

# Pawnee Nation of Oklahoma

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June 15, 2020

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

Dear Secretary Perdue,

Enclosed is the Pawnee Nation of Oklahoma Tribal Plan for the implementation of the Hemp Program. The Pawnee Nation is submitting this second revised plan based on comments received from the USDA. The original submitted plan was developed based on the Farm Bill prior to the publication of the Regulations released for comment by the USDA. The recommendations provided by the reviewers was followed and addressed in the Pawnee Nation *Cannabis sativa L.* Farming Act, Pawnee Nation *Cannabis sativa L.* Farming Regulations, and the Pawnee Nation Hemp Sampling and Testing Protocol.

The Pawnee Nation has staff within the Department of Environmental Conservation and Safety (DECS) to implement the Tribal Plan. This staff consists of personnel with experience and qualifications in both civil inspections and law enforcement officers. The DECS is funded by both federal and a Tribal budget and is negotiating a revised budget to increase funding to fully implement and enforce the Plan. Duties and requirements for the DECS personnel are outlined in the regulation and SOG attached.

If you have any questions or require any additional documentation about Pawnee Nation's plan, please do not hesitate to contact the Department of Environmental Conservation and Safety Director, Monty Matlock at 918-762-3655 or by email at [DNRS@pawneenation.org](mailto:DNRS@pawneenation.org).

Respectfully,

James E. Whiteshirt, President  
Pawnee Business Council



# PAWNEE NATION OF OKLAHOMA

## Law and Order Code



## TITLE XIV

### CANNABIS SATIVA L. FARMING ACT (HEMP)

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Codified on January 24, 2019

by Resolution #19-06

# Table of Contents

GENERAL PROVISIONS .....	1
Section 001. Codification.....	1
Section 002. Purpose and Intent.....	1
Section 003. Severability .....	2
Section 004. Applicability .....	2
Section 005. Personal Jurisdiction; Territorial Jurisdiction.....	2
Section 006. Sovereign Immunity.....	2
Section 007. Definitions.....	3
Section 008. Authorizations.....	4
Section 009. License Required .....	5
Section 010. Application for License.....	5
Section 011. Suspension or Cancellation of License .....	8
Section 012. General Enforcement Authority and Penalties .....	8
Section 013. Penalties .....	11
Section 014. Inspection of Facilities and Records .....	13
Section 015. Culpability.....	14
Section 016. Appeals .....	14
Section 017. Seizure of Property .....	14

# TITLE XIV PAWNEE NATION CANNABIS SATIVA L. FARMING ACT

## (Authorizing Implementing Regulations-Ch. 3)

### GENERAL PROVISIONS

#### Section 001. Codification

This Title shall be codified as the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act (Act) and supersedes and supplements all conflicting provisions or laws of the Pawnee Nation.

#### Section 002. Purpose and Intent

The plant, *Cannabis sativa L.*, has many sub-species or varieties. The sub-species or variety referred to in this Act is *Cannabis sativa L.* containing no more than three-tenths of one percent (0.3%) delta-9 tetrahydrocannabinol (THC) concentration on a dry weight basis; commonly referred to as industrial hemp. This variety will be referred to as “hemp” throughout the remainder of this document.

The purposes of this Act are to:

- (a) Authorize the establishment of the Pawnee Nation Cannabis sativa L. Farming Regulation for implementation of the hemp production operations;
- (b) Promote the cultivation and processing of hemp and to open new commercial markets for farmers and businesses through the sale of hemp products;
- (c) Promote the expansion of this Nation’s hemp industry to the maximum extent permitted by law, allowing farmers and businesses to cultivate, handle, and process hemp and sell hemp products for commercial purposes;
- (d) Encourage and empower research into hemp growth and hemp products at institutions of higher education in this Nation and in the private sector; and
- (e) Move this Nation and its citizens to the forefront of the hemp industry.

The purpose of the Hemp Act is to enable the Division, and its licensees and affiliated universities, to promote the cultivating and processing of hemp and the commercial sales of hemp products. Notwithstanding any other provision of law, it is lawful for a licensee to cultivate, handle, or process hemp in this Nation, as well as to transport hemp outside of the Nation. Notwithstanding any other provision of law, it is lawful for any person to possess, transport, sell, and purchase legally-produced hemp products in this Nation. Nothing in this chapter authorizes any person to violate any law or regulation of the United States or this Nation.

### **Section 003. Severability**

The provisions of this Act are severable, and if any part hereof shall be held void, the decision of any court so holding shall not affect or impair any of the remaining parts or provisions of this Title.

### **Section 004. Applicability**

- (a) This Act shall apply to all causes within the territorial jurisdiction of the Pawnee Nation and shall apply to all Indian persons violating its provisions within the territorial jurisdiction of the Pawnee Nation, provided, that the provisions of Chapter Four of Title VI of this Law and Order Code shall apply to all members of the Pawnee Nation and all Indian residents of the jurisdiction of the Tribe where ever such violations may occur, if such violation has any actual or intended effect upon the political integrity or the political or economic security of the Pawnee Nation
- (b) This Act shall apply to non-Indians to the extent not inconsistent with federal law and to the extent that any person found to have violated any provision of this Title may be banished from the jurisdiction of the Pawnee Nation for a period of not more than ten years, or for such term and/or penalty or fine as may be imposed by the Section violated, in a civil proceeding brought by the Pawnee Nation. The non-Indian, in such cases shall have all the same procedural rights of a criminal defendant, and such cases shall be tried by the same rules of criminal procedure.

### **Section 005. Personal Jurisdiction; Territorial Jurisdiction**

- (a) For the purpose of enforcement of this Act, the Pawnee Nation shall have jurisdiction over all persons, who by their actions or negligence, violates any provision of this Act.
- (b) For the purpose of enforcement of this Act, the Pawnee Nation shall have jurisdiction in the territorial boundaries of the Pawnee Nation and other places determined to be Indian Country within the Pawnee Nation jurisdiction as provided in Title I, Section 3 of this Law and Order Code. Because any violations of this Code, its Acts, laws, or any rules or regulations adopted there-under will demonstrably and seriously impact the environment, natural resources, public health, safety, welfare, cultural and/or political integrity, and economic security of the Nation, the Pawnee Nation shall have jurisdiction to regulate and enforce the provisions of this Act with respect to any activity conducted on trust land (Tribal and/or individual allotment) , fee land, and in Indian Country within the Pawnee Nation to the fullest extent allowed by law.

### **Section 006. Sovereign Immunity**

- (a) Neither this Law and Order Code, its Acts, Laws, Regulations, or prescribed services, nor the Tribal programs established for implementation of said Acts, laws, regulations, or services, nor any action or agreement of the Department of Environmental Conservation and Safety or its Programs shall be construed as, or is intended to be, a waiver or

- modification of any sovereign immunity now enjoyed by the Pawnee Nation, or a consent by the Nation to jurisdiction or suit against it.
- (b) The Nation reserves the right to contest the jurisdiction of the Federal Court in any citizens' suit filed against it (IE, under Section 7002 of the SWDA), except only as such jurisdiction may be expressly waived by the Pawnee Nation in such suit.
  - (c) The Pawnee Nation, the Pawnee Business Council and its members; the Pawnee Nation; the Pawnee Nation Department of Environmental Conservation and Safety and its Director and employees; and all other Tribal officers, employees, representatives, or agents thereof, who are performing their duties by implementing or enforcing any provision of the Law and Order Code, are immune from suit for monetary damages in any court of law, and they do not waive any of their sovereign rights or immunities; executive privileges or right to privacy or confidentiality.
  - (d) The Pawnee Nation and/or Department of Environmental Conservation and Safety may enter into such contracts as are authorized by the Pawnee Business Council, for the purpose of implementing and/or enforcing provisions of this Code or its Acts therein; provided that such contracts shall not be construed to be a waiver of the sovereign rights or immunities of the Pawnee Nation, or any commission, board, agency, entity, officer, employee, representative, or agent thereof.

## **Section 007. Definitions**

In this Act, the following terms shall have the following meanings:

- (a) "Cannabidiol" or "CBD" means the compound by the same name derived from the hemp variety of the *Cannabis sativa L.* plant.
- (b) "Commercial sales" mean the sale of products in the stream of commerce, at retail, wholesale, and online.
- (c) "Cultivation site" means the contiguous field, building, storage area, or processing area in which one or more varieties of hemp may be lawfully cultivated, stored, or processed.
- (d) "Cultivating" means planting, watering, growing, and harvesting a plant or crop.
- (e) "Director" means the Director of the Division of Natural Resources and Safety.
- (f) "Division" means the Division of Natural Resources and Safety.
- (g) "Federally-defined THC level for hemp" means a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp defined in 7 U.S.C. sec. 1621 as it currently exists or as it may be subsequently amended, whichever is greater.
- (h) "Growing Area" means the portion of a contiguous field or building in which a single variety of hemp is planted, grown, and harvested.
- (i) "Handling" means possessing or storing hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process hemp. "Handling" also includes possessing or storing hemp plants in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process hemp to the premises of another licensed person. "Handling" does not mean possessing or storing finished hemp products.

- (j) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with not more than the federally-defined THC level for hemp. Hemp shall be considered an agricultural commodity.
- (k) “Hemp Products” means all products with not more than the federally-defined THC level for hemp derived from, or made by, processing hemp plants or plant parts, that are prepared in a form available for commercial sale, including, but not limited to, cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.
- (l) “Industrial Hemp” is equivalent in all meanings to “Hemp.”
- (m) “License” means a license issued by the Division under the authority of this chapter to handle, cultivate, or process hemp.
- (n) “Marijuana,” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. The term ‘marijuana’ does not include hemp, as defined in section 297A of the Agricultural Marketing Act of 1946, and does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination (7 U.S.C. 1639o). “Marijuana” means all cannabis that tests as having a concentration level of THC on a dry weight basis of higher than 0.3 percent.
- (o) “License” means an individual or business entity possessing a license issued by the Division under the authority of this chapter to handle, cultivate, or process hemp.
- (p) “Marijuana,” as defined under [Nation’s statute defining marijuana, if any] and notwithstanding any other provisions of the law, does not include hemp or hemp products.
- (q) “Nation” means the Pawnee Nation of Oklahoma and all of its agencies and units.
- (r) “Processing” means converting an agricultural commodity into a marketable form.
- (s) “THC” means tetrahydrocannabinol. Notwithstanding any other provision of the law, the THC that is found in hemp shall not be considered to be THC in qualifying as a controlled substance.
- (t) “University” means an accredited institution of higher education located in this Nation.

## **Section 008. Authorizations**

- (a) The Pawnee Nation Department of Environmental Conservation and Safety (DECS) is designated as the lead agency to promulgate regulations as required by this Act, approve permits, regulate, and enforce the provisions of this Act including permits. The jurisdiction conferred on the DECS by this Title shall be consistent with the authorities established under Title 12 of the Pawnee Nation Law and Order Code and is concurrent with and in addition to the regulatory jurisdiction of the federal government.

- (b) The Pawnee Nation Tax Commission (TC) is authorized to issue and approve permits and enforce implementing regulations which are deemed necessary by the Pawnee Nation to implement any provision of this Act.
- (c) This Act shall be interpreted and applied such that the Nation has exercised its inherent legal and regulatory authority to the fullest extent permitted by federal law and the Nation's constitution. The Nation's law shall be applied and enforced except to the extent that federal law preempts a specific exercise of the Nation's regulatory authority.

### **Section 009. License Required**

No person shall handle, cultivate, or process hemp within the Pawnee Nation without first obtaining and maintaining the proper license. License conditions are as indicated within the provisions of this Act. All license related fees and fines collected under this title shall be deposited into general funds of the Pawnee Nation. Handling, cultivating, or processing hemp without a license as required by this Act shall be punishable in accordance to the provisions within Section 014 of this Act unless otherwise indicated in any other Section of this Act, and/or by other laws and regulations of the Pawnee Nation.

### **Section 010. Application for License**

Unless otherwise indicated in this Act, each license shall contain the following conditions:

- (a) All farmers, company's, or institutions intending to handle, cultivate, or process hemp within the jurisdiction of the Pawnee Nation shall submit an application with the Department for a license:
  - (1) Not less than thirty (30) days prior to the planting or cultivation of any industrial hemp crop; or
  - (2) No later than December 1 if a subsequent license is required to harvest industrial hemp crops planted before December 31 but scheduled for harvest after December 31.
- (b) A licensee shall submit a separate application, pay separate application and inspection fees, and obtain a separate license for each cultivation site licensed by the licensee.
- (c) The application shall be on a form provided by the Department and shall, at a minimum, contain the following information:
  - (1) The name and address of the applicant;
  - (2) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the licensee responsible for communications with the Department relating to the cultivation of industrial hemp;



(3) If the licensee intends to utilize subcontractors, the correct legal name of the subcontractors along with all aliases or trade names of the subcontractors;

(4) If the licensee intends to utilize subcontractors, the address for the subcontractors' primary business locations and any satellite business offices located in Oklahoma;

(5) If the licensee intends to utilize subcontractors, the contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the subcontractor responsible for communications with the Department relating to the cultivation of industrial hemp;

(6) Proof of ownership or valid lease from the Pawnee Nation or Bureau of Indian Affairs for the cultivation site and the following information if the cultivation site is not wholly owned by the licensee:

(A) The name, address, and contact information for all persons or entities having any ownership interest in the cultivation site; and

(B) An original signed, dated, and notarized letter of acknowledgement from each person having any ownership interest in the cultivation site indicating approval for the cultivation of industrial hemp at the cultivation site;

(C) If applicable, a copy of the property lease for the entire duration of the license;

(7) If the application identifies a contiguous field as the cultivation site:

(A) A legal description (Section, Township, Range) of the contiguous field;

(B) The global positioning location coordinates at the approximate center of the contiguous field; and

(C) An annotated map or aerial photograph with sufficient detail and clarity to define the boundaries and dimensions of the contiguous field in acres, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the contiguous field along with a description of the variety of industrial hemp corresponding to each growing area;

(8) If the application identifies a building as the cultivation site:

(A) The physical address of the building;

(B) The global positioning location coordinates of the building; and

(C) An annotated map or blueprint with sufficient detail and clarity to show the boundaries and dimensions of the building and growing area in square feet, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the building along with a description of the variety of industrial hemp corresponding to each growing area;

(9) A description of any areas used to store or process plants or plant parts, including but not limited to:

(A) The physical address or location of any storage areas or processing areas;

(B) The global positioning location coordinates of any storage areas or processing areas; and

(C) An annotated map or blueprint with sufficient detail and clarity to show the location, boundaries and dimensions of any storage areas or processing areas in square feet;

(10) A schedule identifying the intended dates of planting and intended dates of harvesting any industrial hemp crop or crops;

(11) A statement of intended use and disposition for the industrial hemp harvested from the cultivation site or any plant parts thereof;

(12) A notarized and sworn statement from an official or employee of the licensee and from an official or employee of any associated subcontractor that only hemp seed will be planted at the cultivation site; and

(13) Acknowledgement and agreement with the following terms and conditions:

(A) Any information provided by the licensee or subcontractors is subject to public disclosure under the Open Records Act;

(B) Any information provided by the licensee or subcontractors may be released to the Pawnee Nation Division of Law Enforcement or to any law enforcement agencies without notice to the licensee or its subcontractors;

(C) The licensee and subcontractors shall fully cooperate with the Department, grant the Department physical access to any part of the cultivation site and allow inspection and sampling that the Department deems necessary; and

(D) The licensee and subcontractors shall submit all required reports by the dates specified by the Department.

(d) A subcontractor may submit applications, pay associated fees, and file reports required by the Department on the licensee's behalf if authorized by the licensee to do so. The licensee's approval for the subcontractor to submit applications, pay fees, pay fines, and file reports shall be evidenced by an original, dated, signed, and notarized authorization letter from an official or employee of the licensee identified in subsection (c)(2) of this section submitted with the application for a license. A unique original, dated, signed, and notarized authorization letter shall be required for each new application, for each subsequent application, or renewal of an existing license.

(e) Incomplete applications shall not be processed by the Department and any associated application fees shall be retained by the Department.

(f) Applications that are denied by the Department may be resubmitted within twelve (12) months of the original filing. The Department may waive application fees for resubmitted applications.

### **Section 011. Suspension or Cancellation of License**

Any License may be suspended, canceled or not renewed for any of the following reasons:

- (a) Filing and application or document which contains incomplete, false or misleading statements;
- (b) Non-payment of license application fee or any other payment owing to the Pawnee Nation and arising from any activity covered by the license, including taxes, fees, penalties, or other assessments;
- (c) Noncompliance with, or violations of any laws or regulations imposed by the Pawnee Nation or the United States governing handling, processing, or cultivating industrial hemp;
- (d) Noncompliance with or violation of any portion of this Act (Title 14), or any other laws or regulations of the Pawnee Nation law and order code;
- (e) Noncompliance with or violation of any condition of the license; and
- (f) Other grounds considered adequate by the Pawnee Nation for suspension or cancellation of the permit.

### **Section 012. General Enforcement Authority and Penalties**

- (a) General Authority. Whenever, on the basis of any information available to the Director, the Director finds that any person (including the Pawnee Nation and any instrumentality of the Pawnee Nation) has violated, or is in violation of any requirement or prohibition of this Act, its laws, the regulations promulgated under this Act, or permits, orders, plans, programs or fees issued or developed pursuant to this Act, the Director may:
  - (1) Issue and serve on such person a Notice of Violation (NOV) ordering such person to comply with such requirement or prohibition, including an emergency order to comply, including fines pursuant to the provisions of this section;

- (2) Issue and serve on such person an administrative Notice of Violation as penalty order;
  - (3) Issue and serve on such person a criminal or civil citation in accordance to the Law of the Pawnee Nation;
  - (4) Request that the Pawnee Nation Attorney General and/or Prosecutor bring a criminal action in accordance with this Act and/or refer any criminal enforcement action or portion of such action to the appropriate court of jurisdiction; and/or
  - (5) Request that the Pawnee Nation Attorney General and/or prosecutor bring a civil action, including an action for injunctive relief in accordance with this Act.
- (b) Requirements for orders to comply.
- (1) An order issued under subsection (a)1 or (a)2 of this section shall state with reasonable specificity the nature of the violation, shall state that the alleged violator is entitled to a hearing pursuant to applicable laws and/or regulations of the Pawnee Nation if such hearing is requested in writing within 30 calendar days after the date of issuance of the order, and shall specify a time for compliance that the Director determines is as expeditious as practicable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.
  - (2) The order shall become effective immediately upon the expiration of the 30 calendar days if no hearing is requested and, if a timely request for a hearing is made, upon the decision of the Director.
  - (3) The order may be conditional and require a person to refrain from particular acts unless certain conditions are met.
  - (4) A copy of the order may be sent to the USDA and, if the order is issued to a corporation, to the appropriate corporate officers and registered agent of the corporation.
  - (5) No order to comply issued under this section shall prevent the Pawnee Nation from assessing any penalties or otherwise affect or limit the Pawnee Nation's authority to enforce under other provisions of this Act, or affect any person's obligations to comply with any section of this Act or with a term or condition of any permit or other requirements promulgated or approved under this Act.
- (c) Emergency compliance orders.
- (1) Notwithstanding any permit issued under this Act, if the Director determines that discharge of, or exposure to a pollutant is presenting an imminent and substantial endangerment to public health or welfare or the environment and determines, in consultation with the Attorney General, that it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of a civil action pursuant to subsection (e) of this section, the Director may issue such orders as may be necessary to protect public health or welfare or the environment.
  - (2) Such orders may prohibit, restrict or condition any and all activities that contribute or may contribute to the emergency, shall be effective immediately upon issuance and shall remain in effect for a period of not more than 60 days, unless the Director brings an action pursuant to subsection (e) of this section within the 60-day period. If the Director brings such an action, the order shall remain in effect for an additional 14 days or for such longer period as may be authorized by the court in which such action is brought.

- (d) Enforcement of compliance orders. Enforcement actions of the Director shall be enforced by the Pawnee Nation Department of Environmental Conservation and Safety (Rangers, Inspectors), Pawnee Nation Law Enforcement Officers, and/or the Pawnee Nation Prosecutors Office as authorized by regulations. Those authorized to enforce the Director's actions may take reasonable steps to assure compliance, consistent with the requirements established by this Act (including rights of appeal), including but not limited to:
  - (1) Entering upon any property or establishment believed to be violating the order and demanding compliance; and
  - (2) Terminating operations not in compliance.
- (e) Injunctive relief. The Director may seek injunctive relief pursuant to this Act to restrain any person who causes or contributes to an imminent and substantial threat to the public health or welfare or environment due to any activity affecting the natural resources of Pawnee Nation.

### **Section 013. Administrative Assessment of Penalties**

- (a) Basis for penalty.
  - (1) The Director may issue against any person an administrative order assessing a civil administrative penalty of up to Ten Thousand Dollars (\$10,000) per day per violation whenever the Director finds that a person has violated, or is in violation of, any provision, requirement or prohibition of any regulation authorized by this Act. The Director's authority under this subsection, combined with actions under subsection (c), shall be limited to matters where the total penalty sought does not exceed One Hundred Thousand Dollars (\$100,000) and the first alleged date of violation occurred no more than one year prior to the initiation of administrative action, except where the Director and Attorney General jointly determine that a matter involving a larger penalty or longer period of violation is appropriate for administrative penalty action.
  - (2) The communications required to make such a joint determination and the method(s) utilized for making such a joint determination shall be privileged, and shall not be subject to judicial review. The Director may compromise, modify or remit, with or without any conditions, any administrative penalty imposed under this section.
- (b) Hearing requirement. Any person assessed an administrative penalty under this section may request a hearing, pursuant to the Administrative Procedures Act.
- (c) Field citations. The Director may implement a field citation program for minor violations for which field citations (assessing civil penalties not to exceed One Thousand Dollars (\$1,000) per day per violation may be issued by officers or employees designated by the Director, for any violation for which an administrative order could be issued to the extent permissible under applicable law. Any person on whom a field citation is assessed may, pursuant to regulations issued under this section, elect to pay the penalty or request a hearing on the citation. If a timely request for a hearing is not made, the penalty shall be final and the opportunity for judicial review shall be waived. Any hearing shall provide a reasonable opportunity to be heard and to present evidence. Payment of a penalty required

by a field citation shall not be a defense to further enforcement by the Director to correct a violation or to assess the statutory maximum penalty pursuant to other authorities in this Act, except as to the days of violation for which the penalty required by a field citation is paid.

- (d) Judicial review. Any person subject to a civil penalty under subsections (a) or (c) of this section may seek review of such penalty assessment in the Pawnee Nation District Court pursuant to the Administrative Procedures Act.
- (e) Failure to pay penalty. If any person fails to comply with an administrative penalty order after the order or assessment has become final, the Director shall request the Attorney General to bring a civil action in the Pawnee Nation District Court to enforce the order or recover the amount ordered or assessed plus interest, from the date of the final order or decision or the date of the final judgment, as the case may be. In such an action the validity, amount and appropriateness of the order or assessment shall not be subject to review. Any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the Director's enforcement expenses, including but not limited to attorneys' fees and costs of collection proceedings. Such person shall also pay a quarterly nonpayment penalty for each quarter during which such failure to pay persists. The nonpayment penalty shall be no less than 10 percent of the aggregate amount of the person's outstanding penalties and nonpayment penalties accrued as of the beginning of the quarter; the Director may, by regulation, establish higher penalties to take into account situations where the prime rate is higher.
- (f) Calculation of penalty. In determining the amount of any penalty to be assessed under this section, the Director or the court, as appropriate, shall take into consideration the factors enumerated in Section 014(d) of this Act.

## **Section 014. Penalties**

- (a) Criminal penalties.
  - (1) Any person who:
    - (i) Violates any provision, requirement or prohibition of this Act, including but not limited to a regulation or plan adopted pursuant to this Act or a permit or an order issued pursuant to this Act; or
    - (ii) Makes any false material statement, representation or certification in, or omits material from, or alters, conceals or fails to file or maintain any notice, application, record, report, plan or other document required to be filed or maintained pursuant to this Act, regulations or plans adopted pursuant to this Act or a permit or an order issued pursuant to this Act; or
    - (iii) Falsifies, tampers with, renders inaccurate or fails to install any monitoring device or method required to be maintained or followed under this Act, regulations or plans adopted pursuant to this Act or a permit or an order issued pursuant to this Act; shall, upon conviction,

- (2) Be punished by a fine of not less than Five Hundred Dollars (\$500) per violation, or banishment, or both, or be subject to any other penalty imposed by the court that is available under Pawnee Nation law.
  - (3) The minimum fine amount for violation of this code is Five Hundred Dollars (\$500) per violation unless otherwise specified. Each day a violation occurs is a separate violation.
  - (4) In any instance where the Nation lacks criminal jurisdiction over the person charged, or where the Director is limited in the amount of the fine that he may impose, the Director may refer the action for civil penalties and/or to the appropriate Tribal, State, or Federal authority pursuant to this Act. For the purpose of this subsection, the term "person" includes any responsible corporate officer.
- (b) Civil penalties. The Attorney General may file an action for a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief provided by law, including the assessment and recovery of civil penalties of not less than Five Hundred Dollars (\$500) per day per violation, or be banished from the Pawnee Nation for a term established by the courts, or both in any of the following instances:
- (1) Whenever a person has violated, or is in violation of, any provision, requirement or prohibition of this Act, including, but not limited to, a regulation or plan adopted pursuant to this Act, a permit or an order issued pursuant to this Act or a fee assessed under this Act;
  - (2) Whenever a person has violated, or is in violation of, any duty to allow or carry out inspection, entry or monitoring activities; or
  - (3) Whenever a person is creating an imminent and substantial endangerment to the public health or the environment, in which case the Director shall request the Attorney General to pursue injunctive relief but not the assessment of civil penalties, unless the endangerment is caused by a violation, as specified in paragraphs 1 and 2.
- (c) Jurisdiction and venue. Any action under this section shall be brought in the Pawnee Nation District Court in Pawnee, Oklahoma, and such court shall have jurisdiction to restrain such violation, require compliance, assess civil and criminal penalties up to the amounts provided in this section, collect any fees or noncompliance penalties owed the Nation under this Act, seize equipment, and award any other appropriate relief.
- (d) Calculation of penalties
- (1) For purposes of determining the number of days of violation for which a penalty may be assessed under this Act, if the Pawnee Nation has notified the source in writing of the violation and the plaintiff makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature. Notice under this section shall be accomplished by the issuance of a written notice of violation or written order to comply or by filing a complaint in the Pawnee Nation District Court that alleges any violation described in subsection (a) of this section.

- (2) In determining the amount of a penalty assessed under this Act, in addition to the statutory amounts of penalties and fines provided, the court shall consider the history, seriousness and duration of the violation; any good faith efforts to comply with the applicable requirements; the violator's full compliance history, including the severity and duration of past violations, if any; the economic impact of the penalty on the violator; as an aggravating factor only, the economic benefit, if any, resulting from the violation; and any other factors that the court deems relevant.
  - (3) In lieu of or in addition to a monetary penalty, the Pawnee Nation may impose or may request the Prosecutor or Attorney General to seek from the court a requirement to remediate the damage caused or to perform community service, or both.
- (e) Failure to pay civil penalty.
- (1) If any person fails to pay an assessment of a civil penalty, the Pawnee Nation shall request the Attorney General to bring a civil action in the Pawnee Nation District Court to enforce the order or recover the amount ordered or assessed plus interest, from the date of the final order or decision or the date of the final judgment, as the case may be. In such an action the validity, amount and appropriateness of the order or assessment shall not be subject to review.
  - (2) Any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the Director's enforcement expenses, including but not limited to attorneys' fees and costs of collection proceedings.
  - (3) Such person shall also pay a quarterly nonpayment penalty for each quarter during which such failure to pay persists. The nonpayment penalty shall be no less than ten percent of the aggregate amount of the person's outstanding penalties and nonpayment penalties accrued as of the beginning of the quarter; the Director may by regulation establish higher penalties to take into account situations where the prime rate is higher.

### **Section 015. Inspection of Facilities and Records**

- (a) Enforcement officers of the Pawnee Nation and/or any duly authorized representative of the Pawnee Nation, upon presenting their Identification or Credentials, shall have the power to enter at any time upon any private or public property, within the jurisdiction of the Pawnee Nation, for the purpose of monitoring, sampling, inspecting, and investigating conditions relating to the condition and/or damage to natural resources, or the possible pollution, waste, or impairment of any other natural resource of the Pawnee Nation, or the environment or relating to any other environmental or permitting responsibility authorized by law.
- (b) The Pawnee Nation may require the establishment and maintenance of records and reports relating to any activity regulated by them. Copies of such records shall be submitted to the Pawnee Nation, as relevant, upon request. Any authorized representative of the Pawnee Nation shall be allowed access and may examine such reports or records.
- (c) The Pawnee Nation may apply to and obtain from a judge of the District Court of the Pawnee Nation, or appropriate court, an order authorizing a warrant to enforce access to



premises for sampling, investigation, inquiry and inspection under the provisions of this Act and regulations promulgated hereunder. Failure to obey an administrative warrant of the district court may be punished by the district court as a contempt of court.

- (d) The Pawnee Nation shall provide and maintain its lock and key to secure and control access to properties and facilities subject to inspections under this Act.

### **Section 016. Culpability**

Any person(s) who is willfully and, knowingly or unknowingly in violation of this Act shall be held responsible and liable for their actions whether with or without knowledge of this Act, its prohibitions, and/or the jurisdiction or ownership of land, air, or water resources potentially and/or directly impacted as a result of their violation. The Pawnee Nation, its staff, and/or designated agents shall not be held liable for loss of property, time and/or revenues (earned or lost, actual or estimated), damages, or claims incurred while operating under the authority of this Act.

### **Section 017. Appeals**

Any party aggrieved by a final order, including the Pawnee Nation, may, pursuant to the Pawnee Nation of Oklahoma Law and Order Code and Pawnee Nation Administrative Procedures Act as appropriate, petition for a judicial review thereof, in the District Court of the Pawnee Nation.

### **Section 018. Seizure of Property**

- (a) Grounds for Seizure. Any property or interest therein in actual or constructive possession of a person that has violated or is violating any provision of this Act or of any license issued under the authority of this Act and used in connection with that violation may be seized and held to secure payment of a civil penalty or to be forfeited. Seizure under this Section shall not require proof that the owner of the property or the interest therein participated in, had knowledge of, or consented to the illegal use of the property.
- (b) Persons Authorized to Seize Property. Property subject to seizure under this Section may be seized by any law enforcement officer or ranger of the Nation upon issuance of a notice of noncompliance by the Pawnee Nation.
- (c) Custody of Seized Property. Property seized under this Section shall be held in the custody of the Pawnee Nation, subject only to the orders of the Nation's Court, including without limitation orders for sale of the property at public auction to collect any civil penalty assessed under this Chapter and orders issued in a forfeiture proceeding.
- (d) Release of Property. Unless a forfeiture proceeding concerning property seized under this Section is initiated, such property shall be released to its owner upon the earliest of the following:
  - (1) Thirty (30) days after seizure of the property;
  - (2) Payment of the civil penalty for which the property was seized as security; or

- (3) Upon a finding by the Pawnee Nation's Court that such civil penalty is not proper.
- (e) Civil Forfeiture Proceedings.
- (1) Within thirty (30) days after seizing property pursuant to this Section, the Pawnee Nation may initiate an in rem judicial forfeiture proceeding against the seized property. The forfeiture complaint shall describe with reasonable specificity the property at issue and the basis for forfeiture.
  - (2) The Pawnee Nation's Court shall give written notice of forfeiture proceedings to all known or reasonably ascertained persons with an interest in the seized property, including any lien interest. All such persons shall answer the complaint and file any adverse claim to the property within thirty (30) days after notice is given.
  - (3) Upon notice to all interested persons, the Court shall conduct a hearing to adjudicate whether the property and/or any known interests therein have been forfeited to the Nation and shall enter an appropriate judgment. The Court may deny forfeiture of an interest in property if the owner of the interest proves that he or she did not participate in, have knowledge of, or consent to the illegal use of the property; or that he or she took all reasonable measures to prevent the illegal use of the property; or that the person committing the violation obtained possession of the property without his or her consent.
  - (4) Property forfeited to the Nation and proceeds from the sale thereof shall be retained by the Nation and used to equip and finance enforcement activities under this Chapter.

**Pawnee Nation Division of Natural Resources and Safety**  
**Division of Natural Resources and Safety**  
**Standard Operating Guidance for Hemp Production**

**Chapter 1. Sampling and Testing Protocol Industrial Hemp Pre-Harvest Testing**

**I. Purpose**

The purpose of this Standard Operating Guidance (SOG) is to establish a standardized process for pre-harvest sampling and testing of industrial hemp as well as the processes for annual inspections and record collection including information submission to USDA. This SOG meets the requirement for pre-harvest THC sampling and testing as required by the Pawnee Nation *Cannabis sativa L.* Farming Regulations pursuant to the Pawnee Nation Law and Order Code Title XIV, Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act and 7 CFR part 990. The Division of Natural Resources and Safety (Division) shall provide the licensing, inspections, investigations, testing, and enforcement of the provisions of this SOG. Testing conducted by the Pawnee Nation must be conducted as described in this Protocol.

**II. Sampling**

**A. General Sampling Requirements**

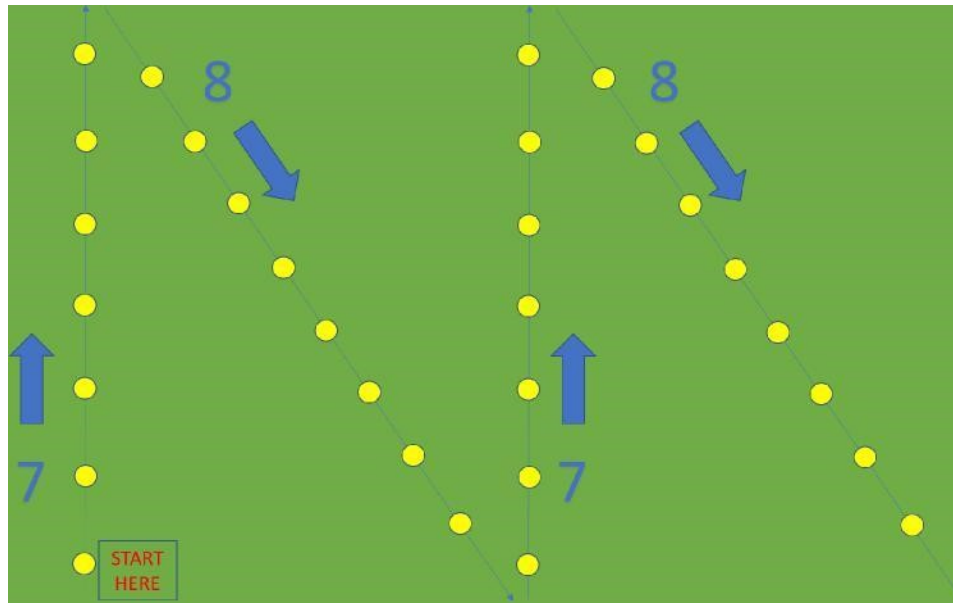
1. Within 15 days prior to harvest date anticipated sampling may only be performed by USDA registered sampling agents of the Pawnee Nation Division of Natural Resources and Safety. [hereinafter, Division].
2. The producer, grower or authorized representative must be present during all sampling events.
3. A producer must not harvest any cannabis prior to samples being taken.
4. The Division must complete the Hemp On-Site Sampling Form.
5. Prior to beginning the sampling procedure, the Division shall survey the site to identify the conditions to determine the appropriate sampling procedure as described in this Protocol.
6. The Division and designated testing laboratory [hereinafter, laboratory] must follow chain of custody procedures consistent with the Pawnee Nation Standard Operating Guidance for Facility Inspections and be documented to record the collection, transport, and receipt of samples by the Division or laboratory. Laboratory must maintain records for each harvest lot as identified by harvest lot identifier.
7. Sampling must produce a representative sample of the harvest lot.
8. The Division and laboratory must avoid contamination of the non-sampled material with sample containers that are free of analytes of interest and appropriate for the analyses requested.

9. The Division shall only sample plants with flowers when the purpose of a harvest lot is to produce flower. If no flowering plants are present, the Division shall reschedule the sampling for a later date when flowering plants are present. All hemp samples require collection from the flower material.
10. The Division must obtain a sufficient sample size to provide sufficient material to conduct all requested tests, any requested retest, and any quality control performed by the testing laboratory.
11. Only USDA registered sampling agents of the Division are permitted to collect, handle, or transport any sample at any time.

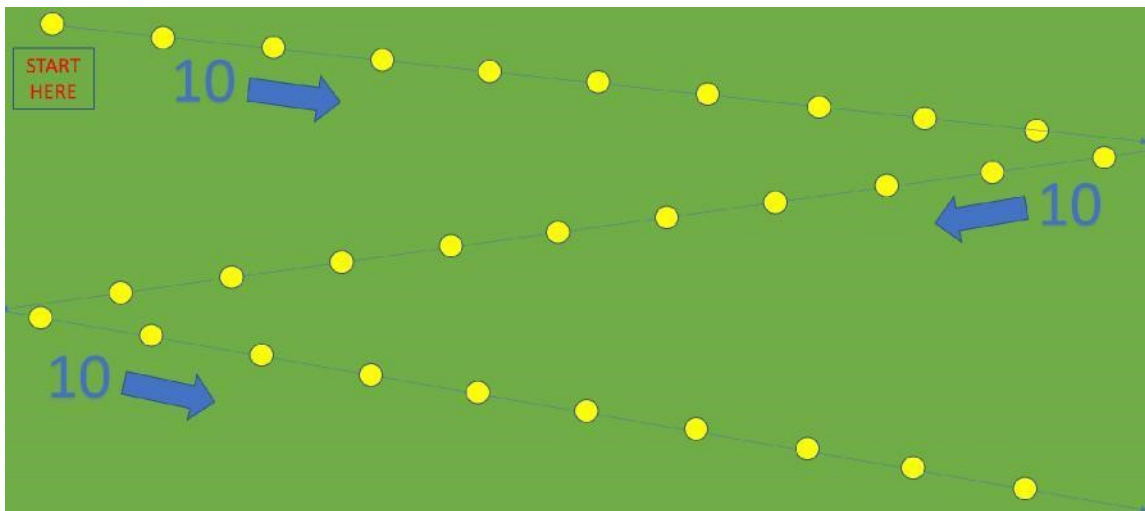
#### **B. Survey and Sample Collection – Normal Field Conditions**

1. The sample pattern must ensure that all parts of the field are adequately and proportionately represented in the plants inspected and sampled.
2. The sampler must use a sawtooth pattern when sampling the field. Two (2) sawtooth patterns are provided below. The approved sampler must choose one of the patterns most suitable for the field to be sampled. (Figure 1 and 2). The sampler must sample according to the pattern to the extent possible but may deviate from the pattern as necessary to account for particular field conditions and to ensure that all parts of the field are adequately and proportionately sampled to produce a representative sample.
  - a. A sample shall be obtained from flowering tops when flowering tops are present, and shall be approximately 8 inches in length. Samplers should avoid sampling dead, diseased, or mechanically injured plants.
  - b. A sample shall consist of no more than one sample per plant, randomly chosen from the harvest lot. Place each sample in a paper bag.
  - c. Since they are a measure of the entire harvest lot, all samples from the harvest lot may be collected into a single bag.
3. Each composite sample should consist of a maximum 30 plant heads of about 8 inches.
4. For small fields or when sampling from a known number of plants, the Hypergeometric Table below should be used.
5. **In no case shall the sample size be less than 4 ounces, which is the minimum amount necessary for laboratory tests and file samples.**

Number of acres	Sample Size "n"	Number of acres	Sample Size "n"	Number of acres	Sample Size "n"	Number of acres	Sample Size "n"
11	11	40	36	75-76	61	119-120	86
12	12	41-42	37	77	62	121-122	87
13	13	43	38	78-79	63	123-124	88
14	14	44	39	80-81	64	125-126	89
15	15	45-46	40	82	65	127-128	90
16	16	47	41	83-84	66	129-130	91
17	17	48	42	85-86	67	131-132	92
18-19	18	49-50	43	87	68	133-134	93
20	19	51	44	88-89	69	135-136	94
21	20	52	45	90-91	70	137-138	95
22	21	53-54	46	92	71	139-140	96
23	22	55	47	93-94	72	141-143	97
24	23	56	48	95-96	73	144-145	98
25-26	24	57-58	49	97-98	74	146-147	99
27	25	59	50	99	75	148-149	100
28	26	60-61	51	100-101	76	150-152	101
29	27	62	52	102-103	77	153-154	102
30	28	63-64	53	104-105	78	155-156	103
31-32	29	65	54	106-107	79	157-157	104
33	30	66-67	55	108	80	159-161	105
34	31	68	56	109-110	81	162-163	106
35	32	69-70	57	111-112	82	164-166	107
36	33	71	58	113-114	83	167-168	108
37-38	34	72-73	59	115-116	84	169-170	109
39	35	74	60	117-118	85	171-173	110



**Figure 1.** This is a typical sawtooth survey pattern starting in the lower “left” corner of the field. The yellow dots indicate the approximate locations to collect samples.



**Figure 2.** This is another typical sawtooth survey pattern starting in the top “left” corner of the field. The yellow dots indicate the approximate locations to collect samples.

### **C. Greenhouses and small fields**

For greenhouses and small fields, fewer individual plants may be sampled as indicated in the below Hypergeometric Table. **Note: A total composite sample must be at least four ounces.**

Sampler shall employ one of the above sample patterns.

Hypergeometric Table for Random Sampling

Total number of plants: Randomly select this number of plants to sample:	
1-13	Sample all plants
14-15	13
16-17	14
18-19	15
20-22	16
23-25	17
26-28	18
29-32	19
33-38	20
39-44	21
45-53	22
54-65	23
66-82	24
83-108	25
109-157	26
158-271	27
272-885	28
886-200,000	29

**D. Preparation of the Composite Sample**

1. The sampler shall close the paper bag for collection and seal in a manner to show evidence of tampering. On the sample bag, record Field Name, date and time of sampling, sampler’s signature, registered business or grower name.
2. The Division must have detailed procedures on maintaining custody and sample integrity during transport. These procedures should take into consideration controlling temperature and other environmental factors.
3. Composite samples must always be identified by labeling or marking the sample container to associate them with the harvest lot from which they originated.
4. When using a third party The Division must submit the composite sample to the testing laboratory in its entirety.
5. The Division shall submit a copy of all of the following forms with the samples when submitting for testing:
  - a. Chain of Custody form;
  - b. Hemp On-Site Sampling Form- Completed by Division

**E. Equipment and Supplies**

1. Forms (including extra sample request forms)
2. Paper bags for samples;

3. Permanent pens for marking on paper sample bags;
4. Pruning shears for collecting foliar samples;
5. Single-use Coveralls;
6. Gloves, disposable;
7. Boots or booties (waterproof recommended);
8. Rain gear (recommended);
9. Boxes for storing sample equipment and samples;
10. Bleach, 10% solution or other acceptable surface disinfectant for cleaning tools or boots between fields;
11. Clipboard;
12. Clicker to count the number of samples collected (optional).

#### **F. Sanitation**

1. Park vehicle on pavement or on designated roads within the field.
2. Clean collection tools with an appropriate disinfectant after finishing all sample collections within the field.
3. Dispose of coveralls and gloves in an appropriate receptacle before leaving the field or in a designated receptacle in the vehicle. Ensure that coveralls are appropriately cleaned prior to next use.
4. Field sampling equipment must be certified clean prior to use by the Division.

### **III. Pre-Harvest Testing**

#### **A. Testing Requirements**

1. Testing may only be performed by a DEA registered laboratory(s) approved by the Pawnee Nation pursuant to Section 311 (Inspection and Testing) of the Pawnee Nation *Cannabis sativa L.* Farming Regulations to sample and test for tetrahydrocannabinol (THC) content (hereinafter, Laboratory).
2. All testing must be performed by personnel employed by a DEA registered Laboratory and in accordance with Pawnee Nation *Cannabis sativa L.* Farming Regulations and this Protocol.
3. The Laboratory must follow chain of custody procedures consistent with requirements of the Pawnee Nation Standard Operating Guidance for Facility Inspections and be documented to record the collection, transport, and receipt of samples by the Laboratory.
4. Samples from one harvest lot shall not be commingled with hemp plant material from other harvest lots.
5. Testing and reporting of CBD values under this protocol are not required. .
6. Testing methods must include but not limited to: post decarboxylation or other similarly reliable method (if similarly, reliable, verify with AMS S&T), consideration of potential conversion of delta-9 THCA into THC and test result measure total available THC (THC+THCA), Gas or liquid chromatography with detection, and procedures to determine total THC concentration on a dry weight basis.



7. The total available THC, derived from the sum of the THC and THCA content, shall be determined and reported on a dry weight basis. Alternative testing protocols will be considered if they are comparable to the baseline mandated by the 2018 Farm Bill and established under the USDA plan and procedures. Alternative sampling and testing procedures must be requested in writing and approved in writing by USDA. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty. Laboratories shall meet the AOAC International standard method performance requirements (SMPR) for selecting an appropriate method. The range of estimated uncertainty is reported as a  $\pm$  value and is the same unit as the hemp THC threshold (0.3% THC), following best practices for significant figures and rounding.

There are resources available for defining, guiding, and calculating measurement uncertainty. They include the GUM, ISO, and Eurachem. It is necessary for the laboratory to determine the uncertainty of accuracy ( $u_{\text{bias}}$ ), repeatability ( $u_r$ ), and reproducibility ( $u_R$ ) for each validated method. Once the expanded measurement uncertainty ( $U$ ) is determined, then the confidence interval can be calculated around a designated threshold such as the hemp THC threshold (0.3% THC). Based on the aforementioned resources, the following equation is recommended:

Equation:

$$U = k \times u_c$$

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$$u_c = \sqrt{u_r^2 + u_R^2 + u_{\text{bias}}^2}$$

And:

$u$  = standard uncertainty

(standard deviation)  $u_r$  =

uncertainty due to repeatability

$u_R$  = uncertainty due to

reproducibility  $u_{\text{bias}}$  =

uncertainty due to accuracy

(bias)

$u_c$  = combined standard uncertainty

$U$

$U = \text{Expanded uncertainty} = k \times u_c$

$U$ ,  $k = 2$

$k$  = coverage factor, use 2 for a 95% confidence level

References:

ISO 17025. General requirements for the complete testing and calibration laboratories.

Food and Drug Administration, Office of Regulatory Affairs, *ORA Laboratory Manual Volume III Section 4*, Basic Statistics and Data Presentation (current version).

AOAC Standard Method Performance Requirements (draft) AOAC SMPR  
2019.XXX; Title:

8. The Laboratory must perform testing under their Quality Management system.
9. The Laboratory must perform testing in a manner that avoids contamination of the non-sampled material with sample containers that are free of analytes of interest and appropriate for the analyses requested.
10. The Laboratory must determine the percentage of THC in the sample on a dry weight basis.

#### **B. Initiating a Testing Request**

1. The Laboratory must receive a complete Industrial Hemp Sampling and Testing Request Form prior to testing. The Laboratory must receive a new and separate “Harvest Lot Sampling Request Description” for each Harvest Lot to be tested.
2. The Laboratory must receive a complete Industrial Hemp On-Site Sampling Form prior to testing. The Laboratory must receive a new and separate “Harvest Lot On-Site Sampling Description” for each Harvest Lot to be tested.
3. A “Harvest Lot” means:
  - a. Means a quantity of industrial hemp harvested in a distinct timeframe that is:
    - i. Grown in one contiguous field or growing area; or
    - ii. Grown in a portion or portions of one contiguous field or one growing area.
  - b. Does not include a quantity of industrial hemp comprised of industrial hemp grown in noncontiguous fields or noncontiguous growing areas.<sup>1</sup>

#### **C. Sample Preparation Requirements**

1. The Laboratory shall dry all of the leaf and flower of the sample (not obvious stem and seeds) until brittle in a manner that does not exceed 70°C and maintains the THC level of sample (at temperatures greater than 70°C, decarboxylation of THCA to THC occurs).
2. After drying, the Laboratory shall pulverize and sieve the sample using mesh size 1 mm as described in United Nations Office on Drugs and Crime: Recommended Methods for the Identification and Analysis of Cannabis and Cannabis Products. ISBN 978-92-1-148242-3. The Laboratory shall blend and homogenize the sieved material.
3. The Laboratory shall determine the dry weight of the sieved material.
4. The Laboratory shall divide the sieved, blended and homogenized sample into two portions: the test portion and the retained file sample. The Laboratory shall store the retained file sample in a freezer until needed. The retained file sample must be of sufficient material to conduct any requested retest and any quality control performed by the testing Laboratory.

#### **D. Retesting Requirements**

1. The Laboratory shall retest a Harvest Lot upon receipt of a completed Request for Retest from a grower. Retest” or “Retesting” means the laboratory process of retesting a retained file sample for THC content after the sample failed initial testing for THC content. A retest does not include or permit taking a new sample from the harvest lot.
2. The Laboratory shall forward the retained file sample to another Laboratory or to the Division upon receipt of a completed Request for Retest from the grower requesting that the sample be forwarded. The Laboratory shall:
  - a. Use packaging appropriate for secure transport.
  - b. Protect the sample from moisture and temperature extremes.
  - c. Include all documentation with the sample.
  - d. Forward the sample by the most expedient, secure, and legal means to ensure that the sample continues to be representative of the harvest lot sampled and the chain of custody is accounted for to protect its integrity.

#### **E. Reporting and Recordkeeping Requirements**

1. All documentation of sampling and testing must be retained by the Laboratory for at least three years and be provided to the Division upon request.
2. The Laboratory shall make Standard Operating Procedure (SOPs) readily accessible to all pertinent personnel and provided to the Pawnee Nation upon request.
3. All documents shall be controlled and retained in accordance with the Pawnee Nation *Cannabis sativa L.* Farming Regulations.
4. When testing or forwarding the sample, the Laboratory must create and use a Chain of Custody form with the information set out below. If any of the above information requested is unavailable, indicate “N/A” in the appropriate space. All testing report forms must be signed by the analyst.
  - a. Laboratory name
  - b. Analyst’s name
  - c. Lab License Number
  - d. Field ID/Name and Harvest Lot Designation
  - e. Testing Date/Time
  - f. Mass and Location of increment samples
  - g. Final Mass of composite sample
  - h. Custody transfer signatures
  - i. Custody Transfer Dates/Times
5. The Laboratory shall determine the estimated measurement uncertainty (EMU) of the test for THC concentration of industrial hemp and report to the Division per 7 CFR Part 990.3(a)(3)(iii)(F).
6. The Laboratory shall provide to Division upon request analytical data and any records associated with test results reported, including SOPs, chain of custody forms, quality checks, EMU determination, etc.
7. The Laboratory shall report percentage of THC in the sample on a dry weight basis to exactly two significant figures.

8. The Laboratory shall report all test results electronically to the Division at [dnrs@pawneenation.org](mailto:dnrs@pawneenation.org) using the forms provided by the Division, and include for each sample tested:
  - a. Grower's name and registration number;
  - b. Sample date;
  - c. Sample size by weight;
  - d. Testing date;
  - e. Total tetrahydrocannabinol percentage to exactly two significant figures;
  - f. The Laboratory's uncertainty level for tetrahydrocannabinol testing of industrial hemp;
  - g. Clear identification of the harvest lot that corresponds to the sample and the location of the corresponding harvest lot;
  - h. Copy of grower's sampling request form required in subsection and
  - i. Copy of the completed sampling form required in subsection
9. The Laboratory shall send any failed test report electronically to the Division at [dnrs@pawneenation.org](mailto:dnrs@pawneenation.org) using the forms provided by the Division **within 24 hours of the failed test.**
10. The Laboratory shall send completed copies of the Sampling and Request Form and the On-Site Sampling Form corresponding to the Harvest Lot with each test report

### **References**

USDA APHIS National Seed Health Service. 2001. Reference manual B: Seed health testing and phytosanitary field inspection methods manual. Version dated 2/27/2001, USDA APHIS NSHS, Beltsville, MD, 56 pp.  
[http://www.aphis.usda.gov/import\\_export/plants/plant\\_exports/national\\_seed\\_health\\_system.shtml](http://www.aphis.usda.gov/import_export/plants/plant_exports/national_seed_health_system.shtml)

**Pawnee Nation Division of Natural Resources and Safety**  
**Division of Natural Resources and Safety**  
**Standard Operating Guidance**

**Chapter 2. Annual Inspection and Record Collection Procedure.**

A. Annual Inspections will be conducted on a random sample of licensed producers. The Inspections will ensure accuracy of information submitted on applications and plans by producers, and ensure compliance with the Cannabis sativa L. Farming Regulations.

1. Pre-inspection planning

a. File review

Utilizing available information from Pawnee Nation Department of Environmental Conservation and Safety (DECS) facility and producer file information, Pawnee Nation Code Enforcement Database (LEADatabase), DECS databases and/or any mapping information that is readily available to the public, inspectors shall:

b. Review Code Enforcement Database (CED) for that facility

## B. Set Inspection Date

1. Contact producer/grower one (1) to three (3) working days prior to the inspection
2. Request that the owner/manager have facility records available for inspection
3. State purpose and time needed for the inspection
4. Record contact information (date, time, person contacted)
5. Enter inspection date and time on inspector's Outlook calendar
6. Ask if there are any facility safety/security

## C. Inspection Procedures

### 1. Materials/supplies needed

- a. Files
- b. Site map/aerial and engineering drawing/plans if available
- c. Pre-inspection notes
- d. Sample paper bags, bottles/cooler with ice packs, in-situ monitoring meters, test kits (oxygen, pH, ammonia), evidence bags, etc.
- e. Notebook, camera, GPS device, copy of IAC rules, pens/pencils, boots/plastic booties

### 2. Facility Drive-by

- a. Document (observations, photographs, etc.) site topography, drainage, neighboring property, and/or any special areas of interest identified during pre-inspection planning
- b. Locate/identify closest water of the U.S. in drainage area of potential runoff
- c. Document any potential points of discharge

### 3. Pre-inspection meeting

- a. Present credentials (Badge, Pawnee Nation issued Employee ID)
- b. Introductions of all persons present during the inspection (include in record)
- c. State purpose/scope of the inspection (facility record review, tour of facility, etc.)
- d. Ask about facility operations and specific media associated with the inspection
- e. Make sure site address and contact information (mailing address, phone numbers) are correct (include in record)
- f. If operator is not present, post warrant (if applicable) at the entrance (gate) of facility

#### D. Facility Inspection

1. Tour of facility including all aspects of the regulated processes and operations.
2. Review all records requested. Verify information provided on application is accurate.
3. During record review, ensure all reports to the Pawnee Nation and USDA have been submitted timely.
4. Plot field/lot(s) with gps to verify size and location is as reported.
5. Determine if runoff from field or other areas are contained.
6. View areas downhill of field to ascertain if there are any discharges to the surface of the ground, wells, sinkholes, tile line intakes, or waters of the U.S.
7. Review all solid waste disposal/clean up practices and all available records.
8. Observe any on-site or off-site storage of pesticides, herbicides, fertilizer, and solid/hazardous waste to determine if runoff discharges to a water of the U.S.
9. Record and document by photographs conditions at the field/facility.

## E. Exit Interview

1. Review preliminary findings of inspection and provide a copy of inspection notes
2. Cover any violations or potential violations discovered during inspection or pre-inspection
3. Ask for any additional information not available but related to and needed for the inspection
4. Go over any requirements and recommendations based on the inspection
5. Explain the timeline for receiving a written report and copies of any samples taken
6. Ask owner/operator/manager if they have any questions

## F. Samples and other inspection information

1. Fill out Chain of Custody (COC) form
2. Mail or hand deliver samples taken (if any)
3. Print and label all photos that were taken
4. Update into CED. Compare findings to past inspections
5. Note and update facility name, addresses, contact information, etc., in CED database

## G. Evidence

1. Photo document all evidence prior to collection
2. Collect evidence
3. Fill out COC
4. Label, tag, and bag each item collected
5. Process and store evidence

## H. Post-Inspection

### 1. Written Report

Complete inspection report within two weeks of inspection or receipt of sample results using standard DECS Report or as designated for the media

- a. Fill out producer description on the report including producer ID number, name and address of the facility, person interviewed, inspection date and time, size and type of facility
- b. Fill out inspection information section on the report including inspection date, purpose of inspection, persons interviewed.
- c. Fill out compliance summary section. Provide description and documentation to support conclusions



- d. General Site/Facility Description should include a brief description of site or facility. Also include field size and location for each field inspected, storage and processing capacities, and legal description
- e. Summary should include major points outlined from the pre-inspection, inspection, record review and exit interview
- f. Facility Evaluation should include comments about other supportive portions of the facility
- g. Requirements and Recommendations -Requirements are items that are violations or potential violations or areas of non-compliance. These may be violations of the Pawnee Nation Laws and/or Regulation or Federal Permit requirements. Each violation must be noted by the appropriate Tribal and/or federal citation. Requirements would normally include specific timeframes for correction of violations. Recommendations are suggested items noted or observed that are not necessarily violations but may be suggestions to improve record-keeping and/or operational aspects to improve environmental performance of the facility
- h. Print and label all photos that were taken and note at appropriate location in the report

#### I. Report Submittal to Facility

1. Transmit letter DECS Inspection Report, including appropriate appendixes, photos, sample results and maps/diagrams
2. Letter should be a standard letter, letter of non-compliance, NOV, or notice of referral, as appropriate. Letter should include citation for Federal rule violation
3. If there is a referral based on the inspection, the violation(s) must meet the enforcement criteria identified in the Pawnee Nation Natural Resource Protection Act and approval from the Director.

#### J. Office/Database Updates

1. Update all information in CED database
2. Add inspection report and any updates to the file
3. Mark Outlook calendar for any subsequent follow-up or due dates

**Pawnee Nation Division of Natural Resources and Safety**  
**Division of Natural Resources and Safety**  
**Standard Operating Guidance**  
**Chapter 3. Collection and Reporting Information.**

- A. State and Tribal Hemp Producer Report.
  - 1. Complete USDA form AMS-23, pages 1 through 4, listing all licensed producers, employees submitting for criminal history record for each producer, and document any changes to existing producer information.
  - 2. Ensure that the License number assigned to producers are in the following format: BIA Tribal Code (which is B07812) followed by a uniform numbering system such as: B07812-001, B07812-002, etc.
  - 3. This report must be submitted to the USDA by the first business day of every month.
- B. State and Tribal Hemp Disposal Report.
  - 1. Complete USDA form AMS-24, page 2, and submit to the USDA by the first business day of every month.
  - 2. If no new disposals are to be reported during the reporting cycle, ensure the check box is completed prior to submission.
- C. State and Tribal Hemp Annual Report
  - 1. Complete USDA form AMS-25 listing total planted acreage, total acreage disposed, and total harvested acreage.
  - 2. This report must be submitted by December 15<sup>th</sup> of each year.

**Pawnee Nation Division of Natural Resources and Safety**  
**Division of Natural Resources and Safety**  
**Standard Operating Guidance**  
**Chapter 4. Enforcement Procedures.**

A. Corrective Action for Negligent Violations.

1. The Inspector will issue a Notice of Violation for each finding of noncompliance to the producer on file following an inspection, sampling process or other discovery. Negligent violations of the Pawnee Nation Cannabis sativa L. regulations according to 7 CFR part 990.6 (b) will be subject to the following requirements in a corrective action plan:
  - a. A reasonable date, generally two weeks, to correct the negligent violation.
  - b. The violator will report to the Pawnee Nation DECS at two weeks and then monthly on the steps taken and progress on the correction to the violation.
  - c. The Notice of Violation will state the producer that negligently violates the regulations will not as a result of the violation be subject to any criminal enforcement.
  - d. A producer that violates the regulations or fails to follow the corrective action plan three times in a 5-year period will be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.
  - e. The Pawnee Nation DECS will conduct an inspection following Chapter 2 of this SOG to determine if the corrective action plan has been implemented as submitted.

B. Culpable Violations.

1. If the Pawnee Nation DECS determines that a producer has violated the Act or Regulations with a culpable mental state the DECS will immediately report the producer to the US Attorney General, Tribal Attorney General, and Tribal Law Enforcement/Rangers.

## **Attachments**



## Pawnee Nation of Oklahoma

**Department of Environmental Conservation and Safety**

P. O. Box 470, Pawnee, OK 74058, Phone: 918.762.3655, Fax: 918.762.6446

### HEMP LICENSE APPLICATION

For year ending December 31, 2019

**Fingerprints of the applicant and all corporate officers must be submitted to the department by a law enforcement agency.**

This Hemp License application, appropriate fees, required documents, and fingerprints must be received to be considered.

#### APPLICANT INFORMATION

Business Name		Business ID Number	
Last Name		First Name	
Mailing Address			
City		State	ZIP
Email Address		Phone	

#### SUBCONTRACTOR INFORMATION

Subcontractors Legal Name:			
Subcontractors Alias or Trade name			
Subcontractor Primary Business Address:			
City		State	ZIP
Subcontractors Phone Number			
Subcontractor Satellite Business Address			
City		State	ZIP
Subcontractor Officials or Employees Responsible for Communication to the Pawnee Nation			
Name	Phone	Email	
Name	Phone	Email	

#### Land Ownership or Lease Information (see instructions)

Attach a copy of the Pawnee Nation or Bureau of Indian Affairs approved agriculture lease.

If the cultivation site is not wholly owned by the applicant provide; the name, address and contact information for all persons or entities having any ownership interest in the cultivation site(s).

**Field and Building Information:** Detailed aerial photos(e.g. Google Maps, Oklahoma Cadastral) showing each field location relevant to the nearest municipality and navigable roads must be submitted with the application. Attach maps or blueprints for buildings used for cultivation.

Field 1	Field 2
Township:    Range:    Sec:    1/4 Sec	Township:    Range:    Sec:    1/4 Sec
Field Center Lat/Long:	Field Center Lat/Long:
Allotment Name:	Allotment Name:
Allotment Number:	Allotment Number:

Field Address:			Field Address:		
City:	State:	Zip:	City:	State:	Zip:
Variety of Industrial Hemp:			Variety of Industrial Hemp:		
Number of Individual Fields to Plant:			Total Acres:		
<b>Building Site 1</b>			<b>Building Site 2</b>		
Physical Address:			Physical Address:		
Building Lat/Long:			Building Lat/Long:		
<b>Panting and Harvesting:</b>					
Intended Planting Date(s):					
Intended Harvesting Date(s):					
<b>Intended Use of Crops (Check all that apply):</b>					
Food/Beverage		Fiber/Textiles/Biofuel		Cosmetics/Beauty/Health	
Variety Trials/Research		Seed Oil		Cannabinoid Oils	
				Other	
Description of Other:					
<b>Storage and/or Processing Location:</b> Attach maps or blueprints of the storage and/or processing area.					
Physical Address:					
City		State		Zip	
Lat/Long:					
<b>Acknowledgement and Agreement</b>					
<p>I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application and retain my license, I grant staff from the Pawnee Nation Department of Environmental Conservation and Safety access to all associated sites for inspection and testing purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Pawnee Nation, all responsibility for the accuracy of the information rests with me. Any information supplied on this application is subject to public disclosure. Any information provided by the licensee may be released to the Pawnee Nation Division of Law Enforcement or to any law enforcement agencies without notice to the licensee or its subcontractors. The licensee and subcontractors shall submit all required reports by the specified dates in the Industrial Hemp Farming regulations. By signing below I submit to the jurisdiction and law and regulations of the Pawnee Nation of Oklahoma.</p>					

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>PNDECS Use Only:</b>	
Date Application Received:	Number of attachments:
Associated Fees Received:	Reviewed By:
Approved:	Denied:



## Pawnee Nation of Oklahoma

**Department of Environmental Conservation and Safety**

P. O. Box 470, Pawnee, OK 74058, Phone: 918.762.3655, Fax: 918.762.6446

# HEMP HARVEST REPORT

For year ending December 31, 20\_\_

### LICENSEE INFORMATION

Business Name		Business ID Number
Last Name	First Name	
Mailing Address		
City	State	ZIP
Email Address		Phone

### SUBCONTRACTOR INFORMATION

Subcontractors Legal Name:		
Subcontractors Alias or Trade name		
Subcontractor Primary Business Address:		
City	State	ZIP
Subcontractors Phone Number		
Subcontractor Satellite Business Address		
City	State	ZIP
Subcontractor Officials or Employees Responsible for Communication to the Pawnee Nation		
Name	Phone	Email
Name	Phone	Email

### HARVEST INFORMATION:

Field 1	Field 2
Township:      Range:      Sec:      1/4 Sec	Township:      Range:      Sec:      1/4 Sec
Field Center Lat/Long:	Field Center Lat/Long:
Allotment Name:	Allotment Name:
Allotment Number:	Allotment Number:
Field Address:	Field Address:
City:              State:              Zip:	City:              State:              Zip:
Variety of Industrial Hemp:	Variety of Industrial Hemp:
Expected Harvest Date:	Expected Harvest Date:
Expected Yield:	Expected Yield Date:
<b>Building Site 1</b>	<b>Building Site 2</b>



Physical Address:	Physical Address:
Building Lat/Long:	Building Lat/Long:
Variety of Industrial Hemp:	Variety of Industrial Hemp:
Expected Harvest Date:	Expected Harvest Date:
Expected Yield:	Expected Yield Date:

<b>DESCRIPTION OF INTENDED USE AND DISPOSITION:</b>			
Field 1:			
Will the Whole Plant be Sold or Transferred:		Price per Quantity:	
Will the Plant Parts be sold or Transferred:		Price per Quantity:	
Description of Processing Techniques:			
If sold, Name (person or Business):			
Address	City	State	Zip
Field 2:			
Will the Whole Plant be Sold or Transferred:		Price per Quantity:	
Will the Plant Parts be sold or Transferred:		Price per Quantity:	
Description of Processing Techniques:			
If sold, Name (person or Business):			
Address	City	State	Zip
Building Site 1:			
Will the Whole Plant be Sold or Transferred:		Price per Quantity:	
Will the Plant Parts be sold or Transferred:		Price per Quantity:	
Description of Processing Techniques:			
If sold, Name (person or Business):			
Address	City	State	Zip
Building Site 2:			
Will the Whole Plant be Sold or Transferred:		Price per Quantity:	

Will the Plant Parts be sold or Transferred:		Price per Quantity:	
Description of Processing Techniques:			
If sold, Name (person or Business):			
Address	City	State	Zip
Description of Fertilizers, Pesticides, or other Chemicals applied per Field/Building:			
Description of Irrigation or Water Management per Field/Building:			
Description of Tillage or Ground Preparation Practices per Field:			
Description of Environmental Impacts and Viability of Each Variety:			
<b>ACKNOWLEDGMENT AND AGREEMENT:</b>			
Not less than thirty (30) days following harvest, the licensee shall supplement the harvest report and declare the actual yield for each variety of hemp planted at each cultivation site and any material change to the information supplied in this harvest report.			

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>PNDECS Use Only:</b>	
Date Report Received:	Number of attachments:
	Reviewed By:
Approved:	Denied:



UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 USDA DOMESTIC HEMP PRODUCTION PROGRAM  
**STATE AND TRIBAL HEMP ANNUAL REPORT**

States and Tribes must submit this form to the U.S. Department of Agriculture (USDA) by December 15<sup>th</sup> of each year.

This report should be submitted to USDA using a digital format compatible with USDA’s information sharing systems, whenever possible. If this is not possible, please submit report to:

By Mail: Or via Email at: Or via Fax at:  
 USDA/AMS/Specialty Crops Program [FarmBill.Hemp@usda.gov](mailto:FarmBill.Hemp@usda.gov) (202) 720-8938  
 Hemp Branch  
 470 L’Enfant Plaza S.W. Post  
 Office Box 23192  
 Washington, D.C. 20026

**State or Tribe Plan:** \_\_\_\_\_ **Date Submitted:** \_\_\_\_\_

Total Planted Acreage	Total Acreage Disposed	Total Harvested Acreage

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.aser.usda.gov/complaint\\_filing\\_cust.html](http://www.aser.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
USDA DOMESTIC HEMP PRODUCTION PROGRAM  
STATE AND TRIBAL HEMP DISPOSAL REPORT

If a producer has produced cannabis that tested above the acceptable delta-9 tetrahydrocannabinol (THC) level, the material must be disposed of in accordance with the Controlled Substances Act (CSA) and U.S. Drug Enforcement Administration (DEA) regulations because such material constitutes marijuana, a schedule I controlled substance under the CSA. Consequently, the material must be collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer. This form is used to document the disposal process.

States and Tribes must submit this form and each corresponding disposition certificate to the U.S. Department of Agriculture (USDA) on the 1<sup>st</sup> day of each month. If this date falls on a holiday or weekend, the report is due the next business day. If no disposals occurred during the reporting cycle, check the box indicating there were no changes during the current reporting cycle. This report should be submitted to USDA using a digital format compatible with USDA's information sharing systems, whenever possible. If this is not possible, please submit report to:

By Mail:  
USDA/AMS/Specialty Crops Program  
Hemp Branch  
470 L'Enfant Plaza S.W. Post  
Office Box 23192  
Washington, D.C. 20026

Or via Email at:  
[FarmBill.Hemp@usda.gov](mailto:FarmBill.Hemp@usda.gov)

Or via Fax at:  
(202) 720-8938

**The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a) and the Paperwork Reduction Act of 1995. The authority for requesting this information to be supplied on this form is the 7 CFR Part 990 Domestic Hemp Program (Program). The purpose of collecting this information is for USDA to administer the Program and the information provided on this form will be used to monitor Program participants. Failure to provide the information requested on this form may result in ineligibility to participate in the Program.**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit

your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

**AMS REPRODUCE LOCALLY. STATE AND TRIBAL HEMP DISPOSAL REPORT.**

**0581-NEW**

**OMB No.**

**Reporting Period:** \_\_\_\_\_ **to** \_\_\_\_\_

**State or Tribe Plan:** \_\_\_\_\_ **Date Submitted:** \_\_\_\_\_

List all licensees and locations where a disposal took place during this reporting cycle.

<b>Producer or Entity Name</b>	<b>Producer/Entity Address</b>	<b>License or Authorization identifier</b>	<b>Lot #</b>	<b>Location Type</b> <i>(Greenhouse, Indoor, Field)</i>	<b>Geospatial Location</b> <i>(or other valid land descriptor)</i>	<b>Total Acreage</b>

(Add additional pages if needed)

OR

**No disposals during this reporting cycle**



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
USDA DOMESTIC HEMP PRODUCTION PROGRAM  
**STATE AND TRIBAL HEMP PRODUCER REPORT**

**Reporting Period:** \_\_\_\_\_ to \_\_\_\_\_

**State or Tribe Name:** \_\_\_\_\_ **Date Submitted:** \_\_\_\_\_

The USDA Domestic Hemp Production Program requires states and tribes with approved plans to submit contact information and the status of the license for each producer under their plan.

**Instructions:**

This information must be submitted to the U.S. Department of Agriculture (USDA) on the 1<sup>st</sup> day of each month. If this date falls on a holiday or weekend, the reports are due the next business day. Each monthly report is for new producers and changes to existing producer information only.

Producers: Report all required information for each producer licensed under the Plan.

Changes to Producer Information: Report any changes to reported information for producers that were included in previous reports. These changes include but are not limited to; a change of license status, an address change, a change in the key participant of a business or an updated phone number.

This report should be submitted to USDA using a digital format compatible with USDA's information sharing systems, whenever possible. If this is not possible, please submit report to:

By Mail:

USDA/AMS/Specialty Crops Program [FarmBill.Hemp@usda.gov](mailto:FarmBill.Hemp@usda.gov)

Hemp Branch

470 L'Enfant Plaza S.W.

Post Office Box 23192

Washington, D.C. 20026

Or via Email at:

Or via Fax at:

(202) 720-8938

**The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a) and the Paperwork Reduction Act of 1995. The authority for requesting this information to be supplied on this form is the 7 CFR Part 990 Domestic Hemp Program (Program). The purpose of collecting this information is for USDA to administer the Program and the information provided on this form will be used to monitor Program participants. Failure to provide the information requested on this form may result in ineligibility to participate in the Program.**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 20 minutes per

response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**AMS-23 (10/2019)**

**Page 1 of 4**



**List all producers and business entities in the space below:**

Individual or Entity Name	Name of Producer(s)/Key Participant(s)	License Identifier or other Authorization Identifier	New Producer? <i>(Yes, No)</i>	Business Address of Producer(s) or Entity	Telephone #	Email Address <i>(if available)</i>	Status of License <i>(active, revoked, suspended)</i>


(Use additional pages if needed)

**Employees Submitting Criminal History Record Report by Entity:**

Individual or Entity Name	Name of Employee	Title of Employee	Employee Email Address (if available)

(Use additional pages if needed)

**Document any changes to existing producer information in the space below:**

	<b>Individual or Entity Name</b>	<b>Name of Licensee(s)</b>	<b>License Identifier or other Authorization Identifier</b>	<b>Business Address of Producer(s)</b>	<b>Telephone #</b>	<b>Email Address (if available)</b>	<b>Status of License (<i>active, revoked, suspended</i>)</b>
Current Information							
New Information							
Current Information							
New Information							
Current Information							
New Information							
Current Information							
New Information							

(Use additional pages if needed)

**CHAPTER 3. PAWNEE NATION *CANNABIS SATIVA L.* (Hemp)  
FARMING REGULATIONS**



**Approved March 28, 2019 by Resolution #19-26**

## SECTIONS

### Section

- 301 – Purpose
- 302 – Definitions
- 303 – Authorization
- 304 – Application
- 305 – Grounds for denial of application
- 306 – License
- 307 – Continuing obligation to provide information
- 308 – Fees
- 309 – Harvest reports
- 310 – Records
- 311 – Inspection and Testing
- 312 – Violations
- 313 – Destruction
- 314 – Enforcement
- 315 - Corrective Actions

## CHAPTER 3. Pawnee Nation *Cannabis sativa L.* Farming Regulations

### Section 301. Purpose

This chapter establishes the requirements for licensing, cultivation, and processing of *Cannabis sativa L* containing no more than three-tenths of one percent (0.3%) delta-9 tetrahydrocannabinol (THC) concentration on a dry weight basis; commonly referred to as hemp. This chapter implements the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act pursuant to the Pawnee Nation Law and Order Code Title XIV, et seq. The Department of Environmental Conservation and Safety shall provide the licensing, inspections, investigations, testing, and enforcement of the provisions of this chapter. Other authorized agencies charged with enforcement of the Provisions of this chapter includes the Pawnee Nation Division of Law Enforcement and any law enforcement agencies within lawful jurisdiction.

### Section 302. Definitions

1. **"Building"** means any single standing structure with walls and a roof but shall not include separate structures connected by corridors or breezeways.
2. **"Contiguous field"** means any contiguous tract of land used for the cultivation of hemp and may include contiguous tracts of land occasionally intersected by roads, streams, or other natural features but shall not include a tract or tracts of land intersected by property owned by a third party or gaps in the cultivation of hemp exceeding one quarter of a mile.
3. **"Cultivation"** means the act of planting, growing, or harvesting hemp and any related agricultural activities.
4. **"Cultivation site"** means the contiguous field, building, storage area, or processing area in which one or more varieties of hemp may be lawfully cultivated, stored, or processed.
5. **"Department"** means the Pawnee Nation Department of Environmental Conservation and Safety, its employees, and officers.
6. **"Growing Area"** means the portion of a contiguous field or building in which a single variety of hemp is planted, grown, and harvested.
7. **"Handling"** means possessing or storing hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process

- hemp. "Handling" also includes possessing or storing hemp plants in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person. "Handling" does not mean possessing or storing finished hemp products.
8. "**Harvest Lot**" means a quantity of hemp harvested in a distinct timeframe that is grown in one contiguous production area within a grow site; or grown in a portion or portions of one contiguous production area within a grow site.
  9. "**Hemp**" means the plant, *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.
  10. "**Institution of higher education**" means any tribal, public or private college or university located in Oklahoma.
  11. "**Licensee**" means any person, corporation, or institution of higher education possessing a license to participate in the Pawnee Nation Hemp Farming Program.
  12. "**License**" means a valid license issued by the Department allowing a licensee to cultivate hemp from low THC seed in Oklahoma.
  13. "**Listed low THC seed**" means low THC seed that has been approved by the Department and listed on the Department's Low THC Seed List.
  14. "**Low THC seed**" means hemp seed having no more than three-tenths of one percent (0.3%) delta-9 tetrahydrocannabinol concentration on a dry-weight basis.
  15. "**Processing**" means converting an agricultural commodity into a marketable form.
  16. "**Processing Area**" means any physical location in which entire harvested plants are altered by any manner of mechanical, chemical, or other processing techniques. The processing area need not be located on or near the contiguous field or building in which hemp is cultivated but shall be considered as part of the cultivation site.
  17. "**Storage Area**" means any physical location in which harvested plants or plant parts are stored. The storage area need not be located on or near the contiguous field or building in which hemp is cultivated but shall be considered as part of the cultivation site.



18. **"Subcontractor"** means a person or business entity that has contracted with a licensee and provides supplies, labor, land, or expertise related to the licensee's participation in the Pawnee Nation Hemp Farming Program.

### **Section 303. Authorization**

The Pawnee Nation *Cannabis sativa L.* Farming Regulations is an implementing regulation as authorized by Title XIV, the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act and is promulgated in accordance to the Pawnee Nation's Administrative Procedures Act. This Regulation only applies to a licensed person(s) or entity as authorized by Title XIV. Any person or entity not having the required license and found in violation of any part of this Regulation shall be penalized in accordance to provisions of Title XIV and any applicable laws of the Pawnee Nation and other applicable jurisdictions.

### **Section 304. Application**

- (a) Any person may apply for a license as authorized under Title XIV (Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act) by filing an application with the Department for a license:
- (1) Not less than thirty (30) days prior to the planting or cultivation of any hemp crop; or
  - (2) No later than December 1 if a subsequent license is required to harvest hemp crops planted before December 31 but scheduled for harvest after December 31.
- (b) A licensee shall submit a separate application, pay separate application and inspection fees, and obtain a separate license for each cultivation site licensed by the licensee.
- (c) All first-time applicants for a license must submit a set of fingerprints for applicants' and all persons listed on the application, including sub-contractors, taken by a law enforcement officer. The applicant must submit with the application a completed background check acquired from the Pawnee Nation Attorney General, Oklahoma State Bureau of Investigations and the Federal Bureau of Investigations for processing. The documentation must provide a criminal history including, tribal, statewide and nationwide results. All costs associated with the criminal history check are the responsibility of the applicant.
- (d) The application shall be on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name and address of the applicant;
- (2) The contact information, including, but not limited to, names, phone numbers, and email addresses, for any officials or employees of the licensee responsible for oversight of the operation(s) as authorized under Title XIV (Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act) and communications with the Department relating to the cultivation of hemp;
- (3) If the licensee intends to utilize subcontractors, the correct legal name of the subcontractors along with all aliases or trade names of the subcontractors;
- (4) If the licensee intends to utilize subcontractors, the address for the subcontractors' primary business locations and any satellite business office locations;
- (5) If the licensee intends to utilize subcontractors, the contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the subcontractor responsible for oversight of the operation(s) as authorized under Title XIV (Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act) and communications with the Department relating to the cultivation of hemp;
- (6) Proof of ownership or valid lease from the Pawnee Nation or Bureau of Indian Affairs for the cultivation site and the following information if the cultivation site is not wholly owned by the licensee:
  - (A) The name, address, and contact information for all persons or entities having any ownership interest in the cultivation site; and
  - (B) An original signed, dated, and notarized letter of acknowledgement from each person having any ownership interest in the cultivation site indicating approval for the cultivation of hemp at the cultivation site;
  - (C) If applicable, a copy of the property lease for the entire duration of the license;
- (7) If the application identifies a contiguous field as the cultivation site:
  - (A) A legal description (Section, Township, Range) of the contiguous field;
  - (B) The global positioning location coordinates at the approximate center of the contiguous field; and

- (C) An annotated map or aerial photograph with sufficient detail and clarity to define the boundaries and dimensions of the contiguous field in acres, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the contiguous field along with a description of the variety of hemp corresponding to each growing area;
- (8) If the application identifies a building as the cultivation site:
- (A) The physical address of the building;
  - (B) The global positioning location coordinates of the building; and
  - (C) An annotated map or blueprint with sufficient detail and clarity to show the boundaries and dimensions of the building and growing area in square feet, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the building along with a description of the variety of hemp corresponding to each growing area;
- (9) A description of any areas used to store or process plants or plant parts, including but not limited to:
- (A) The physical address or location of any storage areas or processing areas;
  - (B) The global positioning location coordinates of any storage areas or processing areas; and
  - (C) An annotated map or blueprint with sufficient detail and clarity to show the location, boundaries and dimensions of any storage areas or processing areas in square feet;
- (10) A schedule identifying the intended dates of planting and intended dates of harvesting any hemp crop or crops;
- (11) A statement of intended use and disposition for the hemp harvested from each growing area or any plant parts thereof;
- (12) A notarized and sworn statement from an official or employee of the licensee and from an official or employee of any associated subcontractor that only seed as authorized under Title XIV (Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act) will be planted at the cultivation site; and
- (13) Acknowledgement and agreement with the following terms and conditions:

- (A) Any information provided by the licensee or subcontractors is subject to public disclosure under the Open Records Act;
- (B) Any information provided by the licensee or subcontractors may be released to the Pawnee Nation DECS Inspectors, Pawnee Nation Rangers, Pawnee Nation Law Enforcement, or to any law enforcement agencies within lawful jurisdiction without notice to the licensee or its subcontractors;
- (C) The licensee and subcontractors shall fully cooperate with the Department, grant the Department physical access to any part of the cultivation site and allow inspection and sampling that the Department deems necessary; and
- (D) The licensee and subcontractors shall submit all required reports by the dates specified by the Department.

(e) A subcontractor may submit applications, pay associated fees, and file reports required by the Department on the licensee's behalf if authorized by the licensee to do so. The licensee's approval for the subcontractor to submit applications, pay fees, pay fines, and file reports shall be evidenced by an original, dated, signed, and notarized authorization letter from an official or employee of the licensee identified in subsection (d)(2) of this section submitted with the application for a license. A unique original, dated, signed, and notarized authorization letter shall be required for each new application, for each subsequent application, or renewal of an existing license.

(f) Incomplete applications shall not be processed by the Department and any associated application fees shall be retained by the Department.

(g) Applications that are denied by the Department may be resubmitted within twelve (12) months of the original filing. The Department may waive application fees for resubmitted applications.

### **Section 305. Grounds for denial of application**

- (a) The Department may consider several factors when deciding to grant or deny a license including, but not limited to, the location of the cultivation site; the criminal history of the licensee, subcontractor, or employees thereof; and prior administrative actions taken by the Department against the licensee, subcontractors, or employees thereof.

- (1) Any applicant with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the plan and producing hemp under the Tribal plan from the date of the conviction.
- (b) The Department's denial of a license may be contested in the manner provided by this chapter.

## Section 306. License

- (a) A separate license shall be required for each cultivation site operated by the licensee.
- (b) All licenses expire on December 31 of the year in which the license was issued. Any hemp that is not harvested on or before December 31 must be declared for inclusion in a subsequent license or destroyed by the licensee.
- (c) Every license issued by the Department shall remain the property of the Department. Possession of a license does not confer any property right or exemption from criminal liability to the licensee, subcontractor, or officials or employees thereof that is not expressly described in this chapter.
- (d) The Department may restrict, limit, or impose conditions on any license that are not similarly imposed on other licensees or cultivation sites.
- (e) Licenses shall not be assigned or transferred.
- (f) Unless the context expressly indicates otherwise, a subcontractor's compliance with the rules of this chapter shall be sufficient to satisfy the obligations of the licensee to comply with the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act.
- (g) Not more than thirty (30) days after receiving and compiling the following information, the Department shall provide to the Secretary the U.S. Department of Agriculture or the Secretary's designee:
  - (1) the licensees' names and license number;
  - (2) the licensees' telephone numbers, email addresses, residential addresses, mailing addresses, business addresses or another form of contact information;
  - (3) the location for each field, facility, or other place where hemp is licensed to be cultivated, handled, or processed; and
  - (4) an indication whether the licensees' license is currently in good standing.

(h) All licensed producers shall report to the USDA, Agricultural Marketing Service, or Farm Service Agency the required information found in 7 CFR part 990.7.

### **Section 307. Continuing obligation to provide information**

- (a) Every licensee shall have a continuing obligation to provide current information to the Department. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including, but not limited to, changes in personnel or contact information.
- (b) The licensee shall file an amendment to the licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of hemp cultivated.
- (c) The licensee shall immediately notify the Department of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.
- (d) The employment of a new subcontractor or replacement of an existing subcontractor associated with a license for a particular cultivation site shall require the submission of a new application and the payment of new application and inspection fees by the licensee.

### **Section 308. Fees**

- (a) Each new, subsequent, or renewed application for a license to cultivate hemp at a particular cultivation site shall require the payment of a nonrefundable application fee at the rate of Five Hundred Dollars (\$500.00).
- (b) Each new, subsequent, or renewed application for a license to cultivate hemp at a particular cultivation site shall require the payment of a site inspection fee calculated at the rate of Five Dollars (\$5.00) per acre on a contiguous field or Thirty-Three Cents (\$0.33) per square foot in a building.
- (c) An hourly inspection rate consisting of Forty-Five Dollars (\$45.00) per hour per inspector for actual time devoted to the inspection of a cultivation site shall be charged following routine or unannounced inspections. The calculation of the hourly inspection rate shall include the inspectors' travel time from the inspectors' duty station to the cultivation site, the time devoted to inspection of the cultivation site, and the inspectors' travel time returning from the cultivation site to the inspectors' duty station.

(d) Application amendments or notifications of material change to the information provided in an application shall not require the payment of additional application fees but may, at the discretion of the Department, require additional inspections and the payment of additional site inspection fees and fees assessed at the hourly inspection rate at the same rate charged for a new application.

### **Section 309. Harvest reports**

(a) Not less than thirty (30) days prior to harvest, the licensee shall file a harvest report on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name of the licensee and any associated subcontractors;
- (2) The location of the cultivation site or parts thereof wherever situated;
- (3) A description of each variety of hemp growing at the cultivation site;
- (4) The expected date or dates of harvest for each variety of hemp growing at the cultivation site;
- (5) The expected yield for each variety of hemp planted at the cultivation site along with a description of the growing area in which each variety was planted sufficient to calculate the growing area in acres for outdoor cultivation or square feet for indoor cultivation;
- (6) A description of the intended use and disposition of the hemp product, including, but not limited to:
  - (A) Whether the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of hemp;
  - (B) Whether individual plant parts rather than the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of plant parts along with a description of the plant parts sold or transferred;
  - (C) A general description of any mechanical, chemical, or other processing techniques applied to the whole plant before sale or transfer to a third party;

- (D) The name and contact information of the person or business entity to which the whole plant or plant parts will be sold or transferred; and
  - (E) Whether the whole plant or any part thereof will be destroyed after harvest;
- (7) A description of fertilizers, pesticides, or other chemicals applied to each variety of hemp planted at the cultivation site;
  - (8) A description of irrigation or water management practices applied to each variety of hemp planted at the cultivation site;
  - (9) A description of tillage or ground preparation practices applied to each variety of hemp planted at the cultivation site; and
  - (10) A description of the environmental impacts and viability of each variety of hemp planted along with any supporting documentation.
- (b) Not less than thirty (30) days following the harvest, the licensee shall supplement the harvest report and declare the actual yield for each variety of hemp planted at the cultivation site and any material change to the information supplied in the harvest report.

### **Section 310. Records**

- (a) The licensee shall retain the following records for no less than five (5) years from the date the record is obtained or generated:
- (1) All records relating to information supplied in the application for a license;
  - (2) All records relating to the use and disposition of hemp harvested or any plant parts thereof;
  - (3) All records relating to the storage or processing of hemp or any plant parts thereof;
  - (4) All records relating to the destruction of hemp harvested or any plant parts thereof, including but not limited to, any affidavits, notifications, and electronic records required by this chapter.
- (b) The licensee shall produce or allow inspection of records at the request of the Department.



(c) The licensee's obligation to retain and produce records shall be satisfied if the subcontractor retains or produces records.

### **Section 311. Inspection and Testing**

(a) The Department shall develop an evidence-gathering methodology for the inspection of cultivation sites and the collection of hemp test samples.

(b) The Department shall develop a procedure for annual inspections of producers. A random sample of producers shall be selected to verify hemp is not produced in violation of these regulations.

(c) The Department may develop laboratory testing methodologies to verify the concentration of delta-9 tetrahydrocannabinol in hemp test samples or the Department may contract with another laboratory to conduct such testing using laboratory protocols approved by the Department and/or any federal criteria adopted.

(d) The Department may inspect and take samples from any growing area and mature *Cannabis sativa L.* (Hemp) plants located thereon, as follows:

(1) The Department shall send written notification of routine inspections to the licensee and subcontractor, if applicable, describing the date, time, scope, and process of routine testing.

(2) The Department may conduct unannounced inspections and collect samples from any growing area during regular business hours without advance notice.

(e) Hemp test samples collected by the Department during routine or unannounced inspections shall be tested to verify that the delta-9 tetrahydrocannabinol concentration of hemp does not exceed 0.3% on dry weight basis.

(f) The licensee shall pay the hourly inspection fees and laboratory analysis costs for any routine and unannounced inspections within thirty (30) days after receiving an invoice from the Department.

### **Section 312. Violations**

(a) The Department may deny, suspend, or revoke a license or fine a licensee upon a finding by the Department that that the licensee has violated the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act or the rules of this chapter.

(b) Violations committed by subcontractors or officials and employees thereof shall be considered violations of the licensee.

(c) The fine for violating the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act or the rules of this chapter shall not exceed Ten Thousand Dollars (\$10,000) per violation per day. Each day shall be deemed as a separate occurrence.

(d) Nothing in this chapter shall restrict the licensee from contractually obligating subcontractors to indemnify and hold the licensee harmless from fines issued by the Department for violations occurring at a cultivation site operated by the subcontractor. The licensee may require a bond or surety to guarantee the contractual obligations of the subcontractor for the payment of fines. However, the licensee shall be financially responsible for any fines issued by the Department.

(e) The following actions shall be considered negligent violations of the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act and the rules of this subchapter if not made with a culpable mental state greater than negligence:

- (1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license;
- (2) Failure to obtain a license, or other required authorization;
- (3) Failure to provide a legal description;
- (4) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department;
- (5) Failure to retain records required by this chapter or produce such records at the request of the Department;
- (6) Interference with the inspection process, including but not limited to, refusal to grant unrestricted access to a cultivation site; impeding the sampling of plants; or refusal or failure to fully cooperate with the Department's inspections;
- (7) Failure to timely pay any fee or invoice issued by the Department;
- (8) Planting, growing, harvesting, storing, or processing the plant, *Cannabis sativa L.* (Hemp), in locations other than the cultivation site described in the application for license or amendments thereto;
- (9) Refusal or failure to comply with orders of the Department or the rules of this chapter requiring the destruction of any plant with a delta-9

tetrahydrocannabinol concentration exceeding three-tenths of one percent (0.3%) on a dry weight basis, or any plant parts thereof;

- (10) Planting, growing, or harvesting any plant with a delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent (0.3%) on a dry weight basis, as follows:

(A) The Department shall calculate an average from the results from all test samples collected from a harvest lot during an inspection in accordance with the Department's evidence gathering methodology to determine whether a violation occurred. A calculated average of delta-9 tetrahydrocannabinol concentrations exceeding three-tenths of one percent (0.3%) on a dry weight basis derived from test samples collected in the harvest lot shall be prima facie evidence that a violation occurred. The licensee shall have the burden of proof to contradict such evidence.

(B) If the calculated average of delta-9 tetrahydrocannabinol concentrations in test samples collected from a harvest lot exceeds three-tenths of one percent (0.3%) but is equal to or less than five-tenths of one percent (0.5%) on a dry weight basis, the licensee shall destroy all *Cannabis sativa L.* plants and plant parts from the harvest lot in question. Upon the destruction of the crop, the licensee shall be subject to no additional fines or penalties.

(C) If the calculated average of delta-9 tetrahydrocannabinol concentrations in test samples collected from a harvest lot exceeds five-tenths of one percent (0.5%) on a dry weight basis, the licensee shall destroy all plants and plant parts planted, grown, or harvested from the harvest lot in question. The Department may impose additional fines or penalties including the denial, suspension or revocation of a license by the Department.

(D) Failure to disclose different varieties of the plant, *Cannabis sativa L.*, in a single growing area shall be a violation. A difference of delta-9 tetrahydrocannabinol concentrations exceeding two percent (2%) on a dry weight basis between test samples collected from different sections of the same growing area shall be prima facie evidence that more than one variety of the plant, *Cannabis sativa L.*, was planted in a single growing area and that a violation occurred. The licensee shall have the burden of proof to contradict such evidence.

(f) Any violations made with a culpable mental state greater than negligence shall be reported to the U.S. Attorney General as well as the Pawnee Nation Chief Law Enforcement Officer.

### Section 313. Destruction

(a) Any harvest lot tested and not certified by the DEA-registered laboratory at or below the acceptable hemp THC level may not be further handled, processed or enter the stream of commerce and the producer shall ensure the harvest lot is disposed of in accordance with 21 CFR parts 1317.15. The licensee shall destroy all *Cannabis sativa L.* plants or plant parts if required by the rules of this chapter or by order of the Department to be rendered “nonretrievable”.

(b) Incineration is the only acceptable method of destruction unless the Department provides the licensee written authorization for an alternate method of destruction.

(c) The licensee shall document the destruction of *Cannabis sativa L.* plants or plant parts, as follows:

(1) The licensee shall submit a notification of intended destruction to the Department not less than ten (10) days prior to the date that the licensee undertakes the destruction of the *Cannabis sativa L.* plants or plant parts, communicate the time and date of the destruction, and allow Department inspectors to be present during the destruction;

(2) The licensee shall make and retain a date-stamped electronic video recording the collection, ignition, and incineration of the *Cannabis sativa L.* plants or plant parts. The video recording shall be retained as a record relating to the destruction of hemp for not less than five (5) years. The date stamp need not be displayed on the video recording but shall, at a minimum, appear in the electronic file name. The electronic video recording shall consist of sufficient duration and detail to verify that the destruction occurred and was completed;

(3) An official or employee of the licensee or subcontractor responsible for oversight of the operations authorized under Title XIV (Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act) and in communications with the Department relating to the cultivation of *Cannabis sativa L.* shall submit an affidavit to the Department along with the Tribal Hemp Disposal Report, affirming the destruction not more than ten (10) days following the destruction;

(4) Destruction shall be conducted safely and shall not be conducted in a manner inconsistent with the requirements for prescribed burning. The licensee

shall delay the destruction required by this chapter or by order of the Department until the risk of starting a wildfire is minimal.

## Section 314. Enforcement

- (a) Administrative actions brought by the Department seeking the imposition of a penalty for the violation of this chapter and all contests brought by a licensee or subcontractor shall be considered individual proceedings and shall comply with provisions of Chapter 2 (Hearings), Section 4 (Informal Hearings) of the Pawnee Nation Administrative Procedures Act, and the rules of the Department.
- (b) Administrative assessment of penalties shall be made in accordance to Title XIV, Section 013 of the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act.
- (c) The Department shall grant subcontractors legal standing to participate in individual proceedings if the subcontractor is authorized to do so by the licensee that is the subject of the individual proceeding.
- (d) The Department shall initiate an individual proceeding by serving a notice of violation on the licensee and any associated subcontractor listed in the Department's records for the cultivation site in question. An individual proceeding initiated by the Department shall be required for the Department to suspend or revoke a license or impose a fine. The Department shall not be required to initiate an individual proceeding for the denial of an application for a license or to enforce the rules of this chapter, including but not limited to, ordering the destruction of *Cannabis sativa L.* plants as specified herein.
- (e) A licensee or authorized subcontractor may initiate an individual proceeding contesting the denial of an application, conditions or limitations placed on a license, or order of destruction by filing a petition with the Department. The petition shall state with particularity the factual grounds, arguments, and citation of legal authorities for the contest.
- (f) Informal hearings and associated individual proceedings shall be heard by the designated Hearing Official. Notifications and hearings shall be “informal hearings” and be conducted in accordance to provisions of Chapter 2, Section 4 of the Pawnee Nation Administrative Procedures Act. All evidence and legal arguments shall be offered to the Hearing Official consistent with the regular practices and rules of the Department. The findings and recommendations of the Hearing Official shall be presented to the Department for a final decision. No new evidence or arguments shall be presented to the Department.
- (g) Formal hearings shall not be conducted under the provisions of this chapter.

(h) Enforcement actions not subject to informal hearing proceedings shall be in accordance to Title 14, section 012 of the Pawnee Nation *Cannabis sativa L.* (Hemp) Farming Act.

### **Section 315. Corrective Actions**

(a) A reasonable date by which the producer shall correct the negligent violation.

(b) A requirement that the producer shall periodically report to the Tribal government, as applicable, on its compliance with the Tribal plan for a period of not less than the next 2 years from the date of the negligent violation.

(1) Provide a date by which the Licensee shall correct the negligent violation;

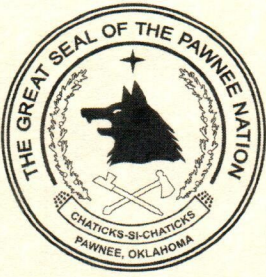
(2) Include steps required by the Department to correct each negligent violation;

(3) Require the Licensee to provide a description of procedures to the Department to demonstrate compliance with the required corrective action plan.

(c) A producer that negligently violates a Tribal plan approved under this part shall not as a result of that violation be subject to any criminal enforcement action by the Federal, State, Tribal, or local government.

(d) A producer that negligently violates a USDA-approved Tribal plan three times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

(e) The Tribe shall conduct an inspection to determine if the corrective action plan has been implemented as submitted.



# Pawnee Nation of Oklahoma

RESOLUTION #19-26  
MARCH 28, 2019

## RESOLUTION

**Whereas,** the Pawnee Business Council is the supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Nation Constitution and By-Laws; and

**Whereas,** the Pawnee Business Council met in special session on March 28, 2019, at the Pawnee Nation Resource Center, duly authorized, with a quorum present; and

**Whereas,** the Pawnee Nation Constitution Art. IV. §2 reads, 'Subject to the limitations imposed by this Constitution and applicable Federal law, the Pawnee Business Council shall exercise all the inherent, statutory, and treaty powers of the Pawnee Nation of Oklahoma by the enactment of legislation, the transaction of business, and by otherwise speaking or acting on behalf of the Pawnee Nation of Oklahoma on all matters which the Pawnee Nation of Oklahoma is empowered to act; and

**Whereas,** the Pawnee Nation Business Council adopts the Pawnee Nation Cannabis Sativa L. (Hemp) Farming Regulations.

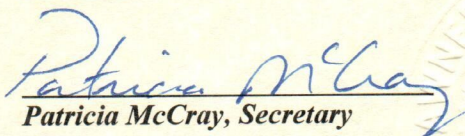
**NOW, THEREFORE BE IT RESOLVED** the Pawnee Business Council does hereby adopt the Pawnee Nation Cannabis Sativa L. (Hemp) Farming Regulations, effective March 28, 2019.

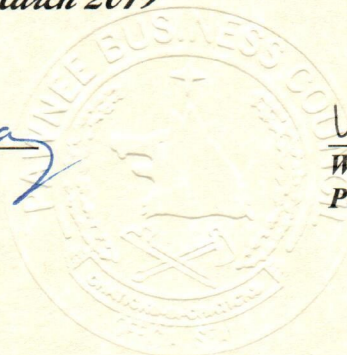
## CERTIFICATION

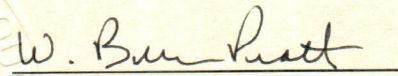
I, Patricia McCray, Secretary of the Pawnee Business Council, certify that a regular meeting of the Pawnee Business Council was held on the 28<sup>th</sup> day of March 2019, and that the Pawnee Business Council is composed of eight members, of whom 8 were present, 0 absent, compromising a quorum, and the foregoing resolution was duly adopted by a vote of 7 for, 0 against, 0 abstaining, and 1 not voting.

*Signed this 28<sup>th</sup> day of March 2019*

ATTEST:

  
Patricia McCray, Secretary  
Pawnee Business Council



  
W. Bruce Pratt, President  
Pawnee Business Council