

**COMPACT BETWEEN THE STATE OF OKLAHOMA AND THE CHEROKEE NATION
CONCERNING A SEPARATE MEMORANDUM OF UNDERSTANDING TO CREATE THE
TULSA COUNTY SMELTER COMPLEX NATURAL RESOURCE DAMAGE ASSESSMENT
AND RESTORATION TRUSTEE COUNCIL**

WHEREAS, the Cherokee Nation ("Nation") is a federally recognized Indian tribe with inherent sovereign powers of self-government;

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

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

WHEREAS, the Nation and its members are in possession of and maintain sovereignty over various tracts of land within the State, including areas adversely affected by former smelter operations in areas within the Tulsa County Smelter Complex ("Complex");

WHEREAS, natural resource damages have occurred in areas within the Complex as a result of the operation of former smelter operations at the Tulsa Fuels and Manufacturing Site and the Collinsville Smelter Site;

WHEREAS, the State, through the Oklahoma Secretary of Energy and Environment as Natural Resource Trustee for the State ("OSEE"), seeks to negotiate and enter into a Memorandum of Understanding ("MOU") between OSEE, the Nation and the U.S. Department of Interior ("DOI") in order to create the Tulsa County Smelter Complex Natural Resource Damage Assessment and Restoration Trustee Council ("Trustee Council");

WHEREAS, pursuant to the proposed MOU, the Trustee Council will address releases, discharges, spills or other incidents or occurrences involving smelter contaminants within or associated with the Tulsa County Smelter Complex and will implement actions to assess and recover damages, and restore, replace, rehabilitate or acquire the natural resources or the services injured, lost or destroyed or the equivalent thereof, consistent with applicable federal law and to the mutual benefit of both the Nation and the State;

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 in the Governor of the State, and whereas, Title 74, Oklahoma Statutes (Supp. 2015), Section 1221(C)(1), vests the power and authority in the Governor of the State to enter into cooperative agreements [compacts] with the Nation as a federally recognized Indian tribal government within the State; and,

WHEREAS, pursuant to Title 27A, Oklahoma Statutes, Section 1-2-101, OSEE has authority over certain environmental areas, including the authority, among other things, to act on behalf of the public of the State as trustee for natural resources, to make claims for natural resource damages and to enter into agreements to carry out the duties and functions of the trustee for the natural resources of the State.

NOW, THEREFORE, the Nation, by and through its Principal Chief, and the State, by and through its Governor, do hereby enter into this Compact, effective immediately upon full execution, to facilitate and authorize the negotiation and execution of the proposed MOU between OSEE and the Nation (and DOI) to address issues of mutual interest, specifically natural resource damages.

IT IS AGREED:

Each of the undersigned represents that they are duly authorized, and has the authority, to executive this Compact on behalf of the designated party.

STATE OF OKLAHOMA

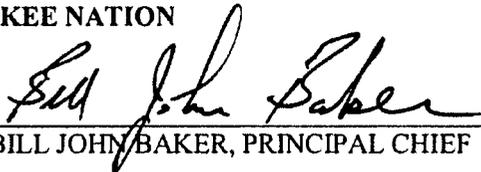


MARY FALLIN, GOVERNOR

3-14-2016

DATE

CHEROKEE NATION

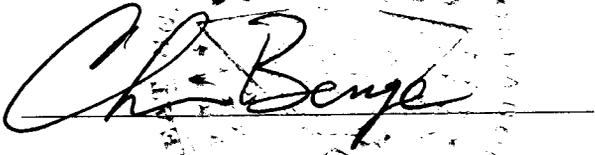


BILL JOHN BAKER, PRINCIPAL CHIEF

1-6-16

DATE

Attested to:



A handwritten signature in cursive script, reading "Chris Benge", is written over a horizontal line. The signature is positioned over a faint circular seal of the State of Oklahoma, which features a central five-pointed star and the words "GREAT SEAL OF THE STATE OF OKLAHOMA" around the perimeter.

Chris Benge, Secretary of State of Oklahoma