

Cherokee Nation Code Annotated

Title 29: Game and Fish

Chapter 2: Hunting and Fishing Compact Act

§ 201. Hunting and Fishing Compact between the state of Oklahoma and the Cherokee Nation

Article I. Purpose and Intent of Parties

Cite as: 29 CNCA § 201, art. I

ARTICLE I. PURPOSE AND INTENT OF PARTIES

WHEREAS, the Cherokee Nation (hereinafter referred to as "Nation"), is a federally recognized Indian tribe¹ with inherent sovereign powers of self-government;

WHEREAS, Article 6 of the Constitution of the United States of America declares that the "Constitution, the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land";

WHEREAS, the United States of America has entered into a series of Treaties with the Cherokee Nation including the Treaty of Washington in 1866;

WHEREAS, the State of Oklahoma (hereinafter referred to as "State") is an independent sovereign state within the United States of America possessed of full powers of state government;

WHEREAS, both the State of Oklahoma and the Cherokee Nation recognize that pursuant to applicable law each is a sovereign with dominion over their respective governments. Entry into this contract is not intended nor shall it be construed to cause the sovereignty of either to be diminished or expanded;

WHEREAS, the United States Supreme Court decision in *Menominee Tribe of Indians v. United States* established that the hunting and fishing rights of federally-recognized Indian

¹ *"Federally recognized" tribe means any Indian tribe which has met the requirements established by the terms of the Indian Reorganization Act, 48 Stat. 984, as amended; the Oklahoma Indian Welfare Act, 49 Stat. 1967, as amended; or is one of those tribes listed in the Federal Register pursuant to 25 CFR Part 83 as recognized by and receiving services from the Bureau of Indian Affairs, as provided for in Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs, 58 Federal Register 54364 (October 21, 1993).*

tribes differ and must be analyzed against the unique backdrop of every tribe's treaty history and its subsequent government-to-government relationship with the United States;

WHEREAS, both the State and the Nation recognize the need to develop and maintain good Tribal/State governmental relations and effectively manage their respective and shared resources;

WHEREAS, both the Nation and the State recognize the importance of the conservation, management, protection, and enhancement of wildlife resources and habitat for the scientific, educational, recreational, aesthetic, and economic benefits to present and future generations;

WHEREAS, Article 6, Section 8 of the Oklahoma Constitution vests the power and authority to conduct the business of the State with other sovereign states and with the United States to the Governor of the State of Oklahoma; and,

WHEREAS, for the purposes of the Oklahoma Constitution and this Compact, the Cherokee Nation does hereby constitute a sovereign state;