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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

ORDINANCE NO.: _____ (2026)

An ordinance to update the Tribe's fishing laws.

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, 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, specifically fish and recreational fishing, 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 update Tribal fishing laws and to make other changes needed to update the Tribe's laws on natural resources, Cherokee Code Chapter 113 is hereby amended as follows:

Sec. 113-3. Trout hatchery.

The Cherokee Trout Hatchery shall be managed and operated by the Department's Fisheries and Wildlife Management Program as a Tribal enterprise for the purpose of hatching and growing trout for use in stocking Cherokee Enterprise waters and streams. Income generated from the sale of fish shall be returned to the Tribal Fish Hatchery Budget for operational and restocking purposes.

Sec. 113-4. Licenses and permits.*Fishing permits*

- (a) Opening day of the fishing season on catch and keep enterprise waters shall be the last Saturday in March and the season shall be closed to fishing by enrolled members and non-enrolled members two weeks prior to this date. The catch and release fishing area shall be open year round with no closed season.
- (b) All persons fishing within waters of Cherokee Indian trust Tribal lands must possess and have on their person while engaged in fishing, a valid Tribal fishing permit issued by the Fisheries and Wildlife Management Program. An EBCI enrolled member's enrollment card shall serve as his/her fishing permit.

1 (c) ~~Enrolled members of the Eastern Band of Cherokee Indians shall fish with an enrollment card from~~
2 ~~the Eastern Band of Cherokee Indians. First descendants of EBCI enrolled members and non-~~
3 ~~enrolled spouses of EBCI enrolled members may be issued a fishing permit after payment of a fee.~~

4 (d) Special permits:

5 (1) Special fishing permits are available for persons meeting specific criteria and shall only be
6 issued through the Fisheries and Wildlife Management ~~Office Program~~. These special permits
7 will be issued by the ~~Natural Resource~~ Fisheries and Wildlife Manager and/or his designee
8 upon verification and documentation of the enrolled member's Tribal enrollment card/number.

9 (2) Unity and Cherokee Children's Home residents and staff.

10 a. The Fish and Wildlife Program Manager shall issue special fishing permits to Unity and
11 Cherokee Children's Home residents and staff when they are on a program sponsored
12 outing.

13 b. Neither the residents nor the staff shall be required to purchase a Tribal fishing permit.

14 c. Once the resident leaves or the staff individual is no longer employed with their
15 respective facility then those individual must purchase a Tribal fishing permit.

17 **Sec. 113-5. Prohibitions.**

18 [No changes to subsection (a).]

19 (b) *Fishing criminal offenses.*

20 (1) Seining of fish shall be unlawful.

21 (2) Buying or selling of game fish shall be unlawful.

22 (3) Giggling or spearing fish shall be unlawful.

23 (4) Dynamiting or poisoning of fish shall be unlawful.

24 (5) ~~Destruction of fish in Tribal holding facilities shall be unlawful. Using non-native bait~~
25 ~~determined by the Department to be invasive shall be unlawful.~~

26 (6) Fishing in closed waters/ponds posted "No Fishing" or "No Trespassing" shall be unlawful.

27 (7) The destruction and/or damaging of Tribal holding facilities shall be unlawful.

28 (8) Electro fishing shall be unlawful unless performed by the Tribe or through approved research.

29 (c) *Infractions.*

30 (1) It shall be unlawful to exceed the fishing creel limit of ~~ten~~ seven fish per day, per permit holder
31 (includes catch of children under a supervising adult's permit).

33 **Sec. 113-6. Catch and release fishing area.**

34 (a) *General guidelines.*

35 (1) Non-enrolled fishermen, or non-special permit recipients must possess a valid Cherokee Indian
36 Reservation Enterprise Waters Fishing Permit and the additional Special Use Permit associated
37 with Trophy Trout Catch and Release Waters.

38 (2) Open to fishing year-round (no closed season).

39 (3) Fishing hours - ~~One hour~~ Thirty minutes before sunrise to ~~one hour~~ thirty minutes after sunset.

40 (4) No trout may be killed or had in possession.

41 (5) Fishing may be done with artificial flies and streamers constructed of natural or synthetic
42 materials, so long as all flies are constructed in a normal fashion on a single, barbless hook
43 with components wound on or about the hook. Anything other than these items is prohibited.

44 (6) Fishing with multiple flies attached to a single line (droppers) is permitted.

45 (7) Fishing must be done with tackle limited to fly rods, fly reels, and fly line with a maximum of
46 18 feet in leader material or monofilament line attached.

47 (8) The use or possession of any natural bait, fish bait, bait paste and similar substances, fish eggs
48 (natural or molded), or any other edible substance is prohibited.

49 (9) ~~Taking~~Using bait fish or natural fish-bait is prohibited.

50 (b) A Catch and Release special use permit is required for all non-enrolled persons and non-special
51 permit recipients over 12 years of age.

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2 [No amendments from C.C. 113-7 to C.C. 113-26.]
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4 **Appendix A. Schedule of civil penalties.**

5 Violations of the provisions enumerated here shall subject the offender to a civil penalty upon the
6 issuance of a citation for such violation as provided in this Section. The civil penalty, if not paid to the
7 Cherokee Tribal Court prior to court date designated on the citation issued, may be recovered by the Tribe
8 in a civil action in the nature of Tribal debt. Unless otherwise provided by a specific provision of this
9 Code, such civil penalties shall be in the amount of \$100.00 for each violation, and each day any single
10 violation continues shall be a separate violation. The following civil penalties are hereby established:
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| Infractions §113-5(c) | | |
|-----------------------|----------------------------------------------------------------------------------|--------------------|
| Number | Offense | Fine for Violation |
| 1. | Exceeding creel limit (<i>violation per fish over limit</i>) | \$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. | 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 | 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 proper license/tag | 1000.00 |

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2 BE IT FINALLY ORDAINED, that this ordinance shall become effective upon ratification by the
3 Principal Chief.
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6 *Submitted by Michael LaVoie, on behalf of the Natural Resources Department.*