

# Fort Belknap Indian Community

## A RESOLUTION APPROVING THE FBIC INDUSTRIAL HEMP REGULATORY PLAN

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Indian Community (“FBIC”) Council is responsible for advocating for economic development within the Fort Belknap Indian Reservation; and

WHEREAS, the FBIC recognizes that there is a consistent, predictable, genetically based difference between the varieties of cannabis sativa that produce marijuana and those that produce industrial hemp and that the difference is based on the amount of tetrahydrocannabinol present in the plant; and

WHEREAS, the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (hereinafter “FBIC”) recognize that industrial hemp is a safe and profitable commodity in the international marketplace; and,

WHEREAS, the FBIC Council seeks to develop sustainable, land-based, economic opportunities for members of the Fort Belknap Indian Community as the FBIC government; and,

WHEREAS, law enforcement agents, farmers and community residents will be trained and gain knowledge to readily distinguish between the different varieties of cannabis sativa; and,

WHEREAS, the FBIC seeks to maintain its current policy of prohibiting the use and proliferation of marijuana on the Fort Belknap Indian Reservation; and,

WHEREAS, on March 4<sup>th</sup>, 2019 the FBIC Council enacted the Fort Belknap Indian Community Industrial Hemp Code; and,

WHEREAS, an Industrial Hemp Plan has been developed to provide regulatory authority and to assist in the production and management of industrial hemp and its byproducts in conformance with existing federal and FBIC law (SEE Attachment A, attached hereto and incorporated by reference).

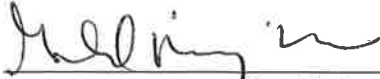
**NOW THEREFORE BE IT RESOLVED** that the Fort Belknap Indian Community Council does hereby approves the revisions to the Fort Belknap Indian Community Industrial Hemp Code.

**BE IT FURTHER RESOLVED** that the FBIC attorneys are directed to review the FBIC Law and Order Code to be amended to reflect the adoption of the FBIC Industrial Hemp Management Plan.

91-2019

BE IT FINALLY RESOLVED, that the Community Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action

ATTEST:



Andrew Werk, Jr., President  
Fort Belknap Indian Community Council



Steve Fox, Secretary/Treasurer  
Fort Belknap Indian Community Council

### CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 10 (ten) members of whom 9 members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6 day of May, 2019; and that the foregoing Resolution of the Fort Belknap Indian Community Council was duly adopted and approved the affirmative vote of 6 for; 0 opposed; 0 not voting; 3 temporary absent; 1 excused absent; and that the said Resolution has not been rescinded in any way.

DATE: 6 MAY 2019



Steve Fox, Secretary/Treasurer  
Fort Belknap Indian Community Council

# Fort Belknap Indian Community Industrial Hemp Regulatory Plan

The Fort Belknap Indian Community (FBIC) Industrial Hemp Code requires the Fort Belknap Agricultural Office to license and regulate tribal Industrial Hemp growers on the Fort Belknap Indian Reservation and provides broad rulemaking authority to create a functional tribal industrial hemp regulatory plan. The FBIC believes the FBIC Industrial Hemp Plan meets the requirements set forth in the 2018 farm bill and seeks approval from the USDA.

The following documents are incorporated into the Fort Belknap Industrial Hemp Regulatory Plan for submission to the USDA:

- Fort Belknap Indian Community Industrial Hemp Code (Approved by FB Resolution No. 90-2019, amended by FB Resolution No. 90-2019).

The requirements from the farm bill are numbered below with the FBIC's response following it:

**1. How will the FBIC show a practice to maintain relevant information regarding tribal trust and/or allotted trust lands on which industrial hemp is produced on the Fort Belknap Indian Reservation, including a legal description of the tribal trust and/or allotted trust lands, for a period of not less than 3 calendar years?**

- (FBIC Response) The Fort Belknap Industrial Hemp Code (Attachment A) requires a license to grow hemp. The application form requires the legal description of the land or the longitude and latitude from which the legal description can be obtained. The application form is Attachment A. The Agriculture Office is required to maintain information on hemp licenses, license applications, and other relevant information regarding land on which hemp is produced, including a legal description of the land, for a period of not less than 3 calendar years.

**2. Does the FBIC have a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced on the Fort Belknap Indian Reservation?**

- (FBIC Response) The Industrial Hemp Code requires the Agriculture Office to establish a procedure both for effectively collecting samples and for testing the delta-9 tetrahydrocannabinol concentration levels of hemp produced on or sold from the reservation, using post-decarboxylation or other similarly reliable methods. The Agriculture Office may choose to contract for such collection and testing services.
- The FBIC has developed and approved a Hemp License & Testing fee rate set forth in (Attachment B). The plan is to perform two tests:
  - Determination of Delta-9-Tetrahydrocannabinol ( $\Delta^9$ -THC) and Delta-9-Tetrahydrocannabinolic Acid ( $\Delta^9$ -THCA) in Hemp Using Liquid Chromatography-Electrospray/Mass Spectrometry; and
  - Determination of Total Moisture in Forages using a Two-Step Procedure.

- 3. Does the FBIC have a procedure for the effective disposal of plants, whether growing or not, that are produced in violation of this subtitle; and products derived from those plants?**
  - (FBIC Response) The FBIC has the legal authority over industrial hemp on the reservation. The disposal procedure is outlined in the Industrial Hemp Code. (see Section 13). Jurisdiction for manufactured products derived from crop that fall within the definition of industrial hemp are under the tribe's regulatory authority pursuant to the Industrial Hemp Code (which has jurisdiction over food and drugs) or fall under no regulatory framework (rope and fiber).
  
- 4. Does the FBIC have a procedure to comply with the enforcement procedures under the 2018 amendments to the Agricultural Marketing Act of 1946 Section 297A subsection (e)?**
  - (FBIC Response) The Agricultural Marketing Act of 1946 Section 297A subsection (e) is adopted by reference in Section 10 of the Industrial Hemp Code. The FBIC adopted procedures to mirror by reference the farm bill enforcement actions. The FBIC has the ability under tribal law to adopt additional rules or regulations by tribal resolution as needed or required by the USDA. All enforcement actions will be conducted with proper due process as guaranteed by tribal law.
  
- 5. Does the FBIC have 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 limits on THC found in the Farm Bill?**
  - (FBIC Response) The FBIC per the inspections and testing requirements in Section 12 of the Industrial Hemp Code shall conduct regular inspection to test licensees' hemp and hemp products to ensure that all hemp and hemp products will have a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.
  - The FBIC plans to have four categories of seed with different risk profiles. The risk profiles determine the inspection and sampling schedules. The FBIC sampling protocol and the inspection schedule is in Section 12 B.
  
- 6. Does the Department have a procedure for submitting the information described in the Agricultural Marketing Act of 1946 Section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received.**
  - (FBIC Response) The Department collects the information as part of the annual licensing requirements in Section 6 of the Industrial Hemp Code and Section 11 D, requires the Agriculture Office to submit the required information under the Agricultural Marketing Act of 1946 Section 297(d)(2) to the USDA Secretary within 30 days of receiving the information.
  
- 7. Can the Department certify that the FBIC has the resources and personnel to carry out the practices and procedures described in 1 through 6 above?**
  - (FBIC Response) The Agriculture Office will be established, funded and staffed by the FBIC. The FBIC will send the USDA Secretary a copy of the FBIC resolution

forming the Agriculture Office Department including the staffing and operational budget. Tribal laws allow FBIC to raise fees as needed to pay for the costs incurred by the Agriculture Office. The Sample Certification form is attached to the FBIC Industrial Hemp Code and in compliance with Section 297B(a)(2)(A)(vii) of the Agriculture Improvement Act of 2018. The FBIC certifies that it can and will perform all the duties outlined above and required in the 2018 Farm bill.

**8. Has the Department included any other practice or procedure established by FBIC, to the extent that the practice or procedure is consistent with this subtitle?**

- (FBIC Response) The Agriculture Office has included all portions of its current program in the attachments that follow.

**9. Who is the FBIC's contact for this program?**

- Andy Werk  
President  
Fort Belknap Indian Community

LIST OF ATTACHMENTS

A. Fort Belknap Industrial Hemp Code

**Attachment B**  
**FBIC Hemp Rules**

**DEFINITIONS**

- (1) "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 0.3 percent on a dry weight basis, or as otherwise defined in federal law, whichever is more permissive.
- (2) "Seed repository" means the storage area for those approved varieties of hemp available for sale by the FBIC Agriculture Office.
- (3) "Specialty variety" means a variety of hemp that the FBIC Agriculture Office has not already made an approved variety or does not currently plan to import for that growing year.
- (4) "FBIC hemp license" *means* a permit issued by the FBIC Agriculture Office to an individual or business to grow, process, manufacture, distribute or transport hemp or hemp-based products in compliance with FBIC hemp laws. The holder is also responsible for obeying all applicable federal and tribal regulations.
- (5) "Testing" means a testing for the amount of THC, pesticides, or other tests for legal compliance with the FBIC Industrial Hemp Code.

**APPLICATION FOR HEMP LICENSE**

- (1) An applicant must:
  - (a) provide the information required by the FBIC Industrial Hemp Code for a hemp license on the form provided by the FBIC Agriculture Office;
  - (b) pay all fees as established by the rule; and
  - (c) consent to entrance of their property by the FBIC Agriculture Office or its designee to inspect their hemp fields.
- (2) If the applicant is not a single individual, then all proper filings with the FBIC Agriculture Office must be current and in good order.
- (3) The applicant, including all corporate officers, must be fingerprinted at the FBIC law enforcement agency. The FBIC law enforcement agency, not the applicant, must send the fingerprint sheet to the FBIC Agriculture Office.
- (4) Licenses will expire on the last day of December of the year that they are issued for.
- (5) Renewals do not require new fingerprinting unless the FBIC Agriculture Office requests it or if the corporate officers have changed.
- (6) The licensee must also provide all materials required by the FBIC Industrial Hemp Code.

**FBIC HEMP PROGRAM**

- (1) An applicant to the FBIC Hemp Program must:
  - (a) have a tribal hemp license;
  - (b) not be forbidden from participating by a federal or tribal agency;
  - (c) meet any additional requirements required by the FBIC Industrial Hemp Code;
  - (d) only obtain seed through the FBIC Hemp program or program-approved methods;
  - (e) pay a FBIC Hemp license fee;

- (f) if they wish to have the FBIC Agriculture Office import a hemp specialty variety, they must pay the specialty variety fee as well; and
- (g) have applied to the FBIC Agriculture Office for participation in the tribal program .

- (2) The FBIC Agriculture Office may create a hemp seed repository as part of the tribal hemp program. Only tribal hemp program licensed participants can buy from the repository. The varieties in the repository will be determined by the FBIC Agriculture Office. Availability of a particular variety or any seed is not guaranteed by the FBIC Agriculture Office.
- (3) All post-harvest commercial use of the hemp must be approved by the FBIC Agriculture Office so as to not jeopardize the continued existence of the federal approval of the FBIC Tribal Hemp Program.
  - (a) Pre-approved and disapproved uses will be listed on the FBIC Agriculture Office web site.

#### FEES

- (1) The fee for a FBIC hemp license is \$450.
- (2) The special variety fee of the FBIC Tribal Hemp Program is \$600.
- (3) If official sampling is requested by a licensed hemp grower, the fee for providing such a service will be set by the FBIC Agriculture Office.

#### LAB TESTING FEES

- (1) The FBIC Agriculture Office will charge any licensee \$250 per test for THC levels of a plant.
- (2) The FBIC Agriculture Office may approve third party testing providers.

#### PENALTIES OR REVOCATIONS

- (1) After notice to the licensee, the FBIC Agriculture Office may suspend a license and start an administrative hearing for permanent revocation.
- (2) The FBIC Agriculture Office may suspend or terminate the hemp license for any violation of tribal, or federal law.
- (3) The FBIC Agriculture Office may reinstate the license if good cause is shown and a reinstatement fee is paid. The reinstatement fee is \$450 for the tribal hemp license.