

## Ysleta Del Sur Pueblo Hemp Plan (DRAFT)

Section 1: **Title** This document shall be known and codified, for purposes of the Pueblo Law and Order Code, as *The Ysleta del Sur Pueblo Hemp Production Plan* (“hemp plan”).

### Section 2: **Findings**

A. Pueblos and Indian tribes are dependent sovereign nations residing within the territorial boundaries of the United States of America. As such, the Ysleta del Sur Pueblo (“The Pueblo”) exercises, with some limitations imposed by the US Government, sovereign jurisdiction over its members and lands and nothing in this hemp plan shall be construed as waiving or limiting that sovereignty or jurisdiction.

B. The Agriculture Improvement Act of 2018, colloquially known as the Farm Bill, which amended the Agricultural Marketing Act of 1946 (7 U.S.C. § 1621 et seq.) by adding Subtitle G entitled “Hemp Production,” which would allow The Pueblo to cultivate Hemp in accordance with the Farm Bill and to create a hemp plan under which hemp may be grown and produced within Pueblo jurisdiction and which must be approved by the Secretary of Agriculture.

C. The Pueblo further finds that such use of its lands for hemp growing and production would be financially beneficial and promote the sovereign goals of The Pueblo and its people.

D. Finally, The Pueblo finds that it possesses the resources and personnel necessary to fulfill the requirements set forth in the Farm Bill.

### Section 3: **Definitions**

A. “Acceptable Hemp THC Level” means: A certified laboratory tested sample of hemp using the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range of 0.3% or less.

B. “Act” means the Agricultural Marketing Act of 1946, as amended.

C. “Agricultural Marketing Service” or “AMS” refers to the Agricultural Marketing Service of the U.S. Department of Agriculture.

D. “Applicant(s)” means a person(s) or entity/entities who submit an application to participate in the Ysleta Del Sur Pueblo Hemp Program.

E. “Cannabis” means a genus of flowering plants in the family Cannabaceae of which the Delta-9 Tetrahydrocannabinol concentration on a Dry Weight Basis has not been determined.

F. “CBD” means cannabidiol.

G. "Conviction" means any plea of guilty or nolo contendere or any final finding of guilt by a court of competent jurisdiction.

H. "Criminal History Report" means a Federal Bureau of Investigation's Identity History Summary.

I. "CSA" means Controlled Substance Act for purposes of this Plan.

J. "Culpable Mental State Greater Than Negligence" means to act intentionally, knowingly, willfully, recklessly, or with criminal negligence.

K. "Cultivate" means to plant, water, grow or harvest a plant or crop

L. "DEA" means United States Drug Enforcement Agency

M. "Decarboxylated" means the completion of the chemical reaction that converts THC-acid into delta-9 Tetrahydrocannabinol.

N. "Delta-9 Tetrahydrocannabinol" or "THC" means delta-9- tetrahydrocannabinol concentration, the intoxicating component of Cannabis.

O. "Dry Weight Basis" means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample.

P. "FSA" means the Farm Service Agency of the U.S. Department of Agriculture.

Q. "Financial Interest" means a person or entity that has an interest, share, or ownership in an operation(s).

R. "Handle" means to harvest, transport, or store Hemp plants or Hemp plant parts prior to the delivery of such plants or plant parts for further processing or for the purposes of chemical analysis and/or disposal of such.

S. "Handler" means a person or entity which handles hemp.

T. "He," or in the alternative, "She." Shall be used, for the purposes of this plan, interchangeably and shall not be evidence of gender preference.

U. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including but not limited to the seeds and all derivatives or extracts with a Delta-9 Tetrahydrocannabinol concentration of 0.3 percent or less on a Dry Weight Basis

V. "Indian Country" means:

1. All land within the exterior boundaries of any Indian reservation, The Ysleta del Sur Pueblo, under the protection of the United States Government,

notwithstanding the issuance of any patent, and, including rights-of-way running through said reservation.

2. All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state.

3. All Indian allotments, the titles to which have not been extinguished, including rights-of-way running through the same. (18 U.S.C. § 1151).

W. “Information Sharing System” means the database mandated under the Act which allows USDA to collect and share information collected under the Pueblo’s plan with Federal, State, Tribal, and local law enforcement.

X. “Key Participants” means a person or persons who have a direct or indirect financial interest in the Hemp being cultivated or in the entity producing the Hemp, such as an owner or partner in a partnership. A Key Participant also includes persons in a corporate entity with executive managerial control.

1. Key Participant does not include non-executive managers such as farm, field, and shift managers.

Y. “Law Enforcement Agency” means the Ysleta del Sur Pueblo Tribe Police Department, DEA, or other federal Law Enforcement Agency. This definition does not include any state law enforcement agency.

Z. “License” means a valid License issued by the Pueblo to grow, handle, store, process, transport, or market Hemp and shall be in conformity with a format prescribed by the USDA.

AA. “License Agreement” means an agreement between the Pueblo and Licensed Grower, Producer, Transporter or Handler pursuant to which the Pueblo regulates the conduct of that Licensee.

BB. “Licensed Grower” means a person or entity licensed by the Pueblo HCO to grow, Handle, store, and market Hemp under the terms established by this Plan.

CC. “Licensed Processor” means a person or entity licensed by the Pueblo to Process, Handle, store, and market Hemp under the terms established by this Plan.

DD. “Location ID” means the unique identifier established by the applicant for each unique set of geospatial coordinates where Hemp will be grown, handled, stored, or processed.

EE. “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of hemp throughout the area. The Lot shall match the growing area reported by the Producer to the FSA.

FF. “Marketable Hemp Product” means a Hemp product meant for public use or consumption that meets one or more of the following descriptions:

1. Marketable Hemp Product does not include any Hemp materials containing a THC level above 0.3 percent, as tested by a certified testing lab.
2. Marketable Hemp Product does include CBD that was derived from Hemp as defined by this Plan and not prohibited by applicable law or approved as a prescription medication by the United States Food and Drug Administration.

GG. “Marijuana” means all Cannabis with a tested THC level higher than 0.3 percent on a dry weight basis.

HH. “Measurement of Uncertainty” means the parameter, associated with the results of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to the measurement.

II. “Phytocannabinoid” means cannabinoid chemical compounds found in the cannabis plant, two of which are Delta-9 tetrahydrocannabinol (delta-9 THC) and cannabidiol (CBD).

JJ. “Pesticide” means any substance or mixture of substances intended to prevent, destroy, control, repel, attract, or mitigate any pest; used as a plant regulator, defoliant, or desiccant; used as a spray adjuvant, once they have been mixed with a U.S. Environmental Protection Agency registered product; and any substance or mixture classified as a pesticide by the Tribe or agency of the Federal Government.

KK. “Permit” means a Pueblo issued certificate that authorizes a licensed producer to plant, grow, or store Hemp, any part of Hemp, or Hemp related products in a specifically described and similarly licensed location.

LL. “Producer” means an owner or operator who shares the risk of cultivating a crop and who is entitled to share in the crop available for market or would have shared had the crop been Produced. This definition shall include a grower of hybrid seed.

MM. “Prohibited Variety” means a variety or strain of cannabis excluded by this Plan or current or subsequent regulations.

NN. “Process” means the harvesting of hemp or the use of any process or equipment necessary to convert raw Hemp plants or plant parts into a consumable product.

OO. “Processor” or “Processor Facility” means a commercial Pueblo licensed entity that purchases Hemp from a grower and extracts resin from the Hemp or creates a Hemp-infused product for sale and transfer in packaged form.

PP. “Processor License” means a document created by the Pueblo which authorizes a person or entity to process, handle, transport or store Hemp at a specified location(s).

QQ. “Propagule” means a plant or plant part that can be utilized to grow a new Hemp plant.

RR. “Pueblo” and Tribe shall be used interchangeably for the purposes of this Plan and shall mean the Ysleta del Sur Pueblo, a Federally recognized Indian Tribe.

SS. “Regulations” means the official regulations, policies, and procedures promulgated by the Ysleta del Sur Pueblo or designated tribal entity or organization with regulatory authority of the products and process contemplated by this Plan.

TT. “Tribal Court” means the courts of the Ysleta del Sur Pueblo which are courts of general jurisdiction.

UU. “Tribal Law” means any and all ordinance or laws of the Tribe enacted to authorize, implement or enforce this plan.

VV. “Tribal/Pueblo Jurisdiction” means all lands within the exterior boundaries of the Pueblo or Indian Country (see definition of such above) that are under the control of the Ysleta del Sur Pueblo.

WW. “Tribal Police” or “Tribal Law Enforcement” shall mean the Ysleta del Sur Pueblo Tribal Police Department.

XX. “USDA” means the United States Department of Agriculture.

YY. “Variety” or “Strain” means a subdivision of a species that is uniform and where the variations are distinctive, stable (distinctive characteristics remain unchanged, if reproduced) and describable and distinct, meaning the variety can be differentiated by one or more identifiable morphological, physiological or other characteristics from all other publicly known varieties.

ZZ. “Volunteer Cannabis Plant” means any cannabis plant that grows of its own accord and is not (**emphasis added**) intentionally planted.

Section 4: **Ysleta del Sur Pueblo Regulatory Duties and Responsibilities** - The Pueblo shall promulgate or cause to be promulgated regulations, policies, procedures and forms in furtherance of this plan. The Tribal Council will enforce or cause to be enforced the Pueblo’s regulations. The forms collected and all information entered on the forms will be used to maintain records and enforce procedures. Willful non-compliance with any of the established regulations will

result in immediate license revocation without the ability to reapply for one to three years, depending on violation and corrective action plan.

The Pueblo, under this section of the Hemp Plan shall conduct audits of Tribal licensees and issue corrective action plans for negligent violations. **Negligent violations by a producer may lead to suspension or revocation of a producer's license.** The Pueblo shall conduct both desk audits and site visit audits. And, at a minimum, there shall be annual inspections of a random sample of Producers to verify that hemp is not produced in violation of the Plan.

When the Pueblo visits a licensee's facility, the licensee must provide access to any fields, greenhouses, storage facilities or other locations where the licensee produces hemp. The Tribe may also request records from the licensee to include production and planting data, testing results, and other information as determined by Tribe.

So long as they are consistent with the USDA approved plan, the Pueblo's regulations, policies, procedures and forms shall include but shall not be limited to:

- A. Pesticide use in accordance with this Plan and all applicable regulations.
- B. It shall collect, maintain and provide the USDA with contact information of each license applicant and license holder.
- C. It shall ensure an annual crop report is submitted to FSA for each of its license holders and the Pueblo shall submit an annual report to FSA by December 15<sup>th</sup> of each year containing the information required in 7 CFR Part 990.70 (c).
- D. It shall maintain and report to USDA the status of licensed producers and any changes to information in an applicant's or license holder's application package or any changes to the status of their license or the license number.
- E. Not only shall it license Producers and Processors, but it shall also set guidelines for and eventually license all locations where Hemp is authorized to be grown and/or processed under this Plan.
- F. Create a process for reporting and recordkeeping of all relevant data associated with this Plan. The Pueblo will collect and maintain or cause to be collected and maintained any and all information it gathers in the furtherance of this plan for the duration of the Pueblo's involvement in the Hemp industry and for 10 years after the cessation of any tribal Hemp activities.
  - 1. Any and all agreements between growers and Processors shall be included in the general information the Pueblo shall have access to and shall maintain in some recorded form as outlined above in Section 4 (F).
- G. Sampling. The Tribal Sampling procedures are in accordance with the USDA guidelines for the collection of samples. THC testing and post-testing actions and the

collection of the resulting data shall be conducted by the Pueblo or, at the Pueblo's direction, by the Producer/Grower and/or Processor. Such samples are taken to obtain specimens for the measurement of tetrahydrocannabinol (THC) content which determine whether the specimens are Hemp or Marijuana. The measurements are intended to be representative of the THC content in a Lot of Hemp crop acreage as identified by the Producer's Tribal License. Hemp Producers may not harvest Hemp prior to the Hemp being sampled and receipt of permission to harvest from the Pueblo.

1. Producer shall not harvest any crop prior to pre-harvest samples being taken in the manner described herein.

a. Pre-Harvest Notification. At least 20 calendar days prior to harvest, each hemp Producer shall submit a pre-harvest notification, on a form provided by the Tribe. This will initiate the sampling process. A hemp grower must notify the Tribe immediately of any changes in the reported harvest dates in excess of seven calendar days.

1. At least 15 days prior to the anticipated harvest of Tribally Licensed Hemp, a Tribally Licensed Producer shall contact the Pueblo to arrange for a Federal or Tribal Law Enforcement Agency or other Federal or Tribal person designated by the Tribe and properly trained, to collect samples from the flower material. Harvest must be conducted within 15 days of this sampling.

b. From such plants, testing shall be done for Delta-9 Tetrahydrocannabinol concentration levels.

c. The method used for sampling from the flower material of the plant must be sufficient to determine, at a confidence level of 95 percent, that no more than one percent (1%) of the plants in the Licensed Lot would exceed the Acceptable Hemp THC Level under this Plan. The method used for sampling must ensure that a representative sample is collected and that it represents a homogeneous composition of the Lot.

e. During a scheduled sample collection conducted by the Pueblo, the Producer shall be present at the time of collection.

f. All Licensed Producers must provide the representative(s) of the sampling agency with complete and unrestricted access during business hours to all Hemp and/or other plants, whether growing or harvested, and to all land, buildings, and other structures used for the cultivation, handling, and storage of all Hemp and other Cannabis plants and seeds, as well as to all locations listed in the Producer's License and Permit(s).

f. A Tribally Licensed Producer shall not harvest their crop prior to these samples being taken and receipt of approval to harvest from the Pueblo.  
**Violation of this requirement shall be grounds for License revocation.**

H. Testing. The Pueblo shall contract or require Producer to contract with one or more Pueblo approved and DEA- registered testing laboratories which have the ability to utilize a reliable methodology for testing the THC level of Hemp using post-decarboxylation or other similar methods where the THC concentration level reported accounts for the conversion of Delta-9 Tetrahydrocannabinolic acid (THC-A) into THC. Current testing methodologies meeting these requirements include those using Gas or High Performance Liquid Chromatography with detection.

1. The lab's Hemp testing method must consider the potential conversion of delta 9 tetrahydrocannabinolic acid (THC-A) into THC and must measure the total available THC derived from the sum of the THC and THC-A.
2. The lab's results must also be accompanied by a scientifically accurate, consistent and reliable Measurement of Uncertainty and the potential range of THC concentration which results from the application of those uncertainty factors
3. The lab's quality assurance standards must ensure the validity and reliability of its test results and it must use only appropriate, validated methods and procedures for all testing activities and measures of uncertainty.
4. All test results shall be returned simultaneously to the Pueblo and the relevant Producer by the lab as soon as such test results become available.
5. The Producer may request a retesting of the original sample should she believe an error occurred with the testing. The Retesting shall be accomplished as soon as possible and such retesting shall be at the expense of the Producer and shall be performed in the same way and to the same standards as the original sampling and testing. However, at the request of the Producer, a different DEA-certified laboratory may be used should the Pueblo agree.
6. Upon receipt of a passing testing report, the Pueblo shall notify the Producer of its authorization to harvest or, in the instance of a failing testing report, order the destruction of the Lot in compliance with the terms of this Plan. The Pueblo shall also notify law enforcement and notify the USDA by certified mail or electronically of any test results that do not meet the requirements of this Plan or applicable federal law. It shall also fall upon the Producer to ensure the lab conducting the tests reports results to the USDA with all additional information required in 7 CFR Part 990.70 (d).
7. Any hemp lot failing testing must be quarantined until its proper destruction and disposal. The failing lot shall not be handled, processed by anyone while in quarantine nor may it enter the stream of commerce.



8. All samples become the property of the Pueblo and are non-returnable.

I. Storage. After the Lot has been sampled for testing and the Pueblo approves harvest, the Producer may harvest the Hemp for storage at a Pueblo Licensed Location. The Producer shall not remove the Hemp from a Licensed Location until the Pueblo authorizes removal and transportation. The Producer shall maintain a high degree of control over its lot(s) to assure that no hemp plant material from one lot be commingled with plant material from another lot. Producer shall create a record identifying each lot under its control and outline the precautions taken to ensure that no commingling occurs. This report shall immediately, upon storage, be filed with the Pueblo. However, **under no circumstance may the Hemp enter into the chain of commerce until tested and released by the Pueblo.**

J. Procedures for destruction of Hemp.

1. Mandatory disposal. A Producer whose Hemp is tested and found to exceed the Acceptable Hemp THC Level shall cooperate fully in the disposal of that Hemp or Hemp material by a person authorized under the Controlled Substance Act to Handle Marijuana, such as a DEA-agent or a duly authorized Federal or Tribal or law enforcement officer. The manner of disposal shall be in accordance with the Controlled Substance Act and DEA regulations found at 21 CFR 1317.15.

2. Producer Requested Destruction- A Producer who unilaterally determines that his Hemp crop or Hemp material must be destroyed under this Plan shall submit to the Pueblo a Crops Destruction Request at least 30 days prior to the proposed crop destruction. Upon receipt of this request, a Pueblo representative shall visit the site, determine the status of the grow, and either authorize the Producer's destruction of the crop by a person authorized under the Controlled Substance Act to Handle Marijuana, such as a DEA-agent or a duly authorized Federal or Tribal law enforcement officer. Destruction of a Hemp crop or Hemp material shall be accomplished in whatever manner proscribed by the supervising entity, e.g., the DEA or Tribal Police. At a minimum of 48 hours prior to destruction, a producer shall be required to provide a detailed plan for destruction as outlined by the supervising entity to the Pueblo. If allowed by the supervising entity, the Pueblo shall provide a representative to witness the destruction.

3. A Licensee whose crop is destroyed by a person authorized under the Controlled Substance Act to Handle Marijuana and in accordance with the Controlled Substance Act and DEA regulations found at 21 CFR 1317.15, shall create a Crop Destruction Report within 48 hours of destruction and forward that immediately upon completion to the Pueblo. A copy of the report shall be forwarded no later than the first of the month following the destruction to the USDA as per requirements contained in as per 7 CFR Part 990.70 (b). The report shall contain the following information:

- a. Name and address of the Licensee and any additional contact information that may be required as per 7 CFR Part 990.70 (b).
- b. The License number of the Licensee.
- c. Location information of the Lot destroyed with all Geospatial Location or other location descriptor included along with specific information on total acreage disposed of.
- d. Who and which agency effected the destruction including specific information regarding the agent (name and official identification information) conducting/directing the destruction and detailed information on the agency he/she represents.
- e. The date of destruction.
- f. Signature of the Licensee.

K. The regulation of prohibited products or activities associated with this Plan. Licensees who are found to have a negligent violation will be subject to corrective action. The Pueblo shall file a notice of negligent violation with the licensee and then establish and review a corrective action plan with the licensee. The corrective action plan will include a reasonable date by which the producer will correct the negligent violation or violations and require the producer to periodically report to Pueblo on its compliance with the plan for a period of not less than the next two calendar years from the date of the negligent violation.

**A producer who has negligently violated this part or any other applicable tribal or federal plan three times in a five-year period is ineligible to produce hemp within the Pueblo's Jurisdiction for a period of five years from the date of the third violation and may lead to suspension or revocation of a producer's license.**

A Producer that negligently violates this Tribal plan shall not, as a result of that violation, be subject to any criminal enforcement action by the Tribal, Federal, State, or local government. If the Tribe, operating under this approved plan, determines that a Producer has violated the plan with a culpable mental state greater than negligence, Tribal government shall immediately report the Producer to the U.S. Attorney General and the chief law enforcement officer of the Pueblo.

Implementation of the corrective action(s) shall be verified by the Pueblo during the next scheduled audits or through unannounced site visits by a Pueblo representative. A negligent violation includes but shall not be limited to:

1. Failure to obtain a license from the Pueblo prior to engaging in hemp production.

2. Failure to provide a legal description of the land on which the hemp is to be produced
3. Producing plants exceeding the acceptable hemp THC level.
  - a. A producer shall not commit a negligent violation if they produce plants exceeding the acceptable THC levels if they use reasonable efforts to grow hemp and the hemp does not have a THC concentration level of more than 0.5 percent on a dry weight basis.
4. Failure to conduct proper sampling or testing.
  - a. Sampling and testing violations occur only when the Pueblo takes into consideration an entire lot. This means that if testing determines that a sample of five plants from a specific lot has THC concentrations exceeding the acceptable hemp THC level contemplated under this Plan the Pueblo shall consider this a negligent violation.

L. Penalties (reserved). If new regulations make any substantive alterations to this hemp plan, the changes must be submitted to the USDA for review as per 7 CFR Part 990.4 (b).

M. Remedies (reserved). If new regulations make any substantive alterations to this hemp plan, the changes must be submitted to the USDA for review as per 7 CFR Part 990.4 (b).

N. Sharing Information with the USDA.

All relevant information regarding any hemp growing or production within the Pueblo's reservation shall be shared with the USDA. This generally shall include but shall not be limited to contact information for a hemp Producer operating within the Ysleta del Sur Pueblo reservation, a legal description of the land on which hemp is grown by each Producer and the status of each Producers' license from the Pueblo, acreage planted, acreage harvested and, if applicable, acreage destroyed. Further, the Pueblo shall require the Producers to report their hemp crop acreage to the FSA and this reporting shall be consistent with the requirement contained in 7 CFR Section 990.7. This shall be done in a manner and in time frames enumerated throughout this Plan or following those prescribed by the USDA.

**Section 5: Producer/Processor License** – All Producers and Processors shall apply for permission from the Pueblo to engage in any activities contemplated under this Plan. Permission shall be accomplished by way of a Pueblo sanctioned license. Said license shall be predicated on the person(s) or entity providing the licensing information taking and passing a full and thorough background investigation conducted by the Pueblo. Each license shall carry an identifier created in a format prescribed by the USDA.

A. Licensing of applicants. A person or persons representing themselves as a Producer of Hemp for the purposes of this Plan and applying for a license from the Pueblo must be over the age of 21 and have no felony convictions. Nor may an applicant have any

convictions for crimes related to illegal substances/drug use, drug trafficking or for crimes of dishonesty for the past 15 years. Further, any person(s) or entity applying for a license who, after a full background investigation on the applicant is completed, is found to have materially falsified any information in their application shall be deemed ineligible to participate in the program.

1. Applicants shall be required to apply to the Ysleta Del Sur Pueblo for a license and must submit all required forms in the Tribal License Application Packet and shall submit all requested information outlined in the application packet or additionally requested by the Pueblo.

- a. The application will include: Legal Name / Address / Telephone Number / Email Address / Current registered legal description of land area where hemp will be produced/processed, GPS location, or other land identifier used by Tribe.

B. The Tribe has established the following general requirements for applicants:

1. Full Application must be submitted with payment made for Tribal license processing fee.

2. All applicants are required to be fingerprinted and be backgrounded for statewide and nationwide criminal history check. If a business entity is the applicant, the person responding on behalf of the entity and any others deemed necessary by the Pueblo and in conformity with any and all applicable laws, rules or regulations shall undergo finger printing and background checks.

3. Each license is good for 1 year and licensees will have to be in compliance with the Tribal Hemp Plan in order to be eligible to renew.

4. Licenses are non-transferable and not permitted for re-sale.

5. Licensed producers will report crop acreage to FSA with the corresponding license number included.

6. Licensees shall provide to the Pueblo Proof of Insurance that includes worker's compensation for its employees and general liability insurance.

7. Licensees shall provide to the Pueblo a business plan and operations plan that includes, at a minimum, the following:

- a. The proposed acreage or greenhouse or indoor square footage for production or used for processing

- b. In detail, the type of activity proposed.

- c. A description of the type of facility proposed and the anticipated or actual number of employees. The name of the proposed Manager(s) of the Facility.
- d. A security plan which shall include a general description of the security systems(s), fencing and lighting plan showing the outside lighting and, if applicable, the alarmed and monitored security system service agreement(s).
- e. A list of Pesticides, and other chemicals proposed for use.
- f. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent land by the proposed Hemp production/processes.
- g. A plan for the disposal of Hemp, chemicals and related byproducts which shall be as stringent or more stringent than those contained in the Plan and shall meet all USDA requirements and guidelines.
- h. A statement of previous farming experience.
- i. Detailed information regarding the planned source of seeds or Propagules.

8. Producers shall report any changes of their contact information to the Pueblo, in writing, within 14 calendar days of the change.

**Section 6: General Guidelines for a Licensed Producer to Conduct the Growing of Hemp.**

Any and all planting and growing efforts by any Producer within Pueblo jurisdiction shall stringently follow this Plan and all applicable Tribal and Federal requirements for such as outlined in the Farm Bill and any all other similar and applicable documents.

**A.** A Producer shall establish certain records with the USDA Farm Services Agency which shall include hemp crop acreage, street address and, to the extent practicable, geospatial location for each lot or greenhouse where hemp will be produced. If an applicant operates in more than one location, that information shall be provided for all production sites, acreage dedicated to the production of hemp, or greenhouse or indoor square footage dedicated to the production of hemp and their license identifier.

**B.** Planting Report. Within 14 calendar days after planting any hemp, each licensed hemp Producer shall submit a planting report that includes the GPS coordinates and a map showing the location and actual acreage or square feet of hemp planted and the total acreage of hemp planted.

C. Post-Harvest Report. Within 14 calendar days post-harvest, each licensed hemp Producer shall submit a post-harvest report, on a form provided by the Pueblo. A hemp Producer is not required to document, in this report, the removal of male hemp plants on a post-harvest report if the male hemp plants are destroyed or utilized on the registered land area and are not transferred or sold.

1. However, if such an action is taken, a short report detailing the location of any such removed male hemp plants, quantity and actions taken to dispose of such shall be created by the Producer and filed separately with the Pueblo at the time of such action.

**Section 7: Applicability of Tribal Illegal Substances Laws**

A. Exemption from tribal prosecution. No employee or Key Participant of a Hemp Business or Licensed Producer or Processor shall be subject to criminal prosecution or civil penalty under Tribal Law for the cultivation, production, or distribution of Hemp when acting in accordance with this Plan.

1. This Plan shall supersede and stand in stead of existing Tribal Law on this matter.

Section 8: **Tribal Testing.** The Tribe reserves the right to seek USDA and DEA approval for its own testing procedures/facility.

Section 9: **Fines and Fees.** If not otherwise specified in this document, the Pueblo may apply reasonable fees to Producer/Processors for licensing, testing, sampling and all other activities that may render costs for the administration of this Plan. Reasonable fines may also be assessed by the Pueblo on Producer/Processors for any infractions of this Plan.