



# CHEYENNE RIVER SIOUX TRIBE COVID-19 TRAVEL PERMIT POLICY

Updated October 1, 2020

## I. **Authority and Scope.**

A. **Authority.** This CRST COVID-19 Travel Permit Policy has been implemented and updated to prevent and track the spread of the COVID-19 virus on the Cheyenne River Sioux Reservation. It is enacted pursuant to the authority granted by the Cheyenne River Sioux Tribal Council through Resolution Nos. 16-2019-CR and 102-2020-CR, Emergency Declaration No. 2020-01-CR, and § 2.2.20(F)(2) of the Cheyenne River Sioux Tribe Law and Order Code (1968). 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). It has the right to make its own laws and be ruled by them. *Williams v. Lee*, 358 U.S. 217, 220 (1959). It has civil regulatory jurisdiction over all activities within the exterior boundaries of the Reservation, including activities by non-Indians on fee land, when those activities threaten or have some direct effect on the health or welfare of the Tribe, *Montana v United States*, 450 U.S. 541, 566 (1981), and especially when harmful conduct by nonmembers threatens tribal welfare or security, *Plains Commerce Bank v. Long Family Land & Cattle Co.*, 554 U.S. 316 (2008).

B. **Scope.** This Travel Permit Policy governs all travel into and out of the Cheyenne River Sioux Reservation during the COVID-19 Public Health Crisis. Travel Permits are used to track and trace travel by Reservation Residents, as well as non-Residents who enter the Reservation for an essential purpose. Tracking and tracing is conducted so that the Tribe can reduce the spread of COVID-19 among Reservation Residents.

II. **Travel Restricted.** Travel into and out of the Reservation is only allowed for Essential Activities, per CRST Emergency Executive Order #2.3-2020-CR. Generally, any Resident who travels (1) outside of South Dakota or (2) in South Dakota where there is community spread of the COVID-19 virus, must self-quarantine for 14 days when they return to the Reservation. With the exception of commercial vehicles traveling through the Reservation without stopping, non-Reservation Residents may only travel onto the Reservation for an essential purpose, and they must limit their time and stops on the Reservation as much as possible.

III. **Travel Permit Necessary.** Residents who must travel out of the Reservation for any of the Essential Activities listed in Part IV below must have a valid Travel Permit from the CRST Command Center in order to be allowed to return the Reservation without quarantining. Non-residents who intend to travel to the Reservation for an essential purpose listed below will be allowed onto the

Reservation only if they have a valid Travel Permit. Non-Residents who desire to travel to the Reservation for a non-essential purpose are not eligible to receive a Travel Permit.

- IV. **Essential Activities, Duration of Permits, and Documentation Required**. For purposes of traveling into or out of the Reservation, the following are considered Essential Activities for which a Travel Permit may be authorized. The documentation needed to obtain such a permit, as well as the duration of the permit are as follows:
- A. **Work**. Residents whose workplace is located outside the Reservation, or non-Residents whose workplace is located on the Reservation, may obtain a Work Travel Permit. Employees must provide a letter from their employer stating what type of essential work the traveler will be conducting on/off the Reservation. CRST Essential employees must have a letter from the CRST Administrative Officer as verification that they need a Travel Permit for work purposes. Typically, a 90-day permit is authorized for work purposes.
  - B. **School**. Residents whose school is located outside the Reservation, or non-Residents whose school is located on the Reservation, may obtain a School Travel Permit. Proof of school enrollment is required for the traveler. If the traveler is a minor student, up to 2 adults may be issued a Travel Permit in order to transport the student. Typically, a 90-day permit is authorized for school purposes. Travel Permits for school extracurricular activities and events such as athletic competitions will not be issued. Instead, travelers should refer to CRST's "Guidance for Athletics during the COVID-19 Public Health Emergency," dated September 18, 2020.
  - C. **Medical appointment**. If a Resident is traveling to a medical appointment, the traveler must be able to provide appointment confirmation as supporting documentation. Residents traveling for medical purposes are allowed one additional person to accompany them as a driver unless special circumstances exist (for example: female helping another female in the restroom while a male is the driver). Medical travelers are only allowed a permit for the day stated on the supporting documentation, unless the appointment is early in the morning, late in the evening, over 5 hours away, or if the supporting documentation clearly states that the patient needs to stay more than one day, such as for a follow up appointment or recovery time. Patients who have regular recurring appointments such as dialysis, chemotherapy, or ob-gyn checkups may qualify for an extended permit if supporting documentation is provided. For all CRST Employees (Essential and non-Essential), the employee must additionally provide authorization from their supervisor showing that the supervisor is aware they are traveling off the Reservation on the specified dates.

- D. Agricultural. If a Resident is an active participant of their own or their immediate family members' farming or ranching operations, they are eligible for a 90-day Agricultural Travel Permit. Non-residents may also be eligible for an Agricultural Travel Permit if they are an active participant in their own or their immediate family members' farm or ranching business, however, they only qualify for a 2-to-14-day permit, depending on the circumstances. If a non-Resident needs a subsequent Agricultural Travel Permit, they will need to apply for a new one.
- E. Business. Vendors who come on to the Reservation to provide essential goods or services must have a Business Travel Permit. Proof of the need for a Travel Permit varies with the type of vendor. Typically, a 90-day permit is authorized for Essential Business purposes.
- F. Essential Supplies or Services. Residents who must travel outside the Reservation, or non-Residents who must travel onto the Reservation, in order to obtain essential supplies or services that are not available near their home may obtain an Essential Supplies or Services Travel Permit. Examples include but are not limited to: car repair, vehicle or equipment purchase, home repair or maintenance, funerals of immediate family members (children, parents, grandparents, siblings, aunts, uncles, nieces, nephews, cousins, or participants of the actual funeral service), court-ordered child visitations, family or medical emergencies, vet services or supplies, care of elderly/disabled family members, and licensed hunters. Supporting documentation will vary with the purpose of travel. Travelers with this type of permit are only allowed to travel on/off the Reservation on the day(s) stated on the supporting documents.
- V. **Non-Essential Travel**. Examples of travel which is NOT considered essential and for which a Travel Permit will NOT be issued include: Ceremonies, church services, birthday or holiday gatherings, visiting family or friends, grave site visits, school/winter clothes shopping, furniture shopping, or to purchase household or personal supplies that can be obtained on the Reservation. This is not an exhaustive or all-inclusive list; it is only meant to be a guide for the types of travel which will be deemed non-essential. Using EEO #2.3, other CRST COVID-19 Emergency Executive Orders, the CRST COVID-19 Response Plan, and CRST-issued COVID-19 Guidance documents as a reference, the CRST Command Center reserves the right to decide if the stated purpose of travel contained in a Travel Permit application is essential.

If the purpose of travel outside the Reservation by a Resident is non-essential and the traveler has not received a Travel Permit, upon return the traveler is required to mandatorily self-quarantine for 14 days. Compliance with this quarantine requirement will be monitored and enforced by the CRST Health Department.

VI. **Application for Travel Permit.**

- A. **Completion and Submission.** In order to receive a CRST COVID-19 Travel Permit to travel on or off the Reservation for an essential purpose, a traveler must submit a completed application to the CRST Command Center. The application must be submitted at least 24 hours in advance of the planned travel date(s). The application is available online at [www.crstcoronavirusupdates.com](http://www.crstcoronavirusupdates.com), or by calling the Command Center at (605) 964-3637. Completed applications may be submitted via email (CRSTCOVID19SAFETY@gmail.com), fax (605-964-1072), or in-person at the CRST Command Center. All applications and supporting documentation will be reviewed and verified to ensure truthfulness and accuracy.
- B. **Approval.** If the application is approved, the traveler will be issued a Travel Permit. Staff from the CRST Command Center will call the applicant to make arrangements for pick up or delivery of the permit.
- C. **Denial.** Issuance of a Travel Permit is a privilege, not a right. Denials of a Travel Permit application are final and non-appealable.
- D. **Recordkeeping.** The information submitted by applicants seeking to obtain a CRST COVID-19 Travel Permit is confidential and is only used for the purpose of determining whether a traveler can be allowed to enter or leave the Reservation for an essential purpose. When the CRST COVID-19 Public Health Emergency has ended, all applications, supporting documents and permits will be destroyed.

VII. **Terms of Travel Permit.**

- A. **Non-Transferrable.** The Travel Permit is uniquely assigned to each traveler and is non-transferable. At each Health and Safety Checkpoint, travelers may be required to verify that their identity matches the name on the Travel Permit.
- B. **Additional Information.** Permit holders may be asked such questions as whether they have signs/symptoms of COVID-19 virus, their destination, and purpose of travel.
- C. **Limited Purpose.** A Travel Permit must only be used for the essential purpose for which it was issued. If a person needs to travel for an essential purpose other than what their permit was issued (ex: ag permit holder traveling for medical purpose), they must apply for and receive another permit.

- D. Expiration. The Travel Permit has an expiration date, which is determined based on the type of travel for which it is issued. Upon expiration of the Permit, the traveler will need to apply for renewal of their permit.
- E. Revocable. The Travel Permit may be revoked at any time if the holder does not comply with all terms of travel described in the Permit.

VIII. **Penalties and Enforcement**.

- A. Penalties. A person who knowingly violates this Travel Permit Policy is subject to all criminal and/or civil penalties allowed by law, including but not limited to the penalties set forth below. If the CRST Command Center or CRST Health Department is given verifiable evidence that a Permit Holder has violated this Travel Permit Policy or any terms of a duly-issued Travel Permit, he/she may be subject to revocation of the permit, mandatory 14-day quarantine, a civil fine of \$1,000 per violation, impoundment and maintenance fee of \$20/day for any vehicle involved in the violation, and any other applicable civil and criminal laws, up to and including exclusion or banishment from the Reservation.
- B. Enforcement Agency. The CRST Command Center, together with other appropriate departments, programs, and agencies of the Tribe, shall be responsible for enforcement of this Policy.
- C. Investigations. The CRST Command Center and its officers and agents shall have the authority to investigate suspected violations of the Policy. Such authorities shall, to the extent possible, document violations of this Policy and collect photographs, videos, witness statements, and other evidence of such violations.
- D. Citations – Contents - Service.
  - 1. The CRST Command Center may issue a civil citation to any person who violates this Policy.
  - 2. The citation shall include:
    - a. The name and address of the person against whom the citation is issued (hereafter “Respondent”);
    - b. The date, time, place, and nature of the violation;
    - c. The amount of any monetary or non-monetary penalty imposed pursuant to Subsection A above and instructions for payment of any monetary penalty;
    - d. The date, time, and place set for a hearing on the citation before the CRST Administrative Officer or other qualified Administrative Hearing Officer, at which the Respondent may challenge the citation, and a statement that if the Respondent does not appear at the hearing to challenge the citation, the citation shall be final and no further appeal shall be permitted.

3. The citation shall be served by personal service or registered mail on the Respondent.

E. Administrative Hearings.

1. If the Respondent challenges the monetary or non-monetary penalties set forth in the citation, including any summary enforcement of non-monetary penalties by the CRST Command Center, the CRST shall hold a hearing on the citation on the date and time and at the place set forth in the citation.
2. A record of the hearing will be made by an electronic recording device.
3. The Respondent will have the right to be represented by counsel at their own expense, the right to question witnesses and examine the evidence against him or her, and the right to present evidence and witnesses in his or her own defense.
4. If, after such hearing, the CRST Administrative Officer or other qualified Administrative Hearing Officer finds the violation set forth in the citation has been proved by preponderance of the evidence, the Officer shall issue an order upholding the citation.
5. If the Respondent does not appear at the hearing to challenge the citation, the CRST Administrative Officer or other qualified Hearing Officer shall issue an administrative order upholding the citation and that decision shall be final and no appeals shall be permitted.

F. Appeal To Tribal Court. Any person who is aggrieved by an administrative decision made by the CRST Administrative Officer or other qualified Administrative Hearing Officer pursuant to this Policy may appeal the decision to the Cheyenne River Sioux Tribal Court by filing a notice of appeal, clearly stating the grounds therefore, and serving a copy of the notice of appeal by personal service or registered mail on the CRST Administrative Officer within thirty (30) days from the date of the CRST Administrative Officer's decision. The Cheyenne River Sioux Tribal Court shall uphold the decision of CRST Administrative Officer unless it finds that the decision was arbitrary and capricious, and abuse of discretion, or not in accordance with this Policy or other applicable tribal or federal law.

G. Collection. The Tribe may use all available legal remedies to collect the monetary penalties and enforce the non-monetary penalties set forth in this Policy.

This Policy is approved by the Chairman of the Cheyenne River Sioux Tribe acting under his Executive authority and in the best interest of the Cheyenne River Sioux Tribe this 3rd day of October, 2020, in Eagle Butte, South Dakota.



---

Harold C. Frazier  
Chairman