

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 II. Hunting and Fishing on State and Tribal Lands

Cite as: 29 CNCA § 201, art. II

ARTICLE II. HUNTING AND FISHING ON STATE AND TRIBAL LANDS

NOW, THEREFORE, the Cherokee Nation, by and through its Principal Chief, Bill John Baker, and the State of Oklahoma, by and through its Governor, Mary Fallin, do hereby enter into this Compact, the terms of such Compact to commence on January 1, 2016, for the mutual benefit of the Nation and the State, to-wit:

(1) The Nation agrees to:

- a. Adopt by reference as minimum requirements federal laws applicable to management of wildlife resources under federal authority, such as the Migratory Bird Treaty Act and the Endangered Species Act;
- b. Adopt and maintain as a minimum standard the provisions of the Oklahoma Wildlife Conservation Code ("Code"), federal migratory bird seasons and official requirements for hunting and fishing established by rules of the Oklahoma Wildlife Conservation Commission ("ODWC") to the lands, waters, fish, wildlife and persons subject to the jurisdiction of the Nation;
- c. In the event that any modifications to the provisions of the Oklahoma Wildlife Conservation Code, federal migratory bird seasons and other official requirements for hunting and fishing conflicts with the traditions and customs of the Nation, the Nation shall provide notice to the State and the parties shall resolve the issue as provided for in Article III;
- d. Assume responsibility for the administrative and supply cost of issuing a tribal/state dual jurisdiction license ("compact license") on behalf of both governments through the State's existing Internet Point of Sale system or other by means as agreed upon by the State for issuing and selling hunting and fishing licenses. Administrative costs shall be assessed at the end of each calendar year by the ODWC and the Nation shall have a right to challenge the amount of accounting of such assessment;

e. Pay the State the minimum amount for each compact license required for certification under the Wildlife and Sport Fish Restoration Program ("WSFR") of net revenue for every license issued to a citizen of the Nation under this Compact. Said amount is currently anticipated at \$2.00;

f. Annually purchase and issue a minimum of 150,000 compact licenses for its Oklahoma resident citizens between the ages of 16 and 65 years old. The Nation may purchase additional compact licenses for its citizens above the age of 65 at the same cost as any other compact license, as set forth in subparagraph (b) above, but such sales will not be counted against the agreed annual purchase of 150,000 compact licenses for individuals between the ages of 16 and 65;

g. The Nation shall not be required to purchase compact licenses for the Nation's Citizens who are also legal residents of Oklahoma and under the age of sixteen (16), as they are currently exempt pursuant to 29 O.S. § 4-112(B)(1). These exempt citizens shall be entitled to receive one turkey and one deer license, as described in Article II, Part 2(b) below, provided they follow the same procedures for obtaining said license, as described below, and are otherwise eligible to receive said license. The Nation will pay the amount of a Compact License, as described in Article II, Part 1(e), for each exempt citizen who obtains a deer or turkey license pursuant to this Compact. Said payments shall be made to the ODWC quarterly; and

h. Provide identifiable individual personal information for each license, as required for the WSFR certification, to the State in a manner prescribed by the ODWC for each compact license issued.

(2) The State agrees to:

a. Authorize the issuance of a compact license to citizens of the Nation without charging the citizen any fee for said license if the following conditions are met:

i. The Cherokee Nation citizen applying for the compact license is a resident of the State of Oklahoma as that term is defined in Title 29 of Oklahoma Statutes;

ii. The Nation assumes responsibility for insuring that ODWC receives the minimum amount for each compact license required for certification under the Wildlife and Sport Fish Restoration Program ("WSFR") of net revenue for every license issued to a citizen of the Nation under this Compact. Said amount is currently anticipated at \$2.00

b. Provide every citizen of the Nation who obtains a compact license the opportunity to apply for and obtain or be assigned by the Nation one deer license (an archery deer license, primitive firearms deer license, gun deer license or holiday antlerless deer gun license at

the option of the citizen) and one turkey license (spring or fall license) per year without fee, provided that:

- i. No citizen may exceed the combined season limit for any animal;
- ii. No citizen otherwise violates the laws of the State or the Nation; and
- iii. This selection must be made online through a portal system, which will be created and maintained by the Nation and shared with ODWC, at least fourteen (14) days prior to the start of the opening of the hunting season for that respective license.

(3) Both the State and Nation agree:

- a. Each compact license will encompass the rights and regulatory requirements of an annual Oklahoma hunting license, annual Oklahoma fishing license, and the issuance of a single deer license and a single turkey license per calendar year. Provided, however, that the deer and turkey licenses shall be issued for a specific season, as requested by the licensee or assigned by the Nation and approved by ODWC. Said information will be provided to the ODWC with the other identifiable information described in Article II, Section 1(h) above;
- b. Compact licenses are only available to Oklahoma residents who are also citizens of the Nation and otherwise eligible for an Oklahoma hunting or fishing license under the Code or other applicable state law; and
- c. Compact license holders may, at their election, purchase additional licenses, products, and tags, such as additional deer or turkey licenses, of the ODWC not included in the rights of their compact license at the same cost and through the same process as other citizens of Oklahoma that are hunting and fishing license holders.

(4) Both the Nation and the State will:

- a. Coordinate to create a process for the Nation's citizens to obtain a compact license, as well as deer and turkey licenses;
- b. Collaborate on projects that will protect, restore, perpetuate, conserve and enhance the management of wildlife in the State and the Nation;
- c. Report any poaching or other violations of federal, state or tribal wildlife laws uncovered by law enforcement or game wardens between the agencies of the State or the Nation, charged with their respective responsibility for enforcing wildlife laws and hold continuing discussions to discuss what additional measures may be needed to hold offenders accountable across multiple jurisdictions;

d. Design a compact license which can be issued under the authority of the Nation and the State to Cherokee Nation citizens as provided herein.