



**NCA 13-316**

**CLASSIFICATION: #28. LANDS AND MINERALS**

**A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW MCNCA TITLE 28, CHAPTER 9 ENTITLED "MUSCOGEE (CREEK) NATION NATURAL RESOURCE CONSERVATION DISTRICT" AND APPROPRIATING SAID FUNDS**

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

**SECTION ONE. NEW LAW. The following new Law is hereby enacted:**

**Section 1-101. Findings. The National Council finds that:**

A. Prior to 1988, USDA cost share programs and technical assistance were only available on fee lands; therefore not available on trust or restricted Indian lands.

B. Bureau of Indian Affairs land resource programs were and have been funded at 25% per acre compared to non-Indian land.

C. In the current funding environment, natural resource priorities on non-Indian lands are not the same as on Indian lands.

D. Districts establish the program priorities for cost share funding on Natural Resource Conservation Service (NRCS) programs.

E. A tribal conservation district makes it easier to set NRCS priorities for Indian lands.

F. Many trust and restricted Indian lands over time have grown into unproductive use or lay dormant as agricultural practices have required increased intensive capital requirements.

G. Lack of access to capital, undivided interest, and other barriers have kept lands from productive use.

**SECTION TWO. NEW LAW. The following new law shall be codified in Title 28, Chapter 9 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 for the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters**

and sub-chapters are designated in this law in order to be 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 note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

**CHAPTER 9.**  
**MUSCOGEE (CREEK) NATION**  
**NATURAL RESOURCE CONSERVATION DISTRICT**

**§ 9-101. Declaration of Policy**

**A. Purpose:** To authorize a Mutual Agreement between the U. S. Department of Agriculture, the Muskogee (Creek) Nation, and the Muskogee (Creek) Nation Natural Resource Conservation District herein created and to provide a statutory basis for the authorization and establishment of the Muskogee (Creek) Nation Natural Resource Conservation.

**§ 9-102. Definitions**

**A. USDA – United States Department of Agriculture and its various agencies under the management and budgetary control of the Secretary of Agriculture.**

**B. Administrative Operations – Election of Commissioners, admittance of Advisory members, personnel matters, agreements, conduct of meetings, management of programmatic activities and functions.**

**C. Programmatic Activities and Function - USDA assistance provided to farmers, ranchers and rural residents for losses that result from natural disasters such as the constant threat drought, flood, fire, freeze, tornadoes, pest infestation, and other calamities; Conservation programs within USDA which assist individual land owners with conserving their soil, water, and other natural resources; Certain programs also provide financial assistance for agricultural producers to rehabilitate farmland damaged by natural disasters and pests; insurance programs which help users better understand crop and livestock insurance; USDA provides critical tools and policy and reinsurance agreement information and details the insurance cycle from the application process through the claims process; the Office of Environmental Markets (OEM) supports the Secretary in the development of emerging markets for carbon sequestration, water quality and management, wetlands, biodiversity, and other ecosystem services (OEM was established in response to the Food, Conservation, and Energy Act of 2008); wild land fire management to protect human life, welfare, and property, and also to manage wild land fire to restore and maintain the health of ecosystems on which people depend for clean water, oxygen, carbon sequestration, recreation, forest products, biodiversity,**

beauty, and other resource benefits; Organic Programs under USDA's National Organic Program which regulates the standards for any farm, wild crop harvesting, or handling operation that wants to sell an agricultural product as organically produced; Food Security which research facilitates informed public debate regarding food security, and its impact on the well-being of children, adults, families, and communities, as well as its relationship to public policies, public assistance programs, and the economy; the promotion and assistance of exportation through a variety of valuable tools, services, policies and research to assist new and experienced exporters in all the stages necessary for getting their product out to their desired market; economic research to inform public and private decision making on economic and policy issues involving food, farming, natural resources, and rural development.

D. Qualified elector – A qualified elector is an individual who owns 10 acres or more of restricted surface interest within the Creek Nation; in the case of undivided interest the fractional interest must equate to 10 acres or more of surface interest, as certified by the Creek Nation Realty office. In the event an individual owns less than 10 acres of surface interest in a parcel of land in an undivided parcel of land, then if a majority of the landowners desire to participate in USDA programs, a majority of the surface interest owners may designate one of the surface owners as a designated proxy to enter in an agreement for the purposes of participating in USDA programs. This may be in the form of a BIA approved agricultural lease or a USDA participatory agreement.

**§ 9-103. Muscogee (Creek) Nation Natural Resource Conservation District**

There is hereby created a Muscogee (Creek) Nation Natural Resource Conservation District authorized and organized to represent, develop, protect and advance the view, interests, education, and resources of the Muskogee (Creek) Nation to include both tribally and individually-held, restricted and trust Indian lands.

**§ 9-104. Governance**

A. There is hereby created [within] the Department of Interior Affairs a self-governing Muscogee (Creek) Nation Natural Resource Conservation Commission to govern and manage said District herein established.

B. The Commission is to represent Tribal and restricted surface Indian land owners.

1. To begin business of the initial Commission, the Commissioners are to be appointed by the Secretary of Interior Affairs for a term of three (3) years and thereafter elected by the qualified electors as prescribed for elected Commissioners.

C. Representation on Commission. The Commission is to be comprised of three commissioners: the first Commissioner is Commissioner A representing tribal trust lands; the second is Commissioner B and the third is Commissioner C, both B and C representing individual Indian restricted or trust surface land owners of ten acres or more as defined by USDA requirements.

D. Commissioner A is to be appointed for an initial term of one year and appointed for three year term thereafter; Commissioner B is to be appointed for an initial term of two years and elected for a three year term thereafter; Commissioner C is to be appointed for an initial term of three years and elected for a three year term thereafter.

E. Selection of Commissioners. The Commissioners are to be selected in the following manner:

1. Commissioner A for tribal lands is to be appointed by the Secretary of Interior Affairs from a list of surface restricted land owners as certified by the Realty Office, Creek Nation.
2. Commissioner B for restricted individual-owned lands is to be elected by the qualified electors of restricted land owners from a list of surface restricted land owners as certified by the Realty Office, Creek Nation.
3. Commissioner C for restricted individual-owned lands is to be elected by the qualified electors of restricted land owners from a list of surface restricted land owners as certified by the Realty Office, Creek Nation.

F. In recognition of the importance of addressing Food, Agriculture and Natural Resource needs on Muskogee (Creek) Nation tribally and individually-held, restricted and trust Indian lands; it shall be the mission of the Commission:

1. To maximize the utilization of the United States Department of Agriculture (USDA) programs and other federal programs and technical assistance.
2. To increase Indian farmers and ranchers opportunities to own, operate and retain farms and ranches.
3. To provide effective District leadership for the Technical and cost-share assistance provided by the USDA through a Tribal Conservation District and Long Range Natural Resource Plan.

**§ 9-105. Authority**

A. Muskogee (Creek) Nation Natural Resource Conservation District shall have the authority to:

1. Work cooperatively with other agencies, Tribal Resource Specialists, Tribal colleges, and boards, and other entities, to include other Soil Conservation Districts.
2. To provide technical assistance and assist in the development of a Natural Resources Long Range Plan for the Muskogee (Creek) Nation lands which will establish priorities under which the USDA agencies will operate on the Muskogee (Creek) Nation's lands which include both tribally and individually-held, restricted and trust Indian lands.

**§ 9-106. Cooperative Working Agreements**

The Muskogee (Creek) Nation Natural Resource Conservation District is authorized to enter into Cooperative Working Agreements with the USDA Agencies and others, for the purposes of this ordinance and to carry out the Tribal Districts Long Range Natural Resource Plan.

**§ 9-107. By-Laws and Regulations**

- A. The Commissioners shall develop, adopt, and implement:
  1. By-Laws to govern the administration of the Commission in conformance with this Ordinance.
  2. Regulations to govern the Programmatic Activities and Functions of the Creek Nation Natural Resource Conservation District in compliance with USDA regulations and requirements.

The Muskogee (Creek) Nation Natural Resource Conservation District's Commissioners shall develop, adopt and implement By-Laws for governing of the Muskogee (Creek) Nation Natural Resource Conservation District prior to beginning operations.

**§ 9-108. Budget – Operations and Capital Equipment**

A. There is authorized a budget of \$300,000 annually for the Administration and Technical Professional staff and capital equipment, of the Muskogee (Creek) Nation Natural Resource Conservation District; Commissioners are authorized to receive compensation comparable to other Boards and Commissions of the Nation and to compensate technical staff in amounts comparable for like work of the profession.

**§ 9-109. Appropriations - Operations and Capital Equipment**

A. There is appropriated \$100,000 for start-up costs and \$200,000 for administrative operations in the first year of operations.

C. Carry-over of unexpended appropriated funds for any fiscal year may be expended in the following year without further appropriation and in the third year replacement of capital equipment is authorized as the Commission may determine.

**§ 9-110. Commission Revenues – Operations and Capital Equipment**

A. Revenues or income earned by the Commission shall be governed by the Regulations of the Commission and deposited into the Treasury of the Nation to the credit of the Commission.

B. Disbursements and Expenses of the Commission shall be governed by the Regulations of the Commission.

**§ 9-111. Increase Indian Farms and Ranches**

A. Incentives for Use of Technical Assistance and Cost-Share Programs is as follows:

1. The Commission shall explore methods and ways to increase Indian farmers and ranchers opportunities to own, operate and retain farms and ranches.
2. The Commission is authorized to use appropriated and earned funds to explore ways to increase participation in the use of USDA Technical Assistance and Cost-Share Programs.
3. The Commission shall establish the Incentive program for the Cost-Share program through regulations with a 30 day comment period prior to adopting the final rule.

**SECTION THREE. APPROPRIATION.** The sum of Three Hundred Thousand and No/100 Dollars (\$300,000.00) is hereby appropriated from the Gaming Fund Account for the Muscogee (Creek) Nation Natural Resource Conservation District for FY 2014. Any funds remaining shall carry forward into the new fiscal year until fully expended.

**SECTION FOUR. AUTHORIZATION.** The National Council hereby authorizes the Principal Chief to expend the sum of Three Hundred Thousand and No/100 Dollars (\$300,000.00) is hereby appropriated from the Gaming Fund Account in accordance with the attached budget.

**SECTION FIVE. 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 21<sup>st</sup> day of December, 2013.

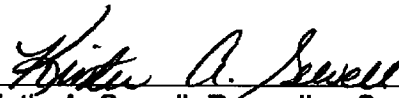
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Samuel S. Alexander, 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 Eighteen members with Sixteen members attending this meeting on the 21<sup>st</sup> day of December, 2013 and that the above is in conformity with the provisions therein adopted by a vote of 15 in favor, 0 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.



Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 30<sup>th</sup> day of Dec, 2013 to the above Law, **NCA 13-316** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief  
Muscogee (Creek) Nation

