



Pride of the Ojibwe

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RESOLUTION NO. 2023-16

AMENDMENT OF THE LAC COURTE OREILLES TRIBAL CODE OF LAW INDUSTRIAL HEMP CODE CSV.8

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians is a federally recognized Indian tribe ("Tribe") organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. §5101, et seq.; and,

WHEREAS, the Tribal Governing Board serves as the governing body of Lac Courte Oreilles Band of Lake Superior Chippewa Indians pursuant to Article III, § 1 of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; and

WHEREAS, the Tribal Governing Board is empowered to “engage in any business that will further the social or economic well-being of members of the Band or undertake any programs or projects designed for the economic advancement of the people,” pursuant to Article V, §1(h) and “to regulate by enactment of ordinances, the conduct of business within the territory of the Band, including the power to impose taxes or license fees upon members and non-members doing business within the reservation” pursuant to Article V, §1(n) and

WHEREAS, the Final Rule established by the Domestic Hemp Production Program mandated by the Agricultural Improvement Act of 2019 (the “2018 Farm Bill”) has been issued, and

WHEREAS, it is now necessary to update the Tribe’s Industrial Hemp Code in order to comply with the updates in the Final Rule.

NOW THEREFORE BE IT RESOLVED, that the Tribal Governing Board hereby pass this Resolution to amend the Industrial Hemp Code CSV.8 to as follows:

Section 1. The Preamble shall be amended as follows:

Preamble

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This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. In the implementation of this inherent sovereign authority, Article V, § 1 (h) and (n) of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, empowers the Tribal Governing Board to: "To engage in any business that will further the social or economic well-being of members of the Band or undertake any programs or projects designed for the economic advancement of the people," Article V, § 1 (h); and "To regulate, by enactment of ordinances, the conduct of business within the territory of the Band, including the power to impose taxes or license fees upon members and non-members doing business within the reservation" Article V, § 1 (n). Pursuant to this inherent sovereign authority, the Tribal Governing Board hereby establishes the Agricultural Division of the Lac Courte Oreilles Conservation Department as a governmental instrumentality of the Tribe, and enacts this ordinance which shall establish the purposes, powers and duties of the same. The Agricultural Division shall carry out the requirements of the final rule established by the Domestic Hemp Production Program mandated by the Agriculture Improvement Act of 2018 (the "2018 Farm Bill"). The 2018 Farm Bill recognizes the Tribe's primary regulatory authority over the production of hemp within the Tribe's territory and in accordance with federal and tribal laws, and a Tribal Hemp Plan approved by the United States Secretary of Agriculture. [remove : "Farm Bill as adopted and implemented by the Tribe pursuant to the provisions of this ordinance."] A copy of this ordinance duly certified by the Secretary/Treasurer of the Tribal Governing Board shall be admissible in evidence in any suit, action or proceedings.

Section 2. To insert the following definitions to Subchapter CSV.8.2:

(k) "Disposal" means an activity that transitions the non-complaint product into a non-retrievable or non-ingestible form. Such activities include plowing, tilling, or disking plant materials into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; burying plant material into the earth and covering with soil.

(m) "Dry weight basis" means the ration of the amount of moisture in a sample to the amount of dry solid in a sample. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a non-compliant hemp item, after excluding moisture from the item.

(hh) "Remediation" means the process of rending non-compliant cannabis, complaint. Remediation can occur by removing and destroying flower material, while retaining stalk, stem, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a biomass like material, then re-testing the shredded biomass material for compliance.

Section 3. To insert the following language to CSV.8.5.020(b) Contents of Cultivation and/or Processor Licensing Agreements.

(b) Consent to entry onto, and inspection of, all land and buildings where Hemp or Cannabis satvia L. is known to be located or licensed to be located by the Agricultural Division, by the

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Director and/or by a Law Enforcement Agency, and USDA inspectors with or without cause, with or without advance notice.

Section 4. Amend CSV.8.6.010(e)(2) from fifteen days to thirty days as follows:

(2) Sampling must occur within thirty (30) days prior to the harvest of any Cannabis satvia L;

Section 5. Amend CSV.8.6.010(e)(6) as follows:

(6) The Agricultural Division will design its sampling program to ensure, with a 95% level of confidence, that no more than [remove: “testing will identify if more than”] 1% of the Cannabis satvia L. sampled from the Registered Land Area will fail to meet the definition of Hemp under this ordinance;

Section 6. Insert CSV.8.6.010(e)(10) as follows:

(10) Samples shall be obtained from the flowering tops of plants when flowering tops are present, and shall be approximately five to eight inches in length from the main stem, terminal bud, or central cola of the flowering top of the plant.

Section 7. Amend Subchapter CSV.8.7 to replace “Destruction” to “Remediation” as follows:

Subchapter CSV.8.7

Disposal or Remediation[~~Destruction~~] of Non-Compliant Hemp

CSV.8.7.010 Procedures for Disposal or Remediation [~~remove; Destruction~~] of Non-Compliant Hemp

(f) The Agricultural Division may order a different method of remediation [remove: destruction] than proposed by the Licensee.

(g) Upon disposal or remediation [remove: destruction/disposition] of any Cannabis satvia L. under this provision...

Section 8. Insert a new additional section in CSV.8.7(b) as follows:

(b) Non-complaint hemp that tests higher than the acceptable THC level, constitutes marijuana, which is a schedule I controlled substance under the Controlled Substances Act 21 U.S.C.§ 801 et. seq.

Section 9. Insert a new additional section in CSV.8.7(c)(7) as follows:

(7) The Licensee shall notify the Agricultural Division of the method of disposal or remediation, the completion date, and the total acreage destroyed or remediated.

Section 10. Remove CSV.8.5.010(i)(6) that states:

[Remove: (6) If cultivation is to occur outdoors, certification that only feminized Seed and/or female Hemp plants will be cultivated and that any male plants discovered during cultivation will be immediately destroyed.]

Section 11. Remove CSV.8.5.020(j) that states:

[Remove: (j) Agreement that if cultivation of Hemp is to occur outdoors, only feminized Seed and/or female Hemp plants will be cultivated and that any male plants discovered during cultivation will be immediately destroyed.]

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 5 being present, constituted a quorum at a meeting thereof, duly called, convened, and held on this 6th day of March, 2023, that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 4 members, 0 against, 0 abstaining, and that said Resolution is a lawful act of the Tribe.



Tweed Shuman, Secretary/Treasurer

Lac Courte Oreilles Tribal Governing Board