



NCA 23-046

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION ESTABLISHING A NEW TITLE 16, CHAPTER 4, ENTITLED "CULTURE AND HUMANITIES DEPARTMENT" AND APPROPRIATING FUNDS

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. NEW LAW. The National Council finds that:

A. By virtue of tribal aboriginal rights, treaty guarantees, and sovereign status, specifically by Amendment A112 to the 1979 Constitution of the Muscogee (Creek) Nation as authorized by the 1936 "Oklahoma Indian Welfare Act" 49 Stat., 1967, [including Section 9 thereof], the Muscogee (Creek) Nation has the power and the duty to exercise its inherent authority over the Muscogee language, culture, history, arts, and humanities, by enacting and implementing a Department of Culture Humanities Code applicable to.

B. The people of the Muscogee (Creek) Nation are descendants of a remarkable culture that, before 1500 CE, spanned the region known today as the Southeastern United States. Ancestors of Muscogee people constructed magnificent earthen mounds along the rivers of this region as part of our elaborate ceremonial complexes. The Muscogee people later built expansive towns within these same broad river valleys in the present states of Alabama, Georgia, Florida, Tennessee, Mississippi, South Carolina, and North Carolina. The Muscogee were not one tribe but a union of several related and distinct groups. The union evolved into a confederation known as the Muscogee Creek Confederacy (Este Maskoke em Etehvlvtkv), in which member tribes were referred to as Tribal Towns (Etlwvlke). Within this political structure, each Tribal Town maintained political autonomy.

C. The Muscogee Creek Confederacy (Este Maskoke em Etehvlvtkv) was dynamic in its capacity to expand as populations increased. The confederacy was also expanded by the incorporation of tribes and fragments of tribes devastated by the European imperial powers.

D. After the forcible removal and ethnic cleansing of Muscogee people by the United States government from ancestral homelands and exodus to Indian Territory (now Oklahoma) in the 1830's, the Muscogee people reestablished Tribal Towns and a strong political government. The Muscogee people have never severed the connection to our ancestral homelands in the southeast. Today the Muscogee (Creek) Nation maintains

historical, cultural and spiritual connections to our ancestral homelands in the southeastern United States.

E. There has been no consistent written policy which governs the protection of the Muscogee language, history, arts, humanities, burials and cultural resources within the current tribal boundaries and within the historic and ancient homelands of the Muscogee (Creek) Nation.

F. As provided in the Constitution of the Muscogee (Creek) Nation, Art. IV, Sec. 1(a), the National Council is empowered to enter into any new or renewed negotiated agreements with the federal, state, and other tribal governments to implement the provisions of this Code.

G. There is no authority or intent in this Title for the Muscogee (Creek) Nation to regulate any Cultural Resources that are presently and legally owned or possessed by citizens of the Muscogee (Creek) Nation.

H. In exercising its authority over the Muscogee language, culture, history, arts, humanities, and cultural resources, the Muscogee (Creek) Nation does not sanction or cause any abrogation of the rights of the Muscogee (Creek) Nation or Citizens of the Muscogee (Creek) Nation based upon inherent sovereignty or federal law, nor does it diminish any trust responsibility or fiduciary duty of the federal government, including but not limited to obligations set forth in various Treaties.

SECTION TWO. NEW LAW. The following new law shall be codified in Title 16, Chapter 4 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to not in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law, without further National Council approval:

TITLE 16. EXECUTIVE BRANCH

CHAPTER 4. CULTURE AND HUMANITIES

SUBCHAPTER 1. GENERAL PROVISIONS

§ 4-101. Purpose and Intent

A. It is the purpose and intent of this Act to preserve and protect the Muscogee language, culture, history, arts, humanities, and cultural resources in a manner that:

1. Perpetuates the culture, traditions, and sovereignty of the Muscogee (Creek) Nation;
2. Is based on tradition, culture, oral tradition and history, research, traditional law, and tribal law; and
3. Protects intellectual property rights for the benefit of the Muscogee (Creek) Nation and its citizens.
4. Promotes the arts and humanities of the Muscogee (Creek) Nation, and
5. Ensures that cultural resources and arts are preserved, protected and when appropriate, promoted.
6. Promotes the revitalization of the Muscogee language.

§4-102. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

A. "Adverse effect(s)" An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property or cultural resources that qualify the property for inclusion in the Muscogee (Creek) Nation National Register or federal National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or recognized significance to the Muscogee (Creek) Nation. Adverse effects on historic properties and cultural resources include, but are not limited to:

1. Physical destruction of or damaged to all or part of the historic property or cultural resource.
2. Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with this Code or the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68).
3. Removal of the historic property or cultural resource from its historic location.
4. Change of the character of the historic property or cultural resource use or of physical features within the historic property or cultural resource setting that contribute to its historic significance.
5. Introduction of visual, atmospheric or audible elements that diminish the integrity of the historic property or cultural resource's significant historic features.
6. Neglect of a historic property or cultural resource which causes its deterioration, except where such neglect and deterioration are recognized qualities of a historic property or cultural resource of religious and cultural significance to the Muscogee (Creek) Nation,

7. Transfer, lease, or sale of a historic property or cultural resource out of Muscogee (Creek) Nation or Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the historic property or cultural resource's historic significance.
8. An audible adverse effect or a visual adverse effect to historic properties or cultural resources significant to the Muscogee (Creek) Nation.
9. Adverse effects may include reasonably foreseeable effects caused by the Undertaking that may occur later in time.

B. "Archaeological resource" means any material remains of past human life or activities which are of archaeological interest. These may include: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios (burial mounds), graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non fossilized and fossilized paleontological specimens shall only be considered an archaeological resource if found in an archaeological context. No item shall be treated as an archaeological resource unless such item is at least 50 years of age.

C. "ARPA" means the Archaeological Resources Protection Act, PL. No. 96-95, 93 Stat. 721, 16 U.S.C. §§ 470aa-470mm, and all amendments thereto.

D. "Buffer" means a distance from a known sacred site, object or location; this can be a pre-determined distance that limits the access or disturbance of such site, object or location, or it can be greater than a minimum distance that is established by policy or rule of thumb.

E. "Cemetery" means a burial ground; graveyard; any place where one or more body has been buried, with or without grave markers. A Muscogee Cemetery includes the following criteria.

1. Cemeteries known as Muscogee (Creek) by written documentation or oral history that may include family plots located on current or former land allotments within the Muscogee Nation reservation, both historic and contemporary;
2. Cemeteries that also contain the graves of notable Muscogee individuals, Muscogee individuals of historic significance, and past political and military leaders of the Muscogee Nation;
3. Muscogee cemeteries located at historic and archaeological sites such as but not limited to churches, ceremonial grounds, battlefields, mounds, or boarding schools; and
4. Muscogee (Creek) National cemeteries without exclusion.

F. “Cultural Patrimony” means an object having an ongoing historical, traditional, or cultural importance central to the Muscogee (Creek) Nation.

G. “Cultural Plants” means any plant, tree, shrub, or herb, including any part thereof, with ceremonial, cultural, historical, sacred, spiritual, or traditional value to the Muscogee (Creek) Nation.

H. “Cultural Remains” means any remains with archaeological, cultural, historical, sacred, spiritual, or traditional value to the Muscogee (Creek) Nation, and also includes, but is not limited to, sacred objects and objects of cultural patrimony and funerary objects.

I. “Cultural Resources” means any place or object or physical evidence or place of past human activity: objects, landscape, structure, or a site, or natural feature with archaeological, cultural, historical, spiritual, ceremonial, or traditional significance to the Muscogee (Creek) Nation, including, but not limited to, cultural plants, cultural records, cultural remains, cultural sites and sacred objects.

J. “Cultural Sites” means any sites of archaeological, ceremonial, cultural, historical, sacred, spiritual, religious, or traditional value to the Muscogee (Creek) Nation, including ancestral burial grounds, cemeteries, and graves, whether marked or unmarked.

K. “Easement” means a legal document that guarantees access to lands or objects.

L. “Endangered” means in danger of extinction, damage, abuse, or loss.

M. “Funerary objects” means all objects that, as a part of the death rite or ceremony, are reasonably believed to have been placed with individual human remains either at the time of death or later.

N. “Historic property” means any prehistoric or historic district, site, building, structure, or object in, or eligible for inclusion on the National Register of Historic Places (NRHP) or Muscogee (Creek) Nation Register of Historic Places including artifacts (cultural material), records, and material remains related to such a property or resource.

O. “In situ” means in the natural or original position or place.

P. “Muscogee (Creek) Nation Register of Historic Places” means a registry of historic districts, sites, buildings, churches, ceremonial grounds, cemeteries, structures, landscapes, cultural resources, Traditional Cultural Properties (TCPs) that are nominated by community members, Cultural Advisory Board, MCN, or the Department and meets criteria showing significant importance to Muscogee (Creek) Nation history.

Q. “NAGPRA” means the Native American Graves Protection and Repatriation Act, PL No. 101-601, 104 Stat. 3048, 25 U.S.C. §§ 3001-3013, and 18 U.S.C. § 1170, and all amendments thereto.

R. “National Register” means the National Register of Historic Places established under Section 101 of the National Historic Preservation Act (NHPA).

S. “NHPA” means the National Historic Preservation Act, PL No. 89-665, 80 Stat. 915, 16 U.S.C. §§ 470-470h-5, and all amendments thereto.

T. “Repatriation” means the physical return of any human remains, funerary objects, or cultural resources, to the Muscogee (Creek) Nation. The process of returning human remains and funerary objects to their place of origin. Ancestral human remains have been excavated and removed from their original burial sites in the past by infrastructure development of dams, highways, and excavations during the Works Progress Administration and Civilian Conservation Corps project, looting, etc. The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 established the process whereby federally recognized American Indian tribes can request that the federal agencies, museums and institutions receiving federal funds return human remains and funerary objects.

U. “Sacred objects” means specific ceremonial objects which are needed by Muscogee traditional leaders for ceremonies by their present-day adherents.

V. “Traditional Cultural Properties” (TCPs) means a property that is eligible for inclusion on the National Register of Historic Places (NRHP) or Muscogee (Creek) Nation Register of Historic Places based on its associations with the cultural traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.

W. “Undertaking” means;

1. a project, activity, or program funded in whole or in part under the direction of the Muscogee (Creek) Nation:
2. a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including:
 - a. those carried out by or on behalf of the agency;
 - b. those carried out with Federal financial assistance;
 - c. those requiring a federal permit license, or approval; and
 - d. those subject to State or local regulation administered pursuant to a delegation or approval by a federal agency.

SUBCHAPTER 2. JURISDICTION

§ 4-201. Jurisdiction

A. Personal Jurisdiction. This Code applies to all persons, partnerships, corporations, institutions and government agencies within the exterior boundaries of the Muscogee (Creek) Nation reservation and ancestral homelands.

B. Subject Matter Jurisdiction. This Code applies to all Cultural Resources within the exterior boundaries of the Muscogee (Creek) Nation reservation and ancestral homelands.

C. Territorial Jurisdiction. The territorial jurisdiction of the Muscogee (Creek) Nation shall extend to all the territory defined in the 1866 Treaty with the United States, including without limitation any real property within the Nation's political jurisdiction as defined in Article I, Section 2 of the 1979 Muscogee (Creek) Nation Constitution as which constitutes Muscogee (Creek) Nation Indian Country as follows: 1) property owned by any Muscogee citizen subject to federal restrictions against alienation or held in trust by the United States for the benefit of any Muscogee citizen or 2) property held in trust by the United States for the benefit of the Muscogee (Creek) Nation or 3) any property owned by the Muscogee (Creek) Nation or 4) property which otherwise constitutes Indian Country as that term is 18 USC Sec. 1151.

D. Civil Jurisdiction. The Muscogee (Creek) Nation courts shall have general civil jurisdiction over all civil actions under this Code that shall arise within the Muscogee (Creek) Nation Reservation, regardless of the Indian or Non-Indian status of said defendants, in cases arising from any action or event within the Muscogee (Creek) Nation Reservation and in any other cases in which the defendant has established contacts with the Muscogee (Creek) Nation Reservation.

E. Criminal Jurisdiction. The courts of the Muscogee (Creek) Nation expressly retain jurisdiction over any person who commits any act of Desecration, vandalism, or other malicious act against the sanctity of a cemetery or cultural site within the Muscogee (Creek) Nation Reservation, notwithstanding any state law or absence of federal law.

SUBCHAPTER 3. CULTURE AND HUMANITIES DEPARTMENT

§ 4-301. Establishment

There is hereby established within the government of the Muscogee (Creek) Nation a Culture and Humanities Department which is operated by the Office of the Secretary of Culture and Humanities.

The Secretary of Culture and Humanities will oversee the following departments: Archives and Museum, Historic and Cultural Preservation Office, Cemetery Preservation, Mvskoke Revitalization Language Program, Arts, Euchee language, immersion school and Mvskoke Language Liaison Program.

§ 4-302. Secretary of Culture and Humanities Position and Selection Process

A. There is hereby established a Selection Committee for the Secretary of Culture and Humanities which will be a lifetime appointment for the purpose of removing them from political pressures and to ensure that the decisions the Secretary makes are guided by the upmost importance of protecting the Muscogee (Creek) Nation language, culture, history, arts, humanities and cultural resources.

B. The Selection Committee shall be composed of (9) members. One member shall be a representative from Cultural Preservation, one member shall be a representative from Cultural Center & Archives, one member shall be a representative from Language, two members shall be ceremonial ground representatives, two National Council representatives, two Executive Office representatives.

C. The Selection Committee shall prepare a job description and provide an interview process.

D. Once the Selection Committee has by majority vote selected a nominee, they shall submit to the Principal Chief to be appointed and submitted to the National Council for consideration.

E. Removal of the Secretary of Culture and Humanities shall be in accordance with MCNCA Title 31, Chapter 1. Removal of Officers.

§ 4-303. Power and Authority

A. The Department has the power and duty to exercise all powers, duties, and responsibilities of the Department as set forth in this Code or other tribal law.

B. The Department through the Secretary of Culture and Humanities shall provide recommendations regarding necessary or advisable tribal or non-tribal legislation or other governmental action pertaining to the protection of the Muscogee (Creek) Nation language, culture, history, arts, humanities and cultural resources.

C. The Department through the Secretary of Culture and Humanities shall provide recommendations regarding any agreements with federal, state, and other tribal governments that further the intents, purposes, and policies of this code.

D. The Department shall develop and implement a multi-year comprehensive strategic plan.

E. The Secretary of Culture and Humanities or his/her designee shall act as the representative for the Muscogee (Creek) Nation on matters pertaining to Cultural Resource protection and preservation. This shall include but is not limited to the following; 1) interactions with tribal community, spiritual, and traditional leaders; 2) the federal, state,

and other tribal governments; 3) museums; 4) institutions of higher education, and 5) private and professional organizations and entities. In addition, the Secretary of Culture and Humanities or designee shall serve on tribal and non-tribal committees, boards, and work groups.

F. The Department shall keep current on federal government to government consultations and rule-making regarding Muscogee language, culture, history, arts, humanities, and cultural resources. The Secretary or designated representatives shall participate in federal government to government consultations and shall comment on or otherwise participate in federal rule-making processes.

G. The Department shall identify on a regular basis the need for any agreements with the federal, state, and other tribal governments that further the intents, purposes, and policies of this Code. The Secretary or designee may negotiate agreements with federal, state, local, other tribal governments and private entities that further the intents, purposes, and policies of this Code. The Secretary of Culture and Humanities or designee may negotiate such agreements; provided, that any agreement with an entity is ineffective unless and until approved by the Muscogee (Creek) Nation National Council by Tribal Resolution.

H. The Secretary of Culture and Humanities or designee may negotiate contracts with consultants and professionals for review by the Executive Branch as deemed necessary to meet the goals of the Culture and Humanities Department. All contracts will be decided by the Manager's advisement, budgetary availability, and reviewed by the Secretary of Culture and Humanities and Attorney General's Office, based on needs of the Historic and Cultural Preservation Department and in compliance with the procurement laws of the Muscogee (Creek) Nation.

I. The Department may acquire culturally-related objects and materials, documents and records, accept real property, in the name of the Muscogee (Creek) Nation and be properly accessioned and cataloged according to the collection management policy and procedures established by the Culture and Humanities Department, items in the collection may be loaned to other tribal and non-tribal entities with the acceptance of an Outgoing Loan Agreement. Items will not be loaned for individual personal use. Loan Agreements will be made by the approval of the Secretary of Culture and Humanities. Entities that request an Outgoing Loan, are required to have in place appropriate storage, security and environmental standards that meet the federal collection management standards for collection management care. Items on loan will be inspected on a regular basis and a Condition Report will be completed by staff of the Department.

J. The Secretary of Culture and Humanities or designee shall file NAGPRA claims for human remains, funerary objects, sacred objects and objects of cultural patrimony taken from areas defined by Subchapter 5, and shall keep proper records and documentation for all claims through the Historic and Cultural Preservation Department.

K. The Secretary for Culture and Humanities Department shall create a Burial, Exposure and Reburial and Disposition Policies with the Historic and Cultural Preservation Department and the Attorney General.

L. The Secretary shall work with the Department of Realty Services to proscribe perpetual easements that provide access to family cemeteries which may be located anywhere within the Muscogee (Creek) Nation Reservation and the adjoining property may be occupied by a non-Indian person. Likewise, the Secretary shall work with the Department of Realty Services to provide similar access to tribal land owners who are landlocked from accessing their lands. These actions shall be filed in Tribal Courts; however, nothing limits the power of the Secretary to issue an order of access, which shall remain in effect until the Tribal Court makes a final determination.

M. The Secretary also has inherent power to establish a suitable distance that creates a "buffer" of protection from any historical or cultural site. To include a minimum distance but may be a distance greater than the minimum distance practiced.

SUBCHAPTER 4. CULTURAL REVIEW COMMITTEE

§ 4-401. Selection, Term of Office and Qualification

A. There is hereby established a Cultural Review Committee to be composed of five (5) members. Two members of the Committee shall be selected by the Principal Chief and two members shall be selected by the National Council without confirmation by a Tribal Resolution. Once seated, the four members shall select a fifth member by majority vote. Members of the Committee shall each hold office for a term of three years with a 30-day holdover. The Secretary of Culture and Humanities with designated representatives from each department shall serve as ex-officio members of the Committee.

B. All committee members shall have a demonstrated knowledge of Muscogee customs, beliefs, tradition, language, and experience or knowledge relating to archaeological, cultural, or historic resources or related disciplines.

C. Chairperson/Meetings. The Committee shall elect a Chairperson and a Vice-Chairperson. Meetings shall be held at least once a month, and not more than twice a month. Unless designated specifically in this title or by notice the Committee meetings are open meetings; however, the voting results of all items, and regulations or any other official acts must be documented on the official document and executed by the Committee Chairperson. All Committee members shall immediately be notified of all meetings of the Committee. Three Committee members shall designate a quorum, and all official decisions of the Committee shall be by a majority vote.

D. The Cultural Review Committee shall conduct an annual review performance of the Secretary of Culture and Humanities and provide any recommendations to the National Council and Principal Chief.

§ 4-402. Duties and Responsibilities

- A. Provide general advice and guidance at the request of the Department.
- B. Make recommendations and provide advice on matters of significance concerning Muscogee language, culture, history, arts, humanities, and cultural resource issues to help solve problems.
- C. Recommend archaeological, cultural, and historic resources identified by the Culture and Humanities Department for inclusion on the Muscogee Nation Register of Historic Places.

§ 4-403. Compensation

- A. All five Committee Members shall not hold other tribal employee positions.
- B. The Committee Members shall be compensated at \$350.00 a meeting. Not to exceed two meetings per month and all meetings will be of record, the record will be stored with the Secretary of Culture and Humanities.

§ 4-404. Removal from Office

A. A Committee Member may tender his or her written resignation at any time. A Committee member may be removed from office prior to the end of any term for cause in accordance with Chapter 1 of Title 31 (Title 31, § 1-101 et seq.) of the Code of Laws of the Muscogee (Creek) Nation, including any one or more of the following causes as set forth in a written petition under the provisions of Title 31:

1. Dishonesty, gross misconduct or incompetence in office;
2. Conviction of a felony under federal, state or tribal law;
3. Committing any act or engaging in any activity which would constitute a criminal offense involving dishonesty or moral turpitude under federal, state or tribal law;
4. Directly or indirectly engaging in any activities or transaction constituting a conflict of interest under the laws of the Muscogee (Creek) Nation or any other applicable laws, rules or regulations;
5. Being employed by any of the following: Muscogee (Creek) Nation, any board, agency or entity of the Muscogee (Creek) Nation, or any Chartered Indian Community;
6. Willful failure to disclose material information or facts; or
7. Material violation of this title;

8. Excessive unexcused absences;
9. Using the position as a Committee Member to give preferential treatment to any private organization or individual, including members of a Committee's immediate family;

SUBCHAPTER 5. HISTORIC AREAS OF INTEREST

§ 4-501. List of Areas of Interest

All states listed below may be considered historic areas of interest, based on future research and discovery of Muskogean presence.

- A. The State of Georgia, Alabama, South Carolina, Tennessee, North Carolina, Oklahoma, Texas, Kansas, Arkansas, Louisiana, Mississippi, and Florida.
- B. All routes of removal to the Arkansas Territory (Indian Territory), now present state of Oklahoma, whether self-emigrating or forcible.
- C. All lands within and bounded by the Treaty of 1833 between the United States and the Muscogee Nation, and any surrounding areas where Muscogee people may have previously occupied prior to the establishment of that boundary.
- D. All routes, camps and occupations to Kansas and Texas used by Muscogee people to escape the Indian Territory during the United States Civil War.

SUBCHAPTER 6. TRADITIONAL CULTURAL PROPERTIES

§ 4-601. Traditional Cultural Properties

- A. Traditional Cultural Properties are important to the Muscogee (Creek) Nation in the preservation and continuation of our traditional lifeways. Traditional Cultural Properties can be, but are not limited to: 1) ceremonial area(s); 2) sacred places; 3) places associated with oral history and traditions; 4) archaeological and ethnographic sites; 5) habitation sites; 6) camp sites; 7) rock shelters and rock art; 8). Special use sites; 9) Trails; 10) places with Muscogee or Yuchi/Euchee or Natchez names; and 11) Traditional Cultural Landscapes.
- B. The Historic and Cultural Preservation Department through the Culture and Humanities Office shall develop and maintain an inventory of all Traditional Cultural Properties within the Muscogee (Creek) Nation's historic area of interest which may be an information database. The Department:
 1. Shall keep current the inventory, map, and any supporting data thereto;

2. May limit or prohibit access by the general public to the inventory, map, and any other information about Traditional Cultural Properties, including their location and meaning, if such limitation or prohibition is in the interest of preserving, protecting, or managing Traditional Cultural Properties consistent with this Code, or is otherwise in the interest of the Muscogee (Creek) Nation;
3. Shall determine whether a proposed undertaking will have any adverse effect on any known Traditional Cultural Property; and
4. Shall investigate reports of possible adverse effects to Traditional Cultural Properties. All such investigations shall be documented in writing.

§ 4-602. Cultural Sites

A. Cultural Sites are at the very core of the traditional beliefs of Muscogee people. Sacred places may be designated and documented for protection and preservation by the Historic and Cultural Preservation Department. All cultural sites are considered as Traditional Cultural Properties or Traditional Cultural Landscapes.

B. The Department shall develop and maintain an inventory of all cultural sites within the exterior boundaries of the Muscogee Nation Reservation and the historic areas of interest which may be an information database. The following shall be applicable:

1. Human burials are always considered sacred, whether or not the burial has been removed.
2. Ceremonial grounds are always considered sacred, whether or not the ceremonial fire has been removed or considered dormant.
3. Any battlefield where Muscogee people fought and died is considered sacred.
4. Any sacred plant vital to the ceremonial, medicinal, and cultural beliefs of the Muscogee (Creek) Nation and any place where they grow is considered sacred.
5. Any mound and any physical features associated with a mound is considered sacred, whether or not damaged or destroyed.
6. Future discoveries may lead to other sacred places, such as, but not limited to, springs, seeps, swamps, rock shelters, bluffs, and caves.
7. The Department may limit or prohibit access to the general public to the inventory, map, or other information about sacred places, including their location and meaning, if such limitation and prohibition is in the interest of preserving, protecting, and managing sacred places consistent with this Code.

SECTION THREE. INTERPRETATION OF ACT. The provisions of this Act, being necessary for the welfare of the Nation and its inhabitants, shall be liberally construed to effect the purpose and object hereof. Article and section headings contained herein shall

not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

SECTION FOUR. SEVERABILITY. The provisions of this Act are severable and if any part or provision hereof shall be held void by a court of competent jurisdiction, the decision of the court so holding shall not affect or impair any of the remaining parts of provisions of the Act.

SECTION FIVE. APPROPRIATION. The sum of Two Hundred Seventy-Three Thousand, One Hundred Forty-Eight and No/100 Dollars (\$273,148.00) is hereby appropriated from the Interest on Permanent Fund Account for the remainder of Fiscal Year 2023. All unexpended funds appropriated by the implementation of this Act shall be returned to the Tribal Treasury and shall be available for further appropriation by the National Council.

SECTION SIX. AUTHORIZATION. The National Council hereby authorizes the Principal Chief or his designee to expend the sum of Two Hundred Seventy-Three Thousand, Forty-Eight and No/100 Dollars (\$273,148.00) from the Interest on Permanent Fund Account to establish the Culture and Humanities Department start-up cost. The Culture and Humanities Department shall be included in FY 2024 Comprehensive Annual budget and annually thereafter.

SECTION SEVEN. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 29th day of July, 2023.

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



William Lowe, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **29th** day of **July, 2023** and that the above is in conformity with the provisions therein adopted by a vote of **12** in favor, **2** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

Alicia Stroble

Alicia Stroble, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 1st day of August, **2023** to the above Law, **NCA 23-046** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

David W. Hill

David W. Hill, Principal Chief
Muscogee (Creek) Nation

