

ORDINANCE  
of the  
GOVERNING BODY  
of the  
SHOSHONE PAIUTE TRIBES  
of the  
DUCK VALLEY INDIAN RESERVATION

**ORDINANCE NUMBER 2025-SPO-**

*An ordinance to amend the Animal Control Ordinance (2004-SPO-09) to revise the definition of vicious dog, include a licensing and tagging requirement, establish and hire the position of Animal Control Officer, revise fines for dogs that are seized, and provide a timeframe for recovery of seized animals.*

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

WHEREAS, The Business Council is the governing body of the Shoshone-Paiute Tribes empowered under Article VI of the Constitution to exercise enumerated powers subject to limitations imposed by federal law; and

WHEREAS, Article VI, Section 1(k) and (l) of the Tribes' Constitution and Bylaws authorize the Business Council "[t]o promulgate and enforce ordinances...governing the conduct of members of the Shoshone-Paiute Tribes and providing for the maintenance of law and order and the administration of justice" and "[t]o safeguard and promote the peace, safety, morals and general welfare of the Shoshone-Paiute Tribes . . .;" and

WHEREAS, By Ordinance 2004-SPO-09 in order to respond to the Tribes' concerns about dogs running at large, vicious dogs, and treatment of animals on the Duck Valley Indian Reservation, the Business Council enacted rules and regulations governing the control of animals within the exterior boundaries of the Reservation; and

WHEREAS, The Business Council finds it necessary to appoint a tribal animal control officer to enforce rules regarding animals and to protect the health and general welfare of the Shoshone-Paiute Tribes' community members and animals on the Duck Valley Indian Reservation; and

WHEREAS, The Business Council finds it necessary to amend the Animal Control Ordinance in order to add a dog tag requirement, require a license for domestic animals, establish updated fines for seized dogs, provide a timeframe for recovery of seized animals, and update the definition of "vicious animal;" and

NOW THEREFORE BE IT ENACTED BY THE SHOSHONE-PAIUTE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES THAT, this Ordinance shall govern animals and individual conduct

regarding animals on the Duck Valley Reservation, and Ordinance No. 2004-SPO-09 and Ordinance No. 45-SPO-11 are superseded:

## TITLE 14. HEALTH AND SAFETY

### CHAPTER 10. ANIMAL CONTROL

**Section 14.10.003. Purpose.** This Chapter is intended to protect the public health and welfare by establishing rules governing the treatment of animals and protection of persons from dangerous animals on the Duck Valley Indian Reservation.

**Section 14.10.004. Domestic animals as property.** For the purpose of this Chapter domestic animals are to be considered as property; and when the current value of any domestic animal is material in any civil or criminal proceeding, the value may be established under the usual rules of evidence relating to values of personal property. No claims of future value, or claims of loss of companionship, or any other claims shall be allowed.

**Section 14.10.005. Definitions.** The following terms, whenever used or referred to in this Chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

- (a) “Animal” shall include, but not be limited to, dogs, cats, birds, fishes, reptiles, and non-human mammals, domestic or non-domestic.
- (b) “Animal Control Officer” means the officer appointed by the Business Council and charged with the authority and duty to implement and enforce the provisions of this Chapter. A law enforcement officer is authorized to perform the duties of the Animal Control Officer when the Animal Control Officer is unavailable.
- (c) “At large” means an animal on private property without permission of the person who owns or has a right to possess or use the property; or unrestrained by a leash on either public property, unless expressly permitted by law, or private property open to the public; or in any place or manner which presents substantial risk of imminent interference with animal or public health, safety or welfare.
- (d) “Business Council” means the governing body of the Shoshone-Paiute Tribes of the Duck Valley Reservation empowered under Article VI of the Constitution.
- (e) “Secure Enclosure” means an enclosure from which an animal cannot escape, which prevents the entrance of any child, which is six or more feet high, and for which the owner of the premises or owner of the animal controls exit and entry. The enclosure must be locked and designed with secure sides, top and bottom.
- (f) “Constitution” means the Constitution and Bylaws of the Shoshone-Paiute Tribes of the Duck Valley Reservation approved by the Secretary of the Interior on April 20,

1936, as amended.

- (g) “Dog” means a *Canis familiaris* of either sex, altered or unaltered; or any other member of the *Canis* genus if owned, kept, or harbored.
- (h) “Domestic animal” means any of various animals, such as the dog, cat, horse, cow or sheep, domesticated by humans, so as to live and breed in a tame condition.
- (i) “Exotic animal” or “Wild animal” means any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wild cat, skunk, raccoon, ferret, venomous reptile, boa, python, anaconda, members of the Order Crocodilia, or other such animal (*ferae naturae*) irrespective of its actual or asserted state of docility, tameness, or domesticity. This includes any species of animal which is venomous to human beings, whether by bite, sting, touch or otherwise.
- (j) “Leash” means any rope, leather strap, chain, or other material six feet or less in length, intended to be held in the hand of a person for the purpose of controlling an animal to which it is attached.
- (k) “License” means a proper certification issued by the Animal Control Officer, or designee, stating the domestic animal’s owner’s name, address, and telephone number; the domestic animal’s name and description, including breed, color, sex, day if known, month and year of birth; rabies vaccination date; license tag number and expiration date.
- (l) “License Tag” means a piece of metal or other durable material inscribed with a date and number which has been issued by the Animal Control Officer to licensed dogs.
- (m) “Livestock” means cattle, horses, sheep, goats, swine, mules or burros or other domestic animals other than cats or dogs commonly raised on a farm.
- (n) “Livestock guarding dogs” means licensed dogs kept for the primary purpose of protecting livestock from predatory attacks.
- (o) “Offenses,” including a Class B offense and a Class C offense shall be classified in accordance with Section 6-1-204 of the Criminal Code, Ordinance 2013-SPO-01 and punished pursuant to the Criminal Code.
- (p) “Owner” means the legal owner, equitable owner, and any person harboring or having custody or control of an animal.
- (q) “Reservation” means the Duck Valley Indian Reservation as now or hereafter

constituted.

- (r) “Unleashed” means an animal that is roaming unsupervised without constraint. This includes animals that may have an attached leash which is not actively being held by an owner or supervisor.
- (s) “Vicious animal” means any of the following:
  - 1. An animal that when unprovoked inflicts bites or attacks a human being or domestic animal either on public or private property, or attacks, menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person or domestic animal upon the streets, roads, sidewalks, or any public grounds or private property; or
  - 2. An animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or
  - 3. An animal which engages in, or has been trained to engage in, exhibitions of animal fighting.

**Section 14.10.007. Duty of Animal Control Officer.**

- (a) There is hereby created the position of Animal Control Officer appointed by the Business Council and charged with the authority and duty to implement and enforce the provisions of this Chapter. The Animal Control Officer shall be subject to tribal personnel policies and procedures and supervised according to the organizational structure approved by the Business Council.
- (b) The Animal Control Officer shall make a comprehensive registry, entering breed, color, and sex of all domestic animals, and whether licensed. If licensed, the name and address of the registered owner and the number of the license tag shall also be entered in the registry. The registry shall also record all complaints made against registered domestic animals.
- (c) It shall be the duty of the Animal Control Officer to seize and impound any and all animals at large, any vicious animal, and any unlicensed domestic animal within the Reservation boundaries. The Animal Control Officer may seize and impound any animal which the officer determines is a vicious animal. The Animal Control Officer is authorized to determine if a vicious animal should be exterminated. An animal seized shall not be released from impoundment except with the approval of the Animal Control Officer, or upon order of the Court upon making a determination, by hearing or otherwise, that no immediate danger to persons or property will result therefrom.
- (d) It shall be unlawful for any person to interfere with, threaten, or harass the Animal

Control Officer in the performance of the officer's duties.

**Section 14.10.009. Immunity.** Any licensed veterinarian, Animal Control Officer, tribal employee, or any other individual shall be held harmless from either criminal or civil liability for any decisions made, actions taken, or services rendered in good faith under the provisions of this Chapter. Such a veterinarian, Animal Control Officer, or other individual shall not be subject to suit or criminal penalty in an investigation of cruelty to animals, destruction of animals, or other action taken under this Chapter unless such person's conduct is in bad faith or with malice.

**Section 14.10.015. Strict liability.** Any owner of a vicious animal as defined in Section 14.10.05 shall be strictly liable for any damages to any person or the property of any person resulting from the animal's aggression against persons or their property.

**Section 14.10.017. No action for damages.** Any person, on finding an unleashed animal, not on the premises of its owner or possessor, engaging in aggressive behavior, growling, biting, chasing, or otherwise intimidating any person, may, at the time of so finding such unleashed animal, kill the same for the individual's protection, and the owner of such animal may bring no action for damages against any person so killing such animal.

**Section 14.10.020. Attack by vicious animal.**

- (a) It shall be lawful for a person, or the Animal Control Officer, to immediately kill a vicious animal that, without provocation, physically attacks, wounds, bites, or otherwise injures such person, another person or domestic animal, or attempts to do so, when such killing is necessary for the person's protection or the protection of another individual or domestic animal. Any person who kills a vicious animal shall notify the Animal Control Officer, within twenty-four (24) hours of such killing. For purposes of this provision, "provocation" shall include trespassing by a person on the property of the owner of the vicious animal or where the vicious animal is confined consistent with this Chapter.
- (b) When an individual has not killed the animal for the conduct described in Section 14.10.020(a), the Animal Control Officer or the Tribal Court shall, in the interest of public safety, order the owner to have the vicious animal destroyed, or the Tribal Court may direct the Animal Control Officer to destroy the animal.
- (c) Dogs used for law enforcement shall be exempt from the provisions of this Chapter when engaged in any training procedure or law enforcement activities. Except for licensing requirements, livestock guarding dogs shall also be exempt from the provisions of this Chapter when performing duties protecting livestock on premises owned or controlled by the owner.

**Section 14.10.025. Harboring vicious animal.** It shall be unlawful for the owner of a vicious animal or the owner of a premises on which any vicious animal is held to keep a vicious animal that has been directed to be impounded or destroyed by the Animal Control Officer or the Tribal Court, which shall be punishable as a Class C offense.

**Section 14.10.027. Harboring exotic or wild animals.** Except as may be authorized by the

Business Council, it shall be unlawful to keep an exotic animal or wild animal as a pet or property on the Reservation, which shall be punishable as a Class D offense.

**Section 14.10.030. Failure to Dispose of animal carcass.** Any person who shall knowingly leave the carcass of any animal they own within a quarter of a mile of any inhabited dwelling, or on, along or within a quarter of a mile of any public highway or stream of water, for more than twenty-four hours, shall be guilty of a Class D offense.

**Section 14.10.040. Cruelty to animals.** A person who is cruel to any animal or causes any animal to be cruelly treated; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to cruelty, is, for every such offense, guilty of a violation and shall be guilty of a Class C offense.

**Section 14.10.050. Beating and harassing animals.** A person who whips, beats, or otherwise maliciously treats any animal, or maliciously harasses with a dog any cattle, horses, sheep, hogs, or other livestock shall be guilty of a Class C offense.

**Section 14.10.060. Poisoning animals.** A person who willfully administers any poisonous substance to any domestic animal, the property of another, or maliciously places any poisonous substance where it would be found by any such animal or where it would attract any such animal, with the intent that the same shall be taken, ingested, or absorbed by any such animal, shall be guilty of a Class C offense.

**Section 14.10.070. Animal fights.** A person who participates in a public or private display of combat between two (2) or more animals in which fighting, killing, maiming, or injuring of animals is a significant feature, whether by providing such animals or as a spectator, shall be guilty of a Class D offense.

**Section 14.10.073. Arrests without warrants.** A law enforcement officer may enter any place, building, or other property where there is an exhibition of the fighting of dogs or animals or where preparations are being made for such an exhibition, and without a warrant, arrest all persons there present. A law enforcement officer may also enter any place, building, or other property where he/she determines cruelty to animals is occurring, and without a warrant, arrest all such perpetrators there present.

**Section 14.10.083. Permitting confined animals to go without care.** An owner, custodian, or possessor of any confined animal, who shall permit the same to be in any building, enclosure, lane, street, field, or lot without proper care and attention shall, on conviction, be guilty of a Class D offense.

**Section 14.10.085. Permitting domestic animals to go without care – duty of Animal Control Officer.** It shall be the duty of the Animal Control Officer to take possession of an abandoned or neglected domestic animal, and if the domestic animal is capable of being rehabilitated, provide that domestic animal to an individual capable of properly caring for that domestic animal.

**Section 14.10.100. Civil liability - livestock and poultry.**

- (a) Any person who owns, possesses, or harbors any animal that kills or wounds any domestic animal, livestock, or poultry which are raised and kept in captivity for domestic or commercial purposes, is strictly liable for damages to the owner of the same for the damages and costs of suit, to be recovered as a civil action in Tribal Court.
- (b) In the prosecution of actions under the provisions of this Section it is not necessary for the plaintiff to show that the person who owns, possesses, or harbors such animal had knowledge that such animal would kill or wound any domestic animal, livestock or poultry which are raised and kept in captivity for domestic or commercial purposes.
- (c) Any person, on finding any animal, not on the premises of its owner or possessor, killing or wounding any domestic animal, livestock, or poultry which are raised and kept in captivity for domestic or commercial purposes, may, at the time of so finding said animal, kill the same, and the owners thereof can sustain no action for damages against any person so killing such animal.
- (d) The owner of the animal so destroyed may not claim any value of the animal; no future damages, or claims of loss of companionship, or any other claims shall be allowed.

**Section 14.10.120. Domestic animal license and dog tag.**

- (a) It shall be punishable as a Class D offense for an owner to keep or maintain any domestic animal that is four (4) months of age or older unless the domestic animal has been licensed pursuant to this Chapter.
- (b) Each domestic animal license shall be issued for a two (2) year term. Dog licenses shall be conditioned on vaccination of the dog against rabies. The owner shall state on the application for the license his or her name and address, and the name, breed, color and sex of the domestic animal, and whether the domestic animal has been spayed or neutered. Any dog owner shall present written evidence that, within two (2) years, the dog has been immunized by a qualified veterinarian with an anti-rabies vaccine approved by the State of Idaho or State of Nevada, provided that where the date of expiration of the vaccination occurs less than six (6) months after the licensing date, the dog shall be re-vaccinated prior to licensing. Domestic animals brought onto the Reservation must be licensed, and dogs must be vaccinated, within thirty (30) days or have a current valid license and proof of vaccination from another jurisdiction. Said domestic animals, while awaiting licensure, domestic animals under the age of four months, and unlicensed domestic animals belonging to nonresidents of the Reservation shall at all times be under restraint by leash or confined within a secure enclosure.
- (c) Any licensed dog must bear at all times a current and valid tag indicating licensure. Any licensed dog owner must provide each licensed dog with a collar to which the license tag must be securely affixed and shall ensure that the collar and license tag are worn at all times. No owner shall transfer a license tag from one dog to another. Any untagged dog or unlicensed domestic animal found off the premises of its owner and not under the control of a person, restrained within a vehicle, housed in a kennel, or at heel beside a person and obedient to that person's command, will be considered at

large.

- (d) The license fee shall be set by the Business Council. A reduced fee shall be charged for licenses for domestic animals that have been neutered or spayed, as evidenced by a certificate from a veterinarian. A duplicate license is free. If there is a change in ownership of a domestic animal during the license term, the new owner may have the current license transferred upon the payment of a transfer fee.
- (e) Every person who keeps, harbors, or maintains a domestic animal on the Reservation gives implied consent to any Animal Control Officer to ascertain whether that domestic animal is licensed, and if a dog, whether that dog is wearing a properly issued license tag. The owner of a domestic animal shall furnish the current license upon request by the Animal Control Officer. Any dog or other domestic animal upon which license and/or tagging requirements have been imposed found on the Reservation not properly licensed and/or tagged may be seized by the Animal Control Officer and impounded.
- (f) It shall be the duty of any owner who has knowledge of the existence of a rabid or suspected rabid dog or domestic animal or of a person exposed to such animal to immediately report the existence and whereabouts of such animal to the Animal Control Officer. The Animal Control Officer shall notify the owner of the rabid or suspected rabid animal, or of an animal suspected of having itself been exposed to a suspected rabid animal, of the report.
- (g) Non-residents and other visitors to the Reservation are not permitted to bring animals onto the Reservation unless such persons obtain prior approval from the Animal Control Officer after paying any applicable fee and after presenting a current rabies vaccination for the animal. Any domestic animal owner, upon becoming a resident of the Duck Valley Reservation, shall have thirty (30) days to obtain a license for his or her dog or domestic animal.

**Section 14.10.150. Lawful use of dogs.** Nothing in this Chapter prohibits demonstrations of the hunting, herding, working, or tracking skills of dogs or the lawful use of dogs for hunting, herding, working, tracking, law enforcement, or self and property protection.

**Section 14.10.160. Normal or legal practices.**

- (a) No part of this Chapter shall be construed as interfering with or allowing interference with the following:
  - (1) Normal or accepted veterinary practices.
  - (2) The humane slaughter of any animal normally and commonly produced as food or for production of fiber.
  - (3) The humane destruction of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane destruction of animals for



population control.

- (4) Normal or accepted practices of animal identification and animal husbandry.
  - (5) The killing of any animal, by any person at any time, which may be found away from or outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, domestic animal, or property.
  - (6) The killing of an animal that is vicious as defined in Section 14.10.05(a) by any individual, law enforcement officer, or veterinarian.
  - (7) The killing or destruction of predatory animals, including exotic or wild animals, vermin, or other animals or birds which are injuring or posing a threat to ranch, farm, or privately-owned animals or property, when such killing or destruction is conducted in accordance with laws and rules covering such animals.
  - (8) Any other animal exhibitions, competitions, activities, practices, or procedures normally or commonly considered acceptable.
- (b) The practices, procedures, and activities, described in this Section shall not be construed to be cruel nor shall they be defined as cruelty to animals, nor shall any person engaged in these practices, procedures, or activities be charged with cruelty to animals.

**Section 14.10.170. Dog breeding – permits.** It shall be punishable as a Class D offense for any individual to raise or breed any dog for any commercial purpose without a license or permit authorized by the Business Council.

**Section 14.10.180. Dog kennels.** Any premises having more than five (5) dogs shall be considered a kennel, except when this number is exceeded with a single litter of puppies being raised by the mother where the puppies shall be permitted to remain with the mother until they are three (3) months old. The owner of the kennel shall be required to obtain permission from the Tribal Council to operate as a regulated business. Failure to do so will be punishable as a Class D offense.

**Section 14.10.200. Humane destruction.**

- (a) Every sick, disabled, infirm, or crippled animal, which is neglected or abandoned by its owner may be humanely destroyed by the Animal Control Officer, or other provision made for the animal by or on the order of the Tribal Court, if after a search no owner is found.
- (b) It shall be the duty of the Animal Control Officer to cause such animals as described in §14.10.200(a) to be humanely destroyed, or other provision made therefore, on

information of such neglect or abandonment.

**Section 14.10.210. Impoundment of animals.**

- (a) The Animal Control Officer may take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the activity it is performing, or that in any other manner is being cruelly treated.
- (b) The Animal Control Officer shall give notice to owner, if known, and may deliver to the owner of any domestic animal confiscated as described in subsection (a) that is not then in the custody of its owner. The Animal Control Officer shall also give a bill for any necessary expenses which may have been incurred for taking care of and keeping the domestic animal. The expenses shall be a lien thereon, to be paid before the domestic animal can be lawfully recovered and the Tribes may recover such expenses by action in Tribal Court.
- (c) If, after due process under this Chapter, a responsible owner cannot be found, the domestic animal may be destroyed, offered for adoption to a responsible person, or sold at public auction with the proceeds going to the Tribes in lieu of destruction. Exotic or wild animals will either be destroyed or turned over to the appropriate federal authorities.

**Section 14.10.220. Right of entry.** The Animal Control Officer is authorized and directed to enter upon any residence, ranch or farm, right-of-way, irrigation ditches and right-of-way, grounds, or premises where there is a need based on reliable information to ascertain conditions and to enforce this Chapter thereon when the owner or occupant shall neglect or refuse to abide by this Chapter.

**Section 14.10.230. Recovery of seized animals.** It shall be the duty of the Animal Control Officer to at all times seize any and all free-roaming domestic animals, unlicensed domestic animals, and vicious animals. When a non-vicious, free-roaming domestic animal has been taken up, the Animal Control Officer shall notify the owner, if known, who may thereupon recover possession of the domestic animal, and the owner must provide a payment of a one hundred-dollar (\$100) fine to the Tribal Finance Department during normal business hours. Unless the Animal Control Officer grants an extension, any domestic animal seized under this Chapter shall be held for three (3) business days. No domestic animal that is taken up pursuant to this Section shall be killed before a reasonable effort has been made to locate an owner. After a reasonable effort has failed to locate the owner, the Animal Control Officer shall destroy the domestic animal in a humane manner. No seized and impounded domestic animal which is determined to be free-roaming or vicious may be released from impoundment except upon approval of the Animal Control Officer, or upon order of the Tribal Court determining, after hearing or otherwise, that no immediate danger to persons or property will result therefrom. Any owner of a domestic animal alleged to be a vicious animal shall have the burden of proof if the allegation is contested.

**Section 14.10.240. Criminal violation.** Any Indian who willfully or negligently permits any animal owned or possessed or harbored by him to be, or run, at large without a competent

and responsible attendant, within the exterior boundaries of the Reservation in the vicinity of any residence, farm or pasture, or fails, neglects, or refuses to keep any such animal confined in a secure enclosure within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant, shall be guilty of a Class C offense.

**Section 14.10.250. Prosecutions.** When a complaint is made on oath, to a Tribal Judge authorized to issue warrants in criminal cases, that there is probable cause to believe that a provision of this Chapter is being, or is about to be violated in any particular building or place, such Judge shall issue and deliver immediately a warrant directed to any law enforcement officer authorizing him to enter and search such building or place, and to arrest any person there present violating or attempting to violate any law relating thereto, or in any way affecting animals and to bring such person before the Court, for any such offense that has been committed or attempted, to be dealt with according to law, and such attempt must be held to be a violation of this Chapter and persons so convicted shall be punished in accordance with this Chapter.

**Section 14.10.270. Civil penalties for violation by non-Indian.**

- (a) Any non-Indian shall be subject to civil liability for violations under this Chapter, including civil penalties up to twice the amount of the monetary fines provided in Section 14.10.100 shall be imposed.
- (b) A non-Indian may not be arrested, but may be detained by law enforcement for federal or state authorities whenever necessary, and may be issued a summons to appear in Tribal Court for any civil action resulting from violating this Chapter.
- (c) Willful disregard of this Chapter or any Tribal Court order may result in expulsion of a non-member of the Shoshone-Paiute Tribes.

**Section 14.10.280. Savings Clause.** In the event that any provision of this Chapter is found or declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter will remain unaffected thereby and in full force and effect.

**Section 14.10.290. Sovereign Immunity.** This Chapter is not intended to waive, and does not constitute a waiver of, the sovereign immunity of the Shoshone-Paiute Tribes or of their officials, officers, employees, and agents.

C E R T I F I C A T I O N

It is hereby certified that the Shoshone Paiute Business Council is composed of 6 Council Members of whom \_\_ constituting a quorum and a Chairman were present at a meeting held on the \_\_ day of \_\_\_\_\_, 2025, and that the foregoing ordinance was adopted by an affirmative vote of \_\_ FOR, 0 AGAINST and 0 ABSTENTIONS pursuant to the authority contained in Article VI, Section (k) and (l) of the Constitution of the Shoshone Paiute Tribes, approved April 20, 1936.

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BRIAN MASON, Tribal Chairman

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MARISA GARTIEZ, Executive Secretary

APPROVED:

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SUPERINTENDENT, Eastern Nevada Field Office  
Bureau of Indian Affairs