TABLED
PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: APR 0 2 2026

ORDINANCE NO. 158 (2026)

An ordinance amending Chapter 47E to ban data centers on EBCI Tribal lands.

WHEREAS Section 23 of the EBCI Charter and Governing Document vests Tribal Council with the power to adopt laws and regulations for the general government of the Tribe, including governing the management of real and person property held by the Tribe; and

WHEREAS high impact digital infrastructure facilities (herein referred to as data centers) present a clear and present danger to the lands and people of the Eastern Band of Cherokee Indians; and

WHEREAS these facilities have often been forced on rural areas in western North Carolina and have made the quality of life considerably worse for those who live nearby them; and

WHEREAS these facilities require an enormous amount of water to operate and we recognize that our water is sacred and should not be used for this purpose; and

WHEREAS it is well documented that these facilities create a humming sound which causes nearby residents to develop health problems of both a physical and mental variety; and

WHEREAS as we all know we as a Tribe have limited excess land and we believe that the land within EBCI Trust and deeded lands should be devoted to causes which help and uplift our people rather than harm them; and

WHEREAS we are stewards of our land and should be proactive in protecting it and our Tribal members and this Ordinance amendment will accomplish the goal of enacting an indefinite moratorium on building, constructing, or maintaining these data centers; and

NOW THEREFORE BE IT ORDAINED that Tribal Council in Annual Council assembled and with a quorum present as provided by law hereby adopts the following Ordinance amendment to Chapter 47E of the Cherokee Code:

Chapter 47E-5. Data Center Development Moratorium.

(a) The Eastern Band of Cherokee Indians finds and declares that nearby land has become a hub for data center development, and the exponential growth of these facilities has

created a strain on essential resources and the power grid, jeopardizes finite water supplies, and presents a substantial risk to local infrastructure. Data centers create noise pollution from cooling systems and generators, impact local air quality from generator emissions, and require massive power usage to operate.

(b) The Eastern Band of Cherokee Indians finds that these data centers consume large tracts of land which are more appropriately used for other purposes which are beneficial to our people. Development of these centers on Tribal lands would violate our role as stewards of our sacred lands.

(c) The current legal framework is inadequate to properly manage the scale and impact of this industry within Tribal lands and it is necessary to enact this legislation to protect the public health, safety, and welfare of the enrolled members of the Eastern Band of Cherokee Indians.

(d) A data center is a large scale facility, campus of facilities, or array of interconnected facilities which house working servers and that are developed to cool, secure and connect data associated with applications and services.

(e) A data center as defined in subsection (d) is hereby prohibited on EBCI Tribal lands and no Tribal infrastructure or resources shall be used or modified to aid in the building, construction, or maintenance of any data center. Servers used in the ordinary course of business for the Tribal government, Tribal entities, or legitimate businesses operating pursuant to a specified Tribal Business License are not data centers for the purpose of this moratorium.

(f) This moratorium shall remain in effect indefinitely.

BE IT FURTHER ORDAINED that this ordinance is effective upon ratification of the Principal Chief.

BE IT FINALLY ORDAINED that all prior inconsistent ordinances are rescinded.

Submitted by: Lavita Hill, BigCove Council Representative; Venita Wolfe, BigCove Council Representative; Shannon Swimmer, Painttown Council Representative; and Shennelle Feather, Yellowhill Council Representative

The attached Resolution/Ordinance ___158___ dated __APRIL 2, 2026 ___was:

PASSED (X)

KILLED ( )

and ratified in open Council on MAY 7, 2026 by 94 voting for the act and __0__ members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Lavita Hill	X			
Venita Wolfe	X			
Boyd Owle	X			
Michael Smoker				X
Shennelle Feather	X			
David Wolfe	X			
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Shannon Swimmer	X			
Michael Stamper	X			
	94	0	0	6

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson
ENGLISH CLERK

PRINCIPAL CHIEF

APPROVED (✓) VETOED ( )

VETO UPHELD ( ) VETO DENIED ( )

DATE: 5-13-26

I hereby certify that the foregoing act of the Council was duly:

PASSED ( )

KILLED ( )

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ( )

OMITTED ( )