

# COQUILLE TRIBAL REGULATION

## Chapter 653

### Trespass Regulation

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#### **653.010 General**

This regulation is adopted by the Coquille Tribal Administration to prescribe rules and procedures necessary to carry out the provisions of the Coquille Tribal Trespass Ordinance, CITC 652.

#### 1. Purpose.

The purpose of this regulation is to define prohibited activities under the Tribal Trespass Ordinance.

#### 2. Background and Intent

- a. The Tribal Council has determined that acts of third parties that interfere with the property rights and / or the welfare of the Tribe, Tribal members, residents and guests threaten the peace, health, safety, environment, morals and general welfare of the Reservation and the health, welfare, environment, political integrity and economic security of the Tribe.
- b. It is the intent of the Tribal Council to proscribe certain acts a Civil Violation when they interfere with the property or possessory rights of persons on the reservation or the Tribe. The Tribal Council adopted the Tribal Trespass Ordinance on Oct. 23, 2004. Section 652.400 of that Ordinance states, "Using the regulations procedures set forth in CITC 120.120(5), the Executive Director shall have the authority to prescribe such rules and regulations as it deems necessary to carry out the purpose of this ordinance and to facilitate its operation." These regulations are adopted with the authority granted to the Tribal Executive Director under CITC 652.400.
- c. The Tribal Executive Director adopts these regulations also to provide actual and/or constructive notice to third parties regarding what is a trespass under CITC Chapter 652.

#### 3. Definitions

- a. Access Roadways means the roadways – gated or ungated – that access the Dam Crest from the Embankments.
- b. Authorized Persons means the following when performing official Coquille Tribal Government duties: Tribal Council members, Tribal officials, Tribal safety of dams officers, Tribal dam tenders,

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Tribally Authorized contractors or volunteers, Tribally Authorized persons conducting analyses pre-authorized by the Tribal Council, Tribally Authorized representatives from governments other than the Tribe and law enforcement personnel.

- c. Dam Crest means the upper surfaces of the Dam Impoundments.
- d. Dam Impoundments means the entire dam facilities and properties appurtenant to those facilities.
- e. Dawn means the U.S. official time of sunrise in the Northwest Pacific Coast Region.
- f. Downstream Faces Means the sides of the Dam Impoundments facing the Pacific Ocean.
- g. Dusk means the U.S. official time of sunset in the Northwest Pacific Coast Region.
- h. Spillway Works means the Spillways, fish ladders, spillway and fish ladder inlets and outfalls, concrete walls and apron, walkways, railings, fences, vaults and instruments.
- i. Tribally Authorized means that a person has been empowered by the Tribal Executive Director or Acting Executive Director to perform a particular act.
- j. Vehicle means any device in, upon, or by which any person or property may be transported or drawn upon a roadway, and includes vehicles that are propelled or powered by any means.

**653.050 Trespass at Fourth Creek and Tarheel Dam Areas** CITC 652.150 (15) states that it shall be trespass if a person, “Enters upon lands owned by or leased from the Tribe in violation of regulations governing access to Tribal lands.” The Tribe declares that, with the exception of Authorized Persons it shall be a trespass for a person:

1. To enter upon the Spillway Works or Downstream Faces of the dams on Tribal lands located at Fourth Creek and Tarheel Creek, at any time. These dams are identified in the attached Exhibit A, and the specific areas subject to this paragraph are described in the attached Exhibit B. Both Exhibit A and Exhibit B are incorporated into this regulation as if fully set forth here.
2. To be present upon the Dam Crests or Access Roadways between one hour after Dusk and one hour prior to Dawn.

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3. To enter the Dam Crests or Access Roadways within or upon a Vehicle.