdivision thereof.

Historical Data

LA 36-06, eff. January 7, 2007. Amended LA 04-22, eff. January 27, 2022. Amended LA 37-24, eff. October 28, 2024.