TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: OCT 13 2025

ORDINANCE NO.: 13 **(2025)**

An ordinance to establish a deer hunting season and other changes needed to natural resources law.

WHEREAS, the Eastern Band of Cherokee Indians is duly authorized to establish and regulate its natural resources under its sovereign powers as a federally recognized Indian Tribe; and

WHEREAS, Chapter 113 of the Cherokee Code sets out the Tribe's laws for hunting, fishing, and for other topics involving wildlife and natural resources; and

WHEREAS, currently the Tribe allows for the hunting of various animals, but not deer; and

WHEREAS, it is now possible to establish a deer season which balances increased hunting opportunities for enrolled members and the responsible management of the deer population; and

WHEREAS, other amendments are also needed in Chapter 113 to reflect changes in the operation and terminology used by the Natural Resources Department; and

WHEREAS, in order to clarify the Cherokee Code to reflect these changes in how the Tribe regulates its natural resources, the Natural Resources Department suggests the following amendments to Chapter 113.

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled, at which a quorum is present, that in order to allow for a deer hunting season and to make other changed needed to update the Tribe's laws on natural resources, Cherokee Code Chapter 113 is hereby amended as follows:

Chapter 113 ~~DIVISION OF~~ AGRICULTURE AND NATURAL RESOURCES

ARTICLE I. ~~ESTABLISHMENT OF THE DIVISION OF AGRICULTURE AND~~ NATURAL RESOURCES

Sec. 113-1. ~~Division of Agriculture and~~ Natural Resources Department.

(a) There shall be established the ~~Division of Agriculture and~~ Natural Resources Department ("~~Division~~Department"). There shall be ~~departments~~ offices and programs within the ~~Division~~ Department that shall be responsible for administering tribal laws for managing and protecting the natural environment of the Eastern Band of Cherokee Indians. The Natural Resources Department is alternatively known as and referred to as the Division of Agriculture and Natural Resources. Both

names refer to the office of Tribal government responsible for regulation of the Tribe's wildlife, environment, and natural resources.

(b) The ~~Division~~ Department through its ~~departments~~ offices and programs shall also manage the Cherokee trout fishing, wildlife, air, water, energy, ~~agriculture~~ environmental, and forestry resources located on and within Tribal lands. For purposes of this Chapter, "Tribal lands" means all trust lands of the Eastern Band of Cherokee Indians and lands owned by the Eastern Band of Cherokee Indians.

~~(c) The Division shall be responsible for promulgating administrative rules and regulations and establishing license/permit fees. The Division shall operate with revenues generated from the sale of license/permits.~~

Sec. 113-2. Rules and regulations.

The ~~Division of Agriculture and Natural Resources~~ Department shall have the authority and responsibility to issue and adopt ~~promulgate~~ all necessary administrative rules and regulations for the administration and enforcement of this and any other chapter that regulates the Tribe's natural resources and environment.

Sec. 113-4. Licenses and permits.

Hunting license

(a) All persons hunting or trapping game on ~~Cherokee Indian trust~~ Tribal lands must possess, and have on their person while engaged in hunting or trapping, a valid Tribal hunting license.

(b) Hunting fees:

(1) Enrolled members of the Eastern Band of Cherokee Indians may hunt with an enrollment card from the Eastern Band of Cherokee Indians at no cost. An enrolled member's enrollment card shall serve as his license which he/she must have in their possession for the duration of any hunting expedition on Tribal lands.

(2) ~~Those first~~ First descendants of EBCI enrolled members and non-enrolled spouses of EBCI enrolled members~~, who reside on Cherokee Indian trust lands,~~ may be issued a hunting license by the Fisheries and Wildlife Management Program after a payment of a fee ~~$10.00~~. The license shall be in effect for a period of one year.

(3) No other persons shall be eligible to obtain a Tribal hunting license.

(c) The Tribal hunting license shall authorize the holder to engage in such hunting and trapping as shall be authorized by this Chapter and shall include hunting on non-posted areas of Tribal lands ~~Cherokee trust lands~~, hunting big game and hunting with primitive weapons during special seasons.

[No additional changes to C.C. 113-4.]

Sec. 113-5. Prohibitions.

(a) *Hunting offenses.*

(1) It shall be unlawful to hunt or discharge a firearm within 100 yards of any commercial property, elderly housing, hospital, school, housing project, campground, motel, church or any other property used by the public for public gathering, unless such activity is performed while participating in a lawfully organized exercise.

(2) It shall be unlawful to spotlight wild animals or birds.

(3) Migratory game birds may be hunted or taken only during the times and in the manner permitted by federal regulations.

(4) It shall be unlawful to shoot into a squirrels nest.

(5) It shall be unlawful to cut den trees.

(6) It shall be unlawful to hunt, trap, kill or take any bird of prey or elk~~, elk or deer~~.

(7) Reserved.

(8) It shall be unlawful to trap any big game or any other game except a species specified in this Chapter within ~~Cherokee Indian trust~~ Tribal lands.

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(8) It shall be unlawful to trap any big game or any other game except a species specified in this Chapter within ~~Cherokee Indian trust~~ Tribal lands.

(9) Game birds may be taken one-half hour before sunrise through one-half hour after sunset with shotgun, bow and arrow, dogs or by falconry.
(10) Bear, wild boar, raccoon, opossum, and coyote may be taken day or night.
(11) It shall be unlawful to hunt or trap on the possessory holding of another Tribal member without permission from the possessory holder.
(12) Reserved.
(13) Reserved.
(14) It shall be unlawful to kill a non-bearded female (hen) turkey at any time.
(15) It shall be unlawful to bait wild turkey and deer.
(16) It shall be unlawful to kill wild turkey with a rifle or pistol.

[No changes to subsection (b).]

(c) *Infractions.*

(1) It shall be unlawful to exceed the fishing creel limit of ten fish per day, per permit holder (includes catch of children fishing under a supervising adult's permit).
(2) It shall be unlawful to fish without a permit.
(3) Snagging of fish is unlawful.
(4) Grabbing of fish is unlawful.
(5) Chumming of fish is unlawful.
(6) Fishing with more than one line is unlawful.
(7) Setting of trotlines in unlawful.
(8) Fishing in closed streams, ponds or waters is unlawful.
(9) Fishing before or after legal fishing hours is unlawful.
(10) It shall be unlawful to fail to keep individual catch separate.
(11) Failure to retain all trout caught in Tribal managed ponds shall be unlawful. Catch and release is permitted in all other Tribal Enterprise Waters except in managed ponds.
(12) It shall be unlawful to retain illegally caught trout.
(13) Camping in unauthorized areas ~~for the purpose of fishing or hunting~~ is not permitted.
(14) It shall be unlawful to cut wood or timber, except for campsite use, on Tribal reserve lands at any time except in those areas designated for cutting by the BIA Forestry department.
(15) It shall be unlawful to hunt any game on Sunday. For purpose of this Chapter, Sunday shall be defined as extending from sunrise on Sunday morning until sunrise on the following Monday morning.
(16) It shall be unlawful to hunt or fish within ~~the Territorial Jurisdiction of the Eastern Band of Cherokee Indians~~ Tribal lands without the proper license and/or permit.
(17) It shall be unlawful to fail to produce a valid license and/or permit to any Natural Resources Enforcement Officer when requested.
(18) It shall be unlawful to bribe, attempt to bribe, cajole or threaten a Natural Resource Enforcement Officer.
(19) It is unlawful to clean or dispose of fish or fish parts in a stream, river, pond, or other body of water. Fish and fish parts may only be disposed of in sealable bags or containers which are placed in trash cans or other proper receptacles.

[No changes to C.C. 113-6.]

Sec. 113-7. Trapping.

(a) It shall be legal to trap mink, muskrat, opossum, raccoon, skunk, weasel, wildcat, fox, beaver, otter, and wild boar ~~board~~. It shall be illegal to trap any other species on ~~Cherokee Indian trust~~ Tribal lands.

(b) It shall be unlawful to:

(1) Take wild animals by trapping with any steel jaw, leghold or connibear trap, unless it:
a. Has a jaw spread of not more than 7½ inches;

b. Is horizontally offset with closed jaw offset of a least 3/16inches for a trap with a jaw spread of more than 5½ inches; (this provision shall not apply if the trap is set in water with a quick drown type set);
c. Is smooth edged and without teeth or spikes;
d. Has a weather resistant permanent tag attached legibly giving the trapper's name and address.

(2) Set steel jaw or leghold trap on dry land with a solid anchor with a trap chain longer than eight inches from the trap to the anchor unless fitted with a shock absorbing device approved by the Wildlife agent.

(3) Remove or disturb any lawfully set trap or remove any fur bearing animal from the trap without permission of the trap owner.

(4) Set or use a trap so that animals or birds will be suspended when caught.

(5) Set or use a hook of any sort to take a wild animal or wild bird.

(6) Every trap set on ~~Cherokee Indian trust~~ Tribal lands must be visited daily and any animal caught must be promptly removed.

(7) The location of traps must be recorded in the Natural Resource Enforcement Office for safety and enforcement purposes; failure to notify the Natural Resource Enforcement Office by the trap owner shall be illegal and offenders shall be fined no less than $100.00 per day, per trap, in addition to court costs.

(8) Baiting shall be allowed only on a hunter's own assigned possessory holding. Baiting shall be allowed on the possessory holding of another only with the owner's written permission. Baiting on individual possessory holding with the permission of the landowner and upon "Tribal Reserve Property" as defined in Section 47B-8 of the Cherokee Code shall be permitted from April 1 through August 15. All bait must be removed from site no later than August 15. Baiting with all natural and unprocessed bait may be done all year. All hunters must notify the Natural Resource Enforcement Office of the location of all bait and/or bait sites no later than three days after establishment of such sites. Failure to do so will result in a fine of no less than $100.00 per bait site.

(9) It shall be illegal to use and/or possess a trap, hand-made or manufactured, for the purpose of trapping big game animals as identified in section 113-8.

Sec. 113-8. Big game.

(a) Big game, for purposes of hunting on ~~Cherokee Indian trust~~ Tribal lands, shall be limited to bear, white-tailed deer, and wild turkey.

(b) The season for hunting wild turkey shall be from the second Saturday in April until the third Saturday in May (spring season).

(1) The limit for wild turkey shall be two per season (toms only), per licensed hunter.

(2) There shall also be a youth turkey hunting season. The youth season begins the same day as North Carolina's hunting season. The first seven days shall be designated for youth ages 16 and under, and the youth shall be allowed two toms.

~~(c) The limit for wild turkey shall be two per season (toms only), per licensed hunter.~~

~~(1) A youth turkey hunting season is ordained, beginning the same as the state's hunting season starts. The first seven days shall be designated for youth ages 16 and under, and the youth shall be allowed two toms.~~

(~~d~~ c) The hunting of bear shall be from ~~September 1~~ the first Monday in September at sunrise through December 31.

(1) The limits for bear shall be two per season, per licensed hunter.

(2) It shall be unlawful to take or kill any bear weighing less than 100 pounds or to take or kill a female bear with a cub. It shall be unlawful to take or kill any bear cub. Abandoned and/or orphaned bear cub sightings must immediately be reported to the Natural Resource Enforcement Office.

~~(e) The limits for bear which may be taken or killed shall be two per season, per licensed hunter.~~

~~(f) It shall be unlawful to take or kill any bear weighing less than 100 pounds or to take or kill a female bear with a cub. It shall be unlawful to take or kill any bear cub. Abandoned and/or orphaned bear cub sightings must immediately be reported to the Natural Resource Enforcement Office.~~

(d) The season for hunting white-tailed deer shall be from November 30 to January 1.

(1) The limits for white-tailed deer shall be one (1) antlered deer with a minimum of eight (8) points per season, per licensed hunter.

(2) Deer may only be harvested using archery weapons. Blackpowder and guns are prohibited.

(3) All harvested deer shall be reported to the Department within 24 hours.

(4) A deer may be harvested only if the hunter has a current, valid deer tag issued by the Department.

(~~g~~ e) It shall be illegal for any person to sell any organ, skin or body part of any big game animal to any non-enrolled member or to any person beyond the boundaries of ~~Cherokee Indian trust~~ Tribal lands or to any person who will remove such organ, skin or body part from ~~Cherokee Indian trust~~ Tribal lands.

Sec. 113-9. Small game and other species.

(a) There shall be an open season and no bag limit on the hunting of crow.

(b) The season for hunting groundhog shall be from September 1 through February 28, with a bag limit of five and a season limit of 50.

(c) The season for hunting of grouse shall be from October 1 through February 28 with a daily bag limit of three, a possession limit of six and a season limit of 30.

(d) The season for hunting or box trapping of rabbit shall be from November 19 through January 31 with a daily bag limit of five, a possession limit of ten and season limit of 75.

(e) The season for hunting squirrel shall be from October 1 through January 1 with a daily bag limit of eight, a possession limit of 16 and a season limit of 75.

(f) The season for hunting of fox, raccoon, and opossum~~, and coyote~~ with dogs shall be from September 1 through the last day of February.

(g) There shall be no closed season on hunting of wild boar or coyote. There shall be no limit on wild boar or coyote.

(h) Hunting of coyote.

(1) No trapping, just shot allowed.

(2) Animal can be retained by hunter for the sale of its pelt.

(3) Bounty for the reduction of coyotes allowed.

a. To receive bounty payment, hunter must be an EBCI enrolled Tribal member.

b. Animal must be inspected and marked by Tribe.

c. Bounty award not to exceed $25.00 per coyote.

d. Number of bounties awarded may be limited due to available funding.

Sec. 113-10. Weapons.

(a) Hunting with shotguns larger than ten gauge is prohibited. Hunting wild turkey will be with 12, 16, or 20 gauge shot guns or bow and arrows.

(b) When hunting migratory game birds, shotguns must be plugged so as to limit their maximum capacity to three shells.

(c) ~~Hunting with bow and arrow shall be limited to bows having a minimum pull of 45 pounds.~~ Broadhead type arrows with a width of ⅞-inch may be used for small game. Poisonous, drugged, barbed or explosive arrowheads are illegal and shall not be used for any purpose.

(d) The following species may be hunted or killed with a .22 caliber pistol having a barrel of not less than 5½ inches: rabbit, squirrel, opossum, raccoon, fur bearing animals and other legal non-game animals and birds.

(e) A hunter or trapper lawfully taking wildlife by another method may use a pistol to dispatch an animal or bird otherwise taken if necessary.

[No amendments to C.C. 113-11 to 113-12.]

Sec. 113-13. Penalties.

(a) Any violation of Section ~~133~~ 113-5(c) or 113-11 shall be considered a civil infraction. A "civil infraction" is a civil offense against the Eastern Band of Cherokee Indians in which the remedy involved is liquidated damages, which have been pre-determined by the Tribal Council of the Eastern Band of Cherokee Indians. An infraction is not a crime and the punishment shall not affect or impair the credibility of a witness or otherwise of any person convicted thereof. The Tribal Council of the Eastern Band of Cherokee Indians shall from time to time determine a schedule of liquidated damages for violations of Section ~~133~~ 113-5(b) and Fisheries and Wildlife Management shall cause said schedule to be published prominently in locations across the Territorial Jurisdiction of the Eastern Band of Cherokee Indians.

(b) Any person subject to the criminal jurisdiction of the Cherokee Court who is convicted of an offense in violation of any provision concerning big game shall be fined not less than $500.00 nor more than $1,000.00 for each offense, and restitution in the amount sufficient to provide for restocking of the animal or animals involved in the violation, together with the revocation of all hunting privileges for not less than one nor more than three years in addition to court costs.

(c) Any persons subject to the criminal jurisdiction of the Cherokee Court who is convicted of an offense involving small game or other provisions of this Chapter not covered by Subsection (a) shall be fined not less than $50.00 nor more than $250.00 for each offense, in addition to court costs. Repeat offenders may also suffer the revocation of all hunting privileges for not less than one nor more than three years.

(d) Any person who is not subject to the criminal jurisdiction of the Cherokee Court who violates any provision of this Chapter shall be subject to a civil penalty and fine of not less than $50.00 nor more than $1,000.00 for each violation, and restitution in an amount sufficient to provide for restocking of the animal or animals involved in the violation, plus court costs. Flagrant or intentional violation of the provisions of this Chapter may be referred to federal or state law enforcement officials for prosecution for trespass or other applicable criminal provisions, at the discretion of Cherokee law enforcement personnel.

(e) All fines and liquidated damages collected by the Cherokee Court will be returned to the Natural Resources Enforcement Office for enforcement of Tribal laws and ordinances. All restocking fees collected by the Cherokee Court will be returned to the Fisheries and Wildlife program to be used by the Tribe in support of the Fisheries and Wildlife management program.

(f) Any person convicted of removing or destroying a tracking device or identification collar from a dog shall be subject to the penalties provided in Appendix A: Schedule of Civil Penalties.

(g) Nuisance animals are animals that destroy personal or private property. Nuisance animals shall be reported to the Natural Resources Enforcement Office for investigation. The Natural Resource Enforcement Officer shall determine the best course of action.

(h) Any person subject to the criminal jurisdiction of the Cherokee Court who is convicted of an offense involving the illegal taking of black bear out of season shall be fined not less than $2,500.00 nor more than $5,000.00 for each offense, together with court fees and an amount of $1,500.00 to provide for re-stocking of the animal or animals involved in the violation, together with the revocation of all hunting privileges for not less than one nor more than three years.

[No amendments from C.C. 113-14 to 113-26.]

Appendix A. Schedule of civil penalties.

Violations of the provisions enumerated here shall subject the offender to a civil penalty upon the issuance of a citation for such violation as provided in this Section. The civil penalty, if not paid to the Cherokee Tribal Court prior to court date designated on the citation issued, may be recovered by the Tribe in a civil action in the nature of Tribal debt. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be in the amount of $100.00 for each violation, and each day any single violation continues shall be a separate violation. The following civil penalties are hereby established:

Infractions §113-5(c)		
Number	Offense	Fine for Violation
1.	Exceeding creel limit (violation)	$100.00
2.	Fishing without a permit	100.00
3.	Snagging of fish	100.00
4.	Grabbing of fish	100.00
5.	Chumming of fish	100.00
6.	Fishing with more than one line	100.00
7.	Setting of trotline	200.00
8.	Fishing in closed streams, ponds or waters	100.00
9.	Fishing before or after legal fishing hours	100.00
10.	Failure to keep individual's catch separate	50.00
11.	Failure to retain all trout caught, when fishing Tribally managed ponds	100.00
12.	Illegally caught trout	50.00
13.	And additional fine for each fish caught in violation of statutes	50.00
14.	Camping in unauthorized area	100.00
15.	Failure to report a bait site, per bait site	100.00
16.	Illegal cutting of wood or timber	75.00
17.	Hunting on Sunday	75.00
18.	~~Hunting or fishing~~ Fishing without the proper license	100.00
19.	Failure to produce valid license and/or permit	25.00
20.	Failure to wear hunter orange while hunting	25.00
21.	Use or possession of illegal bait	100.00
22.	Use of improper equipment	100.00
23.	Running dogs out of season	100.00
24.	Failure to report to NREO	100.00
25.	Bribing or attempted bribery of a Natural Resource Enforcement Officer	100.00
26.	Removing and/or destroying tracking devices or identification collar from dogs	100.00
27.	Feeding, approaching, or harassing elk ~~or white-tailed deer~~	100.00
28.	Feeding, approaching, or harassing bear (not including legal hunting or baiting)	100.00
29.	Feeding or harassing waterfowl	100.00
30.	Hunting without the proper license/tag	1000.00

BE IT FINALLY ORDAINED, that this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by Michael LaVoie, on behalf of the Natural Resources Department.