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**CHAPTER ONE
GENERAL PROVISIONS**

I. Short Title, Authority:

- A. Short Title: This Ordinance is referred to as the Chippewa Cree Tribal Cultural Resources Protection Ordinance.
- B. Authority: This Ordinance is enacted pursuant to the Constitution and the Law and Order Code of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation.

II. Findings, Policy and Purpose:

- A. The Business Committee finds that the protection of historical and archeological properties and cultural resources preservation for the Chippewa Cree Tribe of the Rocky Boy's Reservation ensures that their future generations will have a genuine opportunity to thrive within the native ancestral heritage and on a sustainable homeland.
- B. It is the policy of the Business Committee to protect traditional cultural resources by establishment of a preservation program to identify, evaluate, and protect cultural, historic and archaeological resources and by regulating undertakings upon Tribal lands when they may result in changes in the character or use of such cultural resources.
- C. The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the protection of Native American graves and for the return and repatriation of human remains, associated and unassociated funerary objects, sacred objects and objects of cultural patrimony. It is the policy of the Tribes to support the enforcement and implementation of this Act.

III. Definitions:

For the purposes of this Ordinance the following definitions will apply:

- A. "Advisory Council" means Chippewa Cree Advisory Council on Cultural and Archeological Preservation.
- B. "Archeological resource" means any material remains of past human life or activities that are of archaeological interest.
- C. "ARPA" means the Archeological Resources Protection Act of 1979.
- D. "Board" means the Cultural Preservation Board of the Chippewa Cree Tribe.

- E. "Culture" means the traditions, beliefs, practices, lifestyle, arts and social institutions of the Chippewa Cree people.
- F. "Burial material" means any item found at the burial site or with the human skeletal remains and directly associated with the burial or burial site.
- G. "Burial site" means, except for marked cemeteries and graveyards protected under existing state law, any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which human remains were intentionally deposited as a part of the death rites or ceremonies of a culture.
- H. "Cultural items" means human remains, associated funerary objects, unassociated funerary objects, sacred objects and cultural patrimony as defined by the Native American Graves Protection and Repatriation Act.
- I. "Cultural resource" means native plant materials, objects, or cultural or religious sites which are nominated or determined eligible for the Chippewa Cree Register as having cultural significance.
- J. "District" means any discrete area comprising buildings, objects, sites of structures or traditional cultural properties that forms a recognizable, unified whole.
- K. "Human skeletal remains" means any part of the human body in any state of decomposition taken from a burial site.
- L. "NAGPRA" means Native American Graves Protection and Repatriation Act of 1990.
- M. "Person" means any individual, partnership, association, corporation, and any other entity composed of individuals, and federal, Tribal, and state governmental entities or agencies.
- N. "Preservation Officer" or "THPO" means the Chippewa Cree Tribal Historical Preservation Officer.
- O. "Reservation" means the Rocky Boy's Reservation, including all land within the external boundaries thereof.
- P. "Religious site" means any place or area, including, but not limited to, any geophysical or geographical area or feature:
 - 1. where Chippewa Cree practitioners are required by their religion to protect, harvest or maintain natural substances or natural products for use in religious ceremonies or for spiritual purposes, including all

- places or areas where such natural substances or products are located;
or
2. which is utilized by Chippewa Cree religious practitioners for ceremonies or spiritual practices or any ceremonial or sacred sites.
- Q. "THP Office" means Chippewa Cree Tribal Historic Preservation Office. THP Office will be interchangeably used as department.
- R. "Traditional Cultural Property" means a place that is associated with cultural and religious practices, customs, or beliefs of the Chippewa Cree people that
1. is rooted in Chippewa Cree history or tradition; and
 2. is important to maintain continuity of the Chippewa Cree traditional beliefs and practices, and is included in, or eligible for inclusion on the Chippewa Cree Register, including artifacts, records, and material remains related to such a property or resource.
- S. "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation.
- T. "Undertaking" means any governmental, governmental assisted or licensed action, activity, or program or the approval, sanction, assistance, or support of any non-governmental action, activity or program. Undertakings include new and continuing projects and program activities that are: (1) directly undertaken by governmental agencies; (2) supported in whole or part through governmental contracts grants, loans, subsidies, loan guarantees, or other forms of direct or indirect funding assistance; (3) carried out pursuant to a governmental lease, permit, license, certificate approval, or other forms of entitlement or permission; or (4) proposed by a Federal, State or other governmental agencies for legislative authorization or appropriation.

CHAPTER TWO

CHIPPEWA CREE CULTURAL RESOURCES PRESERVATION BOARD AND DEPARTMENT AND ADVISORY COUNCIL

I. Chippewa Cree Cultural Resources Preservation Board:

- A. There is hereby established a Chippewa Cree Cultural Resources Preservation Board. The Board shall be composed of three to five council members of the Business Committee. The Board shall name one of the Board members as a Chairman of the Board. Procedures for the meeting of the Board shall be as set forth by the regulations of this ordinance.

B. The powers and duties of the Board shall be as follows:

1. To oversee the functions of the Tribal Historical Preservation Office.
2. To issue rules, regulations and standards as are necessary to carry out the purpose of this ordinance.
3. To review any proposed undertaking On-Reservation that might affect any archaeological resources or cultural resources including but not limited to, religious sites, archeological resources, burial sites, human skeletal remains, traditional cultural properties, historic resources, cultural items, food and medicinal plants located upon protected lands.
4. To review requests for excavation or removal of archeological resources on protected lands
5. Review requests for ethnographic work, studies or surveys on tribal culture.
6. To review nominations or properties to the Chippewa Cree register or National Register submitted by the THPO and to make recommendation to the Business Committee that qualify as significant in tribal history, archeology, or culture.
7. Review the Comprehensive On-Reservation Cultural Resources Preservation Plan prepared by the THPO and to recommend the plan to the Business Committee for approval.
8. Provide general advice and guidance to the THPO.
9. To call upon tribal staffs or elders having technical expertise for advice.
10. Perform other duties as may be appropriate and necessary to implement this Ordinance and regulations thereof.

II. Cultural Resource Preservation Department:

- A. There is hereby established a Tribal Cultural preservation Department which shall be directed by a preservation officer referred to as Tribal Historical Preservation Officer or THPO appointed by the Business Committee to carry out this ordinance and administer the tribal cultural preservation program. THPO shall be responsible for the Departmental functions as set forth by this code and regulations thereof.
- B. The THPO shall have the following duties and powers:

1. To nominate to the Board all sites, buildings, districts and objects within the Reservation that appear to qualify for listing on the Chippewa Cree Register. The Department shall first do the following tasks in order to compile the information needed to make the nominations:
 - a. Conduct a comprehensive survey of all historic and archaeological properties on the reservation;
 - b. Compile an inventory that includes basic information about the location and history of each such property;
 - c. Evaluate each property surveyed with regard to its historic, architectural, archaeological, anthropological, religious and cultural significance;
 - d. Based on the evaluation each surveyed property into one of four categories of significance;
 - e. Recommend modification or limitations for each historic property according to its category of significance.
2. To prepare nomination forms for those properties that appear to be eligible for placement on the National Register, and present them to the Board.
3. To assist and consult with the Board on issues relating to the conservation of historic and archaeological resources and on other matters within the scope of their duties.
4. To initiate measures to ensure, at a minimum, that where a property listed on the Tribal Register is to be substantially altered or affected, timely steps be taken to make or have made records, including measured drawings, photographs and maps of the property, and that a copy of such records then be deposited in the tribal archives for future use and reference. The Department shall use its best efforts to assure adequate surveying, testing, salvaging, analysis reporting, and curation of cultural materials, where such is feasible.
5. To initiate measures and procedures to provide for the maintenance, preservation, rehabilitation or restoration, of tribally-owned and registered sites at professional standards.
6. To take actions for the purpose of promoting historic preservation efforts. Such efforts shall be, but not limited to, as follows:

- a. Develop and make available to tribal agencies information concerning professional methods and techniques for identifying, preserving, stabilizing, improving, restoring and maintaining archaeological and historic properties.
 - b. Advise tribal agencies in the evaluation, identification, preservation, stabilization, improvement, restoration and maintenance of historic and archaeological properties.
 - c. Encourage, in cooperation with the Board, public interest and participation in archaeological and historic preservation.
 - d. Conduct studies in such areas as the adequacy of federal, state and tribal laws pertaining to archaeological and historic preservation activities.
 - e. Encourage training and education in the field of archaeological and historic preservation.
7. To develop a comprehensive Cultural Resources Preservation Plan and to recommend to the Board for review.
 8. To identify and nominate eligible properties to the Tribal Register and applications for the Tribal register.
 9. To maintain a cultural, archeological and historical database maintaining Tribal customs regarding the disclosers of personal or religious information
 10. To provide public information, education and training, and technical assistance relating to the Tribal cultural preservation program.
 11. To submit annually a comprehensive report of its activities and the results of its studies to the Council and the Board, and from time to time submit such additional and special reports as the Department deems advisable. These reports may propose such legislative enactments and other actions as, in the judgment of the Department, are necessary and appropriate to carry out its recommendations.

III. Advisory Council on Cultural and Archeological Preservation:

- A. There shall be established a Chippewa Cree Tribe Advisory Council on Cultural and Archeological preservation to advise on the Tribal cultural and archeological resources and properties to the Tribal departments, Boards or Sub Committees, or the Business Committee, as necessary.

- B. The Advisory Council shall consist of Tribal elders and culturally and archeologically concerned Tribal members. The Business Committee shall appoint the members of the Advisory Council from diverse groups within the Reservation. The number of the members and the functions of Advisory Council shall be as set forth in this code and regulations thereof.

CHAPTER THREE

TRIBAL REGISTER OF ARCHEOLOGICAL, CULTURAL AND HISTORICAL PROPERTIES

I. Nomination and Acceptance:

- A. The Board shall establish a Chippewa Cree Register of Cultural Properties, which shall be a register of prehistoric or historic districts, sites, buildings, structures and objects significant in tribal history, architecture, archaeology and culture or religion.
- B. Nominations to the Tribal Register may be made by any member of the Tribe. Acceptance of any nomination shall be made by the Board and the Advisory Council. Procedures for nomination and acceptance shall be as set forth by the regulations.

II. Listed Properties:

Whenever the Tribe has direct or indirect jurisdiction over a proposed tribal or tribally assisted undertaking, or has authority to license or permit any undertaking, the Board shall, prior to the approval of the expenditure of any tribal funds on the undertaking or prior to the issuance of any license or permit, as the case may be, take into account the effect of the undertaking on any district, site, building, structure or object that is included or eligible for inclusion in the Tribal Register. The Board shall afford a reasonable opportunity to comment from other departments and the Advisory Council, where necessary, with regard to such undertaking.

III. National Register:

- A. Nomination of Reservation Properties. Nomination of any district, site, building, structure or object located within the Reservation for inclusion in the National Register shall be made by the Business Committee.
- B. Tribal Undertakings Upon Properties Listed in National Register. Whenever the Council has direct or indirect jurisdiction over a proposed tribal or tribally assisted undertaking or has authority to license any undertaking, the Business Committee shall, prior to the approval of the expenditure of any tribal funds on the undertaking or prior to the issuance of any license or permit, as the case may be, take into account the effect of the undertaking on any district, site, building, structure or object within the Reservation that is included in or eligible for inclusion in the National Register.

IV. Implementation of NAGPRA:

- A.** The Board and the THPO shall have authority to implement and administer the provisions of Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) including to consult with the Advisory Council, federal and state agencies and others, regarding the proper handling and disposition of human remains, associated and unassociated funerary objects, sacred objects and objects of cultural patrimony. Proper treatment and handling of human skeletal remains and cultural items, and procedures for the reinternment of human skeletal remains shall be as set forth in the regulations.
- B.** Inadvertent Discovery of Cultural Items: Any person who knows or has reason to know of the discovery of Native American cultural items, including human skeletal remains on federal lands within the Tribes' aboriginal territory and all lands within the boundaries of the Reservation shall immediately contact the THPO.
- C.** If the discovery occurred in connection with an activity, including but not limited to, construction, mining, logging, and agriculture, the person shall cease activity in the area of the discovery, and make all reasonable efforts to protect the items discovered.
- D.** The activity may resume only after consultation with the Board and THPO along with the Advisory Council and after an agreement has been reached between the Board, THPO and landowner on whether the cultural items can be preserved in situ or ex situ. The disposition and control of human remains and cultural items removed under this section shall be determined in accordance to the priority established in Section 3002(a) of NAGPRA.
- E.** Intentional excavation: Any person who proposes an undertaking within the exterior boundaries of the Tribe which may result in the excavation of human skeletal remains or cultural items shall apply for a permit pursuant to this Code and regulations thereof. Federal agency officials who are required to give notice and consult with Board regarding undertakings within the exterior boundary of the Tribe which may result in the excavation of human skeletal remains or cultural items shall provide notice to the THPO.
- F.** Violations of this part may be enforced in accordance to part VII of this Code and the Tribes may also request the U.S. Attorney or the Department of Interior for appropriate penalties in accordance with NAGPRA.

CHAPTER FOUR

CULTURAL RESOURCE REVIEW PROCESS

- I. Any person, tribal departments, or other federal or state agency that are involved or want to involve in any ground disturbing activities or project shall be responsible for making sure that any activities or project does not adversely affect Tribal cultural resources that are listed or are eligible for listing on the Tribal Register until the Department and the Board have had a chance to comment.
- II. Upon finding that the activity or project may have an adverse impact on tribal cultural resources, responsible party shall require to complete a cultural resource review process under this code and the regulations thereof.
- III. Cultural resource review process shall be coordinated, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under the Chippewa Cree Environmental Protection Code, Other specific codes that are related to the undertakings, and Federal Legislations such as NEPA, NAGPRA, AIRFA, and ARPA.
- IV. Coordination with the Tribal Environmental Protection Code: Tribal departments shall coordinate compliance with the cultural review process as prescribed in this code with any steps taken to meet the requirements of the tribal Environmental Protection Code. The Tribal departments should consider their Tribal cultural resource review process responsibility as early as possible in the environmental review process, and plan public participation, analysis, and review in such a way that they can meet the purposes and requirements of both codes in a timely and efficient manner. The determination of whether an undertaking is a major Tribal developmental action significantly affecting the quality of the Tribal health and environment, and therefore requires preparation of an environmental impact statement under the Tribal Environmental Protection Code, should include considerations of the undertaking's likely effects on Tribal cultural, archeological and historical properties. A finding of Tribal cultural, archeological and historical properties does not necessarily require an EIS under Tribal Environmental Protection Code.
- V. Cultural Resource Survey:
 - A. Cultural resource survey shall require followings:
 1. determination and documentation of the area of potential effect;
 2. review existing information on tribal cultural resources including any data concerning possible cultural properties;

3. seek information, as appropriate, from concerned tribal departments, and other individuals likely to have knowledge of, or concerns with, tribal cultural properties in the area and identify issues relating to the undertaking's potential effect on tribal cultural properties;
4. identify cultural properties based on the sub sections above;
5. evaluation of cultural significance for eligibility to the Tribal or National Register. If the register criteria are met, the property shall be considered eligible for the Tribal or National Register. If the Agency Official determines the criteria are not met and the property shall be considered not eligible.
6. after results of identification and evaluation, if a person or agency finds that either there are no cultural properties present or there are cultural properties present but the undertaking will have no effect upon them, documentation of this finding shall be provided to the all consulting parties and make the documentation available for public inspection prior to approving the undertaking.

VI. Assessment of Adverse Effects:

- A. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a cultural property that qualify the property for inclusion in the Tribal or National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a cultural property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the Tribal or National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.
- B. Adverse effects on historic properties include, but are not limited to:
 1. physical destruction of or damage to all or part of the property;
 2. alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Standards established by the Board for the Treatment of cultural Properties
 3. removal of the property from its historic location;
 4. change of the character of the property's use or of physical

features within the property's setting that contribute to its cultural significance;

5. introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant cultural features;
 6. neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to the Tribe.
- C. Finding of no adverse effect. Upon finding that there is no adverse effect, proposal may be made based on finding of no adverse effect when the undertaking's effects do not meet the criteria of or the undertaking is modified or conditions are imposed.
- D. Consulting party review. If a Tribal department or federal Agency Official proposes a finding of no adverse effect, the department or Agency Official shall notify all consulting parties of the finding and provide them with the documentation as set forth in the regulations.
- E. The department or Agency Official should seek the concurrence of other tribal departments and Tribal individual that it attaches religious and cultural significance to a historic property subject to the finding. If such department or individual disagrees with the finding, it may specify the reasons for disagreeing Board to review the finding pursuant to the regulations.

VII. Mitigation of Adverse Effects:

- A. If a site is eligible for the Tribal or National Register, It shall require to mitigate any adverse impacts to the site. The Board shall decide after consultation with the Advisory Council, concerned departments and public hearing that whether and how the mitigation measure will be considered on the site.
- B. If a site cannot be avoided, data recovery shall be required. The process and standards of data recovery shall be as set forth by the regulations.

CHAPTER FIVE

PERMITS

I. Application for a Permit:

- A. One must file an application for a permit to excavate, remove alter, damage or otherwise adversely affect archaeological resources or historic properties from Reservation lands shall include, but not limited to:

1. Information concerning the time, scope, location and specific purpose of the proposed work, together with such other information as the Board deems necessary.
 2. A definite outline of the proposed work, indicating the name of the individuals or group making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it and the person who will have immediate charge of the work
 3. An exact statement of the character of the work, whether examination, excavation or gathering, the museum in which the collections made under the permit are to be permanently preserved, and, where such museum is off-reservation, the length of time proposed by the applicant before such collections are to be returned to the Reservation.
 4. A sketch plan and a legal description of the particular site or area to be affected, so definite that it can be located on a map with accuracy.
 5. Each application shall be signed by the applicant and verified on oath or affirmation, and shall contain the promise of the applicant to abide and be bound by all of the provisions of this code and by all other tribal laws.
 6. Each application for a permit must be filed with the THP office.
- B. A permit may be issued pursuant to an application submitted in accordance with this code and regulations thereof, if the THPO determines that:
1. The applicant has demonstrated its qualifications to carry out the proposed activity by submitting to the Board references and a resume showing prior successful experience in archaeological field work, site surveying, excavation techniques and reporting;
 2. Adequate mitigation efforts are guaranteed that will avoid any adverse effect on properties included on or eligible for inclusion on the Tribal Register or the National Register, or that acceptance of an adverse effect on such properties is clearly in the Tribe's best interest;
 3. The archaeological resources or historic properties which are excavated or removed will remain the property of the Tribes;
 4. The activity pursuant to such permit is not inconsistent with any management plan applicable to the lands concerned.
- C. Board Action. The Board shall consult the Advisory Council, review and make comment on each application for a permit and direct the THPO regarding issuance of permit.

- D. Terms and Conditions of the Permit:** Any permit may contain such terms and conditions that the THPO deems necessary to carry out the purposes of this Chapter. Each permit shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Chapter and other laws applicable to the permitted activity. The permit may contain provisions requiring restoration of the site to its former condition. Every permit shall be issued in the name of the applicant therefore, and no permit shall be transferable; nor shall the holder of any permit allow any other person to use the permit. The Board may require that a bond be posted as a prerequisite to issuance of a permit.
- E. Duration of Permit:** Each permit shall be effective for three years from the date of its issuance, or for such shorter period as may be specified therein.
- F. Interim Permits:** Persons who received approval from the Business Committee to excavate or adversely affect any archaeological resource or historic property prior to the date of enactment of this Code shall receive an interim permit to continue work during the period that their application for a permit is pending before the THPO, under the following procedure:
1. Within thirty days after the date of enactment of this Chapter, such person shall file with the Board a declaration, stating the time approval was received, the location of the property, the purpose of the work, and the work done. The declaration shall be accompanied by an application for a permit.
 2. Upon filing of the declaration and the application, the Board shall issue an interim permit. The Department shall determine whether the alleged authority to affect the property was validly obtained and report to the Board. If authority has not been validly obtained, the Board shall revoke the interim permit.
 3. Such interim permit shall be in effect until the Board approves or denies the application for the permit.

II. Duties of Permittees:

- A.** During the course of the undertaking, each permittee shall report monthly and quarterly to the THPO. Monthly reports shall contain a brief summary statement of the work performed during the month, and such quarterly reports containing a catalog of collections and photographs made during the quarter.
- B.** Each permittee shall cooperate fully with any and all inspections conducted by the Department or the Board. No part of any collection shall leave the Reservation unless the express written consent of the Board has been given in

the form of a Temporary Removal License. Such license shall at all times accompany the artifacts while off the Reservation.

III. Suspension and Revocation of Permits:

- A. Any permit issued under this Chapter may be suspended or revoked by the Board in accordance with the procedures as set forth in the regulations, upon determination that the permittee has violated any provision of the permit, this code, or other applicable law;
- B. Hearing. Upon written notice specifying the alleged grounds for revocation or suspension, filed with the Board by the Tribal Prosecutor or the Director of the Department, the Board shall schedule a hearing to determine the matter, which hearing shall be not less than five days nor more than thirty days after the service of such notice upon the permittee. The permittee shall be entitled to an opportunity to appear at such hearing and controvert the allegations in support of revocation or suspension.
- C. Emergency Suspensions: Stop Work Orders. Upon finding that a delay in suspending or revoking a permit for the period required by a hearing would be contrary to the tribal interest in preserving archaeological or historic properties, the Board may issue a written stop work order, directing the permittee immediately to cease and desist all excavation, removal or other activity pursuant to the permit. It shall be unlawful for any person to disobey a stop work order. In all cases where a stop work order has been issued, the Board shall immediately schedule a hearing to determine the matter, which hearing shall not be less than two days nor more than ten days after the date of the stop work order, unless continued by the Board upon motion of the permittee.

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CHAPTER SIX

COMPREHENSIVE CULTURAL RESOURCE PRESERVATION PLAN

I. Comprehensive Survey:

- A. A comprehensive Reservation-wide survey of archaeological and historic properties shall be conducted by the THPO and submitted to the Board and the Advisory Council. The long-range objective of the comprehensive survey shall be the identification, protection and preservation of all archaeological resources, districts, sites, buildings, structure and objects within the Reservation that are potentially significant in tribal history, architecture, archaeology and culture or religion.
- B. The survey shall be conducted in as timely manner as possible and shall encompass all cultural properties and archeological resources regardless of title, boundaries or ownership. Survey data shall be maintained by the

Department in an accessible location and shall be kept up to date so that the information is readily available to tribal planners during the decision making process.

- C. The survey data need not be published but shall be physically organized and indexed in a manner to provide for easy access. Availability of survey data to the general public may be limited if, in the opinion of the Department, such availability might result in damage to cultural or archaeological resources or historic properties. An end result of the overall survey process is nomination of property significant to tribal history, architecture, archaeology and culture to the Tribal Register or the National Register.

II. Comprehensive Plan:

- A. A comprehensive Reservation-wide archaeological and historic preservation plan shall be prepared by the Department and submitted to the Board and the Advisory Council. The plan shall consist of a report or series of reports on the Tribal cultural, archaeological and historic preservation program.
- B. These reports shall describe, analyze and make future projections about the program. The archaeological and historic preservation plan shall include an explanation of the philosophy or rationale behind the program components, a report on the current status of each component, an evaluation of the effect of each component, and a projection of future plans.

III. Nondisclosure:

- A. Information concerning the nature and location of any archaeological, cultural resources or historic property may not be made available to any person unless the Department or the Board determines with the consultation of the Advisory Council that such disclosure would further the purposes of this Code and would not create an undue risk of harm to such resources or the site at which such resources are located.
- B. The Department and the Board are authorized to withhold from disclosure information relating to the location of sites or objects listed on the Tribal Register or the National Register upon a determination that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.

CHAPTER SEVEN ENFORCEMENT

I. Prohibited Activities:

Removal, damage, or destruction of, or trespassing in any Tribal cultural and archeological properties, resources, or sites are prohibited unless otherwise provided by this code.

II. Inspection:

- A. The THPO for the purpose of compliance with this code and regulations thereof, shall inspect, at any reasonable time, any property, premises, or place.
- B. A person may not refuse entry or access to the THPO when the Department requests entry for purposes of inspection.

III. Violation and Penalties:

- A. It is unlawful to engage in any activities without cultural review process set forth by this code and regulations there of.
- B. The THPO shall have the authority to commence a civil action seeking appropriate relief, including a temporary or permanent injunction for any violation of this law, regulations, and standards thereof.
- C. Any undertaking engaged in by any person who violates, disobeys or disregards any provisions of this code, regulations, or order issued pursuant thereto, shall be liable to the people of the reservation for a for a civil and criminal penalty as set forth in the Title I of the Chapter 2 and Title IV Part Two of the Law and Order Code.

IV. Appeal and Review:

- A. Administrative Appeal - A person aggrieved by a final action of the THPO may seek review of such action. A decision of the THPO is appealable to the Board and the decision of the Board shall be final.
- B. Judicial Review - The Tribal Court of the Chippewa Cree Tribe shall have jurisdiction to hear appeals from those final decisions of the Board that have not met due process requirements or that are unconstitutional.

CHAPTER EIGHT MISCELLANEOUS PROVISIONS

I. Severability:

The provisions of this act, and if any clause, sentence, paragraph, subdivision or part of the act shall be adjudged by the tribal court be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation directly involved in the dispute in which such judgment shall be rendered.

II. Choice of Law:

In any administrative or legal hearing regarding the subject matter of this law or the interpretation of rights and responsibilities arising from such subject matter, the Chippewa Cree Cultural Resource Preservation Code shall be applied first. In the absence of the applicable written Tribal law, traditional tribal law shall apply as provided in the Law and Order Code of the Tribe. If no Tribal written law, legal opinions or Tribal Traditional Law exists, applicable Federal statutes, regulations, or case law will apply.

III. Amendments:

The Tribe may add to, modify, or repeal in part or in full when necessary to take care of unforeseen or unusual problems as prescribed by the Law and Order Code.

IV. Regulations:

The Board shall promulgate regulations to implement the provisions of this act upon recommendation of the THPO.

V. Effective Date:

The Act shall become effect, pursuant to the terms of the tribal constitution

