



PUEBLO OF ISLETA

P.O. BOX 1270
ISLETA, NM 87022

PUEBLO OF ISLETA Resolution No. 2015-103

Amending the Pueblo of Isleta Range Grazing Management Regulations

WHEREAS, the Pueblo of Isleta is a federally recognized Indian tribe with a Constitution;

WHEREAS, Article V, Section 2(e), of the Pueblo of Isleta Tribal Constitution authorizes Tribal Council to enact laws to protect the peace, safety, property, health and general welfare of the members of the Pueblo;

WHEREAS, the federal regulations at 25 C.F.R. Part 166 authorize an Indian tribe to make laws concerning range grazing management and regulation on an Indian reservation;

WHEREAS, Tribal Council tasked the Division of Natural Resources to review and revamp the Pueblo's Range Grazing Management Regulations in an effort to make the Pueblo's rangelands more healthy and sustainable; and

WHEREAS, Tribal Council finds it is in the best interest of the Pueblo of Isleta to amend the Range Grazing Management Regulations as described in the attached Exhibit A.

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby amends and restates the Pueblo of Isleta Range Grazing Management Regulations as described in Exhibit A.

BE IT FURTHER RESOLVED that, in order to give grazing permittees on the Isleta reservation time to comply with the new requirements and obligations, enforcement of these Regulations shall go into effect exactly twelve months after execution of this Resolution.

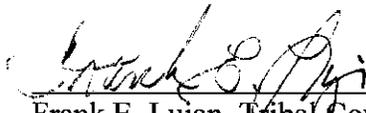
BE IT FURTHER RESOLVED that the Pueblo's Division of Natural Resources is hereby directed to (a) work with and assist grazing permittees during these next twelve months and (b) enforce the provisions of these Regulations after twelve months.

BE IT FURTHER RESOLVED, that the Tribal Council shall, within the next twelve months, nominate individuals to serve on the Pueblo of Isleta Livestock Board and shall enact bylaws for the Board's use.

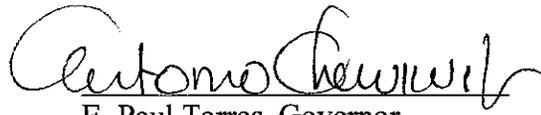
BE IT FURTHER RESOLVED, that this Resolution and these Regulations shall be (1) published in the next issue of the Isleta Newsletter; (2) housed in those places described in the Protocol for Enacting and Amending Tribal Ordinances, Codes and Other Laws; and (3) mailed to each Grazing Permittee as soon as practicably possible.

CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 16th day of December, 2015, with a quorum present, with -7- voting for, -0- opposing, and -0- abstaining.

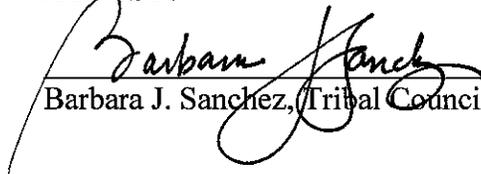


Frank E. Lujan, Tribal Council President



E. Paul Torres, Governor

ATTEST:



Barbara J. Sanchez, Tribal Council Secretary



PUEBLO OF ISLETA RANGE GRAZING MANAGEMENT REGULATIONS

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PART – A
DEFINITIONS

1. **Adult Tribal Member:** An enrolled Isleta tribal member who has attained the age of eighteen (18) years.
2. **Allocation:** The apportionment of grazing privileges without competitive bidding including the determination of who may graze livestock, the number and kind of livestock and the place such livestock will be grazed.
3. **Animal Unit:** considered one mature cow and its unweaned calf or the equivalent of forage needed to sustain them (approx. 25 to 30 lbs of forage per day). This allows conversion from one kind of animal and class of animal to another, as determined by the Pueblo of Isleta.
4. **AUM or Animal Unit Month:** The amount of forage need to sustain an animal unit for one month.
5. **Applicant:** Any tribal member, which applies for a grazing use authorization.
6. **Appeals:** Are heard by the Tribal Council.
7. **Cancel:** Action taken to permanently invalidate a term or temporary grazing permit in whole or in part.
8. **Carrying capacity:** The maximum stocking rate possible, without causing damage to the land.
9. **Defined Breeding / Calving Season:** Livestock management program whereby bulls are only with cows for a defined period of time, usually 3 months, as opposed to year round breeding where bulls are with cows constantly.
10. **Drought Plan:** A strategy to reduce stocking rates early on during a drought period before forage cover has been depleted to undesirable levels. Normally this is done using “trigger points” based on average rainfall deficiencies.
11. **Estray:** Any livestock running at large on tribal lands, fenced or unfenced, whose owner is unknown or that is branded with a brand not recorded with the New Mexico Livestock Board, or a freshly branded offspring not with its mother.
12. **Forage:** Plant parts used for food by grazing animals.
13. **Governor:** The principle tribal administrator, representative, elected by the tribal membership, with authority to control and direct the laws, customs and functions of the tribe.
14. **Grazing:** The consumption (eating) of plant parts by grazing animals.

15. **Grazing Lease:** A grazing use authorization, revocable and compensable, according to its terms, limited to entering on and utilizing forage by domestic livestock on a specified tract of land and which conveys a right of occupancy during the term of the permit.
16. **Grazing Permit:** A grazing use authorization, which grants the privilege to enter and utilize forage for a specified period from a specified area, without conveying an interest in the land and is revocable and non-compensable.
17. **Grazing Unit:** The areas described in Article IV of these Regulations.
18. **Grazing Management Plan:** the plan described in Article V of these Regulations.
19. **Livestock:** Domestic animals of any kind kept or raised for consumption, pleasure or profit. (Revisit)
20. **Livestock Board:** The Board authorized by the Tribal Council to function as described in
21. **Modify:** To revise the terms and conditions of an approved grazing permit.
22. **Other Lands under Tribal Control:** Lands over which the Pueblo has been given control through trust, fee, lease, agreement, waiver, permit or otherwise.
23. **Overgrazing:** Frequent, high proportion removal of plant parts by grazing animals.
24. **Permittee:** Any tribal member, possessing a grazing use permit.
25. **Permitted Livestock:** Livestock authorized to occupy and use tribal lands.
26. **Proper Use:** The degree or amount of forage removal by a given number of animals on a given unit of land over a given period of time without having any detrimental effects on the forage resource.
27. **Range Improvements:** Any activity or practice designed to improve production of forage, utilization of forage and facilities or treatment designed for the purpose of improving the range resource.
28. **Range Unit:** A unit of land designated for the management of grazing use (Same as Grazing Unit).
29. **Range Grazing Management Regulations:** A documented program that clearly defines what is to be accomplished and what specific actions will be taken, with reference to livestock grazing on a given area of land, prepared and implemented in consultation and full cooperation of the grazing permittee(s) involved (hereinafter "Grazing Regulations" or "Grazing Management Plan").

30. **Rangeland:** Land which supports native vegetation useful for animal consumption.
31. **Revoke** – to permanently withhold a grazing permit privilege for cause.
32. **Rotation:** The planned movement of livestock to different areas of the pasture or to different pastures based on desired recovery and grazing periods which provide for plant and soil recovery.
33. **Self-Regulations:** By-Laws which will regulate grazing members within their own pastures or grazing units.
34. **Stocking Rate:** The number, kind and class of animal grazing a unit of land for a specific period of time.
35. **Suspend:** Temporary withholding of a term grazing permit privilege, in whole or in part.
36. **Superintendent:** The Superintendent of Southern Pueblos Agency, Bureau of Indian Affairs or his authorized representative.
37. **Term Permit:** A grazing authorization for a period not-to-exceed five (5) years, with priority for renewal at the end of the term.
38. **Trespass:** To enter unlawfully or to conduct an unauthorized use.
39. **Tribal Council:** The Tribal Governing Body recognized by the Pueblo of Isleta as having the authority to act for the tribe, or its authorized representative.
40. **Tribal Lands:** Land or any interest herein held by the United States in trust for the Pueblo of Isleta, which is subject to federal restrictions.
41. **Wildland Law Enforcement:** Commissioned Law Enforcement Officers authorized to enforce laws pertaining to Natural Resources, Wildlife, Rangeland, Conservation, Livestock and other laws as necessary.

PART – B
ARTICLES

ARTICLE I – MISSION STATEMENT

It is the mission of the Pueblo of Isleta Range Section is to protect, preserve, and enhance the land, water, forage, wildlife, recreational, cultural, and sacred sites of the Pueblo rangelands through sound Rangeland Management and to improve, build-up, and rehabilitate these resources where they have deteriorated utilizing practices that are environmentally, socially, economical, culturally and traditionally acceptable so that these vital resources are available for future generations.

ARTICLE II – GOALS

- Increase the quality and quantity of native perennial grasses
- Increase the quality and performance of wildlife
- Provide adequate forage and cover for wildlife
- Minimize effects of wind and water erosion
- Reduced noxious and invasive species
- Maintain fundamental ecosystem processes
- Reduce encroachment of woody species
- Enhance the landscape to be aesthetically pleasing

ARTICLE III – ESTABLISHMENT OF A LIVESTOCK BOARD

A. ESTABLISHMENT AND AUTHORITY

1. The Pueblo of Isleta Tribal Council hereby authorizes the establishment of the Pueblo of Isleta Livestock Board (“Livestock Board”).
2. The Livestock Board shall have the authority to do the following:
 - a. Approve grazing permits on Pueblo of Isleta lands
 - b. Amend grazing permits on Pueblo of Isleta lands
 - c. Enforce the provisions of grazing permits and these Grazing Regulations
 - d. Compile bylaws of each grazing Unit and ensure compliance with these regulations.
 - e. Decide appeals from the imposition of administrative fines imposed by the Pueblo of Isleta Division of Natural Resources.
3. Tribal Council shall retain sole authority to amend these Grazing Regulations.

B. COMPOSITION AND DUTIES

1. The Livestock Board shall be composed of four (4) Permittees, (two from the West Range and two from the East Range) and one (1) Pueblo of Isleta staff member involved in land management, all to be appointed by Tribal Council. Representatives from each Range shall nominate two individuals to represent the Range on the Livestock Board and shall submit the nominees to Tribal Council President for Tribal Council review and appointment.
2. The Livestock Board shall select from among a Chairperson at the beginning of each term, or as needed from time to time.
3. The Livestock Board shall meet periodically but no less than quarterly as determined by the Board. Such meetings shall be announced to the public in advance and shall be open to the public. Each Board member is required to attend each meeting. Failure to attend two consecutive meetings shall be grounds for removal by Tribal Council.
4. The Livestock Board shall meet with Governor and Tribal Council on a quarterly basis or when requested by the Board, Governor or Tribal Council.
5. Tribal Council shall create bylaws for the Livestock Board to use to carry out its work. Such bylaws shall comply with these Regulations.
6. The Livestock Board shall, by majority vote, determine the type of administrative fines to be imposed by the Division of Natural Resources.

C. TERMS OF OFFICE

1. Initially, Tribal Council shall appoint one Board member to a two (2) year term, another to a three (3) year term, another to a four (4) year term, and another to a five (5) year time. Thereafter, each Livestock Board member shall serve a five (5) year term.
2. Each Livestock Board members shall serve until the expiration of their respective term, or until Tribal Council appoints a replacement.
3. Each Livestock Board member may be removed from office by Tribal Council by majority vote with quorum present at a duly called meeting, with or without cause, at the written request for removal by a Permittee or the Livestock Board.

ARTICLE IV -- GRAZING MANAGEMENT UNITS

- A. Effective grazing use of Pueblo rangelands requires organization of the total grazing area into grazing management units. This will be done under the direction of the Tribal Council through consultation with the Public Services Department – Division of Natural Resources staff, in a manner that will meet the requirements of the Pueblo and the land users.
- B. Each management unit will have a set of self-regulations developed by the permittees that will be applicable only to that unit. This will be implemented in accordance with the Pueblo of Isleta Livestock Grazing Regulations and Management Plan and under the supervision of the Division of Natural Resources as directed by the Governor or his designee. The Isleta Tribal Council may amend this plan from time to time in a manner that meets the requirements of the Pueblo and the land users. A model copy of association articles and By-Laws is appended to these grazing regulations. Upon consensus of all permittees in that unit, each permittee will affix their signature indicating that they will adhere to the self-regulations as they pertain to management of their unit. The self-regulations will be for the benefit of all permittees and for the betterment of the management unit. The self-regulations will address issues in the unit such as scheduling and participation in the cattle round-ups, immunization of cattle, maintenance of cross fences and corrals, supplemental feeding during winter months, looking after other nutritional needs of cattle; such as salt and spraying for flies, and overall good care and husbandry of animals in the unit.
- C. Designated grazing management units as of the date of this Plan include:

EAST RANGE:

- RU # 1 Community Pasture Unit
- RU # 2 Well Unit
- RU # 2A South Hubble Unit
- RU # 2B North Hubble Unit
- RU # 3 Lower Peralta Unit
- RU # 11 Upper Peralta Unit
- RU # 12 Guadalupe Mtn. Unit
- RU # 14 Barren Mtn. Unit
- RU # 14A Barren Mtn. Unit
- RU # 15 Hubble Springs Unit
- RU # 16 N. Rio Grande Unit
- RU # 17 S. Rio Grande Unit
- RU # 18 Goat Springs Unit
- RU # 19 Boundary Unit

WEST RANGE:

- RU # 4 Paquita Unit
- RU # 5 Cave Mesa Unit
- RU # 6 Cat Mesa Unit
- RU # 6A Huning Tract Unit
- RU # 6B Cat Mesa Unit
- RU # 7 N. Rio Puerco Unit
- RU # 7A S. Rio Puerco Unit
- RU # 7B Combined with RU # 7
- RU # 7C Combined with RU # 7
- RU # 8 Wind Mesa Unit
- RU # 9 540 W. Community
- RU # 9A 540 W. Community
- RU # 9B 540 W. Community
- RU # 10 Perea Mesa Unit

(See attached Exhibit A – Grazing Management Units – General Location Map)

- D. Each management unit will be analyzed for ecological condition and grazing capability. This will be done under the direction of the Superintendent, Bureau of Indian Affairs ;and through consultation and cooperation of the Tribal Council, Natural Resources Division and the grazing permittee(s). A grazing management plan will be developed. The ecological analysis and management plan will be updated as needed, or every 10 years at a minimum.
- E. New grazing units will be established only in accordance with sound Rangeland Management principles.

ARTICLE V – RANGELAND MANAGEMENT PLAN

Present Situation

As of 2015, the Pueblo of Isleta has updated both the Range Grazing Management Regulations and the Rangeland Management Plan. The two documents will work together to accomplish the goals the Pueblo has set for its rangeland resources.

The following points describe the most important existing conditions related to the Rangeland Management Plan (RMP):

- Actual livestock numbers are not precisely known for all range units. Some are known but many are estimated. Some wild cattle exist within various range units.
- Most permittees are currently running livestock Animal Units below their permitted number. This is partially due to the extended drought in previous years.
- Current stocking numbers are below or at current recommended rates for all range units (excluding wild cattle numbers in the Guadalupe Mtn., Goat Springs, and units that border the Rio Puerco).
- No formal animal health program is being applied in most range units. Year round calving is the normal condition and breed improvement and marketing efforts are not coordinated.
- The current fee payment schedule was disrupted by the Executive Order to destock many of the range units. All permittees who have not yet paid fees will be required to do so by March 31, 2015. This will resolve the payment schedule equitably and put all permittees back on the same schedule for payments.
- The payment of fees at \$1 per AUM is for the entire permitted number of AUM's, not the actual number of AUM's run by the permittee. \$12 per Animal Unit per year.

- Self-Regulation Documents (the by-laws which regulate grazing permittees within their own range units) will all be signed and due by January 1 of 2016. These will be valid for a period of 5 years. Again, this will put all permittees and units on an equal basis.
- There are currently no formal permittee associations and meetings are not taking place. Communication between the Department and permittees is sporadic.
- Monitoring for production by clipping has been done for most range units during the fall of 2014, which was an average to good rainfall year. Although the total rainfall was below average for 2014, the summer precipitation for July, August, and September was above average and well timed, which produced a good forage crop. 8 exclosures to measure total production without grazing were established. Ideally there would be at least one exclosure per pasture.
- Production transects are carried out in the fall and are determined by the clipping and estimating the current year's production of desirable perennial grasses. Shrubs, trees, forbs, and annuals are not included in the production estimates.
- Acreages for each range unit are calculated on a grazeable basis. Thus areas producing less than 150 lbs. per acre and over 2 miles from water are not included in the grazeable acres. This affects the total carrying capacity calculated for each range unit.
- Current range conditions are fair to good on most range units. The exceptions are range units 16 and 17, which are rated in poor condition.
- Utilization levels are currently set at a level which can protect the integrity of the resource base by leaving a minimum residual cover of 150 pounds per acre. Utilization levels are set as follows: 0-150 lbs. of production = no use; 151-249 lbs. of production = must leave 150 lbs. residual forage; 250 and above = 40% allowable utilization.
- Livestock and wildlife water for the current grazing management of continuous grazing within most range units is adequate. There is a need to develop more water to improve grazing management distribution of livestock and reliability of the water system.
- The Division of Natural Resources is currently working with the USDA NRCS EQIP program to develop an overall water development/upgrade plan.
- The water development plan will be coordinated with potential livestock rotation schedules to gain the ability to better manage livestock grazing and recovery periods for the rangeland.

- No formal rotational plan is in place for any of the range units. The possible exceptions are Units 7, 7B, and 7C.
- Erosion control efforts using One Rock Dams, Weirs, and other techniques has been initiated in some areas.
- Staffing is adequate within the Division of Natural Resources when all positions are filled. Likewise, equipment necessary to do the required work is also adequate.
- One individual currently plays a very important role as the “eyes and ears” for issues with the water systems, roads, fences, livestock problems, and other issues related to rangeland management. At present there is no one being trained to take on this role and benefit from the institutional knowledge by the Livestock Assistant.
- There have been instances where cultural sites may have been disturbed accidentally because they were not previously identified. No system currently exists to identify and catalog known and future discoveries of cultural sites. The Division of Natural Resources will work closely with the Cultural and Historic Preservation Office to report sites and seek advice on protecting sites.
- GIS capability exists currently and only minimal GPS data has been collected. No organized system exists to collect, input and organize GIS information.
- There is a clear understanding that internal cross fences and corrals are maintained by the permittees, while the water system, boundary fences and other infrastructure is maintained by the Pueblo, its contractors, agencies, right-of-way, or lease holders.

The Ideal Rangeland Management Program

Current knowledge in range management has concluded that overgrazing is largely a function of time of exposure of plants and soils to livestock. With continuous grazing, also known as set stocking, this timing cannot be well controlled. This is the current condition on most of the rangelands of Isleta Pueblo.

The ideal range management plan for the Pueblo of Isleta might consist of using the existing and/or new pastures with separate large herds on the East and the West side. These herds would rotate through each of the range units on that side with grazing periods less than 30 days and recovery periods of a year or more. Also, the season of use would change for each grazing season and some pastures might get rested for more than a year. This would look like a yearly migration route that would mimic the movement of herds of wildlife across the landscape in times past.

The ability of such a plan to regenerate watersheds, improve range conditions, and increase productivity for both livestock and wildlife is well documented. The rate of improvement would be fairly rapid because it is over the entire rangeland area and a big herd provides a much bigger impact and long recovery period for land to heal and rest.

There would also be a defined breeding and calving period of less than 90 days. A uniform herd health program for vaccination against common bovine diseases would also be in place. Breeding bulls would be selected for desired traits such as moderate size, easy calving and fertility under range conditions where little supplement or inputs are supplied.

A person who understands livestock marketing and new markets such as grassfed, organic, Native American Beef, and other such premium pricing models would assist the tribal members in getting the best price for their animals. Selling larger lots of somewhat uniform cattle also commands a premium price.

The obstacles to achieving such an ideal are many. Such an arrangement would require that the water sources would be able to supply a large number of animals (500 or more in a herd) for short periods of time. Current livestock owners would have to agree to run their livestock together and decide on which bulls to use as well as many other work tasks that now may or may not take place in the current management system. Cattle could not be sold by individual owners when they need cash, but some arrangement could be made to facilitate needed cash by individual members.

In reality there would probably need to be a Tribal Livestock Association in which permittees owned shares of the livestock based on their current permitted numbers. Many details and problems would have to be carefully planned and thought through.

As stated earlier, the gap between the ideal and the existing conditions is large. However the process now underway of creating a Range Management Plan for the Pueblo of Isleta is a huge first step. The current situation of individual permittees on separate range units with mostly set stocking is not perfect, but neither has it produced badly degraded land or huge social problems. Also, while not producing maximum economic return, the current system serves as an alternative "bank account" when money is needed by livestock owners.

The existing system could continue the way it has, but the results in terms of land health, economic and social aspects would not likely improve. Also, the trend in society for fewer young people to carry on the tradition of livestock ranching will probably produce less desire to take up a permit in the future. Add to this the increasing time commitments of work and communication in today's hectic world and the existing situation will likely become unsustainable.

The following proposed elements of the Range Management Plan represent a gradual change from the existing system to a more regenerative grazing management program. It recommends measured steps over a 5 year timeline that will improve the land, livestock, economics, and social aspects of the current management system.

If carried out in a determined manner with support from Tribal leadership, the plan will produce improved conditions. While it may require many 5 year planning cycles to achieve and “ideal” range management program, the following recommendations will bring it much closer. As is said in an old proverb “A journey of a thousand miles begins with the first step.”

Desired Future Conditions in 5 Years: By 2020 the Following Conditions Will Exist

Note: A 5 Year timeline of measurable tasks has been created to show the yearly progression from existing conditions toward the 5 year planned goals.

- The activities of the programs with land management are in line with the Mission and Vision of the Division of Natural Resources, Tribal Council, Governor.
- An accurate livestock inventory will be in place for all permitted grazing areas. A livestock inventory schedule will be in place and known by all permittees.
- Permittees will be at or below permitted head as verified by count.
- An annual report from individual permittees or an association will be filed with DNR in conjunction with the annual payment on March 31.
- A herd health and vaccination program is in place on at least 10 Range Units.
- When livestock associations are formed, they will elect a president who communicates and coordinates with Division of Natural Resources personnel.
- A process is in place to encourage and standardize the formation of Livestock Associations with demonstrated benefits to the members over existing structures.
- All signed self-regulation documents will be in place and ready for the next 5 year cycle.
- All permittees will remain on payment and written inventory schedule of March 31 for each calendar year.
- A drought plan (rainfall – forage based) will be in place for all Range units. The drought plan will be based on targeted stock reduction levels based on “trigger points” related to long-term average rainfall data. **Example: 1)** The initial trigger point of August 1 for rainfall deficiency that has produced little measurable production of desired forage species will result in a 20% reduction in Permitted Animal Units. **2)** The second trigger point of Sept. 1 for rainfall deficiency that has produced little measurable production of desired forage species will result in a 40% reduction in Permitted Animal Units. **3)** The third trigger point of November 1 for rainfall deficiency that has produced little measurable production

of desired forage species will result in a 60% reduction in Permitted Animal Units. 4) A 150 lb. forage residual of desired forage species will be maintained in drought stricken areas or total destocking will be required.

- In relation to the drought plan, forage inventories will be done in drought stricken areas in the fall, when growth has stopped for the year. Forage inventories will be used to calculate carrying capacity until rainfall can again be expected.
- Monitoring of all possible range units for production and cover estimates will be conducted yearly.
- Monitoring for utilization and range condition is in place for all Range Units and serves as a useful guideline for stocking rates and range management practices such as rotation.
- Utilization levels will remain at current desired levels of 40% in key areas and residual minimum of 150 lbs. per acre.
- Range units that have multiple water sources will have the ability to close access to the water by livestock.
- The ability to shut off access to livestock (but remain open to wildlife) at watering points will be in place for 25% of all drinkers.
- Range units that have multiple water sources will have a planned rotation schedule. At least 2 Range units will be utilizing multiple pastures and water sources for improved time control and recovery periods. All rotations will be planned with Division of Natural Resources personnel and contain recovery periods of at least 100 days. These grazing and rest periods will be shown on a standardized grazing chart or calendar.
- A plan for upgrading and maintaining existing livestock watering facilities will be developed and implemented.
- Water pumping will be converted to solar where possible. Currently the solar is near 25% of the wells and the goal is to be at 50% in 5 years.
- Wildlife only water drinkers (guzzlers and from existing system) will be placed in important wildlife habitat areas. 9 wildlife drinkers will be in place within 5 years.
- A program for rangeland rehabilitation and inventory of needed areas is in place. The plan will include needed help for erosion control, road drainage, damaged or disturbed sites. Documented progress has been made in and measured in number of one rock dams, rolling dips, and other treatments.

- An invasive plant control program is established for species such as cholla, and juniper. The plan will describe preferred treatment options and methods based on documented results and recommendations for experienced programs.
- Secondary Livestock Assistant(s) will be trained to know all permittees, existing water systems, fencelines, roads, Range Units, corrals and other improvements.
- Conservation Stewardship Program (CSP) requirements will be in place and an application submitted for approval with Natural Resources Conservation Service (NRCS).
- Alternative funding sources and grants such as Tribal Wildlife Fund, Rocky Mountain Elk Foundation, Mule Deer Foundation, Quail Forever, Partners for Wildlife, Wild Turkey Federation and others will be researched and at least 3 applications will have been made.
- Identify, designate, and separate non-grazing alternative use areas (such as recreational, cultural, or traditional sites) from permitted livestock grazing areas.
- Currently identified cultural sites will be protected as part of the Range Management Plan. Any major construction using POI or Federal funds will also undergo protective assessment of sites prior to disturbance. The Division of Natural Resources personnel will know how to mitigate and move forward in this process.
- A GIS Base Layer Mapping has been done for the entire grazing area. The layers will include water system, roads, fences, corrals, and other improvements.
- A potential plan for an “Association Herd” with shares vs. individual ownership will be researched and drafted. Research will include visits to Associations that have such an arrangement already in place.
- A defined breeding and calving season will be established on at least 5 Range Units.

ARTICLE VI – GRAZING CAPACITY

- A. The maximum number of livestock which may be grazed on a given grazing unit, will be established under the direction of the Governor through consultation with the Division of Natural Resources and in accordance with sound grazing management principles. The grazing capacity so prescribed will take into consideration wildlife and other non-livestock requirements. Stocking rates will be reviewed every 5 years at a minimum and adjustments made as a conditions warrant. Annual range utilization surveys will be performed under the direction of the Governor and Division of

Natural Resources staff to assess the impact the current stocking rate is having upon the range resource.

ARTICLE VII – ALLOCATION OF GRAZING PRIVILEGES

A. Allocation of grazing privileges without competitive bidding will be authorized to Adult, tribal members recognized by the Pueblo.

Eligibility requirements include:

1. An adult tribal member for the purpose of this part is a tribal member who has attained the age of 18 years.
2. Applicant must be a Pueblo of Isleta tribal member.
3. Grazing permittees may not hold a grazing permit in more than one designated grazing area or range unit.
3. Grazing permittees may not be allocated more than 360 animal-unit-months or 30 animal-units-yearlong during a term grazing period.
4. Applicant must have registered brand with the New Mexico Livestock Board. The applicant may be a co-owner of a brand registered with the New Mexico Livestock Board in cases where the original owner of the brand is such that he/she is unable to adequately care for animals in their assigned management unit.
5. Self Regulations must be filed with the Livestock Board and the Division of Natural Resources.

B. Grazing Application and Allocation Process

1. Notification that grazing permit applications are being accepted will be posted as public information 120 days before the permit term expires.
2. The grazing permit application will provide information on grazing fees, conditions, maintenance responsibilities, and grazing control stipulations.
3. The Division of Natural Resources will establish the allocation of grazing permits; including establishing priorities for increases and/or decreases. Allocations will be made before December 31st of the permit expiration year to ensure continuity of the grazing permit system upon concurrence by Tribal Council.

ARTICLE VIII – GRAZING AUTHORIZED BY PERMIT

- A. All livestock grazing on Isleta Pueblo rangelands must, be authorized by a grazing permit issued by the Tribal Council. (or Livestock Board)

Standard Pueblo of Isleta grazing application and grazing permit forms will be used. The Permittee is subject to these Grazing Regulations and Management Plan and any other applicable tribal law, as such law may be supplemented or amended from time to time.

The following shall be considered a part of the Permit:

1. Grazing Unit Schedule (location map of permitted area).
 2. Grazing Control Stipulations and Special Provisions.
 3. Grazing Unit Inventory and Maintenance Responsibilities
 4. Grazing Unit Management Plan (annual or long term).
- B. Grazing permits authorize grazing only. Permittee(s) will not use the permitted area for any other use. Only livestock owned by the permittee(s) will be authorized to graze the permitted area.
- C. The Pueblo of Isleta Division of Natural Resources in consultation with the Tribal Council will prescribe provisions and requirements under which grazing permits will be issued, renewed and administered, including:
1. Conditions for the approval of non-use of term permits for personal convenience and for resource protection.
 2. Conditions whereby revocation of grazing privileges may be revoked and new applicants considered.
 3. Permittee(s) will have up to (2) years from the term permit date of issue to stock the permitted area with full permitted numbers.
 4. Improper livestock care or overgrazing shall be grounds for immediate permit revocation or non-renewal.

ARTICLE IX – DURATION OF GRAZING PERMITS

- A. Term grazing permits will be issued for a five (5) year term, with the grazing year Beginning on the 1st day of January of each year.

ARTICLE X – KIND OF LIVESTOCK

Subject to the grazing capacity prescribed for each grazing unit, the kind of livestock authorized will be charged according to the standard animal unit equivalence as shown.

Kind & Class of Livestock	Animal – Unit Equivalent
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Cattle: Cow, (mature)	
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With or without calf ----- 1 Animal Unit
 Yearling ----- 1 Animal Unit
 Bulls ----- 1 Animal Unit.

ARTICLE XI – SEASON OF USE

The appropriate season of use for each grazing unit will be established under the direction of the Division of Natural Resources, the Governor and, thru consultation with the Tribal Council and the grazing permittee(s).

**ARTICLE XII – ESTABLISHMENT
 OF GRAZING FEES;**

- A. The Tribal Council will determine the minimum rate to be charged for grazing use of tribal rangelands. The Tribal Council shall establish the grazing fee, which will be subject to change on a five year basis at the discretion of Tribal Council. Grazing fees will be reviewed at the beginning of each five (5) year term and adjustments made as appropriate, fees will be considered delinquent on March 31st of the fee year regardless of whether a notice of payment due is received by the permittee, and a late charge of 15% will be assessed per each thirty (30) day delinquency of delinquent balance. Non-payment of grazing fees after a six (6) month period shall be grounds for cancellation of the grazing permit on an annual basis.

**ARTICLE XIII
 ASSIGNMENT, MODIFICATION,
 AND CANCELLATION OF GRAZING PERMIT**

- A. Grazing permits may not be assigned, sub permitted, or transferred without the consent of the Livestock Board.
- B. The Livestock Board shall have authority to approve a grazing permit. Nothing in these Regulations shall relieve the U.S. Bureau of Indian Affairs of its trust obligations to the Pueblo of Isleta.
- C. The Livestock Board, upon consultation of the Division of Natural Resources may cancel, modify, or suspend, and reassign grazing permit(s) on a 90-day notice, in whole or in part, as follows:
 - 1. Where lands grazed under permit are devoted to another use.
 - 2. In the event the permittee:
 - a. Does not comply with the provisions and requirements of the grazing permit.
 - b. Knowingly and willingly makes a false statement or representation with reference to grazing permit information required or requested.

- c. Refuses to accept modifications of the terms and conditions of the grazing permit.
- d. Refuses or fails to comply with eligibility or qualification requirements.
- e. Fails to stock or restock the permitted area after full extent (maximum 2 years) of personal convenience non-use.
- f. Fails to pay grazing fees by March 31st of each term year.
- g. Fails to comply with local livestock husbandry and livestock management principles and practices as required by Pueblo of Isleta.
- h. Fails to comply with shared responsibilities as defined by each unit's Self-Regulation Policies.
- i. Fails to participate in any required workshops, training or meetings regarding range management or animal husbandry, which shall be free of charge and as may be scheduled by the Governor in coordination with the Division of Natural Resources. Permittees, or an authorized representative of the permittee, shall be required to attend at least one session annually. Failure to meet this requirement shall subject the Permittee to a Fifteen Dollar (\$15) annual fee.
- j. Modify the terms and conditions of a permit to conform to situations brought about by changes in the laws, regulations, revisions of grazing management plans or other management needs.
- k. Modify the season of use, number, kind and class of livestock because of resource conditions or permitted request.

D. The Livestock Board may modify the terms and conditions of a permit to conform to situations brought about by changes in the laws, regulations, revisions of grazing management plans or land use designated for potential development.

E. Grazing fee will be pro-rated in the event of an early termination or relinquishment of permit.

F. The Livestock Board shall immediately revoke any grazing permit for failure to comply for a violation of ARTICLE XIII, Section B (2).

G. The Pueblo of Isleta Probate Code shall apply upon a Permittee's death.

ARTICLE XIV – RANGE IMPROVEMENTS AND MAINTENANCE RESPONSIBILITIES

The Tribal Council, in consultation with the Division of Natural Resources shall authorize structural and non-structural range improvements receiving federal or tribal funding. Such improvements may be constructed or installed or maintained by the permittee, subject to the following:

- 1. All improvements must be consistent with this Livestock Grazing Regulations and Management Plan, approved Self-Regulation Policy, a cooperative agreement, or a memorandum of agreement.

2. Title to permanent improvements shall rest with the Pueblo of Isleta regardless of the funding source.
3. Title to temporary improvements may be retained by the permittee where no part of the cost for the improvement is provided by the United States or the Pueblo of Isleta
4. Work performed by the permittee shall not confer the exclusive right to use the improvements or the permitted land affected. Meaning no individual can claim ownership to the land or improvements made to the rangeland.
5. The user of the land will be required to maintain all improvement within his assigned area to specified standards. With the exception of boundary fences, the maintenance of all fences in common with one or more range units will be the responsibility permittee(s) for upkeep and maintenance of fences.
6. Grazing fees may not be adjusted to compensate permittee for improvement costs or work performed.
7. Locks shall not be placed on gates or other fence crossings by permittees unless authorized by the Division of Natural Resources.

ARTICLE XV – LIVESTOCK TRESPASS

A. Acts prohibited on Isleta tribal rangelands include the following, to be enforced by the Division of Natural Resources:

1. Cattle grazing upon or being driven across rangelands without an approved grazing or crossing permit.
2. The grazing of any livestock, within areas closed to grazing.
3. The grazing of or occupancy of stray or unbranded livestock.

B. In the case of a Trespass Violation (applies to Isleta members and non-members livestock) the parties shall:

1. The users will make every effort to mutually resolve alleged or potential trespass with the livestock owner.

If no restitution results with Isleta member's livestock, the following will apply:

a. First Offense or First Notification:

Letter of warning with 15 days for compliance.

b. Second Offense or Second Notification:

Mandatory fines as outlines in C. Penalties with corrective action per Livestock Board.

c. Third Offense or Third Notification:

Action according to Sections C through G of this article will apply.

If no restitution results with non-members livestock, action according to sections C through F of this article will apply.

C. Penalties:

The owner of any livestock grazing in trespass will be liable to a penalty of \$12.00 a head for each day of trespass, together with the reasonable value of the forage consumed and for property injured or destroyed and for expenses incurred in impoundment and disposal of the animals.

The Division of Natural Resources is hereby authorized to impose administrative fines as determined by the Livestock Board, collect all such penalties and damages as may be applicable, and seek injunctive relief when appropriate. All payments for such penalties and damages shall be credited to the Division of Natural Resources budget after appropriate reimbursement for expenses incurred in impoundment and disposal has been credited.

D. Notice and Order to Remove:

When it has been determined that a trespass violation exists and the owner of the unauthorized livestock is known, written notice shall be served upon the alleged violator by certified mail, return receipt requested. The notice shall set forth the act constituting the alleged violation, the legal description of the land where the livestock were observed and the verification of the brand or mark on the animal(s). The notice shall instruct the alleged violator to remove the livestock within a specified time and allow a specified time to make settlement. If the violator does not comply, the Pueblo may proceed to impound the unauthorized livestock.

E. Impoundment and disposal:

1. Unauthorized livestock remaining on tribal lands over the time allowed for removal will be impounded and disposed of by the Division of Natural Resources with proceed and/or fee compensated accordingly where it will deposited to the Tribal Treasurer's Office and placed in the Division of Natural Resources budget per Tribal Council Resolution #2015-066, as may be amended from time to time. A written notice of intent to impound must be sent to the livestock owner. Notice will be sent by certified mail, return receipt requested and hand delivered. The notice will allow the livestock owner (5) days for compliance.
2. Where the owner is unknown or a known owner refuses to accept delivery of notice, a

notice of intent to impound shall be published in a tribal newspaper, posted at the nearest community center, program offices and at the nearest post office. Five (5) days after posting of the notice, the unauthorized livestock may be impounded.

3. Where there is imminent danger that trespassing livestock will severely injure a growing crop or range forage, the livestock may be impounded immediately.

F. Notice of Sale:

- a. Following impoundment of the unauthorized livestock, a notice of sale shall be published in tribal newspaper, posted at the nearest community center, tribal office and at the nearest post office. The notice will describe the livestock and specify the date, time and place of sale. Any known lien holders and for the extirpation of such diseases shall be notified by certified mail, return receipt requested, of the procedure by which the impounded livestock may be redeemed
- b. Redemption: Any owner or known lien holder of the impounded livestock may redeem the animals any time before the sale date by submitting proof of ownership and settlement of all obligations.
- c. Sale: If the livestock are not redeemed before the sale date, they shall be sold to the highest bidder or at a local livestock auction.
- d. Distribution of Proceeds: The net proceeds of the sale, after reduction of prescribed penalties and impoundment costs, shall be deposited to the Tribal Treasurer's Office and placed in the Division of Natural Resources budget per Tribal Council Resolution #2015-066, as may be amended from time to time.

ARTICLE XVI – DISEASE, INSPECTION, AND QUARANTINE

The Pueblo of Isleta may use all proper means to prevent the spread of dangerous and fatal diseases among livestock. If a disease breaks out within on Pueblo rangelands:

1. It is the duty of all persons owning or in possession of livestock to immediately notify the Division of Natural Resources of the disease or suspected disease.
2. Proper examination must be made by a veterinarian and if a disease is found to be dangerously contagious the animals shall be treated and quarantined in accordance with recommended veterinary practice.
3. After contacting a veterinarian by the livestock owner, proof from a veterinarian in good standing licensed in the State of New Mexico clearing diseased or quarantined livestock shall be provided to the Division of Natural Resources before restocking will occur.
4. Failure to notify the Division of Natural Resources in a timely manner of such disease outbreak will result in a one year probation. During the probation period other violations shall result in permanent permit revocation.
5. All costs of the veterinarian shall be the sole responsibility of the livestock owner or the permittee, as determined by the Division of Natural Resources on a case by case basis.

ARTICLE XVII – COOPERATION IN MANAGEMENT

THE PUEBLO OF ISLETA AND ITS MEMBERSHIP WILL:

1. Recognize, cooperate with and assist grazing permittees, livestock associations or other groups of permittees interested in improving the grazing resource.
2. Cooperate with federal, state and county livestock organizations having similar interests.
3. Cooperate with federal, state and county conservation agencies, which have an interest in improving grazing management on tribal lands.
4. Cooperate with federal, state and county agencies in application and enforcement of laws and regulations related to livestock disease.
5. Cooperate with Animal and Plant Health Inspection Service and other federal and state institutions in surveillance of the pesticide spray programs.
6. Cooperate with the State Livestock Board in control of stray and unbranded livestock to the extent it does not conflict with tribal laws and customs.

ARTICLE XVIII – ENFORCEMENT

It is recognized that concurrent jurisdiction exist in the enforcement of this Grazing Management Regulations between the United States, acting through the Bureau of Indian Affairs and the Pueblo of Isleta. The Bureau of Indian Affairs exercises federal trust responsibility in the management, conservation and protection of Isleta's natural resources. The Pueblo of Isleta possesses the inherent authority for its own natural resource.

Therefore, any person under the jurisdiction of the Pueblo of Isleta, who violates any of the provisions of this Grazing Management Regulations, will be subject to those actions and penalties as prescribed herein, other applicable enforcement actions prescribed through 25 CFR, Part 166, and the Pueblo of Isleta Tribal Law and Order Code; Sec: 1-1-65 Grazing Violations as may be amended from time to time, and any other tribal processes, penalties, fines, or equitable actions as appropriate.

Any person under the jurisdiction of the Pueblo of Isleta who in any way impedes or interferes with carrying out the provisions of these Regulations will be prosecuted in the Tribal Court according to Tribal laws and/or Tribal Law and Order Code.

ARTICLE XIX – APPEALS

Decisions pursuant to the above provisions may be appealed according to Isleta tribal laws and any other available or applicable processes. Appeals must be made in writing within 30 days of the notice of administrative fee or noncompliance. The Livestock Board shall render a decision on the appeal within 30 days based on the appeal made by the permittee. Any determination on an appeal is final and binding.

Any decisions rendered by the Superintendent, Bureau of Indian Affairs pursuant to 25 CFR 166 may be appealed according to appropriate federal appeal processes.

ARTICLE XX – AMENDMENTS

These Regulations may be amended by majority vote of the Tribal Council through Tribal Council Resolution. The Governor’s Office will notify the Tribal membership and other interested parties of any amendments proposed or approved.

ARTICLE XXI – SEVERABILITY

If any part or application of these Regulations is held invalid, the remainder of the Plan or its application shall not be affected.

ARTICLE XXII – NO WAIVER OF SOVEREIGN IMMUNITY

Nothing in these Regulations shall be construed as a waiver of sovereign immunity by the Pueblo of Isleta, its employees, or its agents.

APPENDIX A – Model Grazing Association Articles and Bylaws

[On file with the Pueblo of Isleta Division of Natural Resources]

EXHIBIT A – Map of Grazing Units on Isleta Indian Reservation

[On file with the Pueblo of Isleta Division of Natural Resources]