

**CONTROL & SUPPRESSION
OF PINK BOLLWORM
ORDINANCE
GR-07-87**



GILA RIVER INDIAN COMMUNITY

ORDINANCE GR-07-87

AN ORDINANCE REVISING THE CONTROL AND SUPPRESSION OF PINK BOLLWORM AND THE COTTON BOLL WEEVIL COMPLEX ORDINANCE.

WHEREAS, The Arizona Commission of Agriculture and Horticulture has passed Regulations relating to the control of Pink Bollworm of Cotton and the Cotton Boll Weevil Complex but that this regulation is not effective on the Gila River Indian Reservation; and

WHEREAS, The Community council enacted Ordinance GR-03-82 on April 7th, 1982, to curtail the build-up and spread of the pink bollworm and boll weevil complex within the State of Arizona and within the Gila River Indian Reservation; and

WHEREAS, Stub cotton has been found to contribute to the carrying of pink bollworm and boll weevil complex and to cause eventual infestation of all cotton crops on and off the Reservation; and

WHEREAS, It is necessary to establish a definite and firm plow-down date of February 1, of each calendar year to coordinate enforcement activities with the State of Arizona.

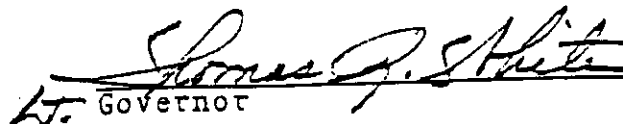
NOW IT IS ENACTED that the following attached revised Ordinance entitled Control and Suppression of Pink Bollworm of Cotton and the Cotton Boll Weevil Complex on the Gila River Indian Reservation is hereby enacted and approved.

THEREFORE BE IT ENACTED that Ordinance GR-03-82 is hereby rescinded.

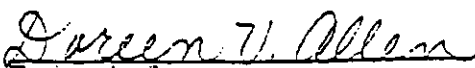
CERTIFICATION

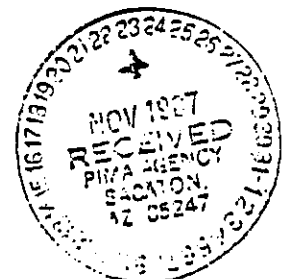
Pursuant to authority contained in Article XV, Section 1. (a) 1, 7, 9, 12, (b) 10 & Section 4 of the amended Constitution & Bylaws of the Gila River Indian Community ratified by the Tribe, January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing Ordinance was adopted this 18th day of November, 1987, at a Regular Council meeting held in District #3, Sacaton, Arizona, 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


Lt. Governor

ATTEST:


Tribal Secretary



GILA RIVER INDIAN COMMUNITY

ORDINANCE GR-07-87

CONTROL AND SUPPRESSION OF PINK BOLLWORM OF COTTON AND THE COTTON BOLL WEEVIL COMPLEX.

A. NOTICE OF QUARANTINE:

1. It has been determined the pink bollworm of cotton, pectinophora gossypiella (Saunders), is a dangerous insect pest of cotton and is known to occur in all of the cotton-producing counties in the state of Arizona and on the Gila River Indian Reservation; and
2. A boll weevil complex, Anthonomus grandis Boheman complex, is known to occur in the counties of Cochise, Maricopa, Pima, Pinal, Santa Cruz and Yuma, Arizona, and the Gila River Indian Reservation; and
3. The occurrence of the pink bollworm of cotton and the boll weevil complex constitutes a threat and a menace to the entire cotton growing industry; and that
4. In order to curtail the early build-up and spread of the pink bollworm of cotton and the boll weevil complex within the state of Arizona and on the Gila River Indian Reservation, and to reduce the damage which results from the feeding of the pink bollworm of cotton and the boll weevil complex, and to facilitate the control and suppression of the pink bollworm of cotton and the boll weevil complex, it is hereby ordered and declared that the following regulation shall govern the ginning, processing, movement, and cultural practices of all cotton and cotton products, used harvesting equipment, and machinery within the Gila River Indian Reservation.

B. PESTS:

1. Pink Bollworm of Cotton, Pectinophora gossypiella (Saunders).
2. Boll Weevil Complex, Anthonomus grandis Boheman complex.

C. AREA UNDER QUARANTINE:

The quarantined area includes the entire Gila River Indian Reservation.

D. COMMODITIES COVERED:

The following articles are hereby designated as host plants and carriers of the pink bollworm of cotton and the boll weevil complex:

1. Cotton (all parts).
2. Cotton gin trash.
3. Used cotton harvesting machine.
4. Other materials, products and equipment which are contaminated with any of the above host plants and carriers, and which, in the opinion of the inspector, present a hazard in the proliferation and spread of the pink bollworm of cotton or the boll weevil complex.

E. RESTRICTIONS:

1. Processing of Cotton Gin Trash: Gin trash from cotton gins operated within the quarantined area, or from gins ginning cotton grown within the quarantined area, shall be destroyed daily or processed through an approved insect-killing device or disposal fan under the supervision of the Community Pesticide Control Office or other authorized Community Representative.
2. Movement of Host Plants and Carriers within the Gila River Indian Reservation: All host plants and carriers produced in or concentrated within the area infested with boll weevil complex may be moved to the area not known to be infested with boll weevil complex, only under permit from the Arizona State Entomologist and Community Pesticide Control Office or other duly authorized representative of the Community; the permit to specify the manner of handling or treating the host plant or carrier.
3. Cultural Practices Which Shall be Followed in the Growing of Host Plants Within the Gila River Indian Reservation.
 - a. No stub, soca or volunteer cotton shall be grown in or allowed to grow in the Gila River Indian Reservation, except in a formal research project of the University of Arizona or the Agricultural Research Service of the U.S. Department of Agriculture, which has been approved by the Community Council. Stub, soca or volunteer cotton is defined as those cotton stalks of a previous crop which, after over-wintering, begin to

show signs of growing by displaying buds which swell or which send out shoots of plant growth (either white or green).

- b. The earliest planting date for cotton shall be Match 15 of each year; except those growers using the practice of dry planting shall be allowed to plant ten (10) days prior to their zone's planting date but shall not water such cotton until such planting date.
 - c. On February 1 of each year all stub, soca or volunteer cotton found growing on idle land, fallow land, in other crops, or in any other location, shall be destroyed by the owner of the land, or other person or persons on, occupying, or using the land under any authority, expressed or implied, of the owner, at his expense within the time limit specified in the notice after being notified in writing of the violation by an agent of the Gila River Indian Community, and that the stub, soca or volunteer cotton must be destroyed to the satisfaction of the Community.
 - d. All expense involved in the operation of shredding, plowing, disking, planting, irrigating, or other operation required under this regulation, shall be borne by the owner of the land, or other person or persons on, occupying or using the land under any authority, expressed or implied, of the owner.
 - e. In lieu of the required plowing under Section b, the crop remnant remaining in the field after the harvest season, and consisting of stalks, leaves, bolls, lint, podo and needs, shall be shredded and the land disked and cross-disked to a depth of four (4) inches or more to effectively kill the plant material by the dates specified in B. The land must be irrigated and planted to a crop other than cotton prior to February 15th of the year resulting in the crop remnant.
4. Rules Governing Inspection, Marking and Certification:
- a. Persons intending to move, transport, or to allow the movement of host plants and carriers requiring certification and permits shall make application as far in advance as possible of the date for movement or shipment. Such application shall show the quantity of the article to be moved, exact location, the name and address of the consignee and consignor, the method of shipment and the contemplated date of the shipment.

Applications for interstate movement shall be made to the nearest office of the Animal and Plant Health Inspection Service, United States Department of Agriculture. Applications for intrastate movement shall be made to the Office of the State Entomologist, Room 421, State Office Building, 1688 West Adams, Phoenix, Arizona 85007.

- b. Certificates and permits, as required by E.4.a. above, shall be attached to the manifest, waybill or bill of lading covering the shipment and must accompany the shipment.

5. Custom operator's shall comply with this Ordinance.

F. CIVIL ACTIONS:

Persons not complying with the requirements of this Chapter shall be subject to civil action to be filed by the Community's authorized legal representative. To enforce the requirements of this Chapter, the Community Prosecutor or other Community legal representative is hereby authorized to file civil actions against any person violating this ordinance to obtain injunctive relief, to obtain liens against the proceeds of cotton crops planted, or to obtain liens against the proceeds of any crop planted in the future. In a situation where the Community has paid for the costs of plow-up, the Community is authorized to seek and obtain writs of execution against the personal property of any person owing the Community monies for costs of plow-up.

G. TREATMENT:

Federal Treatments: Any treatment prescribed by the United States Department of Agriculture for compliance with Federal Quarantine No. 52, pertaining to pink bollworm (7CFR 301.52), and which is applied under official supervision is hereby prescribed for treating like commodities under the provisions of this regulation.

H. APPLICABILITY:

This Ordinance is intended to apply to any stub, soca, or volunteer cotton growing at the time this Ordinance is approved.