

Pueblo of Laguna

Rangeland Code



May 17, 2018

Pueblo of Laguna Code: Title X, Chapter 1

This Chapter provides guidance and regulates the Rangelands of the Pueblo of Laguna, including the management of Rangeland resources, grazing of Livestock, and Livestock Associations.

Table of Contents

10-1-1 Purpose and Objectives	1
10-1-2 Authority and Applicability	2
10-1-3 Definitions and Acronyms	4
10-1-4 Environment & Natural Resources Department Responsibilities.....	10
10-1-5 Land Management Units	12
10-1-6 Range Management Unit Plans.....	15
10-1-7 Range Improvements	16
10-1-8 Grazing Permits.....	19
10-1-9 Livestock Association Authorities and Responsibilities	24
10-1-10 Livestock Ownership Requirements	27
10-1-11 Disease Control Requirements.....	29
10-1-12 Livestock Roundups	32
10-1-13 Livestock Inspection and Movement	34
10-1-14 Enforcement and Violations.....	37
10-1-15 Appeals	42
Appendix A – Schedule of Fees and Penalties	43
Appendix B – 2018 Range Management Units Map	47

10-1-1 Purpose and Objectives

The purpose of this Chapter is to:

- A.** Establish enforceable procedures for the sound management of Rangeland resources, including, but not limited to, measures to regulate the grazing of Livestock in an equitable and non-discriminatory manner and to reduce damage associated with trespass;
- B.** Preserve and perpetuate grazing and Rangeland management practices that are consistent with generally accepted and professional management practices, uses, requirements, and principles governing the use of Pueblo owned natural resources;
- C.** Provide for the administration of grazing privileges that are consistent with proper Rangeland management principles to protect the land resource for future generations while benefitting Livestock owners and Pueblo members in their current use of the Pueblo's natural resources;
- D.** Clarify the responsibilities of grazing Permit holders and of the Pueblo Government;
- E.** Control the spread of Livestock diseases on the Pueblo of Laguna;
- F.** Control the movement of Livestock into and out of Pueblo Land; and
- G.** Limit the impact of drought on Pueblo Rangeland.

10-1-2 Authority and Applicability

- A.** The Pueblo of Laguna Council enacts this law pursuant to its authority under Article 4, Section 2(e), of the Pueblo of Laguna Constitution (as amended).
- B.** The United States, through the Bureau of Indian Affairs (BIA), has and exercises a trust responsibility for the management, improvement, and conservation of the Pueblo's natural resources; however, the Pueblo also possesses an independent and inherent authority to provide for and regulate the management, improvement, and conservation of its own natural resources. Enactment of this Chapter is the Pueblo's exercise of that independent and inherent authority, and, consistent with 25 C.F.R Part 166, this Chapter takes precedence over any conflicting federal regulation pertaining to the management of Pueblo grazing resources; thus, it is recognized that cooperative jurisdiction exists, between the Pueblo and the United States, with respect to the regulation of the Pueblo's Rangeland resources.
- C.** Except as provided below, enactment of this Chapter repeals and supersedes Chapter 1 (Grazing) and Chapter 2 (Livestock Board) of Pueblo of Laguna Code Title X, and the Livestock Board is dissolved and its members discharged.
 - 1. Prior designations of specific Range Management Units remain valid and effective under this Chapter (as carried forward and shown in Appendix B) until changed by Pueblo Council action under Section 10-1-5.A.
 - 2. Prior designations on non-range units, including special permits and wildlife areas, remain valid and effective under this Chapter (as carried forward and shown in Appendix B) until changed by Pueblo Council action under Section 10-1-5.A.
 - 3. Upon the effective date of this Chapter, any prior land use authorization or Permit to graze any Range Management Unit or non-range units issued pursuant to Title X, Chapter 1 (Grazing), for Livestock related purposes remains valid after the effective date of this Chapter and until either expiration or revocation.
 - 4. Upon the effective date of this Chapter, the seven Livestock Associations established under Title X, Chapter 1 (Grazing), Section 3 (POL Code Sec. 10-1-3 (2004)) continue to exist as entities formed under Pueblo law and each shall be governed by its respective formation documents, except for those provisions made ineffective by Section 10-1-9 or other provisions of this Chapter.

Pueblo of Laguna Rangeland Code

- D.** Unless expressly provided otherwise, nothing herein shall be construed as a waiver by the Pueblo to, in any manner, relinquish its sovereignty or any of its immunities, prerogatives, or powers.
- E.** The Import and Export of any Livestock into or out of Pueblo Land is subject to the requirements of this Chapter.
- F.** This Chapter applies to all Livestock found on Pueblo Land, regardless of ownership.
- G.** The Pueblo expressly reserves the right to regulate any entry onto or use of Pueblo Land if such entry or activities conflict with Pueblo law, this Chapter, or otherwise have an effect on Rangeland resources.
- H.** If any part or application of this Chapter is held invalid, the remainder of the provisions contained herein shall not be affected.
- I.** The Pueblo of Laguna Environmental and Natural Resources Department ("ENRD") is authorized and directed to:
 - 1. Serve as the Pueblo's primary regulatory agency for purposes of implementing this Chapter;
 - 2. Levy fees required by this Chapter (see Appendix A, Pt. A);
 - 3. Impose penalties and fines for violation of this Chapter (see Appendix A, Pt. B); and
 - 4. Promulgate, implement, and administratively enforce such rules and regulations, consistent with this Chapter and Pueblo law, as are necessary to ensure proper management and enforcement.
- J.** The Pueblo of Laguna Law Enforcement Officers are hereby authorized and directed to cooperate with ENRD and authorized Permittees, and to take such law enforcement actions, consistent with this Chapter and Pueblo law, to ensure that all persons comply with this Chapter.
- K.** The Pueblo Treasurer is authorized and directed to:
 - 1. Collect Grazing Fees remitted under Sec. 10-1-8.H based on a tally of Livestock provided by ENRD;
 - 2. Collect fines imposed by ENRD; and
 - 3. Deposit collected fees and fines into the Pueblo's General Fund, the expenditure of which shall be in accordance with Pueblo fiscal policy as appropriated by Pueblo Council.

10-1-3 Definitions and Acronyms

- A.** **Access Permit:** Permit Issued by the Pueblo authorizing non-Tribal members entrance onto Pueblo Land.
- B.** **Animal Unit:** A 1000 lbs. cow with or without calf at side and has a nutritional daily dry matter requirement of 30 lbs. of forage per day.

Animal Type	Animal Unit Equivalents
Cow with or without calf	1.00
Yearling	0.60
Bull	1.30
Horse – 2 years and older	1.50
Horse – Yearling	0.75
Elk	0.70
Deer	0.20
Barbary Sheep	0.50
Burro – 2 years and older	1.50
Burro – Yearling	0.75
Sheep – Mature rams & ewes	0.20
Sheep – Yearling	0.15
Goats – Mature Bucks & Does	0.20
Bison – Cow	0.90
Bison – Bull	1.50
Ostrich – Mature	0.40

- C.** **Animal Unit Month:** Quantity of forage consumed per month by one Animal Unit. One Animal Unit equals the consumption of 900 lbs. of forage per month.
- D.** **Brand:** To mark the skin or wool of an animal in a distinctive pattern by use of a hot or cold iron, chemical, paint, or other means to designate ownership.

Pueblo of Laguna Rangeland Code

- E.** **Closed Transport:** A trailer or motorized vehicle that prevents Livestock from exiting the vehicle or trailer at will.
- F.** **Certificate of Veterinarian Inspection:** Documentation provided by an accredited large animal veterinarian upon the health inspection of Livestock certifying the Livestock meet current State and Federal health standards.
- G.** **Effective Carrying Capacity:** 75% of the Maximum AUM Carrying Capacity to account for variability of Rangeland resources and conditions. This number includes both Estray and Permitted.
- H.** **Environment and Natural Resources Department (ENRD):** The Pueblo of Laguna agency charged with the administration and management of the Pueblo's Rangeland and other Pueblo Land, and any decisions or determinations under this Chapter shall be regarded as made by the Director or designee.
- I.** **Estray:** Unbranded Livestock found running at large upon Pueblo Land, either fenced or unfenced, whose owner is unknown; or Livestock having a Brand that is not on record in the office of the New Mexico Livestock Board; or Livestock that is freshly Branded or marked offspring not with its Branded mother, unless other proof of ownership is produced.
- J.** **Export:** Removal of Livestock from Pueblo Land.
- K.** **Grazing:** The consumption of standing forage by Livestock or wildlife.
- L.** **Grazing Fee:** Fee for grazing on Pueblo Land, levied by ENRD in accordance with the Schedule of Fees, and collected by the Pueblo Treasurer.
- M.** **Import:** Entrance or introduction of Livestock to Pueblo Land.
- N.** **Law Enforcement Officer:** An employee of the Pueblo of Laguna Public Safety Department, Law Enforcement Program who has received law enforcement certification and Pueblo of Laguna commission, and is authorized to enforce Pueblo law.

Pueblo of Laguna Rangeland Code

- O.** **Livestock:** Any domesticated animals, which may be kept or raised in a pen, barn, pasture, on farms, or on the open Rangeland as part of an agricultural or farming operation, whether for commerce or private use. Examples include, but are not limited to: cattle, chickens, swine, sheep, goats, horses, mules, bison, and burros.
- P.** **Livestock Association:** An entity owned or established by one or more Regularly Enrolled Members of the Pueblo of Laguna, lawfully organized as a private for-profit or non-profit entity under Pueblo or State law, for the purpose of cultivating Livestock.
- Q.** **Livestock Health Plan:** A preventable diseases program developed in consultation with, and approved by, an accredited large animal veterinarian.
- R.** **Livestock Inspection:** A visual examination of Livestock by a Livestock Inspector for Brands, owner identification, health, or other information that is documented as required by Pueblo law.
- S.** **Livestock Inspector:** An individual certified by the Pueblo to conduct Livestock Inspections.
- Level 1:** Inspectors authorized to inspect for Brands and identification, and health issues.
- Level 2:** An Inspector who, in addition to all of the qualifications and responsibilities of a Level 1 Inspector, is also a Law Enforcement Officer, and authorized to enforce criminal law.
- T.** **Maximum Carrying Capacity:** The maximum number of Livestock on a grazing area that the Rangeland resources within that area can sustain indefinitely with proper management expressed in AUM's. This number includes Permitted Livestock, Estrays, and wildlife.
- U.** **Permit:** Authorization to graze Livestock on Pueblo Land that specifies the duration of grazing, the Maximum Carrying Capacity, and the Effective Carrying Capacity.
- V.** **Permittee:** Any person, or group of individuals such as a Livestock Association, having been issued a Permit under this Chapter.

Pueblo of Laguna Rangeland Code

- W.** **Pueblo:** The Pueblo of Laguna.
- X.** **Pueblo Land:** Land under the control of the Pueblo.
- Y.** **Rangeland:** Pueblo Land on which the native vegetation (climax or natural potential plant community) are predominantly grasses, grass-like plants, forbs, or shrubs suitable for grazing or browsing use, and exceed 75% of all vegetation.
- Z.** **Range Improvement:** Infrastructure or permanent improvement fixed in place upon Pueblo Land including, but not limited to, fences, water wells, windmills, solar panels and pumping equipment, water tanks and pipelines, dirt tanks, range monitoring monuments and equipment.
- AA.** **Range Management Unit:** A delineated area of Pueblo Land designated by Pueblo Council for grazing of Livestock. Range Management Units, as of 2018, are denoted on Map in Appendix B
- BB.** **Range Management Unit Plan:** A written plan developed by the Permittee in conjunction with ENRD describing how the Range Management Unit will be grazed, the Effective Carrying Capacity, a plan for control of Livestock diseases, plan for maintenance of Range Improvements and any other documentation as required by ENRD.
- CC.** **Regularly Enrolled Member of the Pueblo of Laguna:** An enrolled member of the Pueblo of Laguna that is entitled to all benefits that the Pueblo affords its members – generally identified by an enrollment number without an N at the beginning.
- DD.** **Round-up:** The purposeful baiting, trapping, or herding of Livestock into a herd or corral.
- EE.** **Schedule of Fees:** Document developed and used by ENRD in identifying grazing and other usage fees.

- FF.** **Schedule of Penalties:** Document developed and used by ENRD in identifying the monetary penalties for civil violations of this Chapter.
- GG.** **Special Management Area:** A delineated area of Pueblo Land designated by the Pueblo Council for special management considerations, including but not limited to non-range units established under prior law, cultural sensitivity, wildlife management, ecological restoration, development, contamination, ordnance or other danger, etc. These areas are generally administered by ENRD and may have restricted use and access.
- HH.** **Transport Number:** An authorization code assigned to a Closed Transport of Livestock obtained from a Livestock Inspector allowing Livestock to be Exported from Pueblo Land.
- II.** **Trespass:** The presence of a person or Livestock on Pueblo Land without proper authorization.
- JJ.** **Village Jurisdiction:** Any action or activity occurring within the boundaries of a Pueblo village under the authority of the Mayordomos.
- KK. Disease Terms used in Section 11:**
- Bovine Brucellosis:** A communicable infectious disease affecting primarily cattle, bison, and swine that is caused by bacteria of the genus *Brucella*.
- Bovine Trichomoniasis:** A communicable venereal disease of cattle caused by a protozoa organism, *Tritrichomonas foetus*.
- Bovine Tuberculosis:** A communicable infectious and chronically debilitating disease of animals and humans caused by aerobic bacteria, *Mycobacterium bovis*, (*M.bovis*).
- Coggins Test:** A test to indicate the presence of equine infectious anemia, an incurable, and potentially fatal, viral disease of horse, donkey, and mule populations.
- LL. Acronyms:**
- ADT:** Animal Disease Traceability
- AUM:** Animal Unit Month
- AUY:** Animal Unit Year

Pueblo of Laguna Rangeland Code

BIA: Bureau of Indian Affairs

CVI: Certificate of Veterinary Inspection

ENRD: Environmental and Natural Resources Department

POL: Pueblo of Laguna

PSD: Public Safety Department Law Enforcement Program

RMUP: Range Management Unit Plan

RMU: Range Management Unit

SMA: Special Management Area

10-1-4 Environment & Natural Resources Department Responsibilities

- A.** ENRD shall monitor Rangeland conditions and permit compliance under this Chapter.
- B.** ENRD shall provide Permittees with technical assistance to promote best practices in Rangeland and Livestock management.
- C.** ENRD shall require the Permittee to provide documents related to:
 - 1. Compliance with this Chapter (such as: Livestock numbers, Import/Export documentation, Brand cards, Livestock Health Plan paperwork, etc.).
 - 2. Grants and Contracts into which the Permittee entered into or plans to enter into.
 - 3. Livestock related legal issues with the Permittee.
 - 4. Other documents as necessary.
- D.** ENRD shall review information provided by the Permittee and monitoring data to ensure the continued health of Pueblo resources.
- E.** ENRD shall not grant an amendment to a Permit that would allow a Permittee or any of its members, to avoid compliance with this Chapter.
- F.** ENRD has a responsibility to monitor outside threats (such as Disease or Invasive species), to develop policies and procedures to address these issues in consultation with Permittees, and to disseminate this information to Permittees.
- G.** ENRD shall certify Livestock Inspectors for the Pueblo of Laguna, and coordinate the authority for Livestock Inspection and Transport with the State of New Mexico.
- H.** ENRD shall collect and inspect Livestock Health Plan documentation for all Livestock covered by this Chapter in accordance with Import or Permit review requirements.
- I.** ENRD shall report criminal violations of this Chapter, and provide any supporting documentation and contacts to the Laguna PSD, Law Enforcement Program.

Pueblo of Laguna Rangeland Code

- J.** ENRD shall identify and adaptively manage the Effective Carrying Capacity of each Range Management Unit, or Special Management Area coincident with Permit cycles and additionally as necessary.
- K.** ENRD shall hold Estray and Trespass animals it collects prior to their inspection and Export.
- L.** ENRD shall levy fees and fines for collection by the Treasurer.
- M.** ENRD shall review this Code every five (5) years and make recommendations to Pueblo Council for updates and amendments.

10-1-5 Land Management Units

A. Designation of Pueblo Land:

Pueblo Council may designate Pueblo Land and newly acquired land as a Range Management Unit (RMU) or Special Management Area (SMA) to be managed by ENRD under this Chapter, or to be managed outside the jurisdiction of ENRD.

B. Establishment of Range Management Units:

Pueblo Land designated by the Pueblo Council as Range Management Units (RMUs) may be Permitted for Livestock grazing and management by a Permittee.

C. Range Management Unit Land Use:

Range Management Units may be adaptively managed, temporarily or permanently reduced, or expanded by ENRD as an administrative action to:

1. Protect Rangeland resources;
2. Expand use of Rangeland resources;
3. Provide incentive for Chapter compliance or penalize lack of compliance; and
4. Provide temporary relief during drought or other weather-related conditions.

D. Special Management Areas:

1. Pueblo Land designated by Pueblo Council as Special Management Areas (SMAs) shall be administered and regulated by ENRD.
2. Management Plans may be developed for SMAs; however, the need for these plans shall be determined by ENRD.
3. The administration of an SMA or portion thereof may be transferred to other programs/departments, entities or lessees with the concurrence of Pueblo Council.
4. The issuance of permits for Special Management Areas must adhere to this Chapter.

E. Village Jurisdiction:

1. Village areas include the traditional lands of each of the six (6) Villages of the Pueblo of Laguna.
2. In general, Livestock use within Village boundaries is under the jurisdiction of the Village Mayordomos selected by said Village.

Pueblo of Laguna Rangeland Code

3. A Village may select specific areas that are approved for Livestock use within the Village Jurisdiction.
4. ENRD may provide service to a Village requesting assistance with Livestock management issues.
5. Livestock within Village Jurisdiction shall meet the Pueblo Livestock Health Plan and disease standards identified in this Chapter.
6. Village Jurisdiction shall not be used to circumvent this Chapter.

F. Residential Areas Outside Village Jurisdiction:

Livestock on a residential land assignment or leased parcel outside of Village Jurisdiction:

1. Are in Trespass if outside the boundary of the land assignment or leased parcel.
2. Shall meet the provisions of this Chapter.
3. Require a Permit issued under this Chapter.

G. Individual Indian Allotment:

Livestock owned or controlled by an Indian allottee:

1. May be grazed on the allotted land held in trust by the United States for his/her benefit without obtaining a Permit under this Chapter.
2. Shall be subject to the disease control requirements under Section 11 of this Chapter.
3. Shall be subject to the Livestock inspection and movement requirements under Section 13 of this Chapter.
4. Are in Trespass if outside the boundary of the individual's allotment.

H. Fence-out Provision:

1. Absent a proper fence in an area where Livestock grazing is permitted under this Chapter, an assignee or lessee of Pueblo Land, or an allottee within Pueblo jurisdiction, shall have no claim for damages caused by Trespassing Livestock to crops under cultivation, unless such Trespass is proven to be willful.

Pueblo of Laguna Rangeland Code

2. Owners of Livestock ranging in pastures under a Permit through which unfenced roads or highways pass shall not be liable for injury or damage to persons or property occasioned by collisions of vehicles using said roads or highways and Livestock ranging in said pastures, unless such owner of Livestock is guilty of specific negligence other than allowing Livestock to range in said pasture.
3. Nothing in this provision limits the ability of the Pueblo to pursue any Trespass action under this Chapter.

10-1-6 Range Management Unit Plans

- A.** ENRD shall develop the initial Range Management Unit Plans for newly-acquired lands designated as RMUs.
- B.** ENRD shall assist, provide information, review, comment, and approve or deny Range Management Unit Plans submitted as part of Permit applications.
- C.** ENRD shall provide ecological assessments using standardized Rangeland survey methods and monitoring data.
- D.** Range Management Unit Plans shall include assessments of the ecological condition, grazing capacity and condition of infrastructure of each RMU.
- E.** Range Management Unit Plans shall be amended whenever:
 - 1. Permits are renewed or necessary to meet funding agency requirements;
 - 2. Necessary to address changes in ecological condition or carrying capacity.
- F.** Range Management Unit Plans shall include the following elements:
 - 1. Maximum and Effective Carrying Capacity, provided by ENRD.
 - 2. RMU Boundary map, provided by ENRD (see Appendix B).
 - 3. Pasture Map, provided by Permittee.
 - 4. Grazing Plan including planned Livestock rotation, provided by Permittee.
 - 5. Range Infrastructure Improvement Plan, provided by Permittee:
 - a. Planned improvements for pasture fence and water development including timeline and estimated project cost; and
 - b. Planned maintenance for pasture and boundary fence, and water development.
 - 6. Drought and fire management contingency plan, provided by Permittee.
 - 7. Livestock Health Plan, provided by the Permittee, as found in the Disease section of this Chapter.
 - 8. Estray Livestock management plan, provided by the Permittee.

10-1-7 Range Improvements

A. Range Improvement Ownership:

All Range Improvements placed on Pueblo land shall be considered the property of the Pueblo, unless prior arrangements are approved by the Pueblo Council.

B. General Requirements:

1. Range Improvements by each Permittee within its Permitted use area are encouraged; however, all Range Improvements must be made pursuant to an approved Range Management Unit Plan.
2. Prior to a Permittee making any Range Improvement not already made a part of such an approved RMU plan, a proposal must be submitted to the ENRD for its review and approval, prior to its installation. If such proposal is approved, it shall constitute an amendment to the Permittee's Range Management Plan, and shall be attached to ENRD's copy of the approved Range Management Unit Plan.
3. Performance Bonds for the construction or implementation of any Range Improvement may be required by ENRD.
4. Laguna Tribal Historic Preservation Office clearance shall be required for any new Range Improvement, regardless of any additional clearances required by the funding source. Failure to comply shall result in fines or other administrative action.
5. A copy of any amendment to a Range Management Unit Plan shall be kept on file by each Permittee and the ENRD.
6. Drilling of a new water well requires the approval of the Pueblo Council.

C. ENRD Infrastructure Assessment:

ENRD shall make periodic assessments of infrastructure and monitor infrastructure conditions on Pueblo Land under its management as staffing and funding permit.

D. Fencing:

Fencing for a grazing permit area shall be administered as follows:

1. Where necessary for the safety of Livestock, all utilities/entities with a negotiated right-of-way or easement shall be responsible for constructing,

Pueblo of Laguna Rangeland Code

maintaining, and repairing fencing that enclose the right-of-way, unless specifically excluded in the right-of-way or easement agreement.

2. Each Permittee shall be responsible for purchasing, constructing, maintaining, and repairing all new or existing interior cross fences and gates within its respective grazing permit area, unless subsection D.1 above is applicable.
3. The Pueblo shall, subject to available funding, provide for the original construction or scheduled replacement of Pueblo Land exterior boundary fences and provide the Permittee materials for such maintenance and repair.
4. During the Permit period, each Permittee shall be responsible for maintaining and repairing the fencing along the exterior boundaries of its permitted area.
5. Where fencing along an RMU boundary is shared by two or more Permittees, or Permittee and Pueblo Village, maintenance and repair responsibilities shall be shared equally.
6. Failure or inability of a Permittee to fulfill fencing maintenance and repair responsibilities shall be reported immediately to ENRD and may result in administrative action.

E. Gates or Cattle Guards:

1. Gates are intended to control Livestock movement, not to restrict access to and from fenced lands by Pueblo members.
2. A Permittee may not deny access by general Pueblo membership for lawful activities on Pueblo Land under its Permit.
3. No gate may be locked without justification and Pueblo Council approval.
4. Any gate found to be locked without authorization shall be immediately opened or the lock may be cut.
5. Violations may be subject to fine or other penalty, per this Chapter.
6. A Permittee may request installation of a cattle guard by Pueblo Public Works, the completion of which will be based on available funding and resources.

F. Maintenance of Range Improvements:

Pueblo of Laguna Rangeland Code

1. The Pueblo may maintain the following Range Improvements based on available funding:
 - a. Wells including windmills and solar mills;
 - b. Pueblo exterior boundary fence replacement;
 - c. Range monitoring sites;
 - d. Access roads to wells;
 - e. Others as determined by the Pueblo.
2. Permittees may request specific maintenance actions from the Pueblo within their Permitted grazing area. However, completion of those requests shall be determined by available resources, timeliness of request, and Pueblo priorities.
3. Permittees may contract with outside entities to maintain Range Improvements on their Permitted areas; however, the Pueblo will not reimburse Permittees for this action.
 - a. All Pueblo laws must be obeyed by the contractor.
 - b. Access Permits must be obtained by the contractor.
4. Documentation of maintenance must be provided to ENRD and be in compliance with the Range Management Unit Plan.

10-1-8 Grazing Permits

A. Permit Requirement:

1. A valid grazing Permit, issued by ENRD, shall be required before any Livestock may be Imported onto and/or grazed on Pueblo Land designated as RMU or SMA.
2. No Permit issued pursuant to this Section shall be valid for a term longer than five (5) years.
3. No grazing privileges will be granted to any person convicted of committing a Livestock crime.
4. If applicable under the Mayordomo's Ordinance, a Regularly Enrolled Member of the Pueblo of Laguna shall annually be required to certify good standing with his/her village to be eligible to graze Livestock under a Permit.

B. General Permit Conditions:

Any Permit issued under this Section will be subject to the following conditions as applicable:

1. Permits may be modified or revoked for cause.
2. Grazing Permits may not be reassigned or otherwise transferred.
3. No Permit shall provide grazing privileges to any person who is not eligible to be an owner under Section 10-1-10.A.
4. Any person seeking to exercise grazing privileges must have a Brand registered with the New Mexico Livestock Board.
5. Only Livestock owned by a Permittee may be grazed on Pueblo lands. Any other Livestock found on Pueblo lands shall be in Trespass.
6. The maximum number of Livestock, including Estrays, on Pueblo Land within a permit area shall not exceed the Effective Carrying Capacity of that area.
7. Any Grazing Permit issued for land leased by the Pueblo from another party shall be subjected to the conditions of the lease in addition to this Chapter, and where there is a conflict between this Chapter and the lease, the conditions of the lease shall control.

Pueblo of Laguna Rangeland Code

8. Grazing Permits do not grant exclusive use of Pueblo land by the Permittee:

- a. Pueblo members have a right to use the lands of the Pueblo for permitted hunting, recreation, wood gathering, and other lawful reasons.
- b. A Permit does not grant the Permittee the right to harass or interfere with other permitted activities.

9. Livestock tally requirements, outlined at Section 10-1-8-G.1-2, apply to all Grazing Permits, regardless of duration.

10. Grazing Fees for Grazing Permits will be collected in accordance with Section 10-1-8-H.1-5, regardless of duration.

C. Permit Exclusions:

Grazing Permits DO NOT:

1. Make the Permittee an instrumentality of the Pueblo.
2. Grant sovereign immunity to the Permittee.
3. Impose liability on the Pueblo for actions of the Permittee.
4. Provide land ownership to the Permittee.
5. Preclude other uses for land Permitted for grazing.

D. Application Process for Grazing Permits:

ENRD issues Grazing Permits based on the duration of grazing activities.

1. A Grazing Permit issued for one year or less grants privileges to the Permittee to graze Livestock on Pueblo Land identified as SMA's, RMU's, or in residential areas outside of Village Jurisdiction and the Permittee must meet the following requirements:
 - a. The Permittee must submit an application to ENRD at least 30 days prior to the time they are requesting approval. ENRD will review and approve or deny the application within 30 days of receipt.
 - b. The application must provide the following information:

Pueblo of Laguna Rangeland Code

- i. Documentation that each head of Livestock proposed to be grazed on Pueblo Land is owned by an eligible person, including Pueblo enrollment numbers, personal contact information, and New Mexico Livestock Board brand card;
 - ii. The number and type of livestock proposed to be grazed on Pueblo Land;
 - iii. A current and valid CVI, as required by this Chapter, for all Livestock being grazed in association with this permit;
 - c. Issuance of a Grazing Permit for one year or less shall not be used in an RMU to circumvent the requirements of the Chapter.
2. A Grazing Permit issued for more than one year, grants privileges to graze Livestock on Pueblo Land identified as an RMU and the Permittee must meet the following requirements:
 - a. The applicant must submit an application to ENRD by September 1st of the year preceding the desired Permit period. ENRD will review and approve or deny the application within 90 days of receipt. Applications for a Grazing Permit exceeding one year received after September 1st, may, at ENRD's discretion, be issued a Grazing Permit for one year or less, pending review of the longer-term Grazing Permit application.
 - b. The application must, in addition to the requirements listed above in 10-1-8-D.1.b, provide the following information:
 - i. The formation and governance documents of the applicant, including, Charter or Articles of Association or Incorporation, bylaws and other organization documents as appropriate;
 - ii. A Range Management Plan as described in this Chapter for the area where grazing is to be permitted;
 - iii. The Livestock Health Plan to be used; and
 - iv. Such other information as reasonably required by ENRD.

E. Village Grazing Permit:

If a village designates particular areas for Livestock use within Village Jurisdiction, the village may require and issue a village grazing Permit; however, such issuance shall not circumvent the requirements of this Chapter.

F. Permit Revocation:

1. Pueblo Council may revoke any Permit, at any time, to repurpose all or part of the Rangeland in a Range Management Unit, Special Management Area, or residential land assignment outside of Village Jurisdiction. All revocation decisions of the Pueblo Council are final and not subject to appeal.
2. ENRD may revoke any grazing Permit for any non-compliance with the conditions of the Permit or violations of this Chapter.
3. ENRD shall maintain a record of non-compliance and violations supporting any decision to revoke a Permit.
4. Revoked Permittees shall have thirty (30) calendar days from receipt of a Notice of Permit Revocation to remove all Livestock from Pueblo lands affected by such revocation.
5. Any Livestock remaining thirty (30) calendar days after receipt of a Notice of Permit Revocation shall be considered in Trespass, and their owner(s) may be subject to Trespass assessments, animal removal, and prosecution under Section 10-1-14.

G. Livestock Tally

1. Each Permittee shall annually provide to ENRD, by October 15th, a tally of all Livestock in the RMU, by Association member, if applicable, as of October 1st for that calendar year.
2. The tally shall list a count of Livestock by age, sex, Brand, and ownership as follows:
 - a. Cattle:
 - i. Bulls;
 - ii. Cows;
 - iii. 2-year olds;
 - iv. Yearlings; and
 - v. Estrays
 - b. Horses:
 - i. Horses older than 1 year;
 - ii. Yearlings; and
 - iii. Estrays.

H. Grazing Fees

1. Grazing Fee rates shall be determined by ENRD according to the Schedule of Fees or formula found in Appendix A of this Chapter prior to the issuance or renewal of a Permit. The Grazing Fee rate shall remain the same for the Permit period. ENRD shall inform a Permittee of any change in the Grazing Fee rate by March 1 of the year the permit expires.
2. The Pueblo Treasurer's Office shall invoice each Permittee for all fees due or estimated by ENRD for that grazing season by November 1st of each calendar year. Permittees shall be responsible for payment to the Pueblo Treasurer's Office for the actual number of Livestock grazed under the Permit during each calendar year, as presented in the Livestock Tally.
3. All Grazing Fees are due from the Permittee by December 31st each calendar year, or the date on the Treasurer's invoice. Any Permittee failing to remit full payment by December 31st is subject to the modification or revocation of its grazing permit.
4. The Pueblo Treasurer's Office shall deposit all collected grazing fees in the Pueblo's General Fund.

10-1-9 Livestock Association Authorities and Responsibilities

A. Reformation of Current Livestock Associations and as Independent Entities; Formation of New Livestock Association:

1. Any Livestock Association formed prior to the enactment of this Chapter or with the express approval of the Pueblo Council may retain existence as an entity created under Pueblo law, may continue to operate in accordance with its respective governing instruments, and may exercise rights and privileges under this Chapter, except that the following provisions shall apply to such entity after the effective date of this Chapter:
 - a. A Livestock Association shall no longer be regarded or treated as an instrumentality of the Pueblo for any purpose, and shall be regarded and treated as a separate entity for all purposes;
 - b. Any provision in an association's governing instruments vesting the association with regulatory authority of the Pueblo or authority to serve as an arm of tribal government to manage natural resources shall be ineffective and unenforceable;
 - c. Any provision in an association's governing instruments requiring review or approval of Pueblo Council, including financial reports, amendment to governing documents, dissolutions of association, and admission or expulsion of members, shall be ineffective and unenforceable; and
 - d. Any provision in an association's governing instruments creating a limitation on, or vesting a right to, use a particular area or Range Management Unit of the Pueblo shall be ineffective and unenforceable.
2. A Livestock Association formed or reformed under Pueblo or State law as a for-profit or not-for-profit entity, and, if qualified under this Chapter, may obtain a Permit for an RMU or SMA.

B. Livestock Association Governance & Liability:

Upon ENRD issuance of a Grazing Permit the Livestock Association incurs the following authorities and responsibilities:

1. Self-Regulation: Each Livestock Association shall have primary responsibility to ensure its individual members comply with this Chapter and the terms and conditions of a Permit.
2. Responsibilities:

- a. Each Livestock Association is responsible, and may be held accountable for the actions or omissions of its members, employees, contractors, or volunteers, and shall obtain non-member Access Permits for such persons when applicable.
- b. Each Livestock Association is responsible to ensure that every Association member who owns Livestock is a Regularly Enrolled Member of the Pueblo of Laguna. Any violation is considered an act of Trespass.
- c. Each Livestock Association is responsible for its own procurement and fiscal management.
- d. A Livestock Association may not assert the sovereign immunity of the Pueblo.
- e. Suit may be filed against any Livestock Association for breach of contract, tort, or a violation of this Chapter, Permit term or condition, or the Livestock Association's governing documents by any of its members, and for which the Association shall have no immunity.

C. Organizational Requirements:

- 1. Each newly formed or reformed Livestock Association shall have formation documents validated by the jurisdiction of its formation.
- 2. A current signed copy of Livestock Association formation and governance documents shall be on file with ENRD at all times.
- 3. Livestock Association formation and governance documents shall not have any provisions that violate or conflict with this Chapter.
- 4. When amendments are approved by an Association, said Association shall provide the newly amended document to the ENRD within seven (7) calendar days.
- 5. Each Livestock Association shall provide a current list of officers and its members to ENRD.
- 6. Each Livestock Association shall regulate its respective membership to comply with this Chapter and the provisions of its Range Management Plan.
- 7. A Livestock Association may add or expel members at any time in accordance with its governance documents; however, prior to Import or

Pueblo of Laguna Rangeland Code

Export of Livestock by a new member the Livestock Association must present to ENRD:

- a. Proof of new member admission or expulsion; and
- b. Required documentation on the Livestock to be Imported to or Exported from Pueblo land.

10-1-10 Livestock Ownership Requirements

A. To be eligible to obtain, retain, or receive a direct benefit from a Grazing Permit for Pueblo Rangeland an owner of Livestock must:

1. Be a Regularly Enrolled Member of the Pueblo of Laguna, or a Livestock Association composed of only Regularly Enrolled Members of the Pueblo of Laguna, or an entity created or established by the Pueblo of Laguna.
2. Have a State of New Mexico Brand prior to bringing Livestock onto the Pueblo.
3. Provide ENRD at least one of the following requirements as proof of ownership:
 - a. Bill of Sale;
 - b. Proof of Payment (Receipts or Canceled Checks);
 - c. Brand Inspection and Change of Ownership;
 - d. Proof of Inheritance;
 - e. Legally applied Brand which has healed; or
 - f. Other documentation, as may be required by ENRD.

B. Animal Identification:

Prior to co-mingling Livestock with an existing herd or releasing them from any enclosure onto open Rangeland all Permittees must identify Livestock as follows:

1. All Cattle over six (6) months of age shall:
 - a. Bear a Brand duly recorded to the owner; and
 - b. Be fitted with an ADT ear tag.
2. All horses over 6-months of age shall:
 - a. Bear a Brand duly recorded to the owner; or

Pueblo of Laguna Rangeland Code

- b. Identified by a horse identification card showing individual marks and/or scars; or
 - c. Be fitted with a registered micro-chip; and
 - d. Have horse identification cards or proof of microchip placement filed with ENRD.
3. All other Livestock shall be identified in accordance with industry standards for said species.

10-1-11 Disease Control Requirements

A. Disease Testing:

1. Diseases of Livestock are considered a significant public health and safety concern, thus all persons who graze Livestock on Pueblo Land are bound by the disease control requirements of this Chapter, Federal Livestock health regulations, and other applicable Pueblo law. ENRD may adopt additional restrictions under this Section by regulation when circumstances warrant.
2. Importation Health Testing: In addition to the inspection required under Section 13, prior to Import and release onto any grazing area under Pueblo jurisdiction, a CVI issued by an accredited large-animal veterinarian shall be submitted to ENRD showing that:
 - a. Cattle have been tested for:
 - i. Bovine Trichomoniasis; and
 - ii. Bovine Brucellosis; and
 - iii. Bovine Tuberculosis.
 - b. Horses six months of age or older have a negative Coggins test within the prior 12 months.
 - c. All other Livestock have been tested according to applicable industry standards.

B. Disease Reporting:

1. All owners of Livestock on Pueblo lands must report any evidence of contagious disease to ENRD immediately after becoming aware of the diseased animal. The report shall state the pastures used by the diseased animal in the past twelve (12) months.
2. ENRD shall contact the State of New Mexico Livestock Board and adjacent landowners, Livestock owners, and Livestock Associations with reported cases.

C. Disease Outbreaks:

If an outbreak of a contagious disease is identified on Pueblo lands, ENRD shall, in consultation with an accredited large animal veterinarian, require the Permittees, and if applicable, Villages, to take appropriate measures to contain the outbreak, including removal and euthanizing of all Livestock.

D. Quarantine:

1. When necessary, for purposes of promoting public health and preventing the spread of dangerous or fatal disease, ENRD may order quarantine measures, under the supervision of an accredited large-animal veterinarian.
2. Such quarantine shall be within the Range Management Unit or SMA where the diseased Livestock are present, unless such action is determined not prudent by an accredited large-animal veterinarian.
3. Diseased Livestock shall be quarantined from other Livestock within their Permit area until cleared by an accredited large animal veterinarian.
4. The costs of security and humane care for quarantined animals shall be the responsibility of the owner.

E. Livestock Health Plan:

1. Livestock Health Plans shall at a minimum:
 - a. Address *Clostridia sp.* disease and viral organisms commonly associated with respiratory or sexually transmitted diseases;
 - b. Outline a *Trichomoniasis* testing program for breeding bulls over 12 months of age;
 - c. Outline a Coggins testing program for horses;
 - d. Address any other disease issues deemed necessary by ENRD for continued herd health; and
 - e. Be approved by an accredited large animal veterinarian.

Pueblo of Laguna Rangeland Code

2. Permittees shall:

- a. File a Livestock Health Plan with the ENRD as a section of their Range Management Plan;
- b. Adhere to the Livestock Health Plan filed with ENRD;
- c. Update the Livestock Health Plan as required by ENRD to address new or changing health threats, or other related issues;
- d. Submit documentation of compliance with the current Livestock Health Plan to ENRD annually or more regularly, if otherwise required; and
- e. Provide results of all testing to ENRD within seven (7) calendar days of receipt of results.

10-1-12 Livestock Roundups

A. Round-ups:

1. A Permittee may conduct Round-ups of Livestock within its Permitted grazing area, including Estray and/or Branded unpermitted (Trespass) Livestock.
2. ENRD may conduct Round-ups of any Livestock throughout Pueblo lands outside of Village Jurisdiction to ensure compliance with this Chapter or protect Pueblo resources.
3. ENRD may conduct or assist with the Round-up of any Livestock found within Village Jurisdiction at the request of the Village Staff Officer. Round-ups in villages will be conducted according to a mutually agreed upon Round-up Plan containing the following information:
 - a. Plan goals;
 - b. Stakeholders and Responsibilities; and
 - c. Operational Plan including disposal.
4. The principal officer of the Permittee for the Range Management Unit affected, if any, shall be notified by ENRD at least seven (7) calendar days prior to ENRD Round-up; however, approval of such action by the Permittee is not required.
5. Round-ups conducted on leased land must comply with the terms of the lease.
6. Prior to any individual person or individual Livestock owner of a Livestock Association performing a Round-up to Brand or Export Livestock, such person shall obtain written permission from the principal of the Permittee, and shall provide a copy of that permission to PSD dispatch and arrange for the observation by a Livestock Inspector during such activity.
7. Interference with a lawful Roundup is a violation of Pueblo Law and subject to penalties.
8. Any individual person or Livestock owner shall obtain permission from the principal of the Permittee prior to Roundup of Livestock in Trespass in an

Pueblo of Laguna Rangeland Code

RMU or SMA other than the RMU/SMA where said Livestock in Trespass is Permitted under this Chapter.

9. Crippled or diseased Livestock may be euthanized by a member of the impacted Permittee, ENRD, or a Law Enforcement Officer.
 - a. The owner of euthanized Livestock must be notified as soon as possible.
 - b. The remains of any diseased animal shall be disposed of as provided by Pueblo law or ENRD ruling or regulation.

B. Timing:

1. Round-ups shall **not** occur prior to ½ hour before sunrise or ½ hour after sunset without prior written authorization from ENRD.
2. Public Safety dispatch must be notified at least 48 hours before a Roundup occurs.

C. Disposition of Estray or Trespass Livestock:

1. A Permittee shall notify ENRD of Estray or Trespass Livestock detained as a result of a Round-up, which shall be removed and disposed of following the provisions of Section 10-1-14(B-D).
2. A Permittee may request reimbursement of costs for Round-up and detention of Livestock.

10-1-13 Livestock Inspection and Movement

A. General Conditions:

1. No person shall Import any Livestock known to be affected by or exposed to a dangerous disease.
2. Prior to Import or Export, a Livestock Inspection is required.
3. Transport of Livestock, excluding horses, shall **not** occur prior to ½ hour before sunrise or ½ hour after sunset, unless Livestock Inspection has occurred and a Transport Number issued.

B. Inspection Authority:

1. Law Enforcement Officers are authorized to stop any motor vehicle or Closed Transport which may be transporting Livestock and request from the individual operating said vehicle to show the required Transport Number or other authorization.
2. Law Enforcement Officers are authorized, without warrant, to detain any individual operating a motor vehicle or Closed Transport containing Livestock who fails to provide or exhibit a Transport number or other authorization, and to retain possession of Livestock, motor vehicle and/or Closed Transport.
3. Livestock Inspectors must be certified in accordance with the Livestock Inspection Program Standard Operating Procedures.

C. Inspection Requirements:

An inspection of Livestock by a Livestock Inspector is required for either Import, Export, or individual branding.

1. Inspection paperwork must be filed with the ENRD within seven (7) calendar days of inspection.
2. Horses with a Horse Identification Card or Brand do not require an inspection prior to Import or Export.

D. Inspection Requests:

1. Requests for a Livestock Inspector shall be submitted to Public Safety Dispatch at least 48 hours prior to the planned event requiring inspection.

Pueblo of Laguna Rangeland Code

Failure to give sufficient notice may result in the lack of availability of a Livestock Inspector.

2. Public Safety Department Law Enforcement Program will respond to the Livestock Inspection request within 24 hours.
3. Lack of an available Livestock Inspector does not authorize Permittee to conduct activities requiring a Livestock Inspector.
4. Failure to obtain Livestock Inspection is a violation of Pueblo Law and may result in civil penalties or other legal action.

E. Import:

1. Prior to comingling Livestock with an existing herd or releasing Livestock onto a RMU or SMA, Livestock must be contained in a holding area until completion of Livestock Inspection and possible quarantine.
2. Imported Livestock that do not have the owner's Brand, ADT tag, and other Livestock identification must be Branded and tagged with an ADT tag prior to release into the existing herd, unless the Livestock is paired with its parent and too young to Brand or otherwise identify.
3. Individual Livestock owners intending to Import Livestock to an area lying outside of Village Jurisdiction shall present to a Livestock Inspector, the principal officer of the affected Permittee, and ENRD the following:
 - a. Documentation of ownership as stated in this Chapter.
 - b. CVI documentation as stated in this Chapter.

F. Export:

1. Prior to Export of Livestock, owner must obtain a Livestock Inspection for following:
 - a. Brand; or
 - b. Documentation of ownership.
2. A Laguna Inspection Number and a New Mexico Transport Number will be provided by the Livestock Inspector upon verification of the requirements in this Chapter and prior to Export.

3. Failure to abide by this section will result in Livestock being held at point of sale until a Pueblo Livestock Inspector completes the Export documentation.

G. Individual Branding

Prior to Branding that will not be performed during a sanctioned activity of ENRD or the Livestock Association holding the permit for the affected RMU, the person or individual Livestock Owner shall:

1. Obtain written permission from the Principal Officer of the Permittee;
2. Provide a copy of the Permittee's written permission to PSD dispatch; and
3. Arrange for the observation of a Livestock Inspector during Branding.

H. Crossing Pueblo Land:

Unless Livestock are to be moved by Closed Transport, Access Permits shall be required for any movement of non-Laguna Livestock across Pueblo Lands outside of Village Jurisdiction. Access Permits may be obtained through the Office of Pueblo Secretary.

10-1-14 Enforcement and Violations

A. Administrative Enforcement:

1. ENRD is authorized to enforce the provisions of this Chapter.
2. For a violation of any provision in this Chapter, ENRD may:
 - a. Issue civil penalties in accordance with its Schedule of Penalties (See Appendix A, Pt. B);
 - b. Modify any Permit; or
 - c. Revoke any Permit.
3. Upon administrative action taken by ENRD, Permittee shall:
 - a. Respond to ENRD's administrative action in writing within seven (7) calendar days; and
 - b. Provide a Permit compliance plan acceptable to ENRD; and/or
 - c. Come into compliance within thirty (30) calendar days of Notice of Administrative Action.
4. Failure to respond, pay civil penalties within 30 days, provide a Permit compliance plan, and/or come into compliance as a result of an ENRD administrative action, may result in revocation of the Permit.
5. Repeated violations may result in ENRD's escalation of administrative enforcement actions up to and including Permit revocation.
6. A person violates this Chapter by committing any of the following acts or omissions:
 - a. Fails to comply with any requirement set forth in this Chapter;
 - b. Makes a false or misleading statement in any document required to be submitted under this Chapter;
 - c. Refuses to comply with a Permit condition, modification or revocation;
 - d. Fails to timely pay invoiced grazing fees or any other charge;
 - e. Creates a nuisance, commits or allows the commission of any illegal act;

Pueblo of Laguna Rangeland Code

- f. Negligently uses, wastes, or degrades Pueblo natural resources on Pueblo Land;
 - g. Damages any existing Range Improvement;
 - h. Fails to maintain and repair interior pasture or exterior boundary fencing for which the Permittee is responsible;
 - i. Fails to take actions consistent with Range Management Plan;
 - j. Interferes with other legal users or uses of the Permitted grazing area;
 - k. Commits or allows the commission of a Trespass by Livestock;
 - l. Fails to comply with any ENRD rule or regulation adopted to implement this Chapter;
 - m. Fails to comply with any court order issued to enforce this Chapter;
 - n. Fails to comply with Law Enforcement Officer(s) enforcing this Chapter;
 - o. Obstructs or interferes with Livestock Roundup;
 - p. Fails to Brand or mark Livestock, if applicable;
 - q. Interferes with ENRD monitoring or Livestock Inspection; or
 - r. Constructs or improves any road, trail, or Range Improvement that was not made a part of the Range Management Unit Plan or otherwise approved.
7. Civil penalties imposed by ENRD shall be paid to the Pueblo Treasurer's Office and deposited in the Pueblo General Fund

B. Regulation of Trespass by Livestock:

- 1. A person commits trespass by Livestock by allowing Livestock to enter Pueblo lands without the permission of the Pueblo. The provisions of Section 10-1-5.H (Fence-out Provision) shall not affect the Pueblo's enforcement of this section or other Pueblo law prohibiting trespass.
- 2. In the event that Trespass by Livestock has, or is suspected to have, occurred, notification shall be made to ENRD or Public Safety Department Law Enforcement Program.

3. Liability for any Livestock in Trespass shall be placed on the owner and any cost charged for the Round-up, detainment, removal, and disposal of Livestock in Trespass shall be a lien against the Livestock.
4. Livestock in Trespass and any property involved in the commission of a Trespass, may be seized and impounded.
5. ENRD and/or Public Safety Department may make a reasonable effort to resolve occurrences of Trespass through informal administrative action; however, the right to resolve any occurrence of Trespass through formal administrative action in accordance with this Chapter or Federal law is expressly retained.
6. Written determination of Livestock Trespass by ENRD shall constitute a final administrative action for purposes of appeal, but such appeal shall not, of itself, preclude the otherwise lawful removal, impoundment, forfeiture and/or public sale of Trespass Livestock.
7. The provisions of this Chapter shall apply in addition to any other provision of Pueblo or Federal law related to Trespass.

C. Notice and Order to Remove Trespass Livestock:

Upon determination of Trespass by Livestock, Public Safety Department Law Enforcement Program in conjunction with ENRD shall, precluding other circumstances:

1. Serve Notice of Trespass on the apparent owner of Livestock in the following manner:
 - a. Provide notice either in person, by telephone, website posting, in writing, or any other reasonable manner, stating:
 - i. The act constituting a violation of this Chapter;
 - ii. Location of Livestock observed in Trespass; and
 - iii. Indicate the Livestock Brand and/or other marks of ownership.
 - b. Inform Livestock owner that:
 - i. Livestock must be removed from Pueblo Lands within three (3) calendar days of receipt of notice, unless other arrangements are approved by ENRD;

Pueblo of Laguna Rangeland Code

- ii. Failure to timely remove Livestock may result in Livestock being impounded and sold;
 - iii. Livestock in Trespass shall incur an administrative fee as determined by ENRD Schedule of Fees for each head of Livestock, and for each day Livestock remain on Pueblo Land in violation of Notice of Trespass;
 - iv. ENRD shall charge the owner of Trespass Livestock the reasonably estimated value of any property damaged and forage used by the Livestock during the violation, the cost of roundup, as well as any administrative expenses incurred as a result of the violation; and
 - v. Resolution of Trespass and full payment of any fees or expenses due under this Chapter shall be required for the owner to reclaim the Livestock, and avoid forfeiture, and public sale.
2. If proceeds from forfeiture and public 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 owner that unless full and final settlement of the outstanding liability is remitted to the Pueblo Treasurer's Office within seven (7) calendar days from the date of receipt, a collection action may be filed in Pueblo Court on the Pueblo's behalf and against the person bearing Trespass liability.
 3. If ENRD determines the owner of Trespass Livestock cannot be located and notified in a reasonable time, or if the owner does not satisfy any Trespass liability, said Livestock shall be deemed to be Estray and the property of the Pueblo, and disposed of pursuant to 10-1-14(D)(2).
 4. Nothing in this section alters or interferes with the right of any village to prevent the running-at-large of any Livestock within said village or to detain Trespass Livestock.

D. Disposal of Estray or Unclaimed Trespass Livestock:

1. Estray Livestock found on Pueblo lands are the property of the Pueblo and subject to detainment and disposal, and ENRD may Brand Estray Livestock with the Pueblo Brand.
2. Estray Livestock, or Trespass Livestock not removed by the Livestock owner in accordance with Subsection C, shall be disposed of as follows:

Pueblo of Laguna Rangeland Code

- a. ENRD may conduct a sale of detained Livestock under its rules;
 - b. ENRD may turn detained Livestock over to the State of New Mexico Livestock Board and request reimbursement from the same; or
 - c. ENRD may turn detained Livestock over to a public Livestock auction facility within the State of New Mexico for sale.
3. Any funds received from the disposal of Estray or Trespass Livestock shall be deposited with the Pueblo Treasurer's Office.
4. A Livestock Inspection report and Transport authorization for Estray or Trespass Livestock, or the Pueblo's Brand marking Estray Livestock, shall be deemed sufficient evidence of Pueblo ownership for transferring title to a buyer.
5. If ENRD conducts the Round-up of Estrays in Village Jurisdiction, disposition of Livestock will be conducted according to the Round-up plan.

E. Adoption of 25 C.F.R §166.800(I)

In addition to the provisions of this Chapter, the Pueblo of Laguna hereby adopts the provisions of 25 C.F.R. §166.800, Subpart I-Trespass, in accordance with 25 C.F.R. §166.802, and has concurrent jurisdiction with the Bureau of Indian Affairs to enforce the Trespass provisions of 25 C.F.R. §166.800 et seq.

10-1-15 Appeals

- A.** Unless otherwise provided in this Chapter, any final administrative action taken under this Chapter may be appealed in writing to the Pueblo Court. The appeal must be filed within thirty (30) calendar days from the date of the administrative action. If an appeal is not timely filed, then the Court has no jurisdiction and the administrative action is final.
- B.** An appeal shall be perfected by filing a notice of appeal with the Clerk of the Pueblo Court, in the form prescribed by the court, along with any docketing fee required by law. The date of filing an appeal shall be the date the notice of appeal is received and stamped by the Court Clerk.
- C.** The Court shall limit its review to the administrative record and legal reason stated in the record that resulted in the final action by ENRD, and the Judge, rather than a jury, shall make determination based upon a preponderance of the evidence in such record and the pleadings.
- D.** The Court shall uphold ENRD's action unless it finds said action was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with applicable law, exceeded ENRD's authority, or is unsupported by the evidence.
- E.** Except as otherwise provided in this Chapter, the Rules of Civil Procedure and Evidence applicable to proceedings in the Pueblo Court shall apply to the appeal.
- F.** Nothing in this Chapter shall authorize the Pueblo Court to enter any monetary judgment against ENRD or any other agency of the Pueblo except to order a refund of the amount of any civil penalty paid by the Appellant, or refund of proceeds from the sale of Trespass Livestock related to the case.
- G.** The decision of the Pueblo Court shall be subject to an Appellate Court review as provided by applicable law, and the decision of the Pueblo Court of Appeals will be final.

Appendix A – Schedule of Fees and Penalties

Part A. Schedule of Fees

Beginning with the adoption of this Code, Grazing Fees will be assessed as follows:

1. Grazing Fees will be calculated for the term of the permit using the formula:

$$\text{POL Grazing Fee} = ((\text{5-year average Forage Price} + \text{5-year average Beef Price}) - \text{5-year average Production Cost}) / 100$$

- a. **Forage Price** is the price received for Other Hay in New Mexico as listed annually in the United States Department of Agriculture (USDA) “National Agricultural Statistics Service” (NASS) December Agricultural Price Report for the 5-years prior to the permit term. The value of forage is calculated by multiplying the 5-year average hay price by 0.30. (Because the price of hay includes all the costs of production, including water, cutting, and transportation, using this figure (30%) gives the value of hay standing in the field.) This value is then indexed by multiplying by 10, resulting in the Forage Price.

Example:

	2013	2014	2015	2016	2017	5-Year Average
NM Hay Price (\$/ton) ¹	180.00	150.00	145.00	130.00	160.00	153.00
x 0.3 ²	54	45	43.5	39	48	45.9
x 10 ³	540	450	435	390	480	³ 459
<p>1- November price for hay listed in the December USDA-NASS report for New Mexico Other hay multiplied by 0.3. The 0.3 factor assumes the value of the forage is 30% of the hay price.</p> <p>2- The multiplier 10 indexes the product of the hay price x 0.3.</p> <p>3- The Forage Price value used in the POL Grazing Fee Formula.</p>						

- b. **Beef Price** is calculated by dividing the price received for beef cattle per cwt, by the base rate of \$22.04 per cwt multiplied by 100. The average price received for beef cattle is found in the USDA-NASS December Agricultural Price Report, using the reported price for the 11 Western States, for the 5-years prior to the permit term.

Pueblo of Laguna Rangeland Code

Example:

	2013	2014	2015	2016	2017	5-Year Average
11- Western States Beef Price (\$/cwt) ¹	\$120.82	142.34	148.98	117.78	112.36	128.46
/22.04 ²	5.48	6.46	6.76	5.34	5.10	5.83
x 100 ³	548	646	676	534	510	³ 583
<p>1- November price for beef cattle listed in the December USDA-NASS report for the 11 Western States.</p> <p>2- The base year rate paid for cattle established by the Public Rangeland Improvement Act of 1978 and used to calculate the Beef Price term in the Federal Grazing Fee Formula.</p> <p>3- The Beef Price value used in the POL Grazing Fee Formula.</p>						

- c. **Production Cost** comprise the costs incurred for beef cattle production. This value is published in the USDA-NASS December Agriculture Price Report and is calculated using the values for the 5-years prior to the permit term.

Example:

	2013	2014	2015	2016	2017	5-Year Average
¹ Production Cost Value	994	1015	943	924	963	² 968
<p>1- Value listed in the December USDA-NASS report.</p> <p>2- The Production Cost value used in the POL Grazing Fee Formula.</p>						

- d. Calculation, using 5-Year average:

Forage Price = 459

Beef Price = 583

Production Cost = 968

Formula ((459+583)-968)/100 = \$0.74/AUM

\$0.74 x 12 = \$8.88/AUY

Pueblo of Laguna Rangeland Code

Part B. Schedule of Penalties

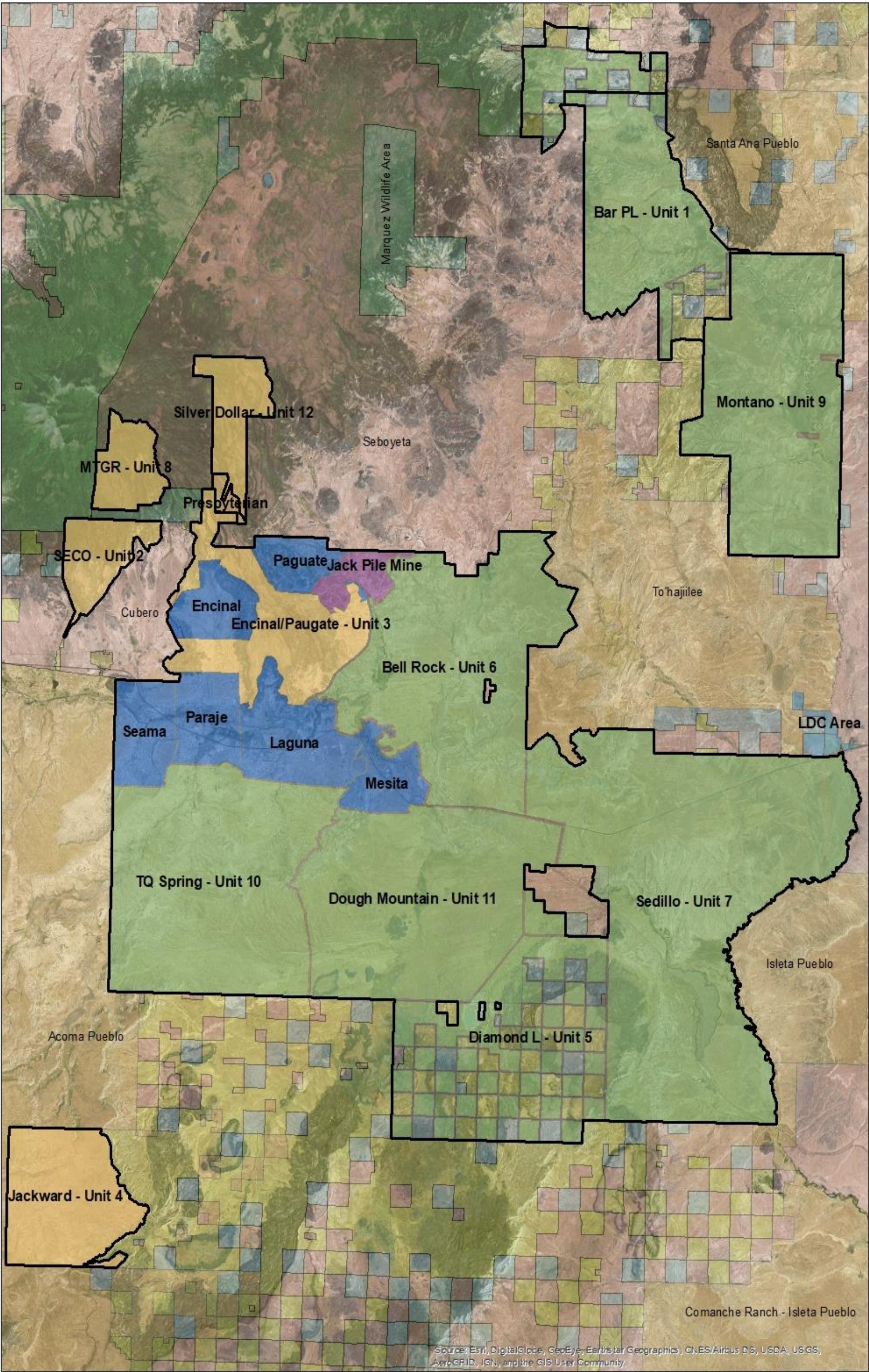
The following table outlines civil penalties for violation of the Rangeland Code:

	Violation	Penalty	Citation
1	Fails to comply with any requirement of this Chapter.	\$250-\$1,000 per requirement.	10-1-14.A.6.a
2	Makes a false or misleading statement in any document required to be submitted under this Code.	\$250-\$1,000 per statement.	10-1-14.A.6.b
3	Fails to comply with a Permit condition, modification or revocation.	Initiation of Trespass Proceedings.	10-1-8.B, F, G, or H; 10-1-14.A.6.c
4	Fails to timely pay invoiced grazing fees or other penalties assessed.	10% of fees or penalties owed for every 30 days late.	10-1-14.A.6.d
5	Creates a nuisance or commits or allows the commission of any illegal act under this chapter.	\$250-\$1000 per occurrence.	10-1-14.A.6.e
6	Negligently uses, wastes, or degrades Pueblo natural resources on Pueblo Land.	\$250-\$1000 per occurrence.	10-1-14.A.6.f
7	Damages any existing Range Improvement.	\$250 and replacement of improvement.	10-1-14.A.6.g
8	Fails to maintain exterior boundary fencing	\$1.50 per linear ft. in disrepair.	10-1-14.A.6.h
9	Fails to comply with Range Management Plan, including failure to maintain pasture fencing.	\$250-\$1000 per occurrence.	10-1-14.A.6.i; 10-1-14.A.6.h
10	Interferes with others legal users or uses of the Permitted grazing area.	\$250-\$1000 per occurrence.	10-1-14.A.6.j
11	Commits or allows the commission of Trespass by Livestock.	\$250 per head.	10-1-14.A.6.k

Pueblo of Laguna Rangeland Code

12	Fails to comply with any ENRD rule or regulation adopted to implement this Code.	\$250-\$1000 per occurrence.	10-1-14.A.6.l
13	Fails to comply with any court order issued to enforce this Code.	\$250-\$1000 per occurrence.	10-1-14.A.6.m
14	Fails to comply with Law Enforcement Officer(s) enforcing this Code.	\$250-\$1000 per occurrence.	10-1-14.A.6.n
15	Obstructs or interferes with Livestock Roundup.	\$250-1000 per occurrence.	10-1-14.A.6.o
16	Failure to Brand or mark Livestock.	\$100/head in non-compliance.	10-1-14.A.6.p
17	Interferes with Livestock Inspector Inspections.	\$250-\$1000 per occurrence.	10-1-14.A.6.q
18	Interferes with ENRD monitoring or data collection activities.	\$250-\$1000 per occurrence.	10-1-14.A.6.q
19	Permits the Import or Export of Livestock without ENRD approval.	\$250/head	10-1-13.E; 10-1-13.F
20	Constructs or improves any road, trail, or Range Improvement that was not made a part of the Range Unit Management Plan or otherwise approved by the Pueblo.	\$250-\$1000 per occurrence.	10-1-14.A.6.r
21	Conducts livestock management activities requiring an inspector without inspector present or illegal Livestock movement.	\$250-1000 per occurrence.	10-1-13.G; 10-1-13.H

Appendix B – 2018 Range Management Units Map



Legend

Laguna Land Use

RMU

VLG

SMU

LDC

Surface Owner

BLM

Tribal

Private

FS

State

Other

POL Boundary

POL Landuse Map

Environmental & Natural Resources Department

N

1:250,000