

**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 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.

**GRAZING ORDINANCE OF THE
SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION**

I. PREAMBLE

This grazing ordinance shall govern the allocation and use of Tribal rangeland, held in trust by the United States, on the Duck Valley Indian Reservation, and shall become effective upon approval of the Shoshone-Paiute Business Council of the Shoshone-Paiute Tribes and the Superintendent, Eastern Nevada Agency.

II. DEFINITIONS

Secretary means the Secretary of Interior, Area Director means the director of the Phoenix Area, Bureau of Indian Affairs, Superintendent means the Superintendent of the Eastern Nevada Agency, B.I.A. Tribe, Tribal of or pertaining to the Duck Valley Shoshone-Paiute Tribal

Business Council, which is the elected governing body recognized by the Secretary as having the authority to act for the tribe.

Trust pertains to an interest in r possession of property, such as land, held for the benefit of another, such as an Indian Tribe by the Federal government.

Trust Responsibilities refers to the Federal Government's responsibilities to Indians for the conservation of their soil, plants and water resources within the Objective of the Branch of Land Operations.

Tribal Land means land owned by the tribe and held in trust by the federal government for the Duck Valley Shoshone-Paiute Tribes.

Reservation means the Duck Valley Reservation of the Shoshone-Paiute Tribes which is Tribal land.

Grazing District is a set of more or less adjacent Range Unites within which a group of livestock owners associate themselves to run their livestock in common. A Grazing District will include spring, summer and fall range in appropriate proportions to provide forage for an entire annual grazing season.

Range Unit means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land.

Livestock means domestic animals including cattle, horses, mules, burros, asses, sheep and goats.

Cattle including dairy and beef breeds and bison.

Allocation means the apportionment of grazing privileges without competitive bidding including the determination of who may graze livestock, 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 number 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

Elk	.7
Deer	.2
Antelope	.2

Animal Unit Month (A.U.M.) means the amount of feed or forage required by an animal unit for one month, approximately 800 pounds of air dry forage.

Brucellosis means the contagious, infectious and communicable disease caused bacteria of the genus Brucella. It is also known as Bangs disease, undulant fever and contagious abortion.

Class Free State or Area: A State or Area which meets standards for classification as a Class Free State or Area. It must remain free from field strain Brucella abortus infection for 12 consecutive months or longer to qualify. In addition the State or Area must maintain a 12 consecutive month's adjusted Market Cattle Identification Program (MCI) reactor prevalence rate not to exceed one (1) reactor per 2,000 cattle tested (0.050 percent).

Class A State or Area: A state or Area which meets standards for classification as a Class A State or Area. States or Areas must not exceed a herd infection rate, during any 12 consecutive months due to field strain B. abortus, of 0.25 percent or 2.5 herds per 1,000. The State or Area must maintain a 12 consecutive month's adjusted MCI reactor prevalence rate not to exceed one (1) reactor per 1,000 cattle tested (0.10 percent).

Class B State or Area: A State or Area which meets standards for classification as a Class B State or Area. States or Areas must not exceed an accumulated 12 consecutive month's herd infection rate due to field strain B. abortus of 1.5 percent or 15 herds per 1,000. The State or Area must maintain a 12 consecutive month's adjusted MCI reactor prevalence rate not to exceed three (3) reactors per 1,000 cattle tested.

Class C State or Area: A State or Area which meets standards for classification as a Class C State or Area. States or Areas with 1,000 or more herds having an accumulated 12 consecutive month's herd infection rate due to field strain B. abortus exceeding 1.5 percent or 16 herds or more per 1,000 is a class C State or Area. The State or Area 12 consecutive months adjusted MCI reactor prevalence rate exceeds three (3) reactors per 1,000 cattle tested (0.30 percent).

Certified Brucellosis – Free Herd: A herd of cattle which has achieved and maintains status as a Certified Brucellosis – Free Herd. The individual herd must disclose no evidence of infection due to field strain B. abortus for the past 10 to 14 consecutive months at the time of initial certification or recertification. The individual animals must disclose no evidence of infection for the past 10 to 14 consecutive or recertification.

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 the 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 reaction 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 full benefits from the resources.
- D. The provision for the administration of grazing privileges in an equitable manner which will yield the highest return to Tribal stockmen consistent with sustained yield management principles and the fulfillment of the rights and objectives of the Shoshone-Paiute Business Council and individual land users.
- E. The regulation of the livestock business on the reservation, specifically to control livestock diseases.

V. GRAZING

- A. Establishment of Range Units Grazing Districts, Subdivided into range units, shall be established by the Tribal Council in consultation with the Superintendent, livestock owners and livestock associations, in a manner which will best meet the requirements of Indian needs and proper land use.
- B. Grazing Capacity Subject to the approval of the Area Director, the Superintendent and the Tribal Council shall prescribe the maximum number of livestock which may

be grazed on each range unit and the season, or seasons of use, to achieve the objectives cited in Section IV. The grazing capacity so prescribed will take into consideration the implementation of tribal objectives and programs requiring grazing land to support wildlife and other non-livestock uses.

- C. Stocking Rates Stocking Rates shall be established for the Duck Valley Reservation rangelands by the Superintendent prior to February 1, the beginning of each grazing permit period. Stocking rates shall be based on the best technical information available through utilization surveys and range conditions and trend analysis, and shall be reviewed on a continuing basis and adjusted as conditions warrant.
- D. Grazing Permit Requirement An approved grazing permit issued in accordance – with the provisions of this ordinance, is required for any grazing use of Duck Valley Reservation rangelands.
- E. Authority of Superintendent to Issue Grazing Permits The Superintendent may issue grazing permits without written authority from the Tribal Council when it has not taken timely action to do so, subject to veto of the Council, in order to prevent resource waste or unreasonable economic loss to the Tribe. The superintendent shall notify the Council in writing of the proposed action and allow 60 days during which the Tribal veto may be exercised.

GRAZING ORDINANCE

VF. Allocation of Grazing Privileges

1. Authority: The Tribal Council may authorize the allocation of grazing privileges without competitive bidding on Tribal 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 member 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 of 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 proper application and approval as stated in Sub-Section F.
4. Permit Transfer: Grazing permits shall not be exchanged, sublet, nor transferred from one range unit or grazing area to another.
5. Permit Modification: Permittees may request modification of their grazing permit by submitting such a request to the Tribal Council. Such requests shall be for the purpose of one or more of the following:
 - a. A change in the number of livestock permitted.
 - b. Change in season of use.
 - c. Adjustment of grazing fees.
 - d. Change in the class of livestock grazed.

Modification of a grazing permit must be approved by the Tribal Council and Superintendent, Eastern Nevada Agency. Modifications in most cases will not go into effect while the annual grazing season is in progress. But will be implemented at the beginning of the following grazing season. Modification requests are limited to one per permittee per year.

V.G.6 Cancellation A grazing permit may be cancelled or modified on 30 days written notice by the Tribal Council with the approval of the Superintendent under the following conditions:

- a. A permittee fails to pay the grazing fee pursuant to Section V.I.

V.G.7 Permit Limitations The following limitations apply to all grazing permits on Duck Valley Reservation rangelands:

- a. All of the permittee's obligations under the permit are to the Federal Government as well as to the Duck Valley Shoshone-Paiute Tribes because of the trust status of the tribal lands;
- b. The permittee agrees not to use, cause, or allow to be used, any part of the permitted area for any unlawful conduct or purposes.
- V.G. c. The permit authorized the grazing of livestock only. The permittee shall not use the permitted area for hay cutting or any other purpose without written authorization from the Tribal Council.
- d. Grazing operations shall be conducted in accordance with recognized principles of good range management. Stipulations or management plans necessary to accomplish this shall be made a part of the grazing permit.

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 bona fide 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 Duck Valley Rangeland.

J. Management of Horses

1. The grazing of horses shall be brought under management control. Horses are to be grazed in designated range areas, and unless otherwise specified by the Business Council, such area is that covered by a grazing permit.

For example, in the case of:

- a. A livestock Association, where several individuals are under an Association grazing permit, horse grazing privileges will be apportioned unit by unit in conformance with the stocking rate and grazing schedule.
 - b. An individual's horse grazing privileges will be in the area covered by this grazing permit, unless he is under the Association permit.
2. Seasons of use and numbers of horses authorized will be specified in the grazing permit. To protect the range, horses will have to be removed from the range during the period of December 1 through March 31, each year. The indiscriminate, uncontrolled grazing of horses year long will no longer be permitted.
 3. The allocation of grazing privileges for horse operations, where no other kind of livestock is involved, will not be recommended. Surplus, unbroken horses should be disposed of to make more forage available for cattle.
 4. Grazing fees for horses will be charged in accordance with Section V.I.

5. Horses will bear identifying marks and/or brands to show bona fide ownership. (See Section VI, A7, and Section V.L.5.). The natural increase of horses which are unbranded (slick) and over two years of age will become the property of the Shoshone-Paiute tribes.
6. The trespass provisions of this ordinance apply equally to horses (See Section VI).

VK Range Improvements

1. A permittee must secure written permission from the Tribal Council to construct improvements, at his own expense, on lands covered by his grazing permit. Improvements will not be approved unless they are appropriately designed and constructed. Permission to remove improvements must also be secured from the Business Council. However, permanent improvements such as reservoirs, fencing, spring developments, or other improvements designated by the Tribal Council, must remain in place on the land.
2. Improvements will include all water developments, fences, cross fencing, 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 improvements 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 applied to alleviate drought effects.

The following range control stipulations are hereby prescribed for use in all grazing permits:

1. The permittee will observe the boundaries of his grazing unit and prevent drift of his livestock onto other units.
2. The permittee will graze no more livestock than allowed by his grazing permit.
3. Animal Health Regulations – all stock covered by permit is subject to the animal health laws and regulations now in force or hereafter established by the United States, States of Idaho and Nevada or Shoshone-Paiute Business Council and permittees, shall abide by such laws and regulations. This includes introduction, export, quarantine, brands and transportation of livestock.
4. The permittee agrees to the counting of his livestock, and in the event the permittee fails to round up his stock at proper times and in a satisfactory manner for the purpose of allowing a count of the livestock, the Tribal Council shall have the right to round up and count said livestock. The Tribal Council shall be reimbursed by the permittee for the cost of rounding up and counting said livestock.
5. All livestock grazed by the permittee will bear identifiable Nevada or Idaho State Registered Brands or Tribal registered brands to show ownership.
6. Any unbranded livestock found on the Duck Valley Reservation range units will be reported by the permittee at once and the livestock shall be impounded by the Shoshone-Paiute Tribes pursuant to Section VI. C.3.

VI. Trespass

- A. The following acts are considered as trespass on the Duck Valley Reservation.

1. Any person introducing or grazing livestock on tribal rangelands without an approved grazing permit.

2. Any person who violates the terms of his grazing permit.
 3. Any person grazing livestock on his range unit at any time other than the season(s) of use specified in the grazing permit.
 4. Any person grazing livestock of a different kind than that specified in his grazing permit.
 5. Any person grazing livestock for which the grazing fees are delinquent.
 6. Any person grazing livestock for which he cannot prove bona fide 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.

- VI.C.3.
- b. When the owner or his agent is unknown, or a known owner refuses to accept delivery of the notice,
A notice of intent to impound shall be published in a local newspaper, posted at the nearest community building, the Tribal Headquarters, and the post office. Any time after five days of posting of the notice the unauthorized livestock may be impounded.
 - c. Following impoundment, a notice of sale of the livestock shall be made in the same manner as for impoundment. The notice will describe the livestock and specify the date, time and place of sale. The date set shall be at least five days after the publication and posting of the notice.
 - d. Any owner or known lien holder of the impounded livestock may redeem them at any time before the time set for the sale by submitting proof of ownership and the settlement of all obligations described in Section VI.C.I.
 - e. If the livestock are not redeemed before the time fixed for their sale the Tribal Council shall sell the livestock with the net proceeds of such sale, after deductions of the costs of gathering and selling the livestock and payment of any unpaid penalties, to be paid to the livestock upon satisfactory proof of ownership submitted within six months of the date of the sale. Net proceeds of the sale not paid to the owner shall revert to the Shoshone-Paiute Tribe.
- 4. If any person or association is convicted by the Shoshone-Paiute Tribal Court under Section VI.A., the Tribal Council shall cancel the grazing permit.
 - 5. All fines assessed by the Shoshone-Paiute Tribal Court under this Grazing Ordinance shall be deposited into the Tribal Court Fund.
 - 6. All payments for forage consumed and for damages shall be credited to the Shoshone-Paiute Tribes and prorated according to Section V.I., and reimbursement for expenses incurred in impoundment and sale shall be credited as appropriate.

VII. LIVESTOCK DISEASE CONTROL AND TRANSPORTATION

Whenever livestock on the reservation becomes infected with contagious disease or have been exposed there to, such livestock shall be treated and the movement thereof, restricted in accordance with the applicable Federal, Idaho and Nevada Laws and Tribal Ordinance. The Tribal Council, with the concurrence of the Superintendent, shall require livestock to be vaccinated, inspected or restricted in movement when necessary to prevent the introduction and spread of contagious or infectious disease in the economic interest of reservation livestock owners. To prevent infectious disease in reservation cattle herds, the following rules will be adhered to by all livestock owners within the reservation boundaries.

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. A copy of the health certificate shall be mailed immediately to:

*Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
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 requirements of this ordinance.

6. Accredited and state law veterinarians who are approved by the chief livestock sanitary official of the state of origin and federal veterinarians of the U.S. Department of Agriculture may inspect livestock for the purpose of issuing a health certificate.

C. Permits

Requests for permits to admit livestock onto the Reservation shall be made when the official health regulations of this ordinance cannot be met at the point of origin.

1. Permits shall be requested from:

*Shoshone-Paiute Tribes of the Duck Valley Indian
Reservation
P.O. Box 219
Owyhee, Nevada 89832
Telephone (208) 759-3243*

2. Requests for entry permits shall include the following:

- A. Names and address of the consignor and consignee.
- B. Number and kind of animal.
- C. Origin of shipment.
- D. Final Destination.
- E. Purpose of shipment.
- F. Method of transportation.
- G. Identification of animals including brands.

3. Permits shall be valid for no longer than fifteen (15) days from the date of issuance.

4. No livestock affected with or which have recently have exposed to any infectious, contagious or communicable disease, or which originate in a quarantined area, shall be transported or moved onto the Reservation without a permit from the Tribal Government.

- D. An inspection of brands, permits and health certifications by designated tribal employees shall be required for all livestock entering the Reservation.

- E. Livestock entering the reservation without a valid health certificate and permit, if required, shall be held in quarantine at the risk and expense of the owner until released by an authorized representative of the Tribal Government. Such 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 calfhood vaccinated (except calves under 4 months of age) as follows:
 - A. Female cattle of any breed or female bison vaccinated while from 4 to 12 months of age (120 – 365 days) with a reduced dose of strain 19 vaccine by an approved official of the state of origin.
 - B. Female cattle which were officially calfhood vaccinated in accordance with previous provisions of the Federal Uniform Methods and Rules shall be declared official calfhood vaccinates.
 - C. Evidence of vaccination shall be an official tattoo in the right ear of the animal. Tattoo symbols must be clearly legible to the naked eye in ordinary daylight without use of artificial light or other aids. Re-tattooing or re-identification of official vaccinates is not acceptable for entry onto the Reservation.

2. Brucellosis Test Requirements

- A. All Brucellosis agglutination tests of animals which are intended for shipment onto the Reservation shall be made in state-federal approved laboratories, commercial laboratories operated under the supervision of the United States Department of Agriculture and approved by the state of origin, or by veterinarians approved by the livestock sanitary officials of the state of origin to make such tests.
- B. Test Eligible Cattle
 - I. Officially vaccinated female cattle of dairy breeds which are over 20 months of age.
 - II. Official vaccinated female cattle of beef breeds or female bison which are over 24 months of age.
 - III. Officially vaccinated females of dairy breeds which are under 20 months of age if parturient (springers) or past parturient (have calved).
 - IV. Officially vaccinated females of beef breeds or bison which are under 24 months of age if parturient or past parturient.

- V. Intact roles of beef or dairy breed or bison which are over 6 months of age.
- C. All test eligible cattle from a Class A state shall have been tested negative within 30 days of importation.
- D. All test eligible cattle from a Class B or C state shall have been tested negative within 30 days of import and shall be quarantined on arrival and subjected to a retest 45 to 120 days past entry.
- 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.
 - A. 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 bison 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.
3. Change of Ownership
 - A. A Nevada brand inspection shall be required prior to the sale or exchange of any livestock on the Reservation.
 - B. A permit, as described in Section VII.A. 1.C., shall also be required.
 - C. A health certificate, as described in Section VII.A. 1.B., may be required during periods of high risk from infections, contagious, or communicable diseases or parasites as determined by the Tribal Government.

VII C. Requirement for Livestock Leaving the Reservation

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

VIII VIOLATIONS AND PENALTIES

- A. Any Reservation livestock owner convicted by the Tribal Court of violation of this ordinance shall forfeit her or his grazing privileges for at least the remainder of the court grazing period and suffer such other penalties as the court may impose as provided in this ordinance.
- B. Any livestock dealers, buyers, or carriers, who violate this ordinance may be excluded from doing business on the Reservation.

CERTIFICATION

The foregoing Ordinance was adopted on May 22nd, in the year 1985, by a vote of 4 FOR and 0 AGAINST with 2 ABSENT, by the Shoshone-Paiute Business Council, pursuant to the authority vested in it by Article VI, Section 1(h) of the Constitution and By-Laws of the Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada/Idaho, ratified by the Tribes

on March 21, 1936, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (47 Stat 984) as amended.

/s/ WHITNEY G. MCKINNEY, Tribal Chairman
Shoshone-Paiute Tribes

/s/ COLLEEN CURTIS, Tribal Secretary
Shoshone-Paiute Tribes

APPROVAL

/s/ ROBERT T. BLACK
Acting Superintendent
Eastern Nevada Agency

Date: 06-07-1985

ORDINANCE NO. 85-SPO-07