

ORDINANCE OF THE GOVERNING BODY

OF THE

DUCK VALLEY SHOSHONE-PAIUTE TRIBES

ORDINANCE NO. 85-SPO-07

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES THAT,

WHEREAS, the Business Council has determined that current proper procedures of Range Conservation and proper return from grazing privileges are pertinent to the welfare of the range and the enhancement of Tribal Government.

NOW, THEREFORE BE IT ENACTED, that the business council hereby adopts the following grazing ordinance, and

BE IT ENACTED FURTHER, that the Business Council hereby sets the A.U.M. rate at .50 per Animal Unit Month with 50% of proceeds to be deposited into a Special Range Improvement Account, and 50% of the proceeds to be deposited into the general account of the Shoshone-Paiute Tribes, and

BE IT ENACTED FURTHER, That this rate will become effective as of January 1, 1986.

stock, the number and kind of livestock, and the place such livestock will be grazed.

Grazing Capacity means the maximum number of livestock which may be grazed on each range unit and the season or seasons of use to achieve the objectives of this ordinance.

Stocking rate means the maximum of livestock which may be grazed on each range unit, and the season or seasons of use, for a particular permit period.

Animal Unit (A.U.) means one mature (1000 lb) cow or equivalent based on an average monthly consumption of approximately 800 lbs of air dry forage.

Equivalents follow:

Cattle:	A.U.
Cow with or without calf	1.0
Bull, mature	1.3
2 year old	.8
Yearling	.6
Horses:	
3 year old and over	1.5
2 year old	1.0
Yearling	.75
Sheep:	
Mature	.2
Yearling	.15
Goats:	
Mature	.2
Yearling	.15
Wildlife:	
Bison bull	1.3
Bison cow	1.0
Bison yearling	.6

III. JURISDICTION AND AUTHORITY

- A. **Land Use** It is within the authority of the Secretary of the Interior to protect tribal lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing. Subject to 25 CFR, 166, the right exists for Indian tribes to authorize the granting of grazing permits on their lands and to prescribe by appropriate tribal action the conditions under which their lands may be so used.

This ordinance is adopted pursuant to the provisions of Article VIII, Section 2 of the Tribal Constitution.

- B. **Administration** The administration and enforcement of this ordinance shall be solely the responsibility of the Duck Valley Shoshone-Paiute Business Council and B.I.A., Eastern Nevada Agency, Superintendent. It may establish committees or appoint officers to carry out the work directed by this ordinance.
- C. **Amendment** This ordinance may be amended by business council. Any amendments shall give full recognition to Federal Trust Responsibilities. If the eligibility or other requirements of this ordinance are amended, such amendment is subject to the written concurrence of the Superintendent, Eastern Nevada Agency.
- D. **Contagious Diseased Livestock** The Tribal Court shall have jurisdiction over any and all contagious diseased livestock, whether Indian or non-Indian owned, which have been moved or driven across any part of the reservation.
- E. **Violation** The Tribal Court shall have jurisdiction over any acts that may be in violation of this ordinance.

IV. PURPOSE AND OBJECTIVES

It is the purpose of this grazing ordinance to aid the Shoshone-Paiute people in achieving the following objectives:

- A. The conservation, through proper grazing management, of the land, forage, forest, water, wildlife and recreation resources of the Duck Valley Reservation and the improvement of these resources where they have deteriorated.
- B. The protection of the interests and rights of the Shoshone-Paiute Indians from the encroachment of individuals, who may or may not be members of the Shoshone-Paiute Tribes, and who seek to graze or introduce livestock, without prior approval of an authorized grazing permit.
- C. The provisions of an equitable distribution of tribal land resources to the maximum number of tribal members who may desire the

land to Indian corporations, Indian Associations and adult tribal members of the Shoshone-Paiute Tribes. In the permitting of tribal lands, preference shall be given first to Indian cooperative associations and secondly to individual Indians who are members of the Shoshone-Paiute Tribes.

2. A person or association desiring an allocation of grazing privileges shall make written application to the Tribal Council describing the grazing unit and giving the range use plan. Technical assistance from the Branch of Land Operations or other agency approved by the Superintendent shall be obtained to establish unit boundaries, to determine stocking units and to develop a range management plan. If a permittee wishes to change units and be assigned to a new range unit, he must make application at the end of the grazing season, according to the provisions of this ordinance, and if successful, will relinquish his old permit and all rights, or use associated with that permit and accept the new range allocation.
3. The Tribal Council shall schedule a date when a new applicant shall appear before the Council for a hearing on his application. The names of those who have made applications shall be made public by posting in three public buildings by the office of the Business Council.
4. The Tribal Council shall investigate each new application to determine the applicant's eligibility and whether or not a permit should be issued. The decision of the Tribal Council shall be final.

V.G. GRAZING PERMITS

1. A grazing permit shall be issued on a form approved for this purpose and such form is to be used for all grazing privileges on the reservation. The purpose of the grazing permit is to regulate grazing of all livestock on the Duck Valley Indian Reservation in conformance with a comprehensive range management program. The permit consists of a written agreement between the Tribal Council and an individual or livestock association stating the season of use, class and the number of livestock, expressed as Animal Unit Months (AUM's), that may be grazed. Calves and colts at their mother's side and under six months of age shall not be counted.
2. **Issuance:** Grazing permits will be issued by the office of the Tribal Council to individuals or associations making proper application and require final approval of the Superintendent.
3. **Permit Tenure:** All active regular grazing permits shall be for three years. Any tribal member eligible to hold a grazing permit, as defined in Sub-Section H, may become a livestock operator by obtaining an active grazing permit through

H. Eligibility for Grazing Permits

1. Applicant must be an Indian cooperative association or a member of the Shoshone-Paiute Tribes.
2. An individual applicant must be 18 years of age or married and own one or more head of livestock, or an under age may have an adult or guardian apply on their behalf.
3. An individual applicant must be the bonafide owner of the livestock for which a permit is applied.
4. The heirs of a deceased former permit holder shall have first preference in initial application for the unit of the deceased.
5. Applicant will agree, before receiving a grazing permit, to accept and abide and implementation of a range management plan.

V.I. Grazing Fees

1. Permittees will be assessed a grazing fee on an annual basis in advance. Grazing fees will be due by April 1, paid no later than April 1 or will be delinquent as of that date and the grazing permit will be subject to cancellation. The fee is based on the total number of livestock and the period of use as defined on the individual grazing permit. No fee will be increased during the permit period and no fees shall be refundable for termination for cause as defined within this ordinance.
2. No refund will be made for failure to use all grazing privileges represented by a grazing permit except during periods of range depletion due to severe drought or other natural disasters, as determined and approved by the Tribal Council.
3. Each livestock owner shall pay grazing fees for the privilege of grazing livestock on the reservation as set by the Tribal Council for all range units and adjusted at the end of the permit period as conditions warrant.
4. No grazing fee shall be charged for the natural increase of livestock under 6 months of age.
5. Grazing fees shall not be charged on livestock using farm pastures. However, if the animals are moved onto tribal ranges, the owner must procure a grazing permit to cover the animals or be in trespass.
6. 50 percent of grazing fees collected each year shall be placed in a "Tribal Range Improvement Account" and used for annual maintenance and construction of range improvements on

main in place on the land.

2. Improvements will include all water developments, fences, crossfencing, large cow camps, homesites, corrals and other out-buildings.
3. Fencing and cross-fencing will be allowed only on established range units where a range management plan has been approved under the applicable sections of this ordinance.
4. Permittees are required to perform reasonable maintenance of range improvements. Lack of proper maintenance or damage to range improvements is a violation of the grazing permit and may make the permittee liable for damages or his permit subject to cancellation.
5. In the event of termination or cancellation of a grazing permit, the improvements placed on the unit at the permittee's expense and which are not determined to be the property of the tribe or other permittee, must be disposed of, after authorization, in one or more of the following ways:
 1. By sale to a new permittee who can use the improvement where located, provided a grazing permit is secured on the area where the improvement is located.
 2. By removing the improvement at the permittee's expense within 180 days.
 3. By sale to a person who will remove the improvement within 180 days.
 4. By sale to the Shoshone-Paiute Tribes for depreciated value of the improvement as may be mutually agreed upon.
 5. By gift to the Shoshone-Paiute Tribes or new permittee who will be using the unit.
 6. If the permittee fails to dispose of the improvements within 180 days, it then shall be deemed property of the Shoshone-Paiute Tribes.
6. Branding corrals will not be considered permanent improvements.

V.L. Range Control Stipulations

The actual handling of livestock under grazing permit is the responsibility of the permittee. Adequate salt shall be provided and breeding stock of a satisfactory quality and breed used. Range pest infestations or animal diseases will be watched for, given prompt attention and reported to the tribe. Concentration of livestock or poor distribution of grazing will be alleviated as much as possible through riding to disperse livestock. Special management practices will be ap-

are delinquent.

6. Any person grazing livestock for which he cannot prove bonafide ownership.
 7. Any person who makes false reports of livestock owned, or any person who refuses to brand or mark livestock. All livestock shall bear an Idaho or Nevada Registered brand to prove ownership.
 8. Any person who violates the established units of other permittees by grazing livestock on other than his assigned and permitted range unit(s).
 9. Any person grazing livestock in excess of his authorized permit.
- B. Upon notification by the Tribal Council, by "Certified Mail. Return Receipt Requested", or personal delivery, and a copy of the notice sent to any known lien holder, in excess of 10 days to correct the trespass condition.

VI.C. ~~Grazing Ordinance Penalties~~

1. Should the Indian-owner, or person in charge of any Indian-owned livestock alleged to be in trespass, fail to comply with the terms of the Tribal Council's "Notification of Trespass", the livestock shall be impounded pursuant to Section VI.C.3, and said person shall be subject to action by the Shoshone-Paiute Tribal Court of a trespass violation. The penalties shall be a fine of \$1.00 per head per day of trespass together with the reasonable value of the forage consumed, computed at double the AUM rate specified for the current permit period, and damages to property injured or destroyed as determined by the Tribal Council with the concurrence of the Superintendent.
2. Any person who is not a member of the Shoshone-Paiute Tribes and graze unauthorized livestock will be subject to the trespass provisions of Title 25, CFR, Part 166.
3. Impoundment of livestock shall be according to the following procedures:
 - a. A written notice of intent to impound shall be sent by "Certified Mail, Return Receipt Requested", or personally delivered to the owner or his agent, and a copy of the notice shall be sent to any known lien holder. Any time after five days of delivery of the notice, the unauthorized livestock may be impounded.
 - b. When the owner or his agent is unknown, or a known owner refuses to accept delivery of the notice,

VII.A. Requirements for Livestock Entering the Reservation

1. General

A. Health Certificate or Permit Required

Unless otherwise specifically provided in this ordinance, all livestock transported or moved onto the reservation shall be accompanied by an official health certificate, or permit, or both, which shall be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals.

B. Official Health Certificate

1. An official health certificate is a legible record attesting the animals covered thereby meets the requirements of the Tribal Government, accomplished on an official form of the state of origin and approved by its livestock sanitary official and insured by an approved accredited veterinarian or an equivalent form of the U.S. Department of Agriculture issued by a Federal inspector of the Veterinary Services.
2. Such certificate shall contain;
 - a. Names and addresses of the consignor and consignee.
 - b. Origin of shipment.
 - c. Final designation.
 - d. Accurate description or identification of each animal including brand.
 - e. Purposes for which the animals are shipped.
 - f. Method of transportation.
 - g. Health status of the animals including dates and results of inspection tests, vaccinations, or treatments, if any, required by the Tribal Government.
3. Any copy of the health certificate shall be mailed immediately to Duck Valley Shoshone-Paiute
P.O. Box 219
Owyhee, Nevada 89832
4. Health Certificates shall be valid no longer than thirty (30) days after the date of inspection.
5. No health certificate will be accepted by the Tribal Government unless it is compliant in all respects with the require-

animals when found to be not in compliance with health certificate requirements may be ordered slaughtered, removed from the reservation or confined to a quarantined feedlot.

- F. All livestock transported or moved onto the reservation shall be consigned to an individual or to a legal entity authorized by the Tribal Council to do business on the reservation.
- G. No person consigning, transporting or receiving livestock on the reservation shall authorize order or carry out diversion of such animals to a destination or consignee other than set forth on the health certificate or permit without notifying the Tribal Government within 72 hours following diversion and obtaining a brand inspection certificate.
- H. All owners and operators of trucks, airplanes, or other conveyances shall conform to all regulations and ordinances of the Tribal Government and Nevada State Law in transporting or moving any livestock onto, within including the following:
 - 1. By assuring themselves each shipment or consignment is in conformity with the applicable ordinances of the Tribal Government, and that each consignment is accompanied by an official health certificate or permit or both as required and issued by the authorized livestock sanitary official. Such certificates and permits shall be attached to the waybill accompanying the shipment or be in possession of the attendant in charge of the animals.
 - 2. By maintaining all conveyances in a clean and sanitary condition. When such conveyances have been used for the movement of animals infected with or exposed to any infectious, contagious or communicable disease, they shall be thoroughly cleaned and disinfected under official supervision by any accredited veterinarian, federal or state livestock inspector or designated tribal employee at the point of destination, or by permit from the sanitary officials may be moved to some other point by cleaning and disinfecting.

2. Cattle

Cattle may enter the reservation, provided they are transported or moved in conformity with this ordinance and are accompanied by an official health certificate attesting they are free from evidence of any infectious, contagious or communicable disease, or exposure thereto, or by a permit or both.

A. Brucellosis Entry Requirements

- 1. All female cattle entering the reservation shall have been official Brucellosis calvhooed vaccinated (except calves under 4 months of age) as follows:

E. Exceptions to test requirement:

1. Cattle from a Class Free State
 2. Cattle from a certified free herd in Class Free, A, B, C, States.
- F. All test eligible cattle entering the reservation, in addition to the above requirements, shall be individually identified on the health certificate.
3. Cattle not meeting these requirements shall not enter the reservation except by special permission of the Tribal Government.
 4. Any animals imported in violations of these brucellosis regulations shall be placed under strict quarantine and consigned to immediate slaughter, removed from the reservation or to a Federal Quarantine Feedlot within 15 days, or such shipment shall be returned to the point of origin by the importer.
 5. In addition to meeting the above requirements for entry, cattle imported onto the reservation shall meet all requirements set forth in Title 9, CFR, as revised.

B. Scabies: All cattle shipped from state with scabies infestations must meet the following requirements:

1. Permit and official health certificate on all cattle.
 2. Official dipping required on all cattle originating in counties with scabies infested herds.
 3. These requirements are in addition to other State, Federal and Tribal requirements pertaining to the movement of cattle onto the reservation.
3. Horse: all horses, mules and asses shall be accompanied by an official health certificate from the state of origin.

VII.B. Livestock Health Requirements on the Reservation

1. All female cattle or female bisons born on the reservation shall be vaccinated between 4 and 12 months of age (120 - 365 days) with a reduced dose of strain 19 vaccine by an approved accredited veterinarian with the exception of those going directly to slaughter.
2. The Tribal Government may require health clearances and appropriate treatment of cattle by approved accredited veterinarian prior to turnout on the range and following fall roundup during periods of high risk from infectious; contagious or communicable diseases or parasites.

ORDINANCE OF THE BUSINESS COUNCIL

OF THE

DUCK VALLEY SHOSHONE-PAIUTE TRIBES

ORDINANCE NO. 86-SPO-02

An ordinance amending Ordinance No. 85-SPO-07.

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES THAT,

WHEREAS, the Shoshone-Paiute Business Council held a meeting on February 4, 1986, to discuss and plan for the implementation of the Shoshone-Paiute Tribe's Grazing Ordinance No. 85-SPO-7; and

WHEREAS, in consideration of the concerns and comments received from the tribal membership, the Business Council wishes to amend the ordinance; and

NOW THEREFORE BE IT ENACTED, that the Business Council hereby sets the A.U.M. Rate at \$.25 per animal unit month for the year 1986 and \$.50 per animal unit month for the year 1986 and \$.50 per animal unit month for every year thereafter, with 50% of the proceeds to be deposited into a special range improvement account and 50% of the proceeds to be deposited into the General Account of the Shoshone-Paiute Tribes; and

BE IT FURTHER ENACTED, that Section VII C (1) shall be changed to read:

1. A Nevada brand inspection shall be required of all livestock to be moved or transported off the Duck Valley Reservation.

and;

BE IT FURTHER ENACTED, that all other parts of Ordinance No. 85-SPO-7 remain in full force and effect.