

AN ACT RELATING TO
TRIBAL AIRSPACE PROTECTION ACT

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0—TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Tribal Airspace Protection Act and shall be codified as Title 6, Chapter 4 of the Snoqualmie Tribal Code.

SECTION 2.0—STATUTORY AUTHORITY

The aboriginal and inherent sovereign power to govern the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and by providing for the enactment and enforcement of laws of the Tribe. Snoqualmie Tribal Constitution, Article I, Section 4. This authority includes the power to remove or exclude from the territory of the Tribe non-members whose presence may be injurious to the peace, health, and welfare of the Tribe, and to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe. Snoqualmie Tribal Constitution, Article VIII, Section 1 (i), (j), and (w).

SECTION 3.0—PURPOSE AND SCOPE

The Tribe has a duty and obligation to all its members and to the Tribe itself, to protect and preserve the political integrity, economic security and health and welfare of the Tribe. The purpose of this Chapter is to regulate non-member use of airspace above lands within the Tribe's jurisdiction to protect and preserve the Tribe's sacred lands and Reservation from low altitude commercial flights. The Tribal Council finds and declares that low altitude flights threaten, or has some other direct effect on, the health or welfare of the Tribe. The Tribal Council further finds and declares that low altitude flights over Snoqualmie Falls in particular, the Tribe's most sacred site, interfere with the Tribe's ability to use and enjoy its sacred site and recognized Traditional Cultural Property for religious and other purposes, and poses an imminent noise and safety risk to both Tribal members and the millions of visitors to the Falls each year. Regulation of Tribal airspace is necessary to prevent the thousands of noxious low altitude flights each year to prevent the threatened and direct effect on the lands, cultural, and natural resources on which the Tribe relies.

SECTION 4.0—DEFINITIONS

Unless the context specifically requires otherwise, as used in this Chapter:

AIRCRAFT means an airplane, helicopter, fixed wing aircraft, remote operated drone, or other machine capable of flight excluding for purposes of this Act commercial passenger jet aircraft (such as Alaska Airlines) and aircraft operated for medical emergency use and search and rescue operations.

AIR TOUR OPERATOR means any flight conducted for compensation or hire in an aircraft where a purpose of the flight is sightseeing.

DRONE means an uncrewed aerial vehicle or aircraft without any human pilot, crew, or passengers on board, and includes, but is not limited to model airplanes and quadcopters.

FIXED WING AIRCRAFT means of or relating to aircraft that derive lift from the motion of air over aerodynamically designed surfaces that are rigidly and permanently attached to the fuselage.

HELICOPTER means a type of aircraft which derives both lift and propulsion from one or more sets of horizontally revolving overhead rotors.

PERSON means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or herself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties, and specifically includes commercial air tour operators. The masculine, feminine, singular or plural is included in any circumstance.

RECORDS shall mean any books, papers, documents, memoranda, supporting documents, schedules, attachments, lists, computer records, electronic data, business records, papers, vouchers, accounts and financial statements.

SNOQUALMIE TRIBAL LANDS shall mean all lands over which the Tribe exercises jurisdiction, including but not limited to, its Reservation, other lands held in trust for the Tribe by the United States, and all of the Tribe's "Indian Country" as defined by 18 U.S.C. § 1151, excluding land owned in fee by the Tribe.

TRIBAL COUNCIL shall mean the duly authorized governing body of the Tribe, the Snoqualmie Tribal Council.

TRIBE shall mean the Snoqualmie Indian Tribe.

SECTION 5.0—MINIMUM PERMITTED ALTITUDES

No person may operate an aircraft below the following altitudes:

- (a) Anywhere on Snoqualmie Tribal Lands. An altitude allowing an emergency landing without undue hazard to persons or property on Snoqualmie Tribal Lands.
- (b) Over the Snoqualmie Casino or Salish Lodge & Spa. An altitude of 1,500 feet above the highest obstacle on the building within a horizontal radius of 2,500 feet of the aircraft.
- (c) Over Snoqualmie Falls, a Traditional Cultural Property as listed in the United States National Register of Historic Places, or other Snoqualmie sacred sites. An altitude of 2,000 feet above the highest obstacle within a horizontal radius of 3,000 feet of the aircraft.
- (d) Over Other Snoqualmie Tribal Lands. An altitude of 500 feet above the surface.

SECTION 6.0 —DRONES BANNED

Unless expressly permitted in writing in advance by the Tribal Council, the launching, landing, or operation of drones by persons other than FAA-licensed Tribal government staff on Snoqualmie Tribal Lands is prohibited.

SECTION 7.0—PENALTIES

Any person found to have violated this Act is subject to fines and other enforcement action. Any person that violates, disobeys, omits, neglects or refuses to comply with, or resists or opposes the enforcement of any of the provisions of this Chapter, may be assessed a penalty by the Tribe for each violation an amount not to exceed \$500.00 (Five Hundred US Dollars) for a first violation and \$1,000.00 (One Thousand U.S. Dollars) for a second violation.

SECTION 8.0—ENFORCEMENT PROCEEDINGS

- (1) The Tribe may commence suit or any other enforcement proceeding in the Snoqualmie Tribal Court or any other court of competent jurisdiction to enforce the provisions of this Act and costs incurred in commencing suit or other enforcement proceeding. Such suit or proceeding shall be civil in nature.
- (2) All civil remedies shall be available for the collection of any monies due to the Tribe.
- (3) In addition to all other remedies provided for in this Chapter, the Tribe may commence an action in Snoqualmie Tribal Court or any other court of competent jurisdiction to enjoin the operation of any aircraft or drone by any person who fails to comply with the provisions of this Act.

SECTION 9.0—RECORDS

Any person operating an aircraft over Snoqualmie Tribal Lands shall maintain accurate records of such operations in a logbook or flight plan. The Tribe may request records from any person suspected of operating an aircraft over Snoqualmie Tribal Lands under the minimum altitude threshold.

SECTION 10.0 SOVEREIGN IMMUNITY

The Tribe specifically and unequivocally declares its sovereign immunity and does not waive its sovereign immunity, expressly or impliedly, under any provision of this Chapter, and nothing in this Chapter shall be construed as waiving the sovereign immunity of the Tribe or any of its agencies, departments, officials, agents or employees.

SECTION 11.0—SEVERABILITY

If any section, provision, phrase, addition, word, sentence or amendment of this Title or its application to any person is held invalid by a final judgment of a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this Title that can be given effect without the invalid provision or application, and to this end the provisions of this Title are declared severable.

SECTION 12.0—AMENDMENTS

This Chapter may be amended pursuant to written Resolution of the Snoqualmie Tribal Council.

SECTION 13.0—EFFECTIVE DATE

This Chapter shall take effect immediately upon adoption by the Snoqualmie Tribal Council, and shall supersede and replace any and all prior ordinances of the Snoqualmie Indian Tribe relating to the subject matter of this Chapter.

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 27TH DAY OF June, 2024, IN SESSION DULY MET, WITH 8 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 157-2024.

CODIFIED BY THE SNOQUALMIE TRIBAL SECRETARY ON THE 27TH DAY OF June, 2024.



SECRETARY OF TRIBAL AFFAIRS, AMBER HOLLOWAY