

RECEIVED
FURTHER INFORMATION

CROW CREEK SIOUX



TRIBAL RESOLUTION

2023 DEC -6 PM 2: 57

CC-23-11-29-01

SUBJECT: Approval of the submission of an Amended Tribal Plan to regulate the production of hemp within the Tribe's Territory to the USDA

- WHEREAS:** The Crow Creek Sioux Tribal Council is the official and governing body of and for the Crow Creek Sioux Reservation; and,
- WHEREAS:** Under the Constitution and By-Laws of the Crow Creek Sioux Tribe, The Tribal Council is empowered and authorized to enact resolutions and ordinances governing the management of all economic and educational affairs and enterprises of the Tribe; and
- WHEREAS:** The Crow Creek Sioux Tribal Council has the authority and responsibility to oversee all tribal matters on the Crow Creek Sioux Indian Reservation; and
- WHEREAS:** The Agriculture Improvement Act of 2018 provides for an Indian Tribe to have primary regulatory authority over the production of hemp in its territory upon submission and approval of a Tribal Hemp Plan to the Secretary of Agriculture; and
- WHEREAS:** The Crow Creek Sioux Tribal Council determined that hemp is a valuable agriculture crop and commodity that can be cultivated within the territory of the Crow Creek Sioux Tribe; and
- WHEREAS:** The Crow Creek Sioux Tribal Council approved and submitted a Tribal Hemp Plan to the USDA in July 2023, and has now determined such plan must be amended and replaced; and
- WHEREAS:** The Crow Creek Sioux Tribe has drafted an amended plan to regulate the production of hemp in compliance with Federal and Tribal law that includes:
1. A practice to maintain relevant information regarding land on which hemp is produced;
 2. A procedure for conducting annual inspections of a random sample and testing total delta-9 tetrahydrocannabinol concentration levels of hemp produced;
 3. A procedure for the effective disposal of hemp plans and hemp products;
 4. A procedure to comply with enforcement procedures;
 5. A procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of the 2018 Farm Bill;
 6. A procedure for submitting Section 297C(D)(2) information to the Secretary of Agriculture not more than 30 days after the date on which the information is received;
 7. A certification that the Indian Tribe has the resources and personnel to carry out the Tribal Plan.
- WHEREAS:** The Crow Creek Tribal Council has determined that it is in the best interest of the Tribe to approve and submit the attached Amended Tribal Hemp Plan for approval by the Secretary of Agriculture.



NOW THEREFORE BE IT RESOLVED; that the Crow Creek Sioux Tribal Council in Special Session on November 29th , 2023 hereby motion to rescind and replace the Crow Creek Sioux Tribe Hemp Plan previously submitted to the USDA in July 2023.

BE IT FURTHER RESOLVED, the Crow Creek Tribal Council hereby authorizes and approves the attached Amended Tribal Hemp Plan for submission to the Secretary of Agriculture pursuant to Section 297B of the Agriculture Improvement Act of 2018.

Motion: Kyle Loudner

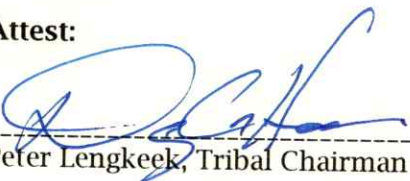
Second: Christine Obago

Vote: 07 FOR: Frankee Hall, Christine Obago, Kyle Loudner, Fabian Howe
02 ABSENT: Matt St. John
00 AGAINST:
02 NOT VOTING: Daryl G. Howe
Chairing the meeting: Daryl G. Howe

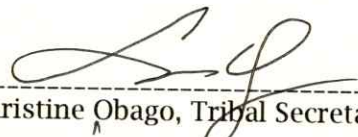
CERTIFICATION

***THIS FOREGOING RESOLUTION** was duly adopted by the Crow Creek Sioux Tribal Council on **this 29th day of November, 2023 in Special Session** by a vote of **07 for 00 against 02 absent 02 not voting** for the Crow Creek Sioux Tribe, pursuant to authority vested in it by Article vi, section 1 of the Constitution of the Tribe, ratified by the Tribe on March 11, 1949 and approved by the Secretary of the Interior on April 26, 1949 and with amendments approved by the Commissioner of Indian Affairs on June 22, 1961, February 25, 1963 and by the Area Director on June 23, 1980 and February 4, 1986, December 16, 2013 and August 28,2019.*


Attest:



Peter Lengkeek, Tribal Chairman



Christine Obago, Tribal Secretary



Prepared by:
Carla Pickner, Recording Secretary

**CROW CREEK SIOUX TRIBE
AMENDED TRIBAL HEMP PLAN
APPROVED ON NOVEMBER 29, 2023 FOR SUBMISSION TO THE:
UNITED STATES DEPARTMENT OF AGRICULTURE**

I. INTRODUCTION

The Crow Creek Sioux Tribe is a sovereign entity with the power and authority of self-governance. The Tribe adopted its Constitution and By-Laws by referendum vote of the eligible resident voters of the Crow Creek Sioux Tribe.

Pursuant to Article III of the Constitution, the Crow Creek Tribal Council is the governing body of the Tribe. Among the powers of the Tribal Council, are the powers to:

- Negotiate with Federal, State, and local governments on behalf of the tribe;
- Adopt resolutions and govern the management of all economic affairs and enterprises of the tribe, including tribal lands, tribal timber, tribal livestock enterprises, tribal community store, or any other tribal activity; and
- Promulgate and enforce ordinances governing the conduct of members of the Tribe.

The Crow Creek Sioux Tribe wishes to continue to exercise its inherent sovereign authority over its internal affairs and its land. This includes maintaining primary regulatory authority over the production of hemp within the territory of the Crow Creek Sioux Tribe. Hemp is a valuable agricultural crop and commodity that can be cultivated within the exterior boundaries of the Crow Creek Sioux Indian Reservation. The purpose of this plan is to:

- promote the cultivation of hemp and the development of new and/or expansive commercial markets through the sale of hemp products to the maximum extent permitted by law;
- Enable Licensees and affiliated postsecondary institutions to conduct research regarding the cultivation of hemp and the creation of hemp products within the exterior boundaries of the Reservation;
- regulate hemp as an agricultural commodity in compliance with federal and Tribal law; and
- protect the political integrity, economic security, health and welfare, and public safety of the Tribe, its Tribal Members, and the local communities within its Territory.

DEFINITIONS

1. “Acceptable hemp THC level” means the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less.
2. “Applicant” means a person, or a person who is authorized to sign for an entity, who applies for any type of tribal hemp License or Permit.
3. “Commercial sale” means the sale of a product in the stream of commerce at retail or at wholesale, including online sales.

4. "Corrective Action Plan" or "CAP" means a plan established by the Tribe to correct a negligent violation, including: (1) a date for correcting the negligent violation; (2) a requirement to periodically report to the Tribe regarding compliance with the Plan for at least the next two calendar years; (3) Tribe shall conduct inspections to determine if CAP has been implemented.
5. "Cultivate" or "cultivating" means planting, watering, growing, and harvesting a hemp plant or crop.
6. "Cannabis":
 - a. Means all parts of the cannabis plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives, and extracts; and
 - b. Cannabis does not include "publicly marketable hemp products," as defined in herein.
7. "CBD" means cannabidiol.
8. "Commercial sale" means the sale of a product in the stream of commerce at retail or at wholesale, including on the internet.
9. "Commission" means the Crow Creek Sioux Tribal Hemp Regulatory Commission.
10. "Disposal" means plowing under, mulching/ composting, disking, bush mower/chopper, deep burial, and burning. An activity that transitions the non-compliant product into a non-retrievable or non-ingestible form. Such activities include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; burying plant material into the earth and covering it with soil.
11. "Decarboxylated" means the completion of the chemical reaction that converts THC-acid into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid.
12. "Delta-9-THC" means delta-9-tetrahydrocannabinol concentration (the primary intoxicating component of cannabis).
13. "GPS coordinates" means latitude and longitude coordinates derived from a global positioning system (GPS).
14. "Handling" means possessing or storing hemp plants for any time period on premises owned, operated, or controlled by a Licensee to cultivate or process hemp. Handling also includes possessing or storing hemp plants in a vehicle for any time period other than during its actual transport from the premises of a Licensee to the premises of another Licensee. Handling does not include possessing, storing, or transporting finished hemp products.

15. "Hemp" means the plant species *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 total delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. The term "hemp" encompasses all parts of the plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives and extracts and all Propagule of hemp.
16. "Hemp product" or "industrial hemp product" means all products finished or unfinished derived from or made by processing hemp.
17. "Key participant" means a person or persons who have a direct or indirect financial interest in the entity producing hemp. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer.
18. "Law enforcement agency" means the Crow Creek Police Department, United States Drug Enforcement Agency, or other federal law enforcement agency or drug suppression unit but does not include any state law enforcement agency except in those cases where the Tribe and State have entered into a cross-deputization agreement.
19. "License" means a valid certificate, in a specified format prescribed by the USDA, issued by the Crow Creek Sioux Tribe to grow, handle, store, process, transport, or market hemp.
20. "Licensed hemp producer" or "Licensee" means the person licensed by the Tribe to cultivate hemp within the exterior boundaries of the Crow Creek Sioux Indian Reservation.
21. "Lot identification" means the unique identifier established by the Applicant for each unique GPS coordinates where hemp will be grown, handled, stored, or processed, which can include a field name or building name.
22. "Licensed processor" means a person licensed by the Commission to process, handle, store, and market hemp under the terms established in a tribal processor licensing agreement, and applicable tribal and federal law.
23. "Location ID" means the unique identifier established by the Commission and the applicant which defines where hemp may be grown, handled, stored, or processed by a specific license holder. The term location may include a field name or building name. All Location IDs used by the Commission shall be readily identifiable by the Tribe and the United States Bureau of Indian Affairs.
24. "Lot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout the area.
25. "Measurement of Uncertainty (MU)" means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.
26. "Nonviable seed" means a seed that has been crushed, dehulled, or otherwise rendered to

- have a zero percent germination rate.
27. "Permit" means a tribally issued certificate/license that authorizes a Licensee to plant, grow, or store hemp, any part of hemp, or hemp-related products in a specifically described location.
 28. "Person" means an individual or entity.
 29. "Pesticide" means any substance or mixture of substances intended to:
 - a. Prevent, destroy, control, repel, attract, or mitigate any pest;
 - b. Be used as a plant regulator, defoliant, or desiccant; or
 - c. Be used as a spray adjuvant, once they have been mixed with a U.S. Environmental Protection Agency registered product.
 30. "Postsecondary institution" means a postsecondary institution that meets the requirements of 20 U.S.C. §1001.
 31. "Pre-harvest sample" means a representative portion from plants in a hemp plot collected in accordance with the procedures established by the Commission, the testing lab, and applicable tribal and federal law.
 32. "Process" or "processing" means to convert any portion of a hemp crop into a hemp ingredient, hemp product, or other marketable form.
 33. "Processor licensing agreement" means a licensing document executed by a person and the Commission authorizing the person or entity to process, handle, and store already cultivated hemp at one (1) or more specified locations within the territory of the Tribe under the terms established by that person's processing license, processing license agreement and applicable tribal and federal law.
 34. "Produce means to grow hemp plants for market, or for cultivation for market.
 35. "Producer," or "Licensed Producer" means a person who is authorized and licensed by the Tribe to produce and grow hemp and/or hybrid hemp seeds at one (1) or more specified locations within the territory of the Tribe under the terms established in a producer's licensing agreement and applicable Tribal and federal law, including 7 C.F.R. § 718.2 to the extent that the definition of "producer" thereunder is consistent with producers licensed to grow hemp on tribal lands under this Plan. "Producer" also means "Grower."
 36. "Propagule" means a plant or plant part that can be utilized to grow a new plant.
 37. "Publicly marketable hemp product" means a hemp product that meets one (1) or more of the following descriptions:
 - a. The product does not include any living hemp plants, viable seeds, leaf materials, floral materials, or delta-9-THC content above three-tenths of one percent (0.3 %) on a dry weight basis; and does include, without limitation, the following products:

- bare stalks, bast fiber, hurd fiber, nonviable roots, nonviable seeds, seed oils, and plant extracts (excluding products containing delta-9-THC above zero and three-tenths (0.3) percent);
- b. The product is a CBD that was derived from hemp.
 - c. The product is a CBD that is approved as a prescription medication by the United States Food and Drug Administration where required.
38. "Reservation" means the reservation of the Crow Creek Sioux Tribe.
39. "Secondary pre-harvest sample" means a pre-harvest sample that is taken:
- a. In a given plot after the first pre-harvest sample is taken; and
 - b. On a different day than the initial pre-harvest sample.
40. "Seed source" means the origin of the seed or propagules as determined by the Commission.
41. "Signing authority" means an officer or agent of an entity with written authorization to commit the entity in writing to a binding agreement.
42. "Territory" means all lands within the original exterior boundaries of the Crow Creek Sioux Indian Reservation as defined by Section 6 of the Act of March 2, 1889, 25 Stat. 888.
43. "Testing facility" means a Drug Enforcement Administration (DEA) registered laboratory that must include a validated testing methodology that uses postdecarboxylation gas or liquid chromatography with detection. The total THC concentration level shall be determined and reported on a dry weight basis. The registered laboratory may also be an accredited ISO/IEC 17025 facility, the standard published by the International Organization for Standardization (the "ISO") titled "General requirements for the competence of testing and calibration laboratories", or an accreditation standard approved by the Crow Creek Sioux Tribe.
44. "THC" means delta-9 tetrahydrocannabinol concentration.
45. "Tribal Court" means the courts of the Crow Creek Sioux Tribe.
46. "Tribal police" or "Tribal law enforcement" shall mean the Crow Creek Sioux Tribal Police and the BIA Office of Justice Services-Crow Creek Agency.
47. "Tribe" means the Crow Creek Sioux Tribe, which is recognized as eligible by the United States Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as a federally recognized tribe and are recognized as possessing powers of self-governance.
48. "USDA" means the United States Department of Agriculture.
49. "Variety" means a subdivision of a hemp species that is:

- a. Uniform, in the sense that the variations in essential and distinctive characteristics are describable;
- b. Stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity even if reproduced or reconstituted as required by the different categories of varieties; and
- c. Distinct, in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, other characteristics from all other publicly known varieties.

TRIBAL HEMP PROGRAM; TRIBAL HEMP COMMISSION

The Crow Creek Sioux Tribe Hemp Program includes the establishment of the Crow Creek Tribal Hemp Regulatory Commission. The Tribal Council vests it with the authority to license and manage the possession, cultivation, transportation, production and use of hemp and hemp products within the territory of the Tribe so long as it does so in compliance with applicable tribal and federal law.

II. A PRACTICE TO MAINTAIN RELEVANT INFORMATION REGARDING LAND ON WHICH HEMP IS PRODUCED.

The Tribe will collect, maintain, and provide to USDA the contact information for each hemp producer licensed or authorized to produce hemp on the Reservation. This information shall include name, address, telephone number, and email address (if available). If the producer is a business, then information must also include the full name of the business, the principal business location, full name and title of the key participants, email address (if available), and EIN of the business entity.

The Tribe will collect, maintain, and provide to USDA legal descriptions of the land where hemp is produced on the Reservation. Required information shall also include the total acreage dedicated to production of hemp (or greenhouse or indoor square footage), street address and the geospatial location(s) of each lot. The Tribe will maintain and report to USDA the status of licensed producer (and any changes) and license or authorization numbers on producers. The information will be provided to USDA through its information sharing system, HeMP.

The Crow Creek Tribal Hemp Regulatory Commission shall have primarily responsibility for maintaining such accurate information and submitting to USDA by the 1st day of each month.

LICENSE REGISTRATION

An Applicant who wishes to grow, process, handle, transport, or store hemp within the Crow Creek Sioux Tribe's jurisdiction must possess a valid License to do so. The Tribe shall determine the appropriate number of hemp Licenses allowed within the exterior boundary of the Crow Creek Reservation. The Tribe shall adopt a uniform licensing application form and a process for approval or denial of Licenses. A Licensee who has had a License terminated shall not be eligible to reapply to the program for a period of five years from the date of License termination. Applicants must undergo a nationwide criminal background check as part of an application for licensing. The Tribe may require other background checks. When applying for a License, any owners, directors, and managers with signature authority, must each submit to relevant background checks. The Tribe may collect fees that are reasonable in the processing of License applications. Failure to pay the License fees will result in the denial of an application.

1. Hemp license applications shall include at a minimum:
 - a. Full name, residential address, telephone number, and e-mail address, if available.
 - b. If Applicant is a business entity, the full legal name of the business, EIN, the principal business location address, the Key Participants, the full name of the Applicant with signature authority, title, and e-mail address.
 - c. Documentation showing either a valid ownership, tenancy, or other legal interest in the proposed location.
 - d. Street address, legal description and GPS coordinates for each lot, greenhouse, or building where hemp will be grown, handled, processed, or stored.
 - e. Information regarding any other hemp growing or processing facility owned or licensed by Applicant that is licensed in any other jurisdiction.
 - f. Proof of insurance that includes worker's compensation insurance and general liability insurance.

- g. Business and operations plan that includes: proposed acreage or indoor square footage to be planted or used for processing; description of facility proposed and number of employees; name of proposed facility manager; security plan with security system(s) and lighting plan showing outside lighting, and centrally alarmed and monitored security system service agreements; list of pesticides and chemicals proposed for use; description and plan of all equipment and methods employed to stop any impact to adjacent uses including assurances of no odor detected from outside the location; disposal plan of hemp and related by-products; statement of previous farming experience; and planned source of seeds.
2. Any Application missing the required information shall be subject to denial. The Tribe shall notify the Applicant via e-mail. If an Application is not corrected or supplemented within 30 calendar days after the Tribe's notification, the Tribe shall deny the application.
3. The Tribe shall notify Applicants by letter or e-mail whether the Application has been conditionally approved or denied. If the Tribe sends a letter to the Applicant, it will be to the address listed on the Application.
4. Any person who materially falsifies any information contained in an application to participate in such program shall be ineligible to participate in that program.

SITE REGISTRATION

As a component of the license application, each applicant shall submit a site registration application for a permit. A Permit is required for each location site where hemp is planted, grown, handled, processed or stored. The Tribe shall adopt a uniform permitting application and process for approval or denial of location Permits. Permits may only be issued to Licensees. No Licensee shall have the expectation of privacy with respect to any location site that is issued a Permit.

Licensees, whether present or not, shall allow representatives of the Tribe and/or federal law enforcement agencies access to the location site with or without cause and with or without advance notice. The Tribe may collect fees that are reasonable to process location Permit Applications and location site modifications. Non-payment of fees shall result in an Application for a Permit to be denied. The site registration application shall include, at a minimum:

1. The street address and legal description of each lot, greenhouse, or building where hemp is produced;
2. If hemp is produced or is intended to be produced in a lot: Global Positioning System (GPS) coordinates at the approximate center of the lot; number of square feet or acres of each lot; and a map of the production area showing clear boundaries of the lot.
3. If hemp is produced or is intended to be produced in a greenhouse or other building: GPS coordinates at the approximate center of the greenhouse or building; approximate dimension or square feet of the greenhouse or building; and a map of the production area showing clear boundaries of the greenhouse or building.

RECORDS

1. The Crow Creek Hemp Program's reporting requirements at a minimum, must report and maintain records on the following information:
 - Retain information about locations including the legal description, and Lot identification information for every location where the Tribe has approved hemp to be grown;
 - Information about approved growing, processing, handling, and storage locations to share with the Tribe, Tribal police, and other law enforcement agencies whose representatives request registered Lot information, including the legal descriptions and GPS coordinates;
 - All Applications for licensure; grants and denials of Licenses; receipt of fees; distribution of fees; and revenues to the Tribe;
 - The Tribe will create a quarterly report to summarizing the Program's official actions, activities, investigative reports, and reports received about any hemp business.
 - shall submit to USDA, by the first of each month, required information through USDA's information sharing system, HeMP.
2. Not more than thirty days after receiving and compiling the following information, the Tribe shall submit to the Agricultural Marketing Service (AMS)/USDA, by the first of each month, the Tribal Hemp Production Report providing the contact information and the status of the license or other authorization issued for each Licensee, whether an individual or entity: (1) the Licensee's legal (and common) name; (2) the Licensee's telephone number, e-mail address, residential or business address, mailing address, or another form of contract information; (3) the Lot identification for each field, facility, or other place where hemp is licensed to be grown; (4) the license number issued by the Hemp Program; and (5) whether the Licensee's License is in good standing.
3. A Licensee shall report their hemp crop acreage to Farm Service Agency (FSA). The Licensee must provide, at a minimum: (1) street address and geospatial location for each lot or greenhouse where hemp will be produced; (2) acreage and indoor square footage dedicated to production of hemp; and (3) License identification. The Licensee shall submit the FSA form 578 to the Commission within 30 days of receipt.
4. A Licensee shall submit a complete and current Planting Report form to the Tribe within fifteen days after every planting, including replanting, of seeds or propagules in an outdoor lot. Each Report shall identify: (1) the correct variety name of seeds as designated upon approval of an acquisition request or as approved by the Tribe; (2) the Lot identification as listed in the Licensee's application; and (3) the primary intended use of the harvest for each planting.
5. A Licensee who does not plant hemp in an approved outdoor lot listed in the Licensee's application, shall submit a Planting Report, on or before May 31, stating that hemp has not and shall not be planted at that location.
6. A Licensee shall submit a complete and current Greenhouse/Indoor Planting Report form to the Tribe within fifteen days after establishing plants at an indoor location. Each Report shall identify: (1) the correct variety name of seeds as designated upon approval of an

acquisition request or as approved by the Tribe; (2) the Lot identification as listed in the Licensee's application; and (3) the primary intended use of the harvest for each planting.

7. In addition to the initial Greenhouse/Indoor Planting Report, a Licensee with an approved greenhouse or indoor growing location Permit shall submit quarterly reports for each Lot identification to the Tribe. These reports are due no later than March 31, June 30, September 30, and December 1. All required forms, reports, and records submitted to the Tribe shall be kept for a minimum of three calendar years. Licensees and the Hemp Program are each responsible for storing such records.
8. A Licensee shall submit a complete and current Harvest/Destruction Report form to the Tribe at least fifteen days prior to the intended harvest date or intended destruction date of a failed crop.
9. For the purpose of information sharing with law enforcement, the Tribe shall collect the following information to provide to the Secretary of Agriculture: (1) the contact information for each Licensee; (2) a legal description of the land on which hemp is cultivated by each Licensee; and (3) for each Licensee, the status of their license or other required authorization from the Tribe; and any changes to the status.

III. A PROCEDURE FOR CONDUCTING ANNUAL INSPECTIONS OF A RANDOM SAMPLE AND TESTING TOTAL DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION LEVELS OF HEMP PRODUCED.

SAMPLING AND TESTING FOR TOTAL DELTA-9 THC CONCENTRATION

Hemp cultivated from each registered lot must be tested for total THC concentration prior to harvest by a DEA-registered testing facility at the Licensee's expense. A Licensee shall not remove a harvest from a lot that has not been sampled and tested for compliance with the allowable total THC concentration levels on a dry weight basis. A Licensee must arrange for a tribal designated person to collect samples from the flower material from the cannabis plants and ensure the sampling of each lot is no more than 30 days prior to harvest for the purpose of determining that the harvest does not exceed allowable total THC concentration levels on a dry weight basis.

The method used for sampling shall follow the U.S. Domestic Hemp Program Production Program Sampling Guidelines for Hemp (Issued January 15, 2021) and incorporated herein. Such method must ensure that the flower material sample is collected that represents a homogeneous composition of the lot. Samples of hemp plant material from one lot shall not be commingled with hemp plant material from other lots. During a scheduled sample collection, the Licensee or an authorized representative of the Licensee shall be present at the registered lot.

Compliance testing for hemp cultivated under this plan shall be conducted by testing facilities registered by the DEA and may also have an ISO/IEC 17025 accreditation, the standard published by the International Organization for Standardization or an accreditation standard approved by the Tribe. The testing procedure must include a validated testing methodology that uses postdecarboxylation. The testing methodology must consider the potential conversion of tetrahydrocannabinolic acid (THC-A) in hemp into THC and the test result measures total available THC derived from the sum of the THC and THC-A content. Testing methodologies include, but are not limited to, gas or liquid chromatography with detection. The total THC concentration level shall be determined and reported on a dry weight basis.

The tests results shall identify the lot identification and be certified directly to the Tribe by the testing facility prior to harvest. Each Licensee must ensure the laboratory conducting the test of the sample reports the test results for all samples tested to the USDA. For each sample tested pursuant to this plan, the Licensee shall obtain a certificate of analysis from a testing facility that includes, at a minimum: (1) information identifying the hemp as a sample tested by the laboratory and provided by the Licensee; (2) the date the hemp was sampled, tested, and the testing methodology used to analyze the sample; (3) the THC concentration levels contained in the sample; and (4) a statement indicating whether the sample contained a THC concentration level more than the federally-defined limit of THC concentration level, including Measurement of Uncertainty. The Tribe must promptly notify USDA, through USDA's information sharing system, HeMP, of any samples from a registered lot that do not meet the definition of hemp and a record demonstrating the disposal of all plants and materials from the sampled lot.

ANNUAL INSPECTIONS OF A RANDOM HEMP SAMPLE

The Tribal law enforcement and Commission staff shall have the authority to conduct random inspections of Licensees and all permits to verify compliance with all requirements of the license issued. Inspection may include sampling by the Tribe's inspectors for testing to determine THC concentration levels in hemp or hemp products or any other Tribally defined purpose. Inspections may include remote audits of Licensee records. Inspections may be conducted at any time during regular business hours. Inspectors shall be granted unrestricted access to the site. Each year, the Commission will conduct random inspections of 10% of its licensees or at least one licensee, whichever is lower. All samples collected by the Tribe's inspectors shall become property of the Tribe and no compensation shall be owed by the Tribe for such samples. The Tribe shall keep test results for all hemp and hemp products tested for a minimum of three years. Testing of hemp shall be conducted pursuant to standards adopted by the Tribe using post-decarboxylation for the test of total delta-9 THC concentration.

IV. A PROCEDURE FOR THE EFFECTIVE DISPOSAL OF HEMP PLANTS AND HEMP PRODUCTS.

DISPOSAL OF HEMP PLANTS AND PRODUCTS

Hemp that contains a higher THC concentration level than the acceptable hemp THC level shall be disposed of onsite by the Licensee in compliance with the Tribe's rules and all applicable federal, state, and local laws, regulations, rules, and other requirements. Lots 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.

If hemp contains a higher THC concentration level than the acceptable hemp THC level, the Licensee shall promptly notify the Tribe and USDA of its intent to dispose of or remediate non-conforming lots and verify disposal or remediation by submitting required documentation. The Tribal shall provide for verification of successful disposal or remediation of noncompliant hemp through in-person, photographic, or video evidence.

Non-conforming lots may be remediated by the Licensee according to any of the following options: (1) hemp stalks may be harvested, processed, and used for fiber and/or any other lawful purpose; (2) hemp seed may be harvested, processed, rendered non-viable for food products, provided it is sourced from hemp grown with seed certified pursuant to the Tribe's seed certification program, or otherwise received certification by other seed agencies recognized by the Tribe; or (3) shredding the entire hemp plant to create biomass.

If a Licensee elects to perform remediation activities, an additional sampling and testing of the post-remediated crop must be conducted to determine total THC concentration levels. Any lot that tests above the acceptable THC concentration level after remediation is non-compliant and must be destroyed.

Licensees shall have fourteen calendar days from the date of notification of test results higher than the acceptable hemp THC level to contact the Tribe in writing and apply for retesting or propose destruction, on-site utilization, or remediation. Hemp subject to destruction or remediation shall not be removed from the location. Methods of destruction may include, but are not limited to, incineration, composting, tilling into the soil, or grazing by livestock. All hemp subject to destruction or on-site utilization shall not be added to or processed into any consumable product.

Any Licensee that fails to submit a Crop Destruction Report shall have its License revoked, shall be banned from participating in the Hemp Program in the future, and shall be subject to a civil penalty of up to \$2,500. A Licensee, whose hemp must be destroyed, is required to submit a Crop Destruction Report at least fifteen days prior to the proposed crop destruction. The Report shall contain the following:

- Lot identification of the hemp crop to be destroyed;
- Variety/strain of the hemp crop;
- Date of proposed destruction;
- Proposed method of destruction;
- Whether the destruction will be a complete destruction of all hemp at the site;

- Photos of the hemp site proposed for destruction;
- License number of the Licensee; and
- Licensee's signature.

The Tribe shall promptly notify the USDA through its information sharing system, HeMP, of any occurrence of cannabis plants or plant material that do not meet the definition of hemp and attach the records demonstrating the appropriate disposal of all of those plants and materials in the lot.

V. A PROCEDURE TO COMPLY WITH ENFORCEMENT PROCEDURES.

VIOLATIONS AND ENFORCEMENT PROCEDURES

If the Tribe determines that the Licensee has negligently violated the requirements of the Hemp Tribal Code, including: (1) failing to provide a legal description of land on which the Licensee cultivates hemp; (2) failing to obtain a License or other required authorization from the Tribe, as applicable; and (3) producing *Cannabis sativa L.* with a total tetrahydrocannabinol concentration of more than the acceptable hemp THC level. Hemp producers do not commit a negligent violation if they may reasonable efforts to grow hemp and the cannabis does not have a total delta-9 tetrahydrocannabinol concentration of more than 1.0 percent on a dry weight basis.

A Licensee who receives a negligent violation determination shall comply with a corrective action plan (CAP) established by the Tribe to correct the negligent violation. The CAP will include, at a minimum, the following terms:

1. A reasonable date by which the Licensee shall correct the negligent violation.
2. A requirement that the Licensee 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.
3. A Licensee that negligently violates a Tribal plan shall not as a result of that violation be subject to any criminal enforcement action by the Federal or Tribal government.
4. A Licensee that negligently violates a 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.
5. The Tribe shall conduct an inspection to determine if the CAP has been implemented as submitted.

If the Tribe determines that a Licensee within the exterior boundaries of the Crow Creek Indian Reservation has violated the Hemp Tribal Code with a culpable mental state greater than negligence, the Tribe shall immediately report the Licensee to: the United States Attorney General; the Tribe's chief law enforcement officer; and the Tribe's General Counsel.

Any person, including a key participant, with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the Tribal Plan and producing hemp from the date of the conviction. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date. Any producer growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by 7 U.S.C. § 5940 before October 31, 2019, shall be exempted from this section. Any applicant who materially falsifies any information in the Tribe's application shall be deemed ineligible to participate in the Tribe's hemp program.

VI. A PROCEDURE FOR SUBMITTING SECTION 297C(D)(2) INFORMATION TO THE SECRETARY OF AGRICULTURE NOT MORE THAN 30 DAYS AFTER THE DATE ON WHICH THE INFORMATION IS RECEIVED.

The Tribe shall submit the information described in 7 CFR Section 990.70 to the Secretary not more than 30 days after the date on which the information is received. The Crow Creek Tribal Hemp Regulatory Commission shall have primarily responsibility for maintaining such accurate information and submitting to USDA within 30 days of receipt and by the 1st day of each month through the USDA's information sharing system, HeMP.

The Tribe will submit, or cause others to submit, as appropriate, all federally-required reports in the appropriate manner, on time, and using the USDA-approved information sharing system, HeMP, where provided and as amended, including:

- Annual FSA-578 Crop Acreage Report to the FSA by the Licensee; and
- Laboratory Test Results Report to USDA by the testing laboratory within 30 days after the information is received.

VII. A CERTIFICATION THAT THE INDIAN TRIBE HAS THE RESOURCES AND PERSONNEL TO CARRY OUT THE TRIBAL PLAN.

The Crow Creek Sioux Tribe certifies that it has the resources and personnel to carry to practice and procedures for the Hemp Plan described herein.