



US Army Corps  
of Engineers  
Wilmington District

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

- **Proposed MOA between Cherokee Tribes and Corps**
- **Set procedures for permitting, compliance and enforcement**
- **Draft MOA under review by Tribes**

---

CONGRESSIONAL DISTRICT: NC-10, NC-11

DATE: 8 April 2013

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 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 including two located in Oklahoma and the third, the Eastern Band of Cherokee Indians (EBCI), in NC. The EBCI is the only federally recognized resident tribe in NC. They live within an area known as the Qualla Boundary (land held in trust by the U.S. Government) located in Swain, Jackson, and Haywood Counties in Western NC. The Cherokee recognize 27 NC counties as aboriginal/traditional territory (see attached map). The two Oklahoma tribes (the Cherokee Nation of Oklahoma and the United Keetoowah Band of Cherokee Indians) 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 draft MOA was sent to the Tribes for review. The Corps will revise the draft MOA based on comments and then recirculate it to the Tribes for final review. After this process is complete, it will then be coordinated for signature by the Corps and the appropriate Tribal leaders.