



EMERGENCY EXECUTIVE ORDER #02.5-2020-CR

PURSUANT TO THE AUTHORITY, granted by the Cheyenne River Sioux Tribal Council via Resolution #16-2019-CR, by the Emergency Declaration #2020-01-CR, and CRST Council Resolution #102-2020-CR, the Executive Committee of the Cheyenne River Sioux Tribal Council hereby enacts this emergency order to address a public health crisis by implementing a mandatory stay-at-home order and a curfew, and by closing all daycares and Tribal Health clinics, which have been deemed necessary to slow the spread of the COVID-19 coronavirus on the Cheyenne River Sioux Reservation.

WHEREAS, the Cheyenne River Sioux Tribe is a federally recognized Indian tribe that reserved its original, inherent right to self-government through the Fort Laramie Treaty of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Fort Laramie Treaty of 1868, 15 Stat. 635 (Apr. 29, 1868). The Fort Laramie Treaty of 1868 provides that the territory of the Sioux Nation was “set apart for the absolute and undisturbed use and occupation” of the Sioux Indians as a “permanent home.” 1868 Treaty, Arts. II, VI. The exterior boundaries of the Cheyenne River Indian Reservation were established by the Act of March 2, 1889, § 4 (25 Stat. 888); and

WHEREAS, the Cheyenne River Sioux Tribe has sovereign authority over its members and its territory, *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130, 140 (1982); *United States v. Mazurie*, 419 U.S. 544, 557 (1975), and it has the right to make its own laws and be ruled by them. *Williams v. Lee*, 358 U.S. 217, 220 (1959); and

WHEREAS, the Cheyenne River Sioux Tribe is organized pursuant to a Constitution and Bylaws adopted under the Indian Reorganization Act of 1934, 48 Stat. 984, with the approval of the Secretary of the United States Department of the Interior. The Tribal Constitution provides that the Tribe has the power to “promulgate ordinances for the purpose of safe-guarding the peace and safety of the Residents of the Cheyenne River Indian Reservation....” C.R.S.T. Const., Art. IV, § 1(k); and

WHEREAS, the respiratory disease COVID-19 continues to threaten the health and safety of all residents of the reservation, and we have now confirmed our first travel-acquired COVID case on the Cheyenne River Sioux Reservation; and

WHEREAS, we need to take extraordinary and unprecedented measures to trace and limit its spread within the exterior boundaries of the Cheyenne River Sioux Reservation; and

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WHEREAS, in accordance with the CRST COVID-19 Emergency Response Plan, the Tribe has already implemented a number of measures designed to protect the health of all residents of the Reservation until this public health emergency has subsided; now

THEREFORE BE IT ORDERED, that the Tribe, in addition to the actions already taken to mitigate the spread of COVID-19 on the Cheyenne River Sioux Reservation, is implementing the following **Level 3 Action** of its COVID-19 Emergency Response plan. The following measures will go into effect on April 30, 2020:

A. Mandatory Stay at Home Order. All individuals within the Cheyenne River Sioux Reservation must stay at home until further notice to limit exposure to the COVID-19 virus. All individuals currently located within the exterior boundaries of the Cheyenne River Sioux Reservation, whether here permanently or temporarily, are required to stay home or at their place of residence. Persons may only leave their homes or places of residence only for Essential Activities, as defined in Section F of Emergency Executive Order #02.3-2020-CR. When people need to leave their homes they should comply with the Social Distancing Requirements described in Subsection G below of Executive Order #02.3-2020-CR.

B. Curfew. If someone is allowed to leave their home for an Essential Activity, they must return home by 8:00 P.M. that day. They cannot be in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the exterior borders of the Cheyenne River Sioux Indian Reservation between the hours of 8:00 p.m. and 6:00 a.m. of the following day.

Exceptions: Any person seeking emergency services, obtaining or delivering emergency medical supplies or medication, or visiting a healthcare professional, or any person who is traveling to and from work if their profession is considered “essential infrastructure” or an “essential governmental function,” in Emergency Executive Order #02.3-2020-CR.

Any violations of this Curfew Order shall constitute a civil infraction. Violations will result in the following civil penalties:

First violation -	\$ 25.00 per incident
Second violation -	\$ 50.00 per incident
Third violation -	\$500.00 per incident

C. Daycares Closed. All daycares within the exterior boundaries of the Cheyenne River Sioux Reservation must close effective as of Friday, May 1, 2020.

D. All Tribal Health Clinics Closed. All Tribal Health clinics, including field health, dental, and immunization clinics, will be closed until further notice.

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BE IT FURTHER ORDERED, that these emergency health and safety measures shall remain in effect until such time as they are amended or repealed; and

BE IT FURTHER ORDERED, that this Executive Order is necessary for the immediate preservation of the public peace, health, safety, and welfare of all residents of the Cheyenne River Sioux Reservation; and

BE IT FURTHER ORDERED, in addition to the penalties described elsewhere in this Order, a person who knowingly violates this Order is subject to all criminal and/or civil penalties allowed by law, which may include fines and banishment or exclusion from within the exterior boundaries of the Cheyenne River Sioux Reservation; and

BE IT FINALLY ORDERED, that nothing in this Executive Order diminishes, divests, alters, or otherwise affects any inherent, treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the people, property, and activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the people, property, and activities described herein, including but not limited to legislative, regulatory, and adjudicatory powers.

CERTIFICATION

This is to certify that the foregoing Executive Order has been reviewed and approved by the Executive Committee of the Cheyenne River Sioux Tribe, acting under its Executive Authority and in the best interest of the Cheyenne River Sioux Tribe this _____ day of _____, 2020, in Eagle Butte, South Dakota.

Harold C. Frazier
Chairman

Benita Clark
Tribal Treasurer

EvAnn White Feather
Tribal Secretary