



**US Army Corps
of Engineers**
Wilmington District

Memorandum of Agreement (MOA) between USACE, Wilmington District and Cherokee Tribes (Regulatory)

- **MOA between Cherokee Tribes and Corps**
- **Set procedures for permitting, compliance and enforcement**
- **Corps coordinating MOA for signature**

CONGRESSIONAL DISTRICT: NC-10, NC-11

DATE: 4 Feb 2014

1. **PURPOSE:**

The purpose of the MOA between the Corps of Engineers and the Cherokee Tribes is to establish procedures between the parties to ensure that activities regulated pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 (i.e., permitting, compliance, and enforcement), are processed efficiently and in agreement with the established procedures. This agreement would apply to trust lands in the 27 counties of traditional aboriginal territory of the Cherokee in NC and would ensure that Tribal concerns are addressed in accordance with the Federal government's trust responsibilities and with all applicable Federal requirements, to include Section 106 of the National Historic Preservation Act of 1966.

2. **BACKGROUND:**

There are three Cherokee Tribes in the U.S.: the Cherokee Nation of Oklahoma and the United Keetoowah Band (UKB) of Cherokee Indians are located in Oklahoma and the Eastern Band of Cherokee Indians (EBCI) is located in NC. The EBCI is the only Federally recognized resident tribe in NC. The EBCI live within an area known as the Qualla Boundary (land held in trust by the U.S. Government), which is located in Swain, Jackson, and Haywood Counties in Western NC. The Cherokee recognize 27 NC counties as traditional aboriginal territory (see attached map). The Cherokee Nation of Oklahoma and the UKB typically defer coordination/consultation to the EBCI Tribal Historic Preservation Office for projects located in NC, unless burial sites are involved.

3. **CURRENT STATUS:**

The Corps is coordinating the MOA for signature by the three Cherokee Tribes.