

Gila River Indian Community
Department of Land Use Planning and Zoning

Main Location:
291 W. Casa Blanca Rd, Bldg.#2
Post Office Box E
Sacaton, Arizona 85147
Phone: 520-562-6003



Realty Services:
64 East Pima Street
Sacaton, AZ 85147
Phone: 520-562-5060
Fax: 520-562-5064

**Right-of-Entry Permit
Application Packet
For Former Internees
And Direct-
Descendants**

Revised September 8, 2025

Gila River Indian Community

Department of Land Use Planning and Zoning

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291 W. Casa Blanca Rd.
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Right of Entry Permit Application Guidelines – Internment Camps: Former Internees, Direct-Descendants and 501-C Organizations FY 2026

Section 1: Introduction

Trespass onto the Gila River Indian Reservation (Reservation) in the past have caused serious damages to the Gila River Indian Community (GRIC or Community), its members' lands and natural resources and caused an intrusion on the privacy of Community Members and legal residents. Trespassing continues to be a serious problem and poses an imminent threat to the health, safety and welfare of the Community, its members, lands and resources. The Civil Trespass Ordinance and its administrative processes are intended to minimize the impact of undesirable behaviors and conditions within the exterior boundaries of the Reservation and are intended to be rigorously enforced.

In all cases dealing with a Right of Entry Permit pertaining to access or entry into Non-Public Areas of the Gila River Indian Reservation involving Tribal Lands, the process starts with the Department of Land Use Planning and Zoning (LUPZ). The LUPZ – Ordinance Team is available to assist and answer any questions relevant to the referenced administrative processes or the Right of Entry portion of the Civil Trespass Ordinance and can be contacted at the following location:

Ordinance Team
Department of Land Use Planning and Zoning
291 W. Casa Blanca Road, Building 2 (Physical Address)
P.O. Box E (Mailing Address)
Sacaton, AZ 85147
E-mail: LUPZSupportGroup@gric.nsn.us and copy the OrdinanceTeam@gric.nsn.us
Office: 520-562-6003

Please read Section 10 for important information regarding these guidelines

Section 2: Exemption of the Right of Entry Permit Fee Process

1. **Confirmed Former Internees, their Direct-Descendants and accepted 501-C Organizations may be exempted from the fees associated with a GRIC Right of Entry Permit upon request and at the discretion of the Natural Resources Standing Committee. Confirmed persons of Japanese Descent wanting to visit the camps from a historical perspective may be considered for a fee exemption as well.**
2. **If it is determined the applying person, persons and/or organizations do not fall within one of the categories in the prior provision, the General Right of Entry Permit Process must be followed.**

Section 3: Right of Entry Permit Process

1. The applicant is to fill out and sign an LUPZ Request Form which will serve as the primary means to initiate the GRIC Right of Entry Permit request process.
2. On the LUPZ Request Form (or as attachments) please include the following information:
 - A. Name / Organization of applicant or Name / Enrollment Number of applicant if applicable
 - B. Address, phone number and email address of applicant
 - C. A written narrative addressed to the LUPZ Ordinance Team **detailing the name or names of all the persons involved in the entry, which camp or camps are to be visited the primary contact(s) for the applicant, vehicle(s) to be used in the entry and a description of the proposed activity.**
 - D. Expected date or time frame of the activity (the day of or the start and end date).
 - Please see the Example and Information Sheets on page 3 for other possible required data
3. **If Photographs, Video or any other form of recordings are intended to be a part of the entry then please fill out the included Media Release Form answering all questions on the form. If the entry involves interviews of Tribal Staff or Community Members, then concurrence of the Office of the Community Manager or the Cultural Resources Standing Committee and possibly the Community Council respectively will have to be secured before the permit is valid.**
4. Please e-mail your filled-out LUPZ Form, Supporting Narrative and other documents including a Media Release Form if applicable to LUPZSupportGroup@gric.nsn.us and copy the Ordinance Team at OrdinanceTeam@gric.nsn.us to initiate required processing. You may also mail your application packet to the contact information in Section 1.
5. The LUPZ Support Group will initiate the formal administrative log-in process of the LUPZ Form (and attachments if applicable).
6. The Ordinance Team will create a file, prepare appropriate memos, and permit forms whereby the submittal packet will be forwarded to LUPZ Director Kimberly Cooper for review and concurrence.
7. The Application Packet will then be delivered to Office of the Community Manager (OCM) for required reviews and concurrences at that office followed by the same process at the Executive Office. Final preparation for submittal to the Community Council Secretary's Office (CCSO) by the next submittal deadline will occur for placement onto the following agenda for the Natural Resources Standing Committee Meeting (and the Cultural Resources Standing Committee if applicable). At the very minimum, it is recommended all applications for a Right of Entry Permit be submitted to LUPZ at least 15 working days prior to the next posted NRSC Meeting date to allow time for required administrative reviews and approvals. Please refer to the 2025 NRSC Meeting Schedule and the Right of Entry Request Timeline provided to assist with the timing of your request. There are a number of factors that may cause a meeting to be cancelled thereby moving all the matters scheduled for that meeting date to the next available meeting date. With this in mind, it is highly suggested you consider submitting your application for a GRIC Right of Entry Permit well before the intended meeting date. Furthermore, avoid losing the opportunity to visit for reasons beyond your control causing you to delay your visit. It may be wise to apply for a reasonable time frame (i.e. one non-holiday weekday between May 4, 2025 and May 17, 2025 or for one non-holiday weekday during the month of May 2025 for example). You can then coordinate the logistics of your visit with an Ordinance Team Member following approval of your application.



Name

Address Line 1
Address Line 2
City, ST 22222

Phone:
Fax:
Email: xyz@example.com
Website: http://mysite@example.com

DATE

Ordinance Team
Department of Land Use Planning and Zoning
291 W. Casa Blanca Road, Building 2
Post Office Box E
Sacaton, AZ 85147

RE: Right-of Entry Permit

Dear Ordinance Team:

This letter is to request entry into the Gila River Indian Community for the purpose of visiting the Former Japanese-American Internment Camps; specifically (circle one or both) Camp #1 – Canal Camp or Camp #2 – Butte Camp. I/We would like to visit (enter here the desired date or time frame).

DESCRIBE WHAT YOU WOULD LIKE TO SEE, ANY SPECIAL ACTIVITY, WHETHER YOU WILL BE TAKING PHOTOGRAPHS, THE BEGINNING AND END TIME OF YOUR VISIT, AND THE NAMES OF ALL PERSONS WHO WILL BE ENTERING IF THIS APPLICATION IS APPROVED - NO ONE LISTED ON THE PERMIT WILL BE ALLOWED TO ENTER AND IF AVAILABLE, DETAILS OF THE VEHICLE OR VEHICLES (MAKE, MODEL, COLOR, LIC NUMBER, ETC.) THAT WILL BE ENTERING FOR THE VISIT. THE NAME OF THE FAMILY MEMBER OR FAMILY MEMBERS WHO WERE INTERNED AT RIVERS, ARIZONA.

Sincerely,

Attachments:

List of all entrants

Document or Documents supporting your Direct-Descendant status

A Communications and Public Affairs Office (CPAO) Request for Media Form

ACKNOWLEDGEMENT:

I hereby understand the participant(s) granted Right-of-Way will abide by the laws and ordinances of the Gila River Indian Community's Civil Trespass Ordinance Codified as Title 8, Chapter 2 as amended and all other applicable Tribal and Federal Regulations.

Section 4: Natural Resources Standing Committee Meetings

1. Meetings are typically held on the second and fourth Tuesday of each month; the submittal deadline for all submittal packets **that have completed all necessary reviews and approvals** is at noon on the Thursday prior to each regularly-scheduled meeting of the Natural Resources Standing Committee.
2. Attendance to the NRSC meeting for Right-of-Entry Permit presentations is not required but recommended in efforts to support the application and field any questions asked by the committee. Typical attendees are;
 - A. Applicant
 - B. Ordinance Team Member/the Director of LUPZ or her designate
 - C. Appropriate Gila River Indian Community Departments
 - D. Concerned individuals
 - E. Committee Members.
3. The NRSC will discuss all applications and render a decision on behalf of the Community.

Section 5: Right-of-Entry Permit Final Fee and Permit Release Process

1. After the NRSC meeting and upon approval of the Right-of-Entry permit, the attending Ordinance Team Member will initiate final processing per established protocols and notify the applying party of the results. The Right-of-Entry permit will be released upon completion of these final processes.

Section 6: Right-of-Entry Permit Distribution

1. After the applicant has received the Right-of-Entry permit, copies of the Right-of-Entry permit approved by the NRSC will be distributed to the following; the LUPZ – Ordinance Team, the LUPZ Support Group, Gila River Indian Community Police Department and any appropriate Gila River Indian Community Department(s) or the BIA Pima Agency Superintendent.

Section 7: Denial of Request

1. A request for a Right-of-Entry permit will be evaluated and at any time during the process, the request can be denied for any reason. Possible reasons for denial of the permit request are adverse impact to the natural, cultural or historical resources of the Gila River Indian Community, lack of concurrence from the District affected by the intended entry, lack of concurrence from a Stakeholder Tribal Department, negative experience on previous applications, making of false or misleading statements to secure a permit, etc.
2. If denial of the request does occur, the applicant will be notified in writing.

Section 8: Termination of an Approved ROE Permit

1. Any approved Right-of-Entry permits can be terminated or revoked without prior notice. Possible reasons for revocation or termination are, but not limited to, unforeseen emergencies and/or disasters, infractions of the terms contained in the Right-of-Entry permit, violation of GRIC's Right of Entry Ordinance and/or their administrative processes as revised. Furthermore, infractions of collateral ordinances and or administrative processes of involved departments or programs associated with the permitting process or lands affected by the entry are reasons as well.
2. The applicant will be notified in writing if an approved Right-of-Entry permit is terminated or revoked.

Section 9: Jurisdiction of the Natural Resources Standing Committee

1. The Natural Resources Standing Committee will review and render a decision on requests for a GRIC Right of Entry Permit onto Tribal Lands only. Requests for entry onto Allotted Lands (Encroachment Permit) must be processed thru the BIA Pima Agency (520-815-0287) and Right-of-Entry onto established campuses (Lone Butte Industrial Park, Memorial Airfield, Gila River Development, Pima Leasing & Finance Corporation, etc.) must be processed thru the entity recognized by the Community Council with oversight responsibilities for that particular campus or parcel of land. Information on the appropriate entity may be obtained by contacting the Community Council Secretary's Office (CCSO) at 520-562-9720. The Natural Resources Standing Committee may at its discretion seek concurrence of the Office of the General Counsel, the Cultural Resources Standing Committee, the affected Community District, stakeholder Tribal Departments or forward the matter with a recommendation to the Community Council contingent upon the scope of the entry, the nature of the activity or the lands involved.

Section 10: Important Information for Applicants

1. All entrants on an Approved Right of Entry Permit shall adhere to all CDC, Gila River Indian Community, Federal and State guidelines (as approved, amended and/or concurred with by the Community Council) while entering and conducting activity allowed under said permit.
2. Unless otherwise specified, all Right of Entry Permits authorize activity within a specific area and for a specified period. If you venture outside the authorized area and/or are present outside the approved period you are subject to being cited for Civil Trespass and any corresponding measures allowable under Title 8, Chapter 2 of the Gila River Indian Community's Law and Order Code as amended. Furthermore, all persons are subject to being cited under any applicable Gila River Indian Community Ordinances and/or Federal Laws or Statutes.
3. All the roads and trails in the regions of the Internment Camps are not maintained. It is highly recommended that entrants use vehicles with some ground clearance like a SUV or other vehicles with high ground clearance.
4. There are no facilities at the camp areas. It is recommended to utilize the facilities at the initial meeting place before beginning the trek to the camps.
5. Bring plenty of water; the days can warm up very quickly. Snacks are also something to consider having on hand.



GILA RIVER INDIAN COMMUNITY

PO BOX 2138 / 525 W. GU U KI ROAD
SACATON, ARIZONA 85147

NATURAL RESOURCES STANDING COMMITTEE

2024 MEETING SCHEDULE

**Tuesdays, 9:00 am, Conference Room A, Community Council Secretary's Office,
Governance Center, Sacaton, Arizona**

January 09, 2024
January 30, 2024
February 13, 2024
February 27, 2024
March 12, 2024
March 26, 2024
April 09, 2024
April 23, 2024
May 07, 2024
May 28, 2024
June 11, 2024
June 25, 2024

July 09, 2024
July 30, 2024
August 13, 2024
August 27, 2024
September 10, 2024
September 24, 2024
October 08, 2024
October 29, 2024
November 12, 2024
November 26, 2024
December 10, 2024
December 24, 2024

COMMITTEE MEMBERS:

Ann Lucas, Chairwoman
Franklin Pablo, Sr., Vice-Chairman
Charles Goldtooth, Member
Brian Davis, Sr., Member
Joseph Manuel, Jr., Member

Standing Committee Assistant:

Katrina Santos, (520) 562-9724

All documentation (*Reports, Resolutions, Ordinances, PowerPoints, Videos, etc*) submitted for Standing Committee review **MUST** be submitted to the Standing Committee Assistant **NO LATER THAN 12:00 NOON THE THURSDAY PRIOR TO THE STANDING COMMITTEE MEETING DATE.** Presenters are responsible for providing **ONE (1) ELECTRONIC COPY** of all material for Standing Committee review/consideration.

LATE MATERIAL WILL NOT GO OUT IN STANDING COMMITTEE PACKETS. THE STANDING COMMITTEE ASSISTANT IS NOT RESPONSIBLE FOR CALLING AND REMINDING DEPARTMENT/PROGRAMS, ENTITIES, OR INDIVIDUALS TO SUBMIT MATERIALS NOR IS SHE RESPONSIBLE FOR MAKING COPIES OF MATERIAL FOR THE STANDING COMMITTEE PACKETS. **ABSOLUTELY NO POWERPOINTS OR VIDEOS WILL BE ACCEPTED THE DAY OF THE STANDING COMMITTEE MEETING.**

****MEETING DATES AND LOCATIONS ARE SUBJECT TO CHANGE****



Right of Entry Permit Request Timeline

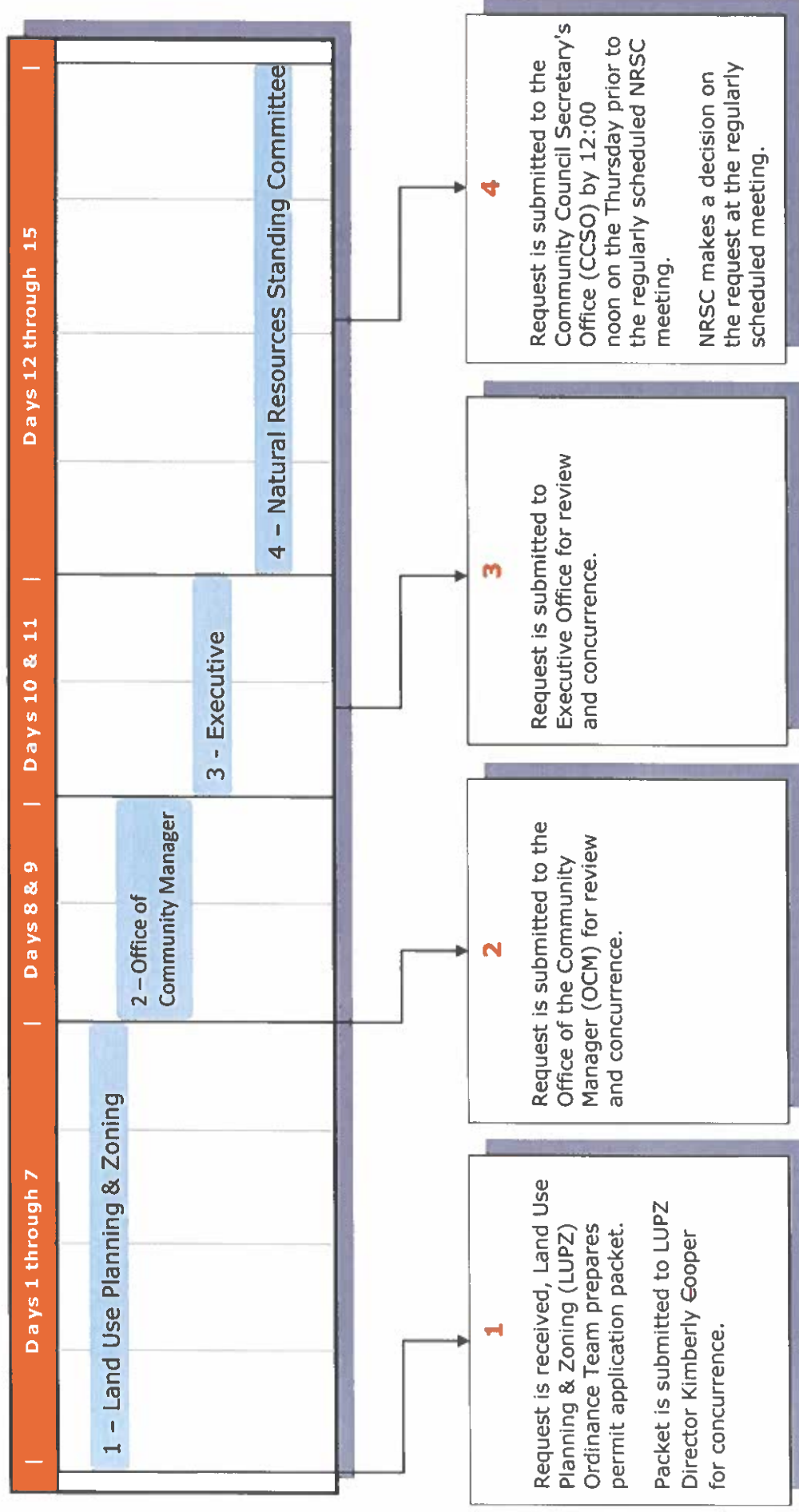


Chart reflects **working days**. Please submit your request a **minimum** of 15 working days prior to the next scheduled NRSC meeting.
*Timeframe may increase due to unforeseen circumstances. Please submit your request as early as possible to ensure placement on NRSC agenda.



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85147

ORDINANCE GR-004-21

THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY AMENDS THE 2009 GILA RIVER INDIAN COMMUNITY CODE BY RESCINDING ORDINANCE GR-03-10, THE 2010 TRESPASS CODE, AND ENACTING THE AMENDED CODE AS THE 2021 CIVIL TRESPASS CODE, TO BE CODIFIED AT TITLE 8, CHAPTER 2

WHEREAS, the Gila River Indian Community Council ("Community Council") is the governing body of the Gila River Indian Community ("Community" or "GRIC"); and

WHEREAS, the Community Council is authorized by Article XV, §§ 1(9)(22) (26) & (28) of the Constitution and Bylaws of the Community (March 17, 1960, as amended) to enact laws which provide for the removal or exclusion of non-members from the Gila River Indian Reservation ("Reservation") whose presence may be injurious to the peace, health or welfare of the Community, and to enact civil laws which the conduct of the Community members and non-members on the Reservation; and

WHEREAS, trespasses onto the Reservation have caused serious damages to the Community, its members, lands, animals, and natural and cultural resources, and caused intrusion on the privacy of Community members and legal residents; and

WHEREAS, the 2021 Civil Trespass Code is intended to minimize the impact of undesirable behaviors within the exterior boundaries of the Reservation and is intended to be rigorously enforced; and

WHEREAS, due the current health and safety precautions related to the COVID-19 pandemic and time is of the essence, it is recommended that the pre-adoption notice procedures under Title 8, Chapter 7 of the GRIC Code be waived; and

WHEREAS, the attached amendments have been reviewed by the Cultural Resource Standing Committee ("CRSC"), Natural Resources Standing Committee ("NRSC"), and Legislative Standing Committee ("LSC"); and

WHEREAS, the CRSC, NRSC, and LSC recommend the enactment of the 2021 Civil Trespass Code, which will be codified at Title 8, Chapter 2, of the GRIC Code, and further recommend waiving the requirements of Title 8, Chapter 7, as the amendments are in the best interests and safety of the Community.

NOW, THEREFORE, BE IT ENACTED, that the Gila River Indian Community Council hereby rescinds Ordinance GR-03-10; enacts the attached 2021 Civil Trespass Code as Title 8, Chapter 2; and waives the pre-notification requirements under Title 8, Chapter 7; and that the attached 2021 Civil Trespass Code be effective immediately.

BE IT FINALLY ENACTED, that the Governor, or in the Governor's absence the Lieutenant Governor, is hereby authorized to take all steps necessary to carry out the intent of this enactment.

CERTIFICATION

Pursuant to authority contained in Article XV, of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960 and approved by the Secretary of the Interior on March 17, 1960, the foregoing Ordinance was adopted on the 4th day of August, 2021, at a Regular Community Council Meeting held by WebEx platform, at which a quorum of 14 members were present by a vote of: 14 FOR; 0 OPPOSE; 0 ABSTAIN; 3 ABSENT; 0 VACANCY.

GILA RIVER INDIAN COMMUNITY


GOVERNOR

ATTEST:


COMMUNITY COUNCIL SECRETARY



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TITLE 8

CIVIL CODE

Chapter 2. Civil Trespass

- 8.201. Authority; Findings; Purpose.
- 8.202. Definitions.
- 8.203. Acts Constituting Civil Trespass.
- 8.204. Detention and Exclusion of Non-Members.
- 8.205. Civil Trespass Actions.
- 8.206. Penalties.
- 8.207. Enforcement of Civil Remedies.
- 8.208. Time Limitation.
- 8.209. Seizure of Property and Forfeiture Proceedings.
- 8.210. Right-of-Entry.
- 8.211. Rules, Regulations, and Procedures.
- 8.212. Other Remedies Not Affected.
- 8.213. Severability.
- 8.214. Sovereign Immunity.
- 8.215. Attorney or Advocate Fees.
- 8.216. Effective Date.

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Chapter 2. CIVIL TRESPASS

8.201. Authority; Findings; Purpose.

A. Authority. The Gila River Indian Community Constitution and Bylaws (March 17, 1960) were formed pursuant to the Indian Reorganization Act (25 U.S.C. § 461 et seq.) and were adopted for the common welfare of the Community and provide structure for the Community to enact ordinances governing conduct within the exterior boundaries of the Reservation (25 U.S.C. § 476). The Community enacts this ordinance under its inherent civil, legislative, adjudicative and regulatory authority.

B. Findings. Recognizing that the well-being and general welfare of members of the Community is a concern of the highest priority for the Community Council, the Community Council finds:

1. That the Community has inherent sovereignty to exercise civil authority and jurisdiction over the conduct of Community members and all other persons on all lands within the exterior boundaries of the Reservation to maintain the environment, natural resources, public health, safety, welfare, political integrity and economic security of the Community;
2. That the Community has inherent sovereignty that includes the right to occupy and exclude non-members from lands within the exterior boundaries of the Reservation;
3. That trespasses onto Community lands in the past have caused serious damages to the Community, its members' lands and its natural and cultural resources and caused an intrusion on the privacy of Community members and legal residents;
4. Trespassing onto Community lands continues to be a serious problem and poses an imminent threat to the health, safety and welfare of the Community, its members and preservation of its lands and resources; and
5. The intent of this Chapter is to exercise the Community's civil jurisdiction to the maximum extent permitted under *Montana v. United States*, 450 U.S. 544 (1981) and *Water Wheel Camp Recreational Area, Inc. v. LaRance*, 642 F.3d 802 (9th Cir. 2011) to regulate activities of Indians and non-Indians on matters which pose an imminent threat to public health, safety and welfare of the Community, its people, its property, its resources and its environment.

C. Purpose. The Gila River Indian Reservation is for the exclusive use and enjoyment of the members of the Gila River Indian Community. The peace, property and public safety of the people of the Reservation are often threatened by destructive and malicious acts. To regulate these acts and provide relief for damages which result it is necessary that remedies in the nature of civil penalties and forfeitures be enacted. This Chapter is enacted to minimize

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the impact of undesirable behaviors and conditions within the exterior boundaries of the Reservation and is intended to be rigorously enforced.

8.202. Definitions.

A. Whenever used in this chapter, the terms listed below have the meanings indicated which are applicable to both the singular and plural thereof. When used in a context consistent with the definition of a listed-defined term, the term shall have the meaning as defined below whether capitalized, italicized or otherwise.

1. *Aircraft* means any airplane regardless of its source of propulsion or configuration, helicopter, ultra-light, glider, hot-air balloon, drone, unmanned aircraft system (UAS) and its associated elements or any other manned or unmanned vehicle, instrument or device capable of flight.
2. *Agreement* means a written contract, purchase order, lease, business site lease, master lease, approved sublease, memorandum of agreement, or memorandum of understanding, 25 U.S.C. § 81 agreement, or other similar document.
3. *Code* means the Gila River Indian Community Code, as amended, published pursuant to Community Council Ordinance GR-15-09, effective October 7, 2009, or the most recent codification.
4. *Community* or *GRIC* means the Gila River Indian Community.
5. *Community lands* means both Tribal (including trust or fee) and Allotted trust lands.
6. *Community member or member* means all persons currently enrolled as a member of the Gila River Indian Community and registered with the Gila River Indian Community's Enrollment/Census Department.
7. *Court* means all lawful courts of the Community established pursuant to the Community's Constitution and Bylaws.
8. *Dangerous Instrument* means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious injury.
9. *Deadly Weapon* means anything designed for lethal use, including a firearm.
10. *Department* means the Department of Land Use Planning and Zoning of the Gila River Indian Community.
11. *Drag race* means either the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other,

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or the operation of one or more vehicles over a common selected course and from the same point for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

12. *Firearm* means any loaded or unloaded pistol, revolver, rifle, shotgun, air gun, or other weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive or compressed substance.
13. *Non-public Areas* means areas other than public areas of the Reservation including private land and other areas so designated by the Department pursuant to regulations adopted in accordance with Section 8.211.
14. *Person* includes an individual, officer, agent, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust or any other entity, group or combination acting as a unit, including any government entity.
15. *Public Areas* means areas of the Reservation where public services are sought/provided (e.g., governmental buildings, hospitals including, but not limited to their parking lots and ancillary structures) or where goods or services are lawfully sold to the general public, including, but not limited to, tribal casinos, retail operations, golf courses, restaurants, resorts, retail/wholesale businesses, race tracks, entertainment venues, industrial areas, recreational areas, and any other areas so designated by the Department pursuant to regulations adopted in accordance with Section 8.211.
16. *Public Rights-of-Way* means rights-of-way granted to the state or its political subdivisions and other rights-of-way designated as open to the public by the Department pursuant to regulations adopted in accordance with Section 8.211.
17. *Racing* means the use of one or more vehicles in an attempt to outgain or outdistance another vehicle or prevent another vehicle from passing.
18. *Reservation* means the land located within the exterior boundaries of the Gila River Indian Reservation created under Sections 3 and 4 of the Act of February 28, 1859 (11Stat. 401, chapter LXVI) and Executive Orders of August 31, 1876, June 14, 1879, May 5, 1882, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and all other lands held by the United States in trust for the benefit of the Gila River Indian Community and its members.
19. *Right of Entry* means the express legal authority or permission granted to a party by the lawful owner, lessee or managing entity of the affected property to access, enter in and onto lands, property or structures for the stated purpose of the entry and subject to any stipulations guiding the allowed activity.

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20. *UAS* means an unmanned aircraft system and its associated elements (including, but not limited to, communications links and the components that control the small unmanned aircraft).
21. *Vehicle* means any mechanism or device that can be used for transportation of passengers or cargo including, but not limited to: cars, trucks, motorcycles, motor scooters, railway cars of any size or configuration, all-terrain vehicles, or bicycles.

B. Unless stated otherwise in this chapter, words or phrases which have a well-known meaning are used in this chapter in accordance with such recognized meaning.

8.203. Acts Constituting Civil Trespass.

A. Excluded persons. A person, who is not an enrolled Community member or Community entity, commits a civil trespass and may be held liable for the same if they are present within the exterior boundaries of the Gila River Indian Reservation after:

1. Having been previously excluded from the Gila River Indian Community pursuant to Title 8, Chapter 1 of the Code;
2. Having been excluded from a Community gaming establishment pursuant to Title 22 of the Code; or
3. Fails or refuses to leave the Reservation after having been instructed to do so by the Gila River Police Department, the Gila River Rangers or the Gila River Fire Department.

B. Non-public Areas. A person, who is not an enrolled Community member or a Community entity, commits civil trespass if they are found in any non-public area within the boundaries of the Reservation without a right-of-entry permit or other lawful permission or authority to be present in that area.

C. Public Areas. A person, who is not an enrolled Community member or Community entity, commits a civil trespass by committing any of the following acts within public areas without a right-of-entry permit or other lawful permission or authority:

1. Cutting, damaging or removing any wood, timber, vegetation or crops;
2. Discharging a firearm or other weapon;
3. Possessing a firearm, deadly weapon or other dangerous instrument;
4. Hunting, trapping or fishing or attempting to do so pursuant to tenets contained herein and those in Title 15, Chapter 4;
5. Camping or other occupation of lands without lawful permission or authority;

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6. Engaging in activities outside of clearly designated areas or public rights-of-way to include, but not limited to, walking, running, hiking, bicycling or horseback riding;
7. Erecting, placing, fastening or painting any notice, advertisement, sign or other writing designed to communicate to the general public;
8. Dumping depositing, placing, throwing or leaving trash, garbage, rubbish, debris, refuse, foreign substances or liquids or other objects;
9. Opening, cutting, leaving down or destroying a fence;
10. Permitting, riding or allowing livestock or other domesticated animals to enter upon or remain upon the land;
11. Operating or being present in or on a vehicle outside of a public rights-of-way or parking lots within public areas;
12. Damaging, destroying or otherwise injuring land, livestock, poultry, buildings, crops, equipment or any other property belonging to any person or to the Community;
13. Searching, digging, removing or otherwise looking for or taking or carrying away earth, soil, stone, minerals, gems or any other property including, but not limited to, objects of historical, cultural or archeological significance or interest;
14. Chasing, in any form or by any means, restraining, capturing, removing, injuring or taking the life of any wildlife or domesticated animal;
15. Removing, altering, damaging or defacing in any manner any boundary, trespassing, roadway, traffic or governmental, civic or private organization identification or regulatory sign;
16. Unlawfully flies or retrieves or attempts to retrieve any model aircraft, drone or UAS;
17. Unlawfully or knowingly enters or remains on a property or within a structure after having been reasonably requested to leave by the owner or a person with lawful control of the property or structure or by a law enforcement officer or were given reasonable notice warning them against entering the property or structure; or
18. Drives a vehicle or participates in any manner in a race, speed competition or contest, drag race, acceleration contest, test of physical endurance, exhibition of

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speed or acceleration, or for the purpose of making a speed record on a street, highway, roadway or trail, sidewalk, or parking lot.

D. **Landing Aircraft.** A person, who is not an enrolled Community member or Community entity, commits a civil trespass by landing an aircraft, whether intentionally or unintentionally, within the exterior boundaries of the Reservation without a right-of-entry permit or other lawful permission or authority to be present in that area.

E. **Criminal Acts Committed by Non-Indians.** A person, who is not an Indian under federal law, commits a civil trespass by committing any of the acts which would otherwise be criminal violations under Title 8, Chapter 2 of the Code.

F. **Limitations on Holders of Community Business Licenses.** A person, who is not an enrolled Community member or Community entity, which holds a business license pursuant to Title 13 of the Code commits a civil trespass by conducting business activities in violation of Section 8.203.

G. **Conducting Business without a GRIC Business License.** A person, who is not an enrolled Community member or Community entity, commits a civil trespass by conducting business, commerce, or revenue-generating activities within the exterior boundaries of the Reservation without a business license, or continuing to conduct business, commerce, or revenue-generating activities within the exterior boundaries of the Reservation following the expiration of a business license, contract, business site lease, right of entry or other similar agreement.

H. **Limitations on Mobile or Itinerate Vendors.** Any person commits a civil trespass by conducting door-to-door, mobile, itinerant, or any other types of unsolicited business activities in neighborhoods, roads, and on public rights-of-ways located within the exterior boundaries of the Reservation before the hours of 6:00 AM and after 8:00 PM.

I. **Culturally-Sensitive Sites.** Sites of cultural, historical and/or archaeological interest or value to the Gila River Indian Community within its exterior boundaries and other lands per Section 8.202.A.16. are protected under Title 15, Chapter 4, Archaeological Resource Protection Act 1979 P.L. 96-95, 16 U.S.C.S. §§470aa-11, and all other applicable Community, State and Federal laws, statutes and ordinances. All persons who are not enrolled members of the Gila River Indian Community are prohibited from entering these sites without express written permission or lawful authority with the following exemptions:

1. Those persons with direct-blood lineage to a Community member but do not meet the minimum membership requirements under Title 3, Section 3.104 to be recognized as a Community member are allowed to visit such sites as long as they are in the presence of a Community member;
2. All Community Departmental staff or staff of its programs, corporations or entities as long as their entry is directly associated with their employers' scope of work; or

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3. The former exemptions notwithstanding, all persons with exemptions under Sections 8.203.I.1 and 2 are required to adhere to any applicable administrative or programmatic requirements of the Community's Tribal Historic Preservation Office, the Cultural Resources Management Program and/or the Department of Land Use Planning and Zoning prior to entry into sites covered by this ordinance and the ordinances and statutes referenced above.

J. Capturing Sounds and Images. Any person, who is not an enrolled Community member or a Community entity, commits trespass by capturing sounds and images of the Community's Natural and Cultural Resources, images and sounds of its protected ceremonies or of its people by any means is prohibited unless granted permission by the Community's Natural Resources Standing Committee and/or the Cultural Resources Standing Committee.

K. General Trespass. Any person, who is not an enrolled Community member or a Community entity, commits civil trespass if found committing any of the following acts on the Reservation:

1. Unlawfully or knowingly enters or remains on a property or within a structure after having been reasonably requested to leave by the owner or a person with lawful control over the property or structure or by a law enforcement officer or were given reasonable notice warning them against entering the property or structure; or
2. Unlawfully enters and occupies land, property or a structure for which he or she has no reasonable personal claim or right of possession and refuses to leave when requested to do so by a representative of the entity with lawful control over the land, property or structure or by a law enforcement officer.

L. Community Member Trespass Violations. Any Community member commits civil trespass by committing any of the following acts:

1. Dumping, depositing, placing, throwing, or leaving trash, garbage, rubbish, debris, refuse, foreign substances or liquids or other objects;
2. Opening, cutting, leaving down or destroying a fence;
3. Damaging, destroying, or otherwise injuring land, livestock, poultry, buildings, crops, equipment or any other property belonging to any person or to the Community;
4. Removing, altering, damaging or defacing in any manner any boundary, trespassing, roadway, traffic, or governmental, civic or private organization identification or regulatory sign;

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5. Unlawfully or knowingly enters or remains on a property or within a structure after having been reasonably requested to leave by the owner or a person with lawful control of the property or structure or by a law enforcement officer or were given reasonable notice warning them against entering the property or structure; or
6. Conducting business, commerce, or revenue-generating activities within the exterior boundaries of the Reservation without a business license.

8.204. Detention and Exclusion of Non-Members.

A. Any Community law enforcement officer may detain and escort from the Reservation any person whom the Community law enforcement officer observes violating Section 8.203. Any detention under this section shall be temporary in nature and only for so long as it takes to escort the person from the Reservation.

B. Any person who is not a member of the Community, found liable for a violation of Section 8.203 may be permanently excluded from the Gila River Indian Community pursuant to Chapter 1 of this Title.

8.205. Civil Trespass Actions.

A. Civil Trespass Citation. A civil trespass action may be initiated when a Community law enforcement officer issues a citation to the person or entity committing a civil trespass. The citation shall be filed with the Community Court within seven business days of issuance. The citation shall serve as the summons and complaint in the civil trespass action and shall contain the following information:

1. Identification of the person or entity committing the civil trespass;
2. The approximate location of the civil trespass;
3. A brief statement of the acts constituting civil trespass;
4. A description of any property seized as a consequence of the civil trespass; and
5. The date, time and place of the initial hearing in the Community Court.

B. Civil Trespass Complaint. A civil trespass action may also be initiated by the Office of the General Counsel in the form of a long form civil complaint filed within the time limitations in Section 8.208. The long form complaint shall contain the information required in Section 8.205.A. and shall be filed with the Court. After filing, the Court shall serve the respondent with a copy of the complaint and a summons in accordance with the procedures found in Title 4 of the Code.

C. Civil Trespass Hearings.

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1. **Initial Hearing.** At the initial hearing, the Court shall determine whether the respondent admits or denies the civil trespass. At the hearing, the respondent may be represented by counsel of their choice and at their own cost; however, there is no right to counsel. When a person or entity has been charged with civil trespass and is not represented by counsel or an advocate, the Community may waive its appearance at the initial hearing.
 - a. If the person or entity admits the civil trespass, the court shall impose a fine in accordance with Section 8.206.
 - b. If the person or entity denies the civil trespass, the court shall conduct an adjudication hearing on the civil trespass complaint within 30 days and all parties shall be given notice.
2. **Adjudication Hearing.** At the adjudication hearing, the Community may be represented by either the law enforcement officer issuing the citation or the Community Office of the General Counsel. Following the presentation of evidence, if the Court finds, by a preponderance of evidence, that the person or entity charged did commit civil trespass, the Court shall impose a fine in accordance with Section 8.206.
3. **Applicable Rules.** All hearings shall be governed by the rules governing civil court proceedings contained in Title 4 of the Code; however, the Court shall not be bound by technical requirements in admission of evidence and there is no right to trial by jury.

8.206. Penalties.

- A. **Non-Community member violations.**
 1. Any non-Community member individual or entity found liable for a violation of Section 8.203, which does not involve any damages to Community lands or property shall be subject to a fine not less than \$300 and not to exceed \$1,000.
 2. Any non-Community member individual or entity found liable for a violation of Section 8.203, which involves damages to Community lands or private or leased property shall be subject to a fine no less than \$1,000 not to exceed \$3,000, in addition to the amount of the damages caused.
 3. Any non-Community member individual or entity who intentionally or willfully trespasses shall be punished by an additional civil penalty of an amount not to exceed three times the actual damages or \$15,000, whichever is greater.
 4. Any non-Community member individual or entity who intentionally or willfully trespasses to search, dig or otherwise look for or take or carry away earth, soil, stone, minerals, gems or any other property including, but not limited to, objects of historical, cultural or archaeological significance or interest shall be punished

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by an additional civil penalty of an amount not to exceed three times the actual damages or \$50,000, whichever is greater.

5. For violations of Section 8.203.B, the following factors which shall be calculated on a daily basis are as follows:

- a. For electrical transmission lines which traverse the Reservation, the fine shall be calculated based upon the length and capacity of the transmission lines and throughput;
- b. For oil, liquid, gas or natural gas pipelines which traverse the Reservation, the fine shall be based upon the throughput of the lines or, if the throughput cannot be determined, upon the length of the line; or
- c. For other violations involving contracts, expired business licenses, business site leases or other agreements, the fine shall be based upon the amount of gross revenues earned for operations conducted on the Reservation during the time period of the civil trespass or, if such amounts cannot be determined, in an amount based upon the financial benefit received by virtue of activities.

B. Community Member Violations.

1. Any Community member found liable for a violation under Section 8.203, which does not involve any damages to Community lands or private or leased property shall be subject to a fine not less than \$50 and not more than \$300 for each violation.
2. Any Community member found liable for a violation under Section 8.203, which involves damages to Community lands or private or leased property shall be subject to a fine not less than \$100 and not more than \$600, in addition to the amount of the damages caused.
3. If a Community member fails to pay a court ordered fine under this chapter, the Department may seek garnishment of any per capita payments received under Title 22, Chapter 13, Section 22.1305.B., to satisfy the debt owed to the Community.

C. Subsequent Violations. The penalties and fines assessed under this section shall be doubled in the event it is proved that the person or entity was previously found liable for a civil trespass on the Reservation.

D. Appropriation of Fines Assessed. The funds collected as a result of fines and penalties excluding damages and restitutions assessed under this section are to be placed into an account established for the purchase of new or replacement no trespassing/boundary signs

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and hardware as well as fence repair material to be managed by the Department. This account will not expire at the end of the fiscal year.

8.207. Enforcement of Civil Remedies.

An assessed civil remedy in a civil trespass action shall become a civil judgment of the Court against the respondent and an obligation of the respondent to the Community. A civil remedy assessed under this chapter shall become a lien or encumbrance upon any of the respondent's personal property located within the Reservation.

8.208. Time Limitation.

An action for civil trespass must be filed with the Court within one year of the date the alleged civil trespass occurred, although the time period shall not run during any time in which a person or entity has undertaken to conceal the occurrence of a civil trespass, in which case the time period shall begin to run when the civil trespass becomes known to a Community law enforcement official.

8.209. Seizure of Property and Forfeiture Proceedings.

A. Seizure. Law enforcement officials may, without notice of the Court order, seize, confiscate and impound any firearm, weapon, dangerous instrument, vehicle, aircraft, or other property used in the commission of any act of civil trespass, or used to aid or in furtherance of, or in conjunction with, an act of civil trespass.

B. Release. Any property seized or impounded under this chapter may be released to the lawful owner or claimant:

1. After adjudication of the civil trespass complaint and payment in full of any fine ordered by the Court; or
2. Upon posting of bond equal to the value of the property. The bond shall be available to be levied against any Court ordered fine or damages if the owner does not return the property to the custody of the Court upon order, or if the Court determines the property should be forfeited. If the Court determines that the property should not be forfeited any bond shall be returned to the party posting the bond.

C. Forfeiture. Any property used in the commission of any act of civil trespass, or used to aid or in furtherance of, or in conjunction with an act of civil trespass is subject to forfeiture as provided in this chapter. All forfeiture actions shall be considered in rem, against the property only and not against any person.

1. A Community law enforcement official who seizes property under the provisions of this chapter shall file a notice of seizure and intention to institute forfeiture with the Court clerk. The clerk shall serve notice on all owners of the property within 15 business days by registered mail. The notice shall include:

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- a. Description of the property;
 - b. Owner of the property;
 - c. Address or location where the property was seized; and
 - d. Instructions for responding to the forfeiture notice.
2. The owner of the seized property may file a verified answer to the notice, including either a general denial or a brief description of defense(s) asserted within 20 business days after mailing of the publication of notice.
 3. Any party claiming an interest in any property seized without notice or Court order may request an immediate hearing concerning the seized property. Such a hearing shall be held no more than five business days after the request.
 4. The Court shall hold a hearing at least sixty days after finding a civil trespass has occurred, or within 30 days after an answer is filed, whichever occurs first.
 5. The Court shall order the property restored or transferred to the owner, if the owner proves, by a preponderance of the evidence that:
 - a. The person is the lawful owner of, has a valid recorded security interest in, or has an ownership interest by operation of law in the property;
 - b. The possession, use, or other act of the owner is lawful;
 - c. The possession, use, or other act upon which forfeiture is sought was without the knowledge of the owner; and
 - d. The property will not be used to commit future acts of civil trespass.
 6. If no owner or claimant makes the proof required in Section 8.209.C., the Court shall declare the property forfeited to the Community, and may order the property:
 - a. Destroyed by law enforcement officials;
 - b. Sold at public auction or private sale;
 - c. Returned to the owner, lien holder, or other secured party upon payment of any expenses; or
 - d. Retained for ownership by the Community.

8.210. Right-of-Entry.

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A. **Right-of-Entry Permit Required.** All persons who do not have permission to be in non-public areas on the Reservation, or would otherwise violate Sections 8.203.C., 8.203.D., 8.203.F., and 8.203.G. without first obtaining a right-of-entry permit or other lawful permission or authority, shall obtain a right-of-entry permit from the Department pursuant to procedures established in accordance with Section 8.211.

B. **Non-Member Resident.**

1. Any person who is not a Community member and is eligible to reside within the exterior boundaries of the Reservation pursuant to the Residency Ordinance, Title 8, Chapter 9, Sections 8.902 and 8.904, must register with the Enrollment/Census Department according to the process under Section 8.903.
2. The rights and privileges of a Community member do not extend to non-member residents or guests, and they are prohibited from committing any act enumerated in Section 8.203 without a right of entry permit or other lawful permission or authority.

C. **Notification.** All persons with a duly authorized right-of-entry permit or an exemption pursuant to Sections 8.210.D.1. and 8.210.D.2. below shall notify the Department of the duration and scope of their presence on the Reservation. Such notification may be accomplished in the agreement authorizing the person's presence on the Reservation, in the right-of-entry application, or in compliance with administrative procedures established by the Department. The Department shall provide copies of the notification to the Gila River Police Department.

D. **Exemptions.** The following shall be exempt from obtaining a right-of-entry permit:

1. Any person that is party to a duly authorized and approved lease with the Community or its corporations, entities, or allottees, that implicitly or explicitly provides for consent to enter the Reservation to utilize the leased premises identified in said lease, including employees, agents, customers, vendors, contractors, and invitees of any party to the lease;
2. Any person that is a party to a duly authorized and approved agreement with the Community or its corporations, entities, departments, and programs that implicitly or explicitly provides for consent to enter the Reservation to provide goods or services to the Community or its corporations, entities, departments and programs including employees, agents, customers, vendors, contractors, and invitees of any party to such an agreement;
3. Any person who holds a valid business license and conducts door-to-door, mobile or itinerate food services, or any other types of unsolicited business activities in neighborhoods, roads, and public right-of-way located within the

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exterior boundaries of the Reservation within the time period not prohibited by Section 8.203.H.;

4. Non-Member Employees of the Community, its corporations, entities, departments and programs while acting in the course and scope of their employment; including travelling to and from their place of work but does not include crossing or being present on allotted lands or lands managed or encumbered by a Community entity, corporation, department or program without permission or authority from the party responsible for the affected lands or property;
5. Any person whose presence on the Reservation has been ordered by the Court, or requested by the Community, its corporations, entities, departments or programs;
6. Any person that enters the Reservation for purposes of attending events intended for the general public, including, but not limited to, public meetings, dances, rodeos, fairs, parades, etc.;
7. Any person who enters a Community member's private residences or Allotted land located within the Reservation as an invited guest of the Community member who owns the home being entered or has ownership, in whole or in part of the Allotted land being entered upon;
8. Any person who enters a non-public area as an invited guest of a Community member so long they are in the presence of a Community member with the understanding that the rights and privileges of a Community member do not extend to the invited guest or guests; or
9. Any person traveling through the Reservation on public rights-of-ways.

8.211. Rules, Regulations, and Procedures.

A. The Department is authorized to establish reasonable rules, regulations, and procedures necessary for the efficient administration of this chapter. Such rules, regulations, and procedures shall be established in accordance with the policies and standards enumerated throughout this chapter. When approved, such rules, regulations, and procedures shall be binding.

B. A copy of all rules, regulations and procedures shall be furnished to any person subject to this title upon request.

C. The Department shall conduct a comprehensive review of the rules, regulations, and procedures at least once every three years.

8.212. Other Remedies Not Affected.

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Nothing in this chapter shall in any way limit other civil remedies in favor of any party for the conduct upon which a civil trespass action is based, whether such remedies are in the Court or any other forum.

8.213. Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

8.214. Sovereign Immunity.

The sovereign immunity of the Community is not waived by this chapter or by any action taken by any Community law enforcement officer, Community department, agency or program pursuant to this chapter.

8.215. Attorney or Advocate Fees.

No party shall recover attorney or advocate fees in an action for civil trespass under the laws of the Community.

8.216. Effective Date

This chapter shall become effective the date approved pursuant to Article XV, Section 2 of Gila River Indian Community's Constitution and Bylaws.

Chevron – Casa Blanca Market, Interstate 10 – Exit 175; 2577 W. Casa Blanca Road
Coordinates; 33.117307, -111.849213

