



**HOOPA VALLEY TRIBAL
OFFICE OF EMERGENCY SERVICES
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ORDER #2020-3

**ORDER OF THE HOOPA VALLEY TRIBE
REQUIRING PEOPLE ON THE RESERVATION
TO WEAR FACE COVERINGS.**

DATE OF ORDER: APRIL 22, 2020
EFFECTIVE IMMEDIATELY UNTIL FURTHER NOTICE

Please read this Order carefully. This Order was prepared after careful consideration of the Orders that have been issued throughout California and the rest of the United States. Please note that violations of or failure to comply with this Order, will be considered a direct threat to the Hoopa Valley Tribe and appropriate legal actions may occur.

UNDER THE AUTHORITY OF THE HOOPA VALLEY TRIBE'S INHERENT SOVEREIGNTY, THE CONSTITUTION AND BYLAWS, AND BY THE AUTHORITY DELEGATED TO ME, AS THE INCIDENT COMMANDER OF THE COVID-19 EMERGENCY, I HEREBY ORDER THE FOLLOWING:

Summary:

The United States Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH"), and K'ima:w Medical Center have recommended that members of the public, when interacting with others outside the home and in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading the virus that causes COVID-19. Transmission of COVID-19 can be spread through respiratory droplets that people expel when they breathe or sneeze. People can be infected and not have any symptoms, meaning they are asymptomatic, but they can still be contagious. Additionally, people who display symptoms can also be infected and contagious 48 hours before displaying symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious, which results in unintentionally infecting others.

The Hoopa Valley Tribe ("Tribe") believes that wearing a Face Covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting COVID-19 when in public and engaged in essential activities and other activities when others are nearby. For clarity, although wearing a face covering is one tool for reducing the spread of the virus, it is not a substitute for staying at home, physical distancing of at least 6 feet, and frequent hand washing.

This Order requires people on the Reservation to wear Face Coverings, which may be a simple do-it-yourself covering as further described below.

1. The Hoopa Valley Tribe is in a State of Emergency because of the COVID-19 Pandemic. The spread of COVID-19 is a substantial danger to the health, safety, and general welfare of the Hoopa Valley Tribe, its Tribal members, and the Reservation community.
2. COVID-19 is spread through respiratory droplets that are procedure when an infected person coughs, sneezes, or talks. COVID-19 has been shown to stay on surfaces for days and remain viable in the air for up to three hours after an infected person has left.
3. The age, condition, and health of a significant portion of the population of the Reservation is possibly at risk for serious health complications, including death, from COVID-19. Evidence suggests that people can be infectious up to 48 hours before the onset of symptoms, and as many as 50% of infections seem to occur in asymptomatic persons. All persons who contract COVID-19, regardless of whether their symptom levels (none, mild, or severe), place individuals who are considered high risk for severe illness at a significant risk. Currently, there is no vaccine available to protect against COVID-19 and no specific treatment. Even a small reduction in community transmission could make a major difference to the demand on the healthcare system.
4. The intent of this Order is to preserve the public health and safety for all individuals (“people”) on the Hoopa Valley Indian Reservation (“Reservation”), and to ensure the healthcare system is capable of serving everyone in need, especially those at high risk and vulnerable to COVID-19. Furthermore, it is to ensure that all people who are working at Essential Businesses and all people who are engaged in certain types of work wear a Face Covering to reduce the likelihood that they may transmit or receive COVID-19. This is necessary to slow the spread of COVID-19 to the maximum extent possible and mitigate the impact of the virus on the Tribe’s workforce.
5. All provisions of this Order shall be interpreted to effectuate the intent to safeguard and promote the peace, safety, morals, and general welfare of the Hoopa Valley Tribe. Failure to comply with any of the provisions of this Order will constitute an imminent threat to public health, safety, and welfare of the Hoopa Valley Tribe and the Hupa people, at large.
6. As used in this Order, a “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes of forehead is not a Face Covering. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, to avoid touching the face. For Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use.

Note that any mask that incorporates a one-way valve that is designed to facilitate easy exhaling is NOT a Face Covering under this Order and is NOT to be used to comply with this

Order's requirements. A one-way valve is typically a raised plastic cylinder about the size of a quarter on the front or side of the masks and those type may permit droplet release from the mask, which would put others nearby at risk.

Face Coverings are meant to protect the public from the user in case the user is infected and not yet displaying symptoms. Face Coverings are not a substitute for social distancing requirements.

7. All persons shall wear Face Coverings before they enter any indoor facility besides their residence, any enclosed open space, or while outdoors when the person is unable to maintain a six-foot distance from another person.
 - a. For clarity, a Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present if the public does not regularly visit the room. For example, a person is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworker are regularly present.
 - b. This Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.
 - c. A Face Covering is also not required by this Order to be worn by a particular individual if the person can show either: (1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; (2) wearing a Face Covering would create a risk to the person related to their work as determined by Tribal, state, or federal regulators or workplace safety guidelines; or (3) if the person is a children under the age of 2.
8. The user should limit the touching of their face and Face Covering. Users should wash their hands each time they apply their Face Covering, each time they touch their Face Covering, and after removing their Face Covering. Reusable Face Coverings should be frequently washed or sanitized for the health and safety of the user and others. Single-use Face Coverings shall be properly discarded.
9. Employers who continue to operate on the Reservation and who require their employees to leave their residence to work or provide a service shall ensure that their employees comply with this Order while on duty by: (1) supplying employees with Face Coverings; (2) ensuring that employees have access to Face Coverings; or (3) ensuring that employees are using their own Face Coverings.
10. To the extent authorized by applicable law, an entity or business (governmental or private) may refuse admission or service to any customer or visitor who fails to wear a Face Covering.
11. This Order is issued based on evidence of increasing occurrence of COVID-19 within the


Reservation, County, State, and the United States, scientific evidence, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of COVID-19 in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the Reservation. Therefore, the Tribe believes that its employees wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting COVID-19 when in public and engaged in essential business activities.

12. Pursuant to the Tribe's inherent sovereignty and the Constitution and Bylaws ratified by Congress, the Hoopa Valley Tribal Council has the authority to safeguard and promote the economic security, peace, safety, morals, and general welfare of the Hoopa Valley Indians, and to promulgate and enforce ordinances and orders governing the conduct of members and nonmembers within the exterior boundaries of the Reservation.
13. The Hoopa Valley Tribal Police and Hoopa Valley Tribal Court shall take necessary actions to ensure compliance with and enforcement of this Order. These steps are necessary due to the Public Health Emergency and threat that the Reservation is facing as a result of the COVID-19 Pandemic.
14. Copies of this Order shall promptly be posted and accessible at <https://hoopaes.org> and the following places: the Tribe's website, the applicable Facebook pages, the Informational Boards on the Reservation; and provided to any member of the public requesting a copy of this Order.
15. This Order is issued in accordance with, and incorporates by reference, the Declaration of the State of Emergency issued by the Chairman on March 4, 2020; the Resolution 20-08 passed by Tribal Council on March 5, 2020, and the Order (#2020-2) issued by me on April 1, 2020.
16. Please take notice that this Order does not supersede any previous Orders and for clarity this Order is in addition to the Order issued on April 1, 2020.
17. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
18. The Chairman, the Tribal Council, and the COVID-19 Response Team, will continue to assess the quickly evolving situation and I, as Incident Commander, may modify this Order, or issue additional Orders, related to the COVID-19 Pandemic.

IT IS SO ORDERED:

Date: 4-24-2020

Time: 1159

By: 
Amos Pole, Incident Commander
COVID-19 Emergency