

File Code: 1560

Date: January 26, 2026

Dear Principal Chief Hicks:

Based on a request from the Eastern Band of Cherokee Indians, I am hereby documenting authorization of the Eastern Band of Cherokee Indians to collect non-timber forest products and firewood for traditional and cultural purposes within the Nantahala and Pisgah National Forests per the Food, Conservation, and Energy Act of 2008, Sec. 8105, Forest Products for Traditional and Cultural Purposes, Code of Federal Regulations 36 CFR 223.15; FS Handbook 2409.18, Chapter 80.

This letter provides documentation of authority for enrolled members of the Eastern Band of Cherokee Indians to collect non-timber forest products derived from naturally occurring mushrooms, fungi, flowers, seeds, roots, barks, leaves and vegetation, as well as firewood (dead and down trees).

I acknowledge the need for the Eastern Band of Cherokee Indians to collect non-timber forest products for traditional and cultural use in a discreet manner, and without the need to disclose information related to annual collection times and locations. I ask that the Eastern Band of Cherokee Indians keep within the conditions and collection limits of this letter, which are as follows:

- Gathered products may not be used for commercial purposes.
 - Forest products with “value added” may be resold (e.g., unprocessed white oak logs may not be resold, but traditional baskets made from white oak may be sold).
- A 10-cord limit on dead and down fuelwood per year.
- Motor vehicles must remain on designated roads, trails, and areas designated for vehicle use; collection on foot is permissible throughout the Forests, including in wilderness (see below).
 - Motor vehicle access behind closed gates may be provided by prior arrangement between the US Forest Service and Eastern Band of Cherokee Indians.
 - Parking fees may be waived when parking in fee areas by prior arrangement between the US Forest Service and the Eastern Band of Cherokee Indians.
- Collection within 30 feet of a perennial or intermittent stream is not permitted except for species that cannot be feasibly collected on upland sites. For species collected within this zone, collection of roots or other belowground plant parts is limited to a maximum of 50 plants per individual gatherer per month.
- Forest Service law enforcement may request verification of Tribal enrollment.

The following species and non-timber forest products may **not** be gathered under this letter:

- American ginseng (permit program and conditions to be established under a separate letter)
- Live/standing trees (permit program and conditions to be established under a separate letter)



- Mosses, azaleas, lilies, orchids, trilliums (if desired for collection, please contact the Eastern Band of Cherokee Indians Natural Resources Department for further coordination with the USFS)
- Any species that is listed as a Species of Conservation Concern (SCC) under the Nantahala and Pisgah National Forests Land Management Plan (see attachment)
- Any federally threatened or endangered species listed by the US Fish and Wildlife Service.

Collection within wilderness areas is **authorized**. Congressionally Designated Wilderness areas within the Nantahala and Pisgah National Forests include Joyce Kilmer/Slickrock, Southern Nantahala, Ellicott Rock, Middle Prong, Linville Gorge, and Shining Rock. Within these areas, gathering activities should follow all wilderness rules, including:

- With the exception of wheelchairs, motorized equipment and mechanized transport are not allowed in wilderness areas.
- Group size is limited to 10 people in all wildernesses, except Ellicott Rock Wilderness where the group size is limited to 12 people. This does not apply to users of the Joyce Kilmer National Recreation Trail.
- Dead and down wood may only be collected for on-site campfire use in wilderness areas.

Our Nantahala and Pisgah Land Management Plan requires that we evaluate the harvest rates of non-timber forest products such as ramps, Galax and black cohosh. Our plan requires monitoring related to sustainable plant harvesting and how the application of traditional harvest methods impact or benefit plan populations. We request to collaborate with your Natural Resources Department and the Southern Research Station to establish practices to evaluate harvest methods and ensure sustainability of select species.

This letter aligns with the *Master Participating Agreement between the Caddo Nation of Oklahoma, Coushatta Tribe of Louisiana, **Eastern Band of Cherokee Indians**, Iowa Tribe of Kansas and Nebraska, United Keetoowah Band of Cherokee Indians and the **USDA, Forest Service, Eastern & Southern Regions**, USDA, Forest Service Northern and Southern Research Stations* to document the cooperation between the parties to carry out cultural and national resource related goals and objectives, especially related to the protection, conservation and education of culturally significant plants and plant communities important to native peoples. (Dated September 21, 2022).

This letter replaces any and all previous letters for the collection of non-timber forest products by the Eastern Band of Cherokee Indians for traditional and cultural purposes, and will be in effect henceforth, until such time that the US Forest Service or the Tribe request to revisit this approach. This letter will only be terminated either in writing, or if any time the terms of the letter are violated, or when replaced in writing by a subsequent letter.

This letter does not preclude future requests by the Eastern Band of Cherokee Indians under 36 CFR 223.15. This letter also does not preclude members or programs of the Eastern Band of Cherokee Indians from gathering forest products under other Forest Service authorities (e.g., forest products removal permit, forest products free use permit, incidental free use without a permit). Other future requests for non-timber forest product amounts or species types (beyond the those specified in this letter) may be consulted and agreed upon. The forest requests notification of any non-timber forest product concerns that may identified by the Tribe, such as any infestation, disease, or critical reduction of the resource.

The National Forests in North Carolina value the unique government to government relationship we share with the Eastern Band of Cherokee Indians and look forward to continuing our successful partnership.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. E. Melonas', written over the word 'Sincerely,'.

JAMES E. MELONAS
Forest Supervisor

cc: Audrey Westmoreland, Maria Dunlavey, Michelle Aldridge