

TABLED

9

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

MAR 05 2026

Date: _____

ORDINANCE NO.: 135 (2026)

An ordinance to establish an elk hunting season.

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 elk; and

WHEREAS, it is now possible to establish a limited elk season which balances increased hunting opportunities for enrolled members and the responsible management of the elk population on Tribal lands; 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 an elk hunting season, Cherokee Code Chapter 113 is hereby amended as follows:

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~~.
- (7) Reserved.
- (8) It shall be unlawful to trap any big game or any other game except a species specified in this Chapter within 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.

- 1 (10) Bear, wild boar, raccoon, opossum, and coyote may be taken day or night.
2 (11) It shall be unlawful to hunt or trap on the possessory holding of another Tribal member without
3 permission from the possessory holder.
4 (12) Reserved.
5 (13) Reserved.
6 (14) It shall be unlawful to kill a non-bearded female (hen) turkey at any time.
7 (15) It shall be unlawful to bait wild turkey and deer.
8 (16) It shall be unlawful to kill wild turkey with a rifle or pistol.
9

10 [No changes to subsections (b) or (c).]
11

12 [No changes to C.C. 113-6 or C.C. 113-7.]
13

14 **Sec. 113-8. Big game.**

- 15 (a) Big game, for purposes of hunting on Tribal lands, shall be limited to bear, white-tailed deer, elk,
16 and wild turkey.
17 (b) The season for hunting wild turkey shall be from the second Saturday in April until the third
18 Saturday in May (spring season).
19 (1) The limit for wild turkey shall be two per season (toms only), per licensed hunter.
20 (2) There shall also be a youth turkey hunting season. The youth season begins the same day as
21 North Carolina's hunting season. The first seven days shall be designated for youth ages 16 and
22 under, and the youth shall be allowed two toms.
23 (c) The hunting of bear shall be from the first Monday in September at sunrise through December 31.
24 (1) The limits for bear shall be two per season, per licensed hunter.
25 (2) It shall be unlawful to take or kill any bear weighing less than 100 pounds or to take or kill a
26 female bear with a cub. It shall be unlawful to take or kill any bear cub. Abandoned and/or
27 orphaned bear cub sightings must immediately be reported to the Natural Resource Enforcement
28 Office.
29 (d) The season for hunting white-tailed deer shall be from the Saturday immediately preceding the
30 Thanksgiving holiday to January 1.
31 (1) The limits for white-tailed deer shall be one (1) antlered deer with a minimum of eight (8) points
32 per season, per licensed hunter.
33 (2) Deer may only be harvested using archery weapons. Blackpowder and guns are prohibited.
34 (3) All harvested deer shall be reported to the Department within 24 hours.
35 (4) A deer may be harvested only if the hunter has a current, valid deer tag issued by the
36 Department.
37 (e) It shall be illegal for any person to sell any organ, skin or body part of any big game animal to any
38 non-enrolled member or to any person beyond the boundaries of Tribal lands or to any person who
39 will remove such organ, skin or body part from Tribal lands.
40 (g) The season for hunting elk shall be October 1 through November 1.
41 (1) Hunting elk shall be by permit only as issued by the Natural Resources Department.
42 (2) The bag limit for elk is one per permit.
43 (3) A hunting license is not a substitute for an elk hunting permit.
44 (4) The Natural Resources Department shall adopt rules, including but not limited to the manner of
45 taking, harvest reporting systems, and permit fees and allocation methods to regulate elk hunting.
46

47 BE IT FINALLY ORDAINED, that this ordinance shall become effective upon ratification by
48 the Principal Chief.
49

50 *Submitted by the Natural Resources Department and the Timber Committee.*