

## TITLE X

### NATURAL RESOURCES AND ANIMALS

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**CHAPTER 1. GRAZING****Section 10-1-1. Jurisdiction and authorizations.**

A. The Pueblo Council has the inherent sovereign authority to establish laws for the governance and protection of its members and natural resources, and it has specifically reserved that power at Article 4, Section 2, Part e, of the revised Pueblo of Laguna Constitution of 1984.

B. The federal government, through the Bureau of Indian Affairs ("BIA"), has and exercise a federal trust responsibility for the management, improvement, conservation and protection of the Pueblo's natural resources. However, the Pueblo possesses an independent and inherent authority to also provide for and regulate the management, conservation and protection of its own natural resources. This chapter is the Pueblo's exercise of that independent and inherent authority, and it is recognized that cooperative jurisdiction exists, as between the Pueblo and the United States, with respect to the regulation of the Pueblo's grazing resources.

C. Unless expressly so provided otherwise, nothing herein shall be construed as a waiver by the Pueblo to, in any manner, relinquish its sovereignty or any of the immunities, prerogatives, or powers arising therefrom.

D. Nothing herein shall be construed as a waiver by any established Village of the Pueblo of Laguna to, in any manner, relinquish its constitutional authority.

E. The Pueblo Council retains its authority to allocate any available excess range capacity outside of village jurisdictions.

F. The Pueblo of Laguna Environment and Natural Resources Department ("ENRD") is hereby authorized and directed to serve as the Pueblo's primary regulatory agency for purposes of implementing this chapter, and it is further authorized and directed to promulgate, implement, and enforce such rules and regulations, consistent with this chapter and Pueblo law, as are necessary to ensure the chapter's proper operation.

G. The Pueblo of Laguna Public Safety Department and all duly certified Pueblo Law Enforcement Officers are hereby authorized and directed to take such law enforcement actions, consistent with this chapter and Pueblo law, to ensure that all persons comply with this chapter.

H. The Pueblo's Livestock Associations, as those organizations are identified at section 10-1-3, are hereby authorized and directed to take those actions, as are reasonably necessary and consistent with this chapter and Pueblo law, to regulate their respective memberships and livestock within their respective range management units with respect to use and preservation of Pueblo range resources and compliance with this chapter.

I. Use of range resources within the traditional boundaries of any Pueblo Villages (Encinal, Laguna, Mesita, Paguata, Paraje/Casa Blanca, and Seama) shall not be subject to this chapter, but shall instead be regulated by the Mayordomos for each village, in accordance with the Pueblo's Mayordomo chapter. Such village range resources, however, may not be used to circumvent or avoid compliance with this chapter.

**Section 10-1-2. Purpose.**

The purpose of this chapter is to:

- A. Establish enforceable procedures for the sound management of the use of range resources, including, but not limited to, measures to regulate the grazing of livestock in an equitable and nondiscriminatory manner and to control range damage problems associated with trespass by feral and nonpermitted animals as well as persons.
- B. Preserve and perpetuate traditional cultural practices that are consistent with generally accepted and professional management practices, uses, requirements and principles governing the utilization of Tribally-owned natural resources.
- C. Establish rules and procedures governing the utilization of range resources, livestock ownership, conduct of livestock associations, resource assessments, improvements to the land and maintenance thereof, as well as the enforcement of prescribed rules and procedures.
- D. Provide for the administration of grazing privileges that are consistent with proper land management principles and which benefit livestock and nonlivestock owners alike in their use of available technical, cultural and financial resources.
- E. Clarify that the livestock associations established hereunder are responsible to all livestock owners, regardless of the type of livestock grazed within the Pueblo, and that all livestock owners, regardless of the type of livestock they own, must be members of a livestock association if they are to lawfully graze their animals within any range management unit.

**Section 10-1-3. Livestock associations, management units and round-ups.**

A. *Grazing privileges.* Only persons who are members of one (1) of the livestock associations or who are otherwise authorized by a special grazing permit may exercise grazing privileges on Pueblo Lands, provided that such exercise is pursuant to and consistent with a valid permit issued pursuant to section 10-1-5.

B. *Establishment of range management units and livestock associations.*

- (1) In response to the increased use of Pueblo Lands by livestock, the suitable land base shall be divided into range management units.
- (2) In recognition of the fact that the Pueblo's traditional management of range resources through livestock associations is the best and most efficient form of range management, the livestock associations identified in this section shall exercise those regulatory authorities delegated to them by this chapter with respect to their respective memberships and within their respective range management units.

- (3) The following livestock associations shall exercise authority with respect to ensuring the proper operation of this chapter within the following, designated range management units:
  - (a) *Unit 1:* Bar-PL Livestock Association within the Bar-PL Range Unit (Associated geographical areas: Sanchez, Majors and Amijo Ranches)
  - (b) *Unit 2:* Montano Livestock Association within the Montano Range Unit (Associated geographical areas: Montano Grant)
  - (c) *Unit 3:* Sedillo Livestock Association within the Sedillo Range Unit (Associated geographical areas: Sedillo Grant)
  - (d) *Unit 4:* Bell Rock Livestock Association within the Bell Rock Range Unit (Associated geographical areas: Bell Rock, Snow Bird, Conchas Valley)
  - (e) *Unit 5:* Diamond-L Livestock Association within the Diamond-L Range Unit (Associated geographical areas: Harrington and Edison Ranches)
  - (f) *Unit 6:* Dough Mtn. Livestock Association within the Dough Mtn. Range Unit (Associated geographical areas: Dough Mountain area)
  - (g) *Unit 7:* Turquoise Spring Livestock Association within the Turquoise Spring Unit (Associated geographical areas: Turquoise Spring and Petoeh Butte areas)

C. *Livestock association powers and responsibilities.*

- (1) Each livestock association shall possess those powers delegated to it by this chapter, the Model Livestock Association Articles of Association and Bylaws contained in appendix A, and any bylaw formally adopted by it, which is not inconsistent herewith.
- (2) Upon the regular selection of livestock association officers, pursuant to procedures established in each association's bylaws, a roster of such officers shall be presented to the Pueblo Council for certification.
- (3) Each livestock association shall bear legal responsibility to the ENRD with respect to ensuring the compliance of its respective memberships with this chapter as well as with respect to the proper maintenance of its respective range management unit pursuant to an approved unit management plan. In fulfilling their legal responsibilities and in the general interest of the entire Pueblo, each livestock association shall endeavor to work cooperatively with each other livestock association, the ENRD, and Pueblo Law Enforcement Officers.
- (4) As part of its legal responsibility, each livestock association shall have the authority to regulate the activities of its membership as reasonably necessary to ensure compliance with this chapter. Such regulation must be consistent with those rules and regulations stated in each livestock association's bylaws, ENRD rules and regulations and this chapter. Disputes between a livestock association and any of its members shall be resolved within that livestock association in accordance with its bylaws, and any aggrieved party may, within ten (10) working days of any resolution, appeal that decision to the Pueblo of Laguna Livestock Board by submitting a brief statement to

the board of the issue to be considered. The livestock board shall informally hear the matter and issue a written decision, explaining the factual and legal basis for its ruling, and such decision shall constitute a final administrative action for purposes of appeal under section 10-1-14.

- (a) *Expulsion.* If it is necessary for any livestock association to expel a member, that member's grazing privileges shall immediately terminate, and the livestock association may reassign them to a new member, in accordance with its bylaws.
  - (b) *Notice of expulsion.* A livestock association's notice of expulsion shall constitute a sufficient written determination of trespass and shall substantially conform to the requirements of subsection 10-1-13D. If the expelled member does not remove his or her livestock within five (5) working days of his or her expulsion, no further notice shall be required before enforcement actions may be pursued.
- (5) Livestock associations shall operate in a manner intended and designed to best meet the needs of their respective memberships, and they shall oversee and be responsible for the use and preservation of the range resource within their designated range management units. Livestock associations shall not unreasonably discriminate among their own members and shall provide reasonably uniform services and representation to all members, regardless of the type of livestock owned and grazed by any individual within the range management unit.
  - (6) Livestock associations shall cooperatively utilize the range resources within their respective range management units for livestock operations and the benefit of all livestock association members and shall not unreasonably deny association membership opportunities to any qualified person.
  - (7) No livestock association member may graze livestock in excess of the equitable share of the range resource ("ESRR"), as that share is established under section 10-1-4, and no livestock association shall allow livestock to graze within its range management unit in numbers that exceed its membership's cumulative ESILR.
  - (8) Each livestock association shall annually report to ENRD as to its current membership, grazing fee receipts, expenses and outlays, and such other information as the ENRD may reasonably require.

D. *Livestock association bylaws.*

- (1) Each livestock association shall adopt articles of association and bylaws for the governance of its establishment, its membership and its affairs.
- (2) Livestock association articles of association and bylaws shall, at a minimum, be consistent with the model provided in appendix A. A current copy of all livestock association articles of association and bylaws shall be provided to the ENRD as necessary.

*E. Establishment of certain nonrange units.*

- (1) The following areas will be designated as "special permit areas" and shall not be regulated by a livestock association: Jack Ward, Wheat Mountain.
- (2) The following areas will be primarily managed as wildlife areas and shall not be regulated by a livestock association:
  - (a) Cruz Baca (White Springs) Wildlife Management Unit;
  - (b) Seco Canyon Wildlife Management Unit;
  - (c) Stove Pipe Wildlife Management Unit;
  - (d) Blue Hole Wildlife Management Unit; and
  - (e) Rio Paguate Wildlife Management Unit.

*F. Unit management plans.*

- (1) The ecological condition and grazing capability of each range management and nonrange unit shall be timely and regularly assessed using generally accepted methods of range evaluation, and such assessments shall be conducted by the ENRD, in coordination with the BIA and in consultation with the affected livestock association, if any. Such assessment shall provide the basis for the ENRD's development of unit management plans for each unit. Each unit management plan shall also include an outline of priority range improvement construction, maintenance, and repair projects, including estimated budget needs to complete that work. Upon ENRD's completion of final unit management plans, it shall present those plans to the Pueblo Council with its recommendation for approval.
- (2) ENRD shall update those unit management plans every five (5) years, to coincide with each permit issuance cycle under section 10-1-5.
- (3) All changes in the ecological condition and/or grazing capability of any range management or nonrange unit shall be reflected in a revised unit management plan.

*G. Feral, wild and/or stray round-ups.*

- (1) The Pueblo shall conduct a periodic round-up of feral, wild and/or stray animals found throughout Pueblo Lands. All unbranded livestock rounded up during such event shall be sold at a public sale. All proceeds from such sales shall be deposited into the Pueblo's general fund, after defraying the costs associated with the round-up and sale.
- (2) Each livestock association may conduct periodic round-ups of feral, wild, and/or stray animals within its range management unit. All unbranded livestock rounded up during such events shall be sold at a public sale, and the livestock association may retain all proceeds from such sales.
- (3) ENRD may conduct periodic round-ups of feral, wild and/or stray animals within the special permit areas. All unbranded livestock rounded up during such events shall be sold at a public sale, and ENRD may retain all proceeds from such sales.

- (4) All round-ups conducted within the Pueblo shall be supervised by a certified Pueblo of Laguna Livestock Inspector, a licensed veterinarian, a representative of ENRD, and a representative of the livestock association for the range management unit affected, if any.

**Section 10-1-4. Carrying capacity.**

A. The maximum carrying capacity of each range management unit shall be established within the unit management plan, and such carrying capacity shall take into consideration all nonlivestock use of the range resources, including wildlife and feral animals.

B. The maximum number of livestock that any one (1) person may graze on Pueblo Lands shall be the ESRR which shall be determined by dividing the livestock association members, who own and seek privileges for grazing livestock, into the maximum carrying capacity for that livestock association's range management unit. A livestock association's cumulative ESRR shall not exceed the range management unit's maximum carrying capacity. An ESRR determination shall be made for each range management unit as part of the five-year permitting cycle and shall not be revised during any permit term unless revisions are determined necessary by the ENRD pursuant to subsection 10-1-12D.

C. The following equivalency factors will be used to express forage requirements of a specific kind, age, or class of livestock or wildlife in relation to the requirements of the cow/calf "animal unit":

<b>CATTLE:</b>		<b>SHEEP:</b>	
Cow, with or w/out calf	1.00	Mature (Rams/Ewes)	0.20
Bull, mature	1.30	Yearling	0.15
2 year old	0.80		
Yearling	0.60		
<b>HORSES:</b>		<b>GOATS:</b>	
2 year old and older	1.50	Mature (Billie/Nannies)	0.20
Yearling	0.75	Yearling	0.15
<b>WILDLIFE:</b>			
Elk	0.70		
Deer	0.20		
Antelope	0.20		
Barbary Sheep	0.50		
<b>BURROS</b>		<b>OSTRICH</b>	
2 year old and older	1.50	Mature	0.40
Yearling	0.75		

**Section 10-1-5. Grazing permits.**

A. A valid permit shall be required before any animal may be imported to and/or grazed on lands within the jurisdiction of this chapter.

B. *Livestock association grazing permits.*

- (1) Valid livestock association grazing permits may be issued only to livestock associations, not to individuals.
- (2) No person may lawfully graze any livestock on Pueblo Lands pursuant to a livestock association grazing permit without being; (i) eighteen (18) years old; (ii) a member in "good standing," as that term is defined in applicable livestock association bylaws, of a livestock association; and (iii) in compliance with all terms and conditions of his or her livestock association's valid livestock grazing permit.
- (3) A livestock association grazing permit application, in a form provided by the ENRD, shall be completed and submitted before any valid grazing permit may be lawfully issued.
- (4) No later than October 1 prior to the date that livestock association grazing permits are scheduled to be issued, each livestock association shall submit to the ENRD, on behalf of its membership, a completed livestock association grazing permit application and such application shall include all information required by this section.
- (5) Such application shall include:
  - (a) A current livestock association membership roster;
  - (b) Proof that each livestock association member is a regularly enrolled Pueblo member;
  - (c) Identification of the number and type of livestock proposed to be grazed within the range management unit;
  - (d) Proof that each head of livestock proposed to be so grazed is owned by a livestock association member;
  - (e) A current and valid health certificate, as required at section 10-1-8, for each head of livestock identified in the application; and
  - (f) Such other relevant information as reasonably required by the ENRD.

C. *Special grazing permits.*

- (1) Special grazing permits may be issued to individuals.
- (2) The ENRD may issue special grazing permits for the livestock use of range resources within those areas designated as special permit areas in subsection 10-1-3E.
- (3) Applications for a special grazing permit may be submitted by persons who are not members of any livestock association but who otherwise are regularly enrolled Pueblo members over the age of eighteen (18).

- (4) The ENRD shall develop rules regarding the application for and issuance of special grazing permits, but it may generally issue such permits on its case-by-case consideration of those applications received and the present condition of use of the relevant special permit area. Once issued, special grazing permits may be modified, suspended, or revoked in the same manner as a livestock association grazing permit.
- (5) There shall be no deadline for submitting an application for a special grazing permit, but such permits shall be valid for a term that is no longer than the remaining term cycle for current livestock association grazing permits.

*D. Permit issuance and renewal.*

- (1) No permits issued pursuant to this section shall be valid for a term longer than five (5) years.
- (2) No later than October 1 prior to the expiration of any permit pursuant to this section, a livestock association may request a permit renewal for a new term no longer than five (5) years. Such renewal application shall contain the same information and be on the same form as required for an initial application. In determining whether to grant such permit renewal application, the ENRD may consider the applicant's prior compliance with this chapter and with any previous permit terms or conditions issued under this chapter, as well as any relevant changes in range conditions or such other concerns that may be reasonably relevant to the sound management of Pueblo Lands and resources. No applicant shall have an automatic right to a renewal.

*E. General conditions.*

The following conditions shall be stated on every permit issued pursuant to this section:

- (1) Except pursuant to and in compliance with a special grazing permit, no person may graze any livestock on Pueblo Lands without being a member in "good standing", as that term is defined in applicable livestock association bylaws, of a livestock association and being in compliance with all terms and conditions of his or her livestock association's valid livestock association grazing permit.
- (2) Only special grazing permits may be validly issued to an individual.
- (3) No permit shall provide grazing privileges to any person who is not a regularly enrolled Pueblo member of at least eighteen (18) years of age.
- (4) All persons seeking to exercise grazing privileges under a livestock association grazing permit or a special grazing permit must have a registered brand or marking at the time of application.
- (5) Only livestock that is owned and registered as owned by a regularly enrolled Pueblo member of at least eighteen (18) years of age may be grazed on Pueblo Lands. All other livestock found on Pueblo Lands shall be determined to be trespass animals.
- (6) Any sheep grazed on Pueblo Lands shall be supervised by a full-time herder. Animals that are used to herd sheep are not considered full-time herders.

- (7) The maximum number of livestock that may be placed within any range management unit by any person shall not exceed the ESRR, as established under section 10-1-4, and the ENRD shall reestablish the ESRR at the beginning of each permit term cycle (i. e., every five (5) years), unless it is otherwise revised pursuant to subsection 10-1-12D.
- (8) No livestock association may allow livestock to be placed within its range management unit if the total number of livestock already within the unit exceeds the total number of livestock authorized in its livestock association grazing permit (i.e., the cumulative ESRR).
- (9) Allotted lands shall continue to be regulated by 25 C.F.R., Part 166. If an allottee does not desire cooperative grazing use of range resources within their allotments, he or she shall be responsible, at his or her own expense, for fencing the property to exclude livestock.
- (10) Use of Pueblo range resources in a manner that does not comply with a valid permit or this chapter shall be a violation of Pueblo law.

**Section 10-1-6. Livestock ownership.**

A. Persons who intend to place livestock on Pueblo Lands shall present evidence of their ownership of the livestock to be imported. Such information shall be made part of any application for a permit under section 10-1-5 or, if the placement is to occur in the middle of a permit term cycle, otherwise prior to the placement of the livestock on Pueblo Lands.

B. Proof of ownership of the livestock will include, but not be limited to:

- (1) Bill of sale;
- (2) Security agreement (duly recorded);
- (3) Promissory note;
- (4) Proof of payment (receipts or canceled checks);
- (5) State brand inspection (including change of ownership);
- (6) Proof of inheritance;
- (7) Other documents as may be required by the ENRD.

C. All livestock must bear a brand, duly recorded to the applicant. The brand must appear on the livestock as registered with the New Mexico Livestock Board, in accordance with the current New Mexico Livestock Board Brand Book, and/or with the Pueblo of Laguna Livestock Board.

D. Attempts to circumvent, defraud or misrepresent ownership will not be tolerated and will be cause for denial or termination of grazing permit or privileges.

**Section 10-1-7. Crossing permits.**

Unless livestock are to be moved by enclosed transportation, crossing permits shall be required for any movement of livestock within or across Pueblo Lands. Such permits may be acquired, on submission of an application in the form provided by the ENRD, from the ENRD or, if necessary, from the village Mayordomos with jurisdiction over any portion of the range through which the livestock are to be moved.

**Section 10-1-8. Disease control.**

Diseases of livestock are considered a significant public health and safety concern. Therefore:

- A. All livestock intended to be placed on Pueblo Lands shall be tested by a licensed veterinarian and a current, generally acceptable health certificate shall be issued that declares the animal to be disease free.
- B. Such health certificate shall be submitted to ENRD as part of any permit application or, if the placement is to occur in the middle of a permit term cycle, otherwise prior to the placement of the livestock on Pueblo Lands.
- C. All persons who own or graze livestock on Pueblo Lands are bound by federal livestock health regulations, this chapter and other applicable Pueblo law.
- D. When deemed necessary for purposes of public health and safety, ENRD may order that quarantine measures, under the supervision of a licensed veterinarian, shall be used prior to the importation of livestock to Pueblo Lands.

**Section 10-1-9. Grazing fees.***A. Establishment of fee rate.*

- (1) Fee rates shall be determined by the Pueblo Council ninety (90) days prior to the beginning of a new grazing permit term cycle.
- (2) The current fee rate, as from time to time adjusted, shall be included as appendix B to this chapter.
- (3) A permit preparation fee in excess of the grazing fee shall not be collected.

*B. Collection of livestock association grazing fees.*

- (1) Each livestock association member is responsible for the timely payment of his or her portion of grazing fees invoiced to their livestock association. Each livestock association may enact bylaws that establish nondiscriminatory rules for the determination of each member's share of invoiced fees. In enacting such bylaws, livestock associations may choose to exempt subsistence, traditional, or other noncommercial livestock owners from the payment of any fees. Such determination, however, lies solely within the discretion of the livestock association, and livestock grazed by such persons shall continue to be counted as part of the livestock association membership's cumulative ESRR.

- (2) By October 1 of each calendar year, the ENRD shall invoice each livestock association for all fees then due or estimated due on behalf of its members for that grazing season. Livestock associations shall be responsible to the ENRD for the actual number of livestock grazed within a range management unit during each calendar year.
- (3) Each livestock association shall collect invoiced grazing fee payments from its members and remit such payments to ENRD no later than December 31 of the calendar year in which the invoice was received. The livestock association shall provide a written explanation to the ENRD if the remitted payment is different from the invoiced amount. Any livestock association that fails to timely remit payment may have its livestock association grazing permit subject to modification, suspension, or revocation.
- (4) Upon ENRD's collection of invoiced grazing fees from the livestock associations, it shall immediately pay those monies to the Pueblo Treasurer's Office.
- (5) Any permittee that loses its permit due to nonpayment of invoiced fees may be prohibited from reapplying for a livestock association grazing permit until the following permit term cycle. Furthermore, upon the revocation of any livestock association grazing permit, all livestock shall be immediately removed from the affected range management unit or be subject to the provisions of section 10-1-13 as impounded livestock. For purposes of section 10-1-13, notice of permit revocation shall substantially contain the same information as required in a notice and order of removal and shall constitute a written administrative determination of trespass.

*C. Collection of special grazing permit fees.* The ENRD shall collect all fees due under any special grazing permit in accordance with the procedures and timeline established for livestock association grazing permits. However, the legal responsibility for such payments shall lie with the special grazing permit holder, not any livestock association.

*D. Use of collected grazing fees.*

- (1) All monies collected under this provision shall be allocated to and deposited, proportionate to the amounts paid, in the range improvement fund for each livestock association or otherwise expended for the benefit of the affected special permit area.
- (2) Such funds shall be used to supplement other Tribally appropriated funds for purposes of range maintenance, the construction or improvement of range improvements, and/or other work consistent with the unit management plan. Disbursement and use of those funds shall comply with established Pueblo budgetary processes.

### **Section 10-1-10. Fencing.**

*A. Administration of range management unit fencing.*

- (1) Each livestock association shall be responsible for maintaining and repairing all existing interior cross fences within its respective range management unit. Each livestock association shall also be responsible for maintaining and repairing fencing that encloses rights-of-way within its respective range management unit.

- (2) A livestock association may construct new interior fencing as a range improvement, pursuant to section 10-1-11.
- (3) Each livestock association shall be responsible for maintaining and repairing the fencing along the external boundaries of its respective range management unit, including those sections that mark the external Pueblo boundaries; provided, that the Pueblo shall provide for the original construction of those fences and the materials for their maintenance and repair. Where fencing along an external range unit association boundary is shared by two (2) or more livestock associations, maintenance and repair responsibilities shall be shared proportionately, as apportioned by the ENRD. Nothing herein precludes the Pueblo from executing cooperative agreements with other land owning or governing entities with respect to the construction, maintenance or repair of exterior fencing.
- (4) Gates are intended to control livestock movement, not to restrict access to and from fenced lands by Pueblo members. Access by the general Pueblo membership to range areas is therefore not to be denied. Gate administration shall follow the rule that to close a gate is ok, but to lock it is not. No gate may be locked without livestock association justification and the Pueblo Council approval, and any gate found to be locked without authorization shall be immediately opened or the lock may be cut.
- (5) Failure or inability to fulfill fencing maintenance and repair responsibilities shall be reported immediately to the ENRD.

*B. Fencing specifications.*

- (1) The following specifications, as described by the guidelines documented in the applicable unit management plan, will apply to any newly constructed fences to determine whether a fence was properly constructed:
  - (a) Substantial post set or driven to an appropriate depth.
  - (b) Maximum post spacing of twenty (20) feet (handset), sixty (60) feet (high tensile).
  - (c) Braces no more than one thousand three hundred (1,300) feet apart.
  - (d) Four (4) tightly stretched wires, of which the lowest must be smooth.
  - (e) Wire spacing of no less than twelve (12) inches, twenty-four (24) inches, thirty-six (36) inches, and forty-two (42) inches above ground level.

**Section 10-1-11. Range improvements.**

*A. Range facility development.*

- (1) Range facility development by each livestock association within its range management unit is encouraged. However, all range improvements must be made pursuant to an approved unit management plan. For range improvements not already made a part of such an approved plan, a proposal must be detailed and cost estimates must be

developed and submitted to the ENRD for its review and approval. If such proposal is approved, it will constitute an amendment to the livestock association's unit management plan.

- (2) Copies of all amendments to a unit management plan shall be kept on file by each livestock association.
- (3) Performance bonds for the construction or implementation of any range improvement may be required by the Pueblo Council.

B. *Range improvement ownership.* All range improvements placed on Pueblo Land shall be considered attached thereto and become the property of the Pueblo, unless prior arrangements are approved by the Pueblo Council and made a part of the unit management plan or an amendment thereto.

#### **Section 10-1-12. Administrative permit actions.**

A. Permits issued under this chapter may not be reassigned, subpermitted, or otherwise transferred except as provided in this chapter.

B. Except as otherwise provided, the ENRD may modify, suspend or revoke a permit issued under this chapter upon thirty (30) days written notice to the permit holder.

C. The ENRD may issue a general permit modification, suspension, or revocation that affects all or any permit term(s) or condition(s) in order to accommodate current legal requirements or environmental, resource management, or other range management needs. Such general modifications, suspensions, or revocations shall be uniformly applicable to all grazing permits and shall be effective thirty (30) days after written notice of such general modification, suspension or revocation is sent to all permit holders.

D. ENRD may impose an administrative permit action on any livestock association for either its own violation of this chapter or for any violation committed by a member or members. ENRD is nonetheless encouraged, when possible, to work with livestock associations so that it and its complying members do not have to be penalized as a result of an individual's or a subset of members' noncompliance. This chapter is structured so that the livestock associations will have primary regulatory contact with livestock owners, and that primary contact, when possible, should be used to the best possible effect for purposes of ensuring overall compliance.

E. The ENRD may modify, suspend, or revoke a permit issued under this chapter if the permit holder, or any person exercising grazing privileges thereunder, violates this chapter by committing any of the following acts or omissions:

- (1) Violates or otherwise fails to comply with any permit requirement;
- (2) Knowingly makes a false or misleading statement in any document required to be submitted under this chapter;
- (3) Refuses to accept a general permit modification, suspension or revocation;

- (4) Fails to timely pay invoiced grazing fees or any other charge;
- (5) Creates a nuisance, commits or allows the commission of any illegal act, or negligently uses or wastes grazing resources within Pueblo Lands;
- (6) Damages any existing range improvement;
- (7) Otherwise commits or allows the commission of a trespass; or
- (8) Violates or otherwise fails to comply with any provision of this chapter, ENRD rule or regulation adopted to implement it, or any police or court order issued to enforce it.

F. Notice of permit revocation shall constitute a written determination of trespass and shall substantially conform to the requirements of subsection 10-1-13D. If livestock that were formerly authorized on Pueblo Lands under the revoked permit are not removed within five (5) working days of the permit revocation, no further notice shall be required before enforcement actions may be pursued.

G. Livestock associations shall timely report to the ENRD any change in association membership, addition of livestock under a new brand to a range management unit, or any other substantive change in use of a livestock association grazing permit and shall request an amendment to the existing permit to accommodate such change. The ENRD shall grant no amendment that would allow a livestock association, or any of its members, to avoid compliance with this chapter.

H. The death of a livestock association member shall be reported to his or her livestock association as soon as possible. On the death of a livestock association member, the association may reassign the decedent's grazing privileges to the decedent's adult heir who is a regularly enrolled Pueblo member, at least eighteen (18) years of age, and who otherwise meets the requirements for membership in the livestock association. If no such heir exists, the livestock association may reassign the decedent's grazing privileges to any other regularly enrolled Pueblo member, at least eighteen (18) years of age, and who otherwise meets the requirements for membership in the livestock association.

#### **Section 10-1-13. Violations and enforcement.**

This chapter applies to all livestock found on Pueblo Lands, regardless of ownership, and the Pueblo expressly reserves the right to regulate any entry on to or use of Pueblo Lands if such entry or activities conflict with Pueblo law, this chapter, or otherwise have an affect on the range resource.

##### *A. Trespass actions.*

- (1) In addition to those acts defined as trespass at 25 C.F.R., Part 166, Subpart I, the following acts and omissions shall constitute trespass under this chapter and shall be violations of Pueblo civil law:
  - (a) The grazing or movement of any livestock on or across Pueblo Lands without a permit's authorizing such action.

- (b) The grazing of any livestock on Pueblo Lands within may area closed to grazing.
  - (c) The grazing or keeping of unpermitted or unbranded livestock on Pueblo Lands.
  - (d) The grazing or movement of livestock not in accordance with the terms or conditions of the applicable permit.
  - (e) The damage, construction, improvement, or use of any road, trail, or range improvement that was not made a part of an approved unit management plan or otherwise approved by the Pueblo Council, a livestock association, or the BIA.
  - (f) Any unauthorized use of Pueblo Lands, any trespass or the allowance of any trespass.
- B. *Nontrespass actions.* The following acts shall also constitute a violation of Pueblo civil law:
- (1) The unauthorized restriction of access to any Pueblo Lands, which shall incur a one hundred dollars (\$100.00) regulatory fee, per act, and require the immediate removal of any unauthorized restriction.
  - (2) The introduction of diseased animal(s) to Pueblo Lands, which will incur a five hundred dollar (\$500.00) regulatory fee, per animal per act, and require the immediate removal, impoundment or destruction of the diseased animal(s) in addition to any applicable trespass damages.
- C. *Regulation of trespass.*
- (1) Liability for any trespass shall lie with the trespasser or the owner of any trespass livestock. The provisions of this chapter shall apply in addition to any other provision(s) of federal or Pueblo law that may apply.
  - (2) Trespasses may result in the seizure of any property involved in the commission of a trespass, including any trespass livestock.
  - (3) The Pueblo shall make every reasonable effort to resolve trespasses through informal administrative means, but it expressly reserves the right to resolve any trespass in accordance with this chapter or any applicable provision of federal or Pueblo law.
- D. *Notice and order to remove trespass livestock.*
- (1) Upon the ENRD's issuing a written determination of trespass by livestock, the ENRD and the public safety department shall take the following civil regulatory action:
    - (a) Serve written notice on the livestock owner, either in person or by certified mail with return-receipt requested, setting forth the act constituting the violation of this chapter, the legal description of the land where the livestock

have been observed in trespass, the verification of the livestock brand or mark, if any, and including the written determination of trespass by livestock;

- (b) Such notice shall further inform the livestock owner that unless he or she removes the livestock from Pueblo Lands within five (5) working days of receipt thereof, the livestock shall be impounded and readied for forfeiture sale, and on the expiration of those five (5) working days, the owner shall be charged ten dollars (\$10.00) per head for each day thereafter that any of his or her livestock remains on Pueblo Lands in violation of the notice;
- (c) Such notice shall further inform the livestock owner that he or she shall be charged the reasonably estimated value of any property damaged by the livestock during the violation, as well as any administrative expenses incurred as a result of the violation; and
- (d) Such notice shall finally inform the livestock owner that resolution of the trespass and any fees, costs, or expenses due under this chapter shall be required in order for the owner to avoid forfeiture and reclaim his or her livestock.

- (2) No person may reclaim impounded livestock without first resolving any fees, charges, expenses, or other costs and obligations due under this chapter.
- (3) A written determination of trespass by the livestock board shall constitute a final administrative action, for purposes of appeal, but such appeal shall not, of itself, preclude the otherwise lawful removal, impoundment, and/or forfeiture sale of trespass livestock.

E. *Impoundment of trespass livestock.*

- (1) Trespass livestock shall be immediately impounded, without regard to any other provision of this chapter, if:
  - (a) A livestock owner refuses to take delivery of a notice and order to remove trespass livestock;
  - (b) His or her livestock remain on Pueblo Lands in violation of a delivered notice and order to remove trespass livestock; or
  - (c) No owner can be determined or found within five (5) working days of the ENRD's trespass determination.
- (2) If the ENRD determines that any livestock poses an imminent and/or substantial danger to public health and safety, the range resource, or any crop, such livestock may be immediately impounded without regard to any other provision of this chapter, and the owner of such livestock, if known, shall be issued a notice of emergency impoundment, substantially in the form specified at subsection 10-1-13D., as soon as possible thereafter. Livestock impounded on such an

emergency basis shall not be sold unless; (i) the owner cannot be identified within ten (10) working days; or (ii) the known owner fails to respond to the notice of emergency impoundment.

F. *Forfeiture of nonlivestock property.*

- (1) Upon the citation of any person for a trespass, the citing officer may immediately seize any nonlivestock property in the actual or constructive possession of a person cited and such property may be held to secure payment of any fees, charges, expenses or other costs and obligations arising from the trespass or to be forfeited as provided in this chapter.
- (2) Such seized property shall be properly and safely stored by the public safety department.
- (3) Within five (5) working days of the property seizure, the person cited shall be served with notice that he or she may reclaim the property upon resolution of the trespass liabilities assessed against him or her. The notice shall further include a copy of section 10-1-14 (Appeals) and the following information:
  - (a) If the cited person wishes to contest his or her trespass liability, he or she may file an action in the Pueblo Court, as an appeal from final administrative action, claiming that the property was improperly seized on the grounds that he or she committed no trespass.
  - (b) The Pueblo Court may deny forfeiture of an interest in seized property owned by a person who did not participate in or have knowledge of or consent to the trespass use of the property if that owner proves that he or she took all reasonable measures to prevent the illegal use of his or her property, took no part in the trespass, did not have legal guardianship over a minor involved in the trespass, or that the person committing the trespass obtained possession of the property without the owner's consent.

G. *Public forfeiture sale of seized or impounded property.* The following provisions apply to the forfeiture of any seized or impounded property, including trespass livestock:

- (1) Written notice of public forfeiture sale shall be provided to the property owner, if known. Any known lien holders may also be served such notice.
- (2) If the owner of impounded livestock is not known, ENRD may turn those animals over to the New Mexico Livestock Ring for public sale at the state facility.
- (3) If the property owner is not known and the Pueblo chooses to sell that property under its own authority, the Pueblo of Laguna Department of Public Safety shall post a notice of the public forfeiture sale at the United States Post Office at Laguna and at the Pueblo Administrative Offices for no less than ten (10) working days immediately following the day that such property is seized or impounded.
- (4) Such notice shall also be published in a local newspaper of general circulation. Notice of the public forfeiture sale shall describe the property to be sold and shall

specify the date, time and place of the forfeiture sale, who will be conducting such sale, and the procedures by which the property shall be sold or may be redeemed by its owner.

- (5) Prior to the time of sale, the owner may redeem seized or impounded property by submitting proof of ownership and settling all applicable fees, charges and expenses or other costs and obligations incurred under this chapter.
- (6) If the owner does not redeem the seized or impounded property, it shall be sold to the highest bidder at the public forfeiture sale, and such sale shall occur only after notice has been provided consistent with this section.
- (7) Any proceeds from any redemption or sale of seized or impounded property that exceed the total amount of fees, charges, expenses or other costs and obligations incurred under this chapter shall be deposited with the Pueblo Treasurer's Office and placed into the range improvement fund for the range management unit or special permit area in which the property was seized.
- (8) If proceeds from the public forfeiture sale are not sufficient to satisfy the entire trespass liability, including all fees, charges, expenses, or other costs and obligations incurred under this chapter, the Pueblo shall send written notice to the owner of the property, if known, advising him or her that unless full and final settlement of the outstanding liability is received by the ENRD within five (5) working days from the date of receipt, a collection action will be filed in the Pueblo Court on the Pueblo's behalf and against the person bearing trespass liability.

#### **Section 10-1-14. Appeals.**

A. Unless otherwise provided, any final administrative action taken hereunder may be appealed by the person aggrieved by such action.

B. Such appeals must be submitted in writing to the Pueblo Court within thirty (30) days of the challenged action and shall be styled as a grazing ordinance administrative appeal.

C. Such appeals shall be decided based upon the parties' legal arguments and the administrative record provided.

D. In no event shall the Pueblo Court award damages against the Pueblo pursuant to this chapter, unless such relief is specifically authorized by the Pueblo Council.

E. The Pueblo Court shall dispose of the appeal in a written decision that substantially explains the legal and factual basis for its ruling, and such ruling may be appealed to the Pueblo Court of Appeals in the same manner as any other decision of the Pueblo Court.

## **CHAPTER 2. LIVESTOCK BOARD**

### **Section 10-2-1. Scope and purpose.**

The Pueblo of Laguna Livestock Board ("the board") is hereby established to regulate livestock within the exterior boundaries of the Pueblo of Laguna in accordance with the 2005 Pueblo of Laguna Grazing Ordinance (Resolution No. 42-04) ("grazing ordinance") and those ordinances, rules, and regulations lawfully established hereunder.

**Section 10-2-2. Representatives and qualifications of the board.**

The board shall be composed of nine (9) members, each of whom shall be appointed by the Pueblo Governor and approved by the Pueblo Council. Seven (7) of those nine (9) members shall be Pueblo of Laguna livestock owners, each representing one (1) of the seven (7) livestock associations created under the grazing ordinance. Two (2) members of the board will shall be appointed to represent the general Pueblo public and shall not be livestock owners. One (1) ex officio delegate of the Pueblo Council shall be allowed to sit on the board but shall not possess voting powers with respect to board decisions.

**Section 10-2-3. Term of office.**

Each board member shall serve for a term of five (5) years, and those terms shall coincide with the five-year permit terms established under the grazing chapter.

**Section 10-2-4. Livestock board officials.**

The board shall elect from its members a chairperson, a vice-chairperson, and a Secretary.

**Section 10-2-5. Livestock board meetings.**

The board shall hold four (4) meetings annually, and such quarterly meetings shall be held in January, April, July and October of each calendar year. Special meetings may be called by the chairperson or vice-chairperson so long as such call is supported by a majority of the voting board members. Board members shall receive delegation pay as provided as provided for by the Pueblo Council for meetings and travel.

**Section 10-2-6. Report of the board.**

The board, during the first week of December, shall present to the Pueblo Governor and Council a report and summary of its activities from the previous calendar year. Such report shall provide detail relating to the livestock industry within the Pueblo and which may be of general Pueblo public interest. Such report shall particularly relate those concerns that affect the Pueblo's livestock owners.

**Section 10-2-7. Livestock board—Pueblo of Laguna Natural Resources Department.**

For purposes of coordination, the board shall be part of the ENRD. At the beginning of each five-year term, the board and the DNR shall execute a formal memorandum of agreement as the coordination and cooperation of board and DNR activities and resources. The DNR may provide the board with administrative and other services pursuant to the terms of such agreement. The board shall submit an annual report of its activities to the DNR director. However, nothing herein shall be construed as affecting the board's other powers or duties under this chapter.

**Section 10-2-8. Additional board powers and duties.**

The board shall:

- A. Exercise regulatory and supervisory authority, including the power to propose new rules and regulations for adoption by the Pueblo Council, with respect to the general treatment, management protection and care of commercial livestock within the Pueblo;
- B. Establish and implement rules for the certification of individuals to serve as Pueblo Livestock Inspectors, with such responsibilities as are necessary for purposes of the board's exercise of its powers and duties and those other responsibilities vested in them by Pueblo law;
- C. Certify and regulate professional Pueblo livestock inspectors;
- D. Establish and implement rules, including those for quarantine procedures, and do all things necessary to protect the Pueblo from livestock-borne disease and to prevent the spread of such diseases;
- E. Establish and implement rules for purposes of the issuance of transport papers regarding the sale of livestock within the Pueblo;
- F. Make periodic recommendations for possible revisions or amendments to chapter 1 and for the establishment of additional Pueblo law necessary for the proper regulation of livestock within its borders; and
- G. In accordance with chapter 1, hear and decide disputes between livestock associations and livestock association members.

**Section 10-2-9. [Rules and regulations promulgated.]**

No rule or regulation promulgated by the board shall have full legal effect until it is approved by the Pueblo Council.

**Section 10-2-10. Authorization.**

The board is hereby empowered to take those actions necessary for the implementation of this chapter, and the DNR and all duly commissioned Pueblo Law Enforcement Personnel are further authorized to ensure compliance with those rules and regulations that the board property promulgates hereunder and which are approved by the Pueblo Council.

**CHAPTER 3. DOG AND CAT CONTROL****Section 10-3-1. Declaration of policy.**

A chapter regulating the vaccination, impoundment, quarantine and disposal of stray and feral dogs and cats on the lands within the Reservation to protect the public health, safety and welfare by prevention of nuisances and hazards resulting from dogs and cats.

**Section 10-3-2. Definitions.**

*At large* shall mean any dog or cat found away from the owner's premises and not under the control of a person, owner or member of the owner's family either by leash, cord, chain or otherwise.

*Cat* shall mean any feline animal six (6) months of age or over.

*Disturbing the peace* shall mean continuous barking, howling, fighting, or other noisemaking or disruptive activities which disturbs the peace and quiet of the residents of the Reservation.

*Dog* shall mean any canine animal six (6) months of age or over.

*Feral* shall mean a domesticated dog having reverted to the wild state.

*Humane officer* shall mean a person designated as such by the Pueblo Council to assume the responsibility, leadership and coordination in connection with the humane control of dogs and cats, including stray and feral dogs and cats within the exterior boundaries of the Pueblo.

*Nuisance* shall mean defecation, urination, emitting noxious or offensive odors or otherwise endangering the health or offending the well-being of the residents of the Reservation.

*Owner* shall mean any person or persons, firm, association or corporation owning, keeping, harboring or controlling a dog or cat.

*Pound* shall mean any facilities authorized by the Pueblo and the Laguna Pueblo Health Advisor for the confinement, maintenance, safekeeping and control of dogs and cats that come into the custody of the humane officer in the performance of his or her duties.

*Pueblo Health Advisor* shall mean the health committee or someone appointed by the Pueblo Council.

*Rabies vaccination* shall mean the injection subcutaneously or otherwise of canine anti-rabic vaccine approved by the appropriate authority of the State of New Mexico or by the department of health, education and welfare, public health service when received from a licensed veterinarian or a public clinic which may be established for this purpose by the Pueblo and approved by the Pueblo Health Advisor.

*Stray* shall mean any dog or cat not having a known owner.

*Tagging* shall mean any registered identifiable mark.

*Vicious* shall mean a dog marked by violence or ferocity (dangerously aggressive).

**Section 10-3-3. Owner's responsibilities.**

A. It shall be the duty of the owners to:

- (1) Keep the dog or cat vaccinated for rabies at prescribed intervals, usually one (1) year.
- (2) Maintain the dog or cat under proper restraint and control on a twenty-four (24) hour basis.

- (3) Keep dogs and cats, except seeing-eye dogs, out of all administrative and public buildings.
- (4) Be financially liable for damage resulting from dog's behavior.
- (5) Prevent the dog or cat from being a nuisance and/or disturbing the peace.
- (6) Provide a collar with the name and address of the owner to which is attached the current vaccination registration tag.

B. The owner of an animal that bites a person and a person bitten by an animal have a duty to report such incident to the Pueblo Police within eight (8) hours.

**Section 10-3-4. Vaccination and registration of dogs and cats.**

A. No dog or cat shall be kept, harbored or maintained within the Reservation boundaries of the Pueblo unless such animal has been properly and currently vaccinated for rabies, such vaccination has been registered with the humane officer and is affixed to the animal or a collar or by other means.

B. Any dog or cat brought on to the Reservation for a temporary period, such period to be no greater than two (2) weeks, shall not be required to have the tag required in subsection 10-3-3G., if it has been properly vaccinated and registered in its home state, Reservation or municipality.

C. Any dog or cat not properly vaccinated and registered as provided above shall be subject to being seized, impounded and destroyed by the procedure contained in sections 10-3-7 and 10-3-8.

**Section 10-3-5. Owner's liabilities.**

*A. Criminal penalties.*

- (1) Any person(s) or owner(s) of dogs or cats who violates any of the provisions of these regulations shall be held liable as follows:
  - (a) First offense by any dog or cat shall result in the payment of an impoundment fee of one dollar (\$1.00) per day for the first three (3) days of impoundment and two dollars (\$2.00) per day thereafter for each animal impounded.
  - (b) Second, third and fourth offenses shall result in the payment of five dollars (\$5.00) per day for each day of impoundment for each animal impounded.
  - (c) Fifth offense by any dog or cat or any unclaimed animal shall result in the humane destruction of the impounded animal. The village(s) shall be held liable for the cost of destroying unclaimed dogs or cats.
  - (d) The owner is subject to additional penalties which may be imposed by the individual villages.

B. *Civil liabilities.* The owner of any dog or cat may be held liable in damages for any injury to person or property caused by said animal. Liability shall exist without regard to whether the owner was aware in advance of the animal's harmful behavior.

**Section 10-3-6. Humane officer's duties and responsibilities.**

It shall be the duty of the humane officer to:

- (1) Maintain the necessary records for the implementation and enforcement of the animal control chapter.
- (2) Coordinate with the public health service unit personnel, the Pueblo Health Authorities and village Mayordomos, for the prescribed vaccination, tagging and registration of dogs and cats.
- (3) Capture and impound all at-large stray and/or vicious dogs and cats pursuant to authorized procedures.
- (4) Impound any dog or cat that bites a person or persons for rabies observation pursuant to section 10-3-4.
- (5) Maintain and clean kennels, provide water and feed for the animals at the pound.
- (6) Dispose of unclaimed animals in a humane manner, which may occur by injection of the animal when it is in custody of the humane officer.
- (7) Promptly notify dog or cat owners if the same is identified, by name plate which includes a telephone number and address or other registered identifiable mark.

**Section 10-3-7. Impoundment of dogs and cats.**

Any dog or cat that falls within the following enumerated categories shall be subject to impoundment:

- (1) A dog or cat without a registration tag or other registered identifiable mark.
- (2) A dog or cat not currently vaccinated against rabies.
- (3) A dog or cat which has become a nuisance or is disturbing the peace of the community.
- (4) A dog or cat found running at large.
- (5) With authority, allow the humane officer to file complaints against owners whose dogs or cats have violated any sections of this chapter.

**Section 10-3-8. Procedure for removal of impounded dogs and cats.**

A. The owner, if known, shall be notified within twenty-four (24) hours of impoundment. Unless the animal is redeemed by its owner within five (5) days after such notice (except in the case of dogs held on suspicion of being rabid when the period shall be eleven (11) days) or, if the owner is unknown within five (5) days after impoundment, it shall be considered unclaimed.

B. Any dog or cat which has first met the registration and vaccination requirements may then be removed from the dog or cat pound as follows:

- (1) Owner(s) positively identified and claim the dog or cat.
- (2) Sign release form.
- (3) The cost for holding a cat or dog shall be dismissed in the event circumstances dictate that the animal was not the cause of injury or damage.
- (4) If any dog or cat has bitten a person, the animal must be confirmed by the Pueblo Health Authorities or by the humane officer as specified under section 10-3-6.

**Section 10-3-9. Procedure for emergency animal destruction.**

A. Any dog or cat known to have bitten a person so as to cause abrasion of the skin or which appears to be infected by rabies shall be closely confined by the humane officer by means of a proper enclosure for a period of ten (10) days or for such an additional period as recommended by the Pueblo Health Advisor.

B. Whenever a diagnosis of rabies is confirmed in any animal on the Reservation, the Governor may establish a quarantine on domestic animals and shall define the area under quarantine. Unless sooner rescinded, the quarantine shall last sixty (60) days after diagnosis of the last known case of animal rabies within the quarantine area.

C. The Governor may on recommendation of the Pueblo Health Advisor require vaccination during the period of quarantine.

**Section 10-3-10. Limitation of dogs and cats.**

A. Each household will be allowed one (1) dog and one (1) cat.

B. Exception for livestock owners. Dogs and cats to sheep ratio and owner agreeable to humane officer and owner.

C. Identified dogs that are not allowed: Pit Bulls, attack trained Doberman and German Shepherds.

**Section 10-3-11. Spay and neuter. (Reserved.)**

**Section 10-3-12. Proper disposal of dead dogs and cats.**

A. Dead dogs and cats shall be disposed of in animal pits provided for that purpose.

B. Disposal of dead dogs and cats is the owners' responsibility.

C. Any person who violates this regulation is subject to a twenty-five dollar (\$25.00) assessment per incident and the cost on service rendered to dispose of the dead dog or cat.

NATURAL RESOURCES AND ANIMALS

**TITLE X HISTORY**

**Title N, Chapter 1, Grazing, and Chapter 2, Livestock Board,** were enacted by Ordinance No. 100-94 on October 25, 1994. Ordinance No. 100-94 was rescinded and superceded by Resolution No. 10-97 adopted on March 18, 1997, effective January 1, 1999. Resolution 10-97 was superceded by Resolution No. 42-04 adopted on August 17, 2004.

**Ordinance No. 100-94 reads as follows:** The Grazing Ordinance [TEXT OF ORDINANCE]

**Resolution No. 10-97 reads as follows:**

WHEREAS, the Pueblo of Laguna Tribal Council has the authority to establish certain laws, rules and regulations, as set forth in Article 4, Section 2, Part e, of the revised Tribal Constitution of 1984; and

WHEREAS, the Pueblo of Laguna possesses the inherent authority to establish certain procedures for the professional management, conservation and protection of its own natural resources; and

WHEREAS, the Pueblo of Laguna Tribal Council saw the need to establish certain procedures that would provide for the enforcement of the use of the Pueblo's range resources by Tribal members, including, but not limited to, the grazing of livestock, putting a cap (or ceiling) on the number of livestock that can be owned through the adoption of the previously enacted Grazing Ordinance of 1994; and

WHEREAS, there is a current need to amend previously adopted rules and regulations governing the utilization of range resources, livestock ownership, conduct of associations, resource assessments, improvements to the land and maintenance thereof, as well as the enforcement of prescribed rules and procedures; and

WHEREAS, the Pueblo of Laguna Tribal Council sees the need to provide for the proper administration of grazing privileges utilizing available technical, cultural and financial resources, that would benefit both livestock and non-livestock owners, and providing for certain mandatory language for each Associations Articles and Bylaws that provides for and is consistent with the language in the Amended Grazing Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Pueblo of Laguna Tribal Council hereby amends the Pueblo of Laguna Law and Order Code, Chapter III, Grazing Regulations, passed under Resolution No. 100-94; and

BE IT FURTHER RESOLVED that the amendments to Resolution No. 100-94 will rescind and supercede all previous provisions that are affected by these amendments pertaining to the grazing of livestock on Pueblo Lands, and will be added to and be incorporated into the Pueblo of Laguna's Law and Order Code; and

BE IT FURTHER RESOLVED that the Tribal Council hereby ratifies the timelines that the Grazing Ordinance Committee has recommended for the implementation of certain aspects of the Grazing Ordinance, and that the actual implementation date of the Grazing Ordinance will be January 1, 1999, unless modified by formal action of the Tribal Council.

PUEBLO OF LAGUNA CODE

BE IT FURTHER RESOLVED that Tribal Council hereby imposes a moratorium on the increasing of any livestock herd, the expansion of grazing areas, and/or the importation of any non-Tribally owned livestock by anyone who is not currently a member of a Tribally recognized livestock association. This moratorium will continue in effect until the actual implementation date of the Grazing Ordinance, which is January 1, 1999, unless modified by formal action of the Tribal Council. [TEXT OF ORDINANCE AND RESOLUTION]

**Resolution No. 42-04 reads as follows:**

WHEREAS, the Council appointed a Grazing Ordinance Task Force to review and propose revisions to the Pueblo's Grazing Ordinance;

WHEREAS, the Task Force, in consultation with leadership from several of the Pueblo's Livestock Associations, has duly completed that assignment and presented to the Council a final report and proposed amended Grazing Ordinance;

WHEREAS, one of the Task Force's recommendations was to create the Pueblo of Laguna Livestock Board for purposes of Pueblo regulation of livestock within its lands;

WHEREAS, the Task Force has prepared a Pueblo of Laguna Livestock Board Ordinance, which is included here as "Attachment B"; and

WHEREAS, the Council concludes that adoption of the proposed Pueblo of Laguna Livestock Board would serve the best interests of the Pueblo and its citizens.

NOW THEREFORE BE IT RESOLVED, that the Pueblo Council of the Pueblo of Laguna hereby adopts the Grazing Ordinance Task Force's proposed revisions to the Grazing Ordinance and hereby enacts the Task Force's Proposed Pueblo of Laguna Livestock Board Ordinance, dated August 17, 2004, which is included here as "Attachment B." Such Ordinance is thereby incorporated as Pueblo law.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Pueblo Council of the Pueblo of Laguna hereby orders that the Task Force's final report be incorporated into and attached to this Resolution for purposes of future reference. [TEXT OF ATTACHMENTS A AND B]

**Title X, Chapter 3, Dog and Cat Control**, was enacted by Ordinance No. 100-92 on May 5, 1992.

**Ordinance 100-92 reads as follows:** [TEXT OF ORDINANCE]