

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

ORDINANCE NO.: _____ (2026)

*An ordinance to amend the Tribe's laws on fishing guides
which shall be known as the William Thomas "Dooley" Saunooke 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, Tribal Council has passed resolutions limiting who can be a fishing guide on Cherokee waters, including Res. # 436 (2014) and Res. # 37 (2025); and

WHEREAS, these requirements have not been codified in the Cherokee Code, and doing so now is necessary and prudent; and

WHEREAS, in order to clarify the Cherokee Code to reflect these changes in how the Tribe regulates its natural resources, specifically fishing guides and recreational fishing, changes should be made to Cherokee Code 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 Cherokee Code Chapter 113 is hereby amended as follows:

Sec. 113-4. Licenses and permits.

[No changes to the "Hunting license" or "Fishing permits" sections.]

Fishing guides

- (a) A "fishing guide" is defined as someone who provides knowledge, instruction, or assistance to an angler during a fishing trip for payment or other remuneration from or on behalf of the angler. This term does not include fishing instructors acting on behalf of Cherokee Central Schools or the Eastern Band of Cherokee Indians.
- (b) Fishing guides must have a valid fishing guide license issued by the Department.
- (c) Fishing guide licenses may only be issued to:
 - (1) An enrolled member of the Eastern Band of Cherokee Indians,
 - (2) A parent of an enrolled member of the Eastern Band of Cherokee Indians,
 - (3) A spouse of an enrolled member of the Eastern Band of Cherokee Indians, or
 - (4) An employee or independent contractor of a fishing guide company wholly owned by an enrolled member(s).

(d) A fishing permit is not a substitute for a fishing guide license. Fishing guide licenses are valid for a period of one year from issuance. The cost of a fishing guide license is \$500.00 per year.

Sec. 113-5. Prohibitions.

[No changes to subsection (a).]

(b) *Fishing ~~criminal~~ offenses.*

- (1) Seining of fish shall be unlawful.
- (2) Buying or selling of game fish shall be unlawful.
- (3) Giggling or spearing fish shall be unlawful.
- (4) Dynamiting or poisoning of fish shall be unlawful.
- (5) Destruction of fish in Tribal holding facilities shall be unlawful.
- (6) Fishing in closed waters/ponds posted "No Fishing" or "No Trespassing" shall be unlawful.
- (7) The destruction and/or damaging of Tribal holding facilities shall be unlawful.
- (8) Electro fishing shall be unlawful unless performed by the Tribe or through approved research.
- (9) Acting as a fishing guide without a valid fishing guide license issued by the Department.

[No changes to subsection (c).]

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 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
<u>31.</u>	<u>Acting as a fishing guide without a valid fishing guide license issued by the Department.</u>	<u>500.00</u>

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

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5 *Submitted by Rep. Boyd Owle and Chairman Jim Owle, Birdtown Community*