



SOPHIE TRETTEVICK



INDIAN  
HEALTH  
CENTER

MAKAH TRIBE



## HEALTH ORDER 01-20 OF THE MAKAH TRIBAL COUNCIL

\* EFFECTIVE IMMEDIATELY UPON MAKAH TRIBAL COUNCIL ENACTMENT OF RESOLUTION 34-20 ALL INDIVIDUALS LIVING ON THE MAKAH INDIAN RESERVATION shall SHELTER AT THEIR PLACE OF RESIDENCE, except that they may leave their residence to provide or receive Essential Services, or engage in Essential Activities, or work for Essential Businesses and Essential Governmental Services. First responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for Essential Governmental Services, Health Care Operations, or Essential Businesses are exempt from this Order while engaged in work-related activity. Nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

\* ANY INDIVIDUAL WHO IS CURRENTLY EXPERIENCING HOMELESSNESS is conditionally exempt from this Order but is urged to find shelter and/or an appropriate government agency to find shelter and food in a manner so as to minimize all contact with others. Homeless individuals should contact the Makah Housing Department for assistance at 360-645-2278.

\* BUSINESSES AND GOVERNMENTAL AGENCIES shall cease all non-essential operations at all physical locations within the boundaries of the Makah Reservation;

\* ALL GATHERINGS OF ANY NUMBER OF INDIVIDUALS OUTSIDE THE HOME are hereby prohibited;

\* ALL NON-ESSENTIAL TRAVEL is hereby prohibited.

Please read the following Order carefully. Any person or entity violating or failing to comply with this Order may be subject to a civil fine of \$500.

Pursuant to the inherent and constitutional authority of the Makah Tribal Council, the Makah Tribal Council hereby **ISSUES THE FOLLOWING ORDER:**

1. Overview and Justification. The virus that causes Coronavirus Disease 2019 (“COVID-19”) is easily transmitted between individuals and can be transmitted even by persons who do not appear to have any symptoms of the disease. Group settings provide optimal conditions for transmittal. It is vitally essential to our communities’ health and well being that the spread of the virus be slowed and to protect the ability of public and private health care providers to handle the influx of new patients. Because of the risk of the rapid spread of the virus, and the need to protect all members of the community on the Makah Reservation, especially including our members most vulnerable to the virus (seniors aged 60 and older, persons with pre-existing conditions like cancer, emphysema, diabetes, immune disorders, lack of mobility, hypertension, and other chronic conditions) and also health care providers, this Order requires all individuals anywhere on the Makah Reservation to shelter in place— which means stay at home, with limited exceptions.

2. This Order is issued based on evidence of increasing occurrence of COVID-19 on the Olympic Peninsula and throughout Western Washington, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Reservation places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Reservation. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity on the Reservation.

3. This Order also is issued in light of the existence of over 1,376 confirmed cases of COVID-19 in the State of Washington, as well as at least 74 deaths due to the disease,

as of 1:21 p.m. on Friday, March 20, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread on the Makah Reservation and throughout Western Washington and the Makah Tribal Council will re - evaluate it as further data becomes available. The requirements in this Order build on the United States Centers for Disease Control and Prevention guidelines issued March 11, 2020, extended as necessary to address the health emergency affecting the Makah Reservation, the United States, and the world.

4. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling Essential Services to continue, to slow the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health. Violations of this Order could subject a person to criminal penalties and/or civil fines.

5. Shelter-In-Place Mandate. All individuals currently living within the Makah Reservation are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times maintain Social Distancing Requirements, six feet of space between persons, to the greatest extent feasible. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses. Individuals experiencing homelessness are exempt from this Order, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use COVID-19 risk mitigation practices in their operation. Individuals in need of this assistance should contact the Makah Housing Department at 360-645-2278.

People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence except as necessary to seek medical care.

All persons shall maintain Social Distancing Requirements (as per 9j.).

6. With the exception of Essential Businesses, all businesses with a facility physically located on the Reservation are required to cease all but Minimum Basic Operations at facilities located within the Reservation. Businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain

open and to provide special hours for vulnerable groups to access services without the presence of lower-risk individuals.

Essential Businesses shall comply with Social Distancing Requirements, including maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

7. Gatherings Prohibited. All public and private gatherings of more than two nonresidents inside or outside a single residence are prohibited. Nothing in this Order prohibits the gathering of residents within a household unit, unless a household member is in isolation because of illness.

8. Travel Prohibited. All travel in any manner, except Essential Travel or travel to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions, is prohibited. People must use public transit only for performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements (as per 9j.).

## 9. Definitions

### a. "Essential Activities" are

(i) activities or tasks essential to a person's health and safety, or to the health and safety of their family or household members (including pets), such as obtaining medical supplies and/or medication, visiting a healthcare professional, or obtaining supplies they need to work from home.

(ii) obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as groceries, firewood, or household cleaning products and other products necessary to maintain the safety, sanitation, and essential operation of residences.

(iii) working for or obtaining services or goods at any Healthcare Operation, Essential Business, or Essential Infrastructure.

(iv) engaging, as an individual, or with other members of the same household unit, in outdoor activity such as walking, hiking, biking, running, chopping/gathering wood, gathering traditional medicinal plants or raw materials for cultural activities; provided the individual or small household group complies with Social Distancing Requirements;.

(vi) caring for a family member or pet in another household.

(vii) checking mail according to staggered hours designed to maintain Social Distancing Requirements

(viii) checking and maintaining a boat in which the individual has an ownership interest at the Marina, provided that Social Distancing Requirements are maintained;

b. "Healthcare Operation" means hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

c. "Essential Infrastructure" includes, but is not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements.

d. "Essential Government Functions" means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements.

e. Covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. "Essential Businesses" are:

i. Healthcare Operations and Essential Infrastructure

ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery

products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

iii. Food gathering and cultivation, including fishing, hunting, gathering and cultivating gardens and forest areas;

iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals. Such businesses must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at

<https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>;

v. Communications and media services;

vi. Gas stations and auto-supply, auto-repair, and related facilities;

ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

x. Businesses providing mailing and shipping services, including post office boxes. Such businesses must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing Requirements are maintained to the greatest extent possible;

xii. Laundromats, dry cleaners, and laundry service providers. Such businesses must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xiii. Restaurants and other facilities that prepare and serve food and beverages but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided or at any other gathering site. Such businesses must clean their

establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xiv. Businesses that supply products needed for people to work from home. Such businesses must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate. Such businesses must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xvi. Businesses that ship or deliver groceries, food, goods directly to residences. Such businesses must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xviii. Home-based care for seniors, adults, or children;

xix. Residential facilities and shelters for seniors, adults, and children. Such facilities must clean their establishments according to the COVID-19 protocols specified by the Centers for Disease Control. These protocols are available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>; ;

xx. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

g. “Minimum Basic Operations” means the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business to work remotely from their residences.

h. “Essential Travel” means travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements

(as per 9j)..

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

ii. Travel to care for elderly persons, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

iv. Travel within Clallam County for purposes of obtaining food and supplies not available on the Reservation. The Makah Tribe may create a database to track travel to and from the Reservation.

v. Travel to return to a place of residence from outside the Makah Reservation; persons returning to the Reservation shall change and wash clothes, sanitize the vehicle, and follow all Social Distancing Requirements (see j. below) when delivering food or supplies to family members or persons in vulnerable populations.

vi. Travel required by law enforcement or court order.

vii. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

i."Residence" includes houses, RVs, mobile homes, apartments, hotels, motels, shared rental units, and similar facilities.

j. "Social Distancing Requirements" are maintaining at least six-foot social distancing from any other individual, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

k. "Household Unit" is a person or group of people who occupy a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters The household unit may include, but is not limited to, a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

10. This Order shall become effective upon its signature and will continue in effect until it is extended, rescinded, superseded, or amended by the Makah Tribal Council .

11. Pursuant to Makah Tribal Council Resolution No. 34-20, the Makah Tribal Council requests that the Sheriff and the Chief of Police on the Reservation ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

12. The Makah Tribal council may establish, for the period of the emergency, a COVID-19 Question and Concerns Line at 360-645-6273 so family and community members can ask questions and raise concerns about any provision of the Health Order. Neah Bay Public Safety will investigate potential violations, and follow procedures outlined by the Justice Committee in the event a civil penalty is assessed.

13. The Makah Tribal Council shall publish this Order: (1) by posting it on the Makah Portal, (2) makah.com, (3) at the U.S. Post Office in Neah Bay, and (4) at Washburn's. In addition, the Makah Tribal Council must provide a copy of this Order to every business and facility operating within the Makah Reservation. The Makah Tribal Council shall maintain copies to provide to the public free of charge.

14. This Order begins immediately upon enactment of Resolution 34-20 of the Makah Tribal Council and continues in effect until 11:59AM on April 24th unless it is extended, rescinded, superseded, or amended in writing by the Makah Tribal Council. The Makah Tribal Council may revise this Order as the situation evolves, and individuals and facilities must stay updated by checking the Neah Bay Fact Line (360-645-3228) and makah.com.

15. 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 persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.