

HUALAPAI TRIBAL COUNCIL  
**RESOLUTION 22-2020**  
OF THE GOVERNING BODY OF THE  
OF THE HUALAPAI TRIBE OF THE HUALAPAI RESERVATION

**COVID-19, Cattle District Unclaimed Cattle Utilization or Beef Donation  
Ordinance 2B Providing for the Proper Utilization of the Range Resources of the Hualapai  
Indian Reservation**

**WHEREAS,** the Hualapai Tribe is a federally recognized Indian Tribe located on the Hualapai Indian Reservation in Northwestern Arizona; and

**WHEREAS,** the Hualapai Tribal Council has the power to represent the Tribe and act in all matters that concern the welfare of the Tribe pursuant to Article V of the Hualapai Constitution; and

**WHEREAS,** the Incident Command Team is preparing to support the Hualapai Community through cattle utilization through unclaimed cattle or personal donation, per Ordinance 2B Article 4 - Associations, Sec. 5, Removal of Unauthorized Livestock and Article 8 – Livestock Trespass. The provisions will be provided to households in the event foods are limited within grocery stores or Coronavirus (COVID-19) has spread here at Hualapai or our neighboring community

**WHEREAS,** the intent is to limit community exposure, practice social distancing, or initiated during isolation or quarantine. This resolution has the option to be utilized in other emergency events

**NOW THEREFORE BE IT FINALLY RESOLVED,** that the Chairman or the Incident Commander is authorized to implement Cattle District beef donations or unclaimed cattle.

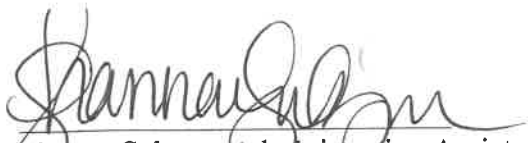
**C E R T I F I C A T I O N**

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom **nine (9)** constituting a quorum were present at a **Special Council Meeting** thereof held on this **31st day of March, 2020**; and that the foregoing resolution was duly adopted by the affirmative vote of **(6) approve, (3) opposed, (0) excused**, pursuant to the authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Dr. Damon R. Clarke, Chairman  
Hualapai Tribal Council

ATTEST:



Shanna Salazar, Administrative Assistant  
Hualapai Tribal Council

HUALAPAI TRIBAL COUNCIL  
**RESOLUTION NO. 103-2015**  
OF THE GOVERNING BODY OF THE  
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION

**ORDINANCE 2B**  
**PROVIDING FOR THE PROPER UTILIZATION OF THE RANGE RESOURCES OF  
THE HUALAPAI INDIAN RESERVATION**

**WHEREAS,** We, the people of the Hualapai Tribe, realize that proper utilization of our reservation range resources essential to our economy and livestock industry, and

**WHEREAS,** The Tribe desires to further increase the productivity of our range resources in accordance with the objectives of the General Grazing Regulations, Title 25 Code of Federal Regulations of the Department of the Interior, and

**WHEREAS,** The Tribal Council of the Hualapai Tribe is in particular agreement and acknowledges it's responsibility in carrying out the objectives as given in 25 CFR 166.3 quoted as follows: to

“Preserve, through proper grazing management, the land, water, forest, forage, wildlife, and recreational values on the reservation and improve and build up these resources where they have deteriorated”.

Promote use of the range resource by Indians to enable them to earn a living, in whole in or part, through the grazing of their own livestock.

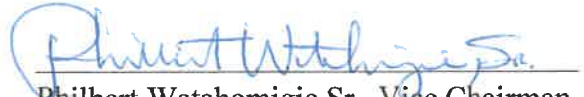
Provide for the administration of grazing privileges in a manner which will yield the highest return consistent with sustained yield land management principles and the fulfillment of the rights and objectives of the tribal governing body and individual land owners.

**WHEREAS,** The Tribal Council of the Hualapai Tribe, aware of the responsibilities placed upon it by the people of the reservation, does hereby declare its position to be that the rangelands of the reservation belong to the tribe as a whole and are not subject to appropriation or use by any individual or individual without the formal consent and approval of the Tribal Council.

**WHEREAS,** The Tribal Council of the Hualapai Tribe has the power to enact this Grazing Ordinance under Article V of the Hualapai Constitution, which is an amendment to the existing Grazing Ordinance and supersedes the prior Grazing Ordinance.

## CERTIFICATION

I, the undersigned, as Vice Chairman of the Hualapai Tribal Council, hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members, of whom 9 constituting a quorum were present at a **Regular Council Meeting** thereof held this **4<sup>th</sup> day of December 2015**, and that the foregoing Ordinance was duly adopted by the affirmative vote of **9 in favor, 0 opposed, 0 not voting, 0 excused**, pursuant to authority of Article V, section (a) of the Constitution and Bylaws of the Hualapai Tribe approved March 13, 1991.

  
Philbert Watahomigie Sr., Vice Chairman  
Hualapai Tribal Council

ATTEST:

  
Shanna Salazar, Administrative Assistant  
Hualapai Tribal Council

## HUALAPAI GRAZING ORDINANCE

**In the 638 contracting process the Hualapai Tribe has assumed control over the Agriculture, Agriculture Extension and Natural Resource General programs. This Ordinance and the 638 process does not relieve the Superintendent or the Bureau of Indian Affairs and/or its Agents of their Trust Responsibilities to the Hualapai Tribe**

### ARTICLE I – DEFINITIONS

(a) **Agriculture Program**: a program within the Department of Natural Resources.

(b) **Allocation**: means the orderly process whereby the Livestock Associations, Tribal Council, or Hualapai Department of Natural Resources Agriculture Program reviews applications for grazing privileges and determines who is eligible for grazing permits, the range unit(s) upon which the permittee will graze livestock and the number of livestock to be grazed by the permittee.

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

(d) **Association By-Laws**: means rules established by the Livestock Associations which govern how they operate.

(e) **Regional Director**: means the Director of the Western Regional Office, Bureau of Indian Affairs.

(f) **Carrying Capacity**: is the annual long term average production of useable forage, expressed in pounds per acre, on a given range unit that can be harvested by domestic livestock or wildlife without doing damage to the range resource.

(g) **Cattle**: include dairy and beef breeds.

(h) **Enforcement**: means the power and process to enforce this Ordinance, which shall be by and through the Hualapai Tribe and its branches of government, including without limitation, the Hualapai Tribal Court and the Hualapai Department of Natural Resources (Agriculture Program). Enforcement will be in accordance with this Ordinance, the Hualapai Constitution, and Livestock Association By-Laws. In addition, governing documents associated with this ordinance include the Hualapai Tribal Constitution, Livestock Association By-Laws to the extent that the duly adopted Livestock Association By-Laws are not inconsistent and/or contrary to the provisions of this Ordinance, the Hualapai Constitution or other applicable Hualapai Tribal Laws.

(i) **Fee Lands**: any fee lands acquired by the Hualapai Tribe.

(j) **Livestock**: means domestic animals including, without limitation, cattle, horses and mules.

(k) **Good Standing**: a member of an Association who has generally complied with this ordinance and bylaws of the individual Association shall be considered in good standing.

(l) **Grazing District**: is a set of more or less adjacent Range Units in which a single class of livestock (unless other classes of livestock are approved by a 2/3 majority vote by the members of the Livestock Association) are managed for maximum potential. Although a Grazing District is managed for a single class of livestock (e.g., cattle), this does not prohibit a Range Unit or pasture being designated for horses within the same Grazing District, so long as the horses are to be used for the purpose of managing the cattle within the district. A Grazing District will include spring, summer, fall, and winter ranges in appropriate proportions to provide forage for an entire annual grazing season.

(m) **Grazing Permit**: means a Grazing Permit, purchased from the Hualapai Tribe, which is a medium through which grazing privileges are granted. The Grazing Permit is a revocable privilege granted in writing; limited to entering on and utilizing forage by domestic livestock on a specified tract of land. Each permit will state the season of use, the number of cattle, horses, or other livestock in terms of Animal Units that may be grazed in a designated Grazing District, or Range Unit, or pasture within a Grazing District. The privilege granted by the Grazing Permit may be revoked by the Hualapai Tribe after the permittee is provided notice and a fair opportunity to be heard.

(n) **Grazing Management Unit**: means the grazing land area used to support a group of grazing animals for a grazing season.

(o) **Hualapai Department of Natural Resources (HDNR)**: a Department within the Hualapai Tribal government.

(p) **Hualapai Tribal Court**: means The Hualapai Tribal Court exercises jurisdiction over cases and controversies within the jurisdiction of the Tribe. The Hualapai Tribal Court is empowered by the Hualapai Tribal Constitution to interpret, construe and apply the laws of, or applicable to the Hualapai Tribe.

(q) **Livestock Association**: means a cooperative association of live stock owners from one Grazing District who associate themselves together to mutually operate and manage the business of running livestock that is mutually operated for the purpose of running their livestock in common.

(r) **Range and Livestock Management Plan**: means a Range and Livestock Management Plan that has been duly adopted and approved by a Livestock Association and the HDNR (Agricultural Program) that follow 55 BIAM Supplement 1, Part 4, and this Ordinance.

(s) **Range Unit:** means a tract of range land designed as a Grazing Management Unit for administration of grazing.

(t) **Real Property:** means the land and all buildings, structures, improvements, machinery, equipment or fixtures erected on, above or under the land, including such structures as fences, water catchments, corrals, buildings and water tanks when such are attached to the ground.

(u) **Reservation:** means all Tribal Lands, Trust Lands and/or Fee Lands of the Hualapai Indian Tribe.

(v) **Secretary:** means the Secretary of Interior.

(w) **Stocking Rate:** is the maximum number of animal units which can be grazed on each Range Unit under sustained use management. The Stocking Rate is based upon the carrying capacity of each Range Unit with adjustments for management capability, topography, climatic condition, water development and tribal objectives.

(x) **Superintendent:** means the Superintendent of the Truxton Canon Agency, Bureau of Indian Affairs.

(y) **Tribal Council:** means the Hualapai Tribal Council, which is the elected governing body recognized by the Secretary as having the authority to act for the Tribe.

(z) **Tribal Land:** means land owned by the tribe, including Fee Lands and Trust Lands that are held in trust by the federal government for the Hualapai Tribe.

(aa) **Tribe:** means Tribal, of or pertaining to the Hualapai Tribe.

(bb) **Trust:** pertains to an interest in or possession of property, such as land, held for the benefit of another, such as an Indian Tribe by the Federal Government.

(cc) **Trust Responsibilities:** refers to the Federal Governments responsibilities to Indians for the protection, conservation, utilization, and enhancement of their land resources.

## **ARTICLE II – GRAZING DISTRICTS**

### **Section 1 - Division into Grazing Districts**

(a) **Grazing District No. 1 or New Water Livestock Association:** Grazing District No. 1 is the Livestock Association composed of New Water Unit, Horse Flat Unit, Clay Tank Unit, North Tank Unit and Clay Springs Unit.

(b) **Grazing District No. 2 or Milkweed Springs Livestock Association:** Grazing District No. 2 is composed of Milkweed Unit, Plain Tank Unit, Hindu Unit, Horse Trough Unit, Mud Tank Unit and Box Canyon Unit.

**c) Grazing District No. 3 or Peach Springs Livestock Association:** Grazing District No. 3 is composed of Gus Tank Unit, Metuck Unit, Limestone Unit, Blue Mountain Unit, Hidden Valley Unit, Twenty Pines and Peach Springs Canyon.

**(d) Grazing District No. 4 or Pine Springs Livestock Association:** Grazing District No. 4 is composed of Laguna Unit, Pipeline Unit, Frazier Wells, Oak Tank and Prospect Unit.

**(e) Grazing District No. 5 or Coyote Springs Livestock Association:** Grazing District No. 5 is composed of Southeast Unit, Thornton Unit, Red Dike Unit, Sink Unit, National Unit, Coyote Unit, Mohawk Unit, Wildhorse Unit, Reserve North Unit and Reserve South Unit.

Grazing Districts 1, 2, 3, 4 and 5 are Livestock Associations made up of Tribal members and managed in accordance with this Ordinance and Association Bylaws approved by the Tribal Council.

**(f) Community Pastures:** Community Pastures include Horse Pasture, Shipping Pasture, Bull Pasture & Common Use Pasture (including Shipping Corrals). These Pastures will be managed in accordance with approved plans of operation.

Maintenance of the fences, corrals, and other improvements in Grazing District 1-5 and Community Pastures will be divided equally among all five Grazing Districts unless a Grazing District, by vote of full Association membership, withdraws from use of a Community Pasture. Maintenance will then be shared by those remaining Grazing Districts which have not withdrawn from such use.

A designated Tribal Representative shall survey the maintenance requirements each year and advise the Grazing Districts of repairs and other work required for maintenance.. Grazing Districts which do not participate in the maintenance and have not formally withdrawn from use of those Community Pastures will be assessed the amount of their share of the work.

**(g) Community Horse Pasture:** The Community Horse Pasture will be managed in accordance with an approved plan of operations. Maintenance of fences, corrals, and other improvements shall be performed by the permittees. If the permittees do not perform the required maintenance, then the Tribes Agriculture Program shall perform the required maintenance and assess the costs of the required maintenance, including labor, to the permittees in proportion to the Animal Units they are carrying.

## **Section 2 - Use of Grazing Districts**

**(a) Grazing Districts No. 1 through 5:** Grazing District No. 1 through 5 will be restricted to the grazing of cattle, horses, and other classes of livestock. A pasture may be designated in each Grazing District for grazing of saddle horses only to be used for cattle management within the Grazing Districts.



(b) **Stud horses:** Stud horses will not be permitted to openly graze on any Grazing District unless specifically approved by the Livestock Association membership as part of their livestock management plan.

(c) **Community Pastures or Common Use Pastures:** Community Pastures or Common Use Pastures will only be used for the class and type of livestock designated and only in accordance with approved range management plans.

### **Section 3**

**Improvements:** Improvements shall include all water developments, fences, cross fencing, large cow camps, corrals, and other outbuildings (e.g., barns, sheds and garages).

(a) At such time as sufficient range improvements are made, new range units may be formed in accordance with the interest of the Tribe as a whole rather than for the convenience of an individual or individuals.

(b) Ownership of improvements will be vested in the Hualapai Tribe as is other real property regardless of funding used to construct such improvements. A Grazing District can alter or construct improvements, however, improvements cannot be removed unless the Hualapai Tribal Agricultural Program concurs with the plan to remove an improvement and provides notice to the tribal council for written approval of the removal.

(c) Operation and maintenance of range improvements shall be required of the livestock owners or other users benefitting from the use of such improvements.

(d) Range improvements shall be developed according to priorities established by the Association plan for range management. No improvements will be approved or undertaken without a written operation and maintenance agreement signed by the members and the Association Board of Directors benefitting from the use of such improvements.

## **ARTICLE III – GRAZING PERMITS**

### **Section 1**

**Grazing Permit:** A Grazing Permit is a revocable privilege granted in writing by the Hualapai Tribe; is limited to enter on and utilize forage (native or noxious) for domestic livestock on a specified tract of land in compliance with Livestock Association By-Laws and Ordinance 2B. Each Grazing Permit will state the season of use, the number of cattle, horses, or other livestock in terms of Animal Units that may be grazed in a designated Grazing District, or Range Unit or pasture within a Grazing District. A permit may be revoked if a cattle owner is not in good standing within their grazing Livestock Association per Association By-Laws. Any revocation will be subject to the due process requirement in the Hualapai Tribal Constitution. At minimum, due process requires that the permittee is given fair notice and an opportunity to be heard prior to

revocation/cancellation of the permittees' Grazing Permit by the HDNR (Agricultural Program). The decision of revocation shall be reviewable by the Hualapai Tribal Court only after a final determination upon revocation by the HDNR

### **Section 2**

**Purpose of Permits:** The purpose of the permit is to protect the use of the natural resources by regulating the grazing resources of all livestock on the Hualapai Indian Tribe Reservation in conformance with approved range management plans.

### **Section 3**

**Application for Permits:** Application for a grazing permit shall be made on an approved form. Applications must be submitted prior to January 31, for a permit year beginning March 1 of that year (see attached Form A "Application for a Grazing Permit").

### **Section 4**

#### **Allocation of Grazing Privileges:**

(a) The Hualapai Tribal Council will have the authority to assign applicants to the Grazing Districts or Livestock Associations considering the recommendation(s) of the Hualapai Agricultural Program.. This authority may be delegated by the Hualapai Tribal Council to the respective Livestock Associations provided their written By-Laws address a process for appealing adverse decisions that deny membership. Delegated authority may also be rescinded by Council resolution.

(b) If a Livestock Association fails to allocate grazing privileges in a timely manner, the Tribal Council through HDNR (Agriculture Program) may make the allocation after conferring with the Livestock Association to fully utilize the available animal units. If the applicant has exhausted the appeal process before the Livestock Association, they may file for a due process hearing before the Hualapai Tribal Court.

(c) Permittees must be enrolled Hualapai Tribal members, 18 years of age or older or emancipated minors. Permittees may also be minors or adults who have inherited ownership of livestock through will or probate and are conferred membership by the Hualapai Tribal Court or awarded membership through the respective Livestock Association. Any denial of membership will be subject to a due process hearing in accordance with Livestock Association by laws and/or the Hualapai Tribal Court.

(d) Permittees must be members in good standing of the Livestock Association for the Grazing District in which they graze livestock.

(e) The applicant of a Grazing Permit must be the bona fide owner of the livestock that graze on the land for which the Grazing Permit is granted.

**Section 5**

**Issuance of Permits:** Individual Grazing Permits shall be issued on an approved form and approved by the Hualapai Tribe HDNR (Agriculture Program). The range and livestock management plan, as well as the Range Control Stipulations, shall be attached and made a part of the Grazing Permit. In no event will the number of livestock permitted exceed the authorized stocking rate of any Range Unit or Grazing District. The Hualapai Tribal Council may increase or decrease authorized stocking rates when range studies support the increase or decrease in animal unit availability.

**Section 6**

**Permit Year:** The Grazing Permit year shall be from March 1 to the following February 28/29.

**Section 7**

**Period and Effective Dates of Permits:** Grazing Permits may be issued for a period as designated by the Tribal Council but shall in no case exceed five years. The Grazing Permit shall be effective upon signatures of all contracting parties and payment of Grazing Fees as further provided for in this Ordinance.

**Section 8**

**Grazing Fees:** Each livestock owner shall pay grazing fees in advance for the privilege to graze livestock on the Hualapai Indian Reservation. Grazing Fees shall be calculated on an Animal Unit Month (AUM) basis for the number specified in the Grazing Permit. Animal Unit Months will be calculated as follows:

# Animal Units X 12 months

**ANIMAL UNIT EQUIVALENTS**

**CATTLE**

Yearling	= 0.6 AU
Cow (with or without calf)	= 1.0 AU
Bull (mature)	= 1.3 AU

**HORSES**

Yearling	= 0.75 AU
2 year olds and older	= 1.5 AU

The minimum Grazing Fee is set at 80% of the annual appraisal as calculated for similar Southwest rangelands using the formula established under the 1978 Public Rangelands Improvement Act.

Grazing Fees are calculated annually by multiplying the number of AUM's times the minimum grazing rate (i.e. # AU's X 12 MONTHS X MINIMUM RATE X .80). The Grazing Fee will be adjusted annually to incorporate the new appraisal data, prior to the beginning of any new permit period.

## **Section 9**

**Grazing Fee Formula:** The intent of the formula is to tie Grazing Fees to livestock prices and production costs as well as to the fair market value (FMV) of forage. This will represent “the economic value of the use of the land to the user” as well as the “FMV for reservation grazing.”

The formula for the Grazing Fee is:

$$\text{Grazing Fee} = \$1.23 \times \text{FVI} + (\text{BCPI} - \text{PPI}) \times 80\%$$

Where:

FVI	= Forage Value Index
BCPI	= Beef Cattle Price Index
PPI	= Producers Price Index

(a) The \$1.23 is the FMV of an AUM of public land grazing as determined in 1966 through a survey of over 10,000 Western Livestock producers.

(b) The FVI is the current private grazing land lease rate (PGLLR) divided by the \$3.65 per AUM base value. The PGLLR is determined by the Statistical Reporting Service (SRS), Department of Agriculture, through a yearly survey of western livestock producers in June.

(c) The BCPI is the weighed November through October average selling price of beef cattle (excluding calves) in 11 Western States as determined through a survey of livestock markets by SRS divided by the 1964 through 1968 base price.

(d) A National PPI is produced monthly by a national survey by the SRS and reflects national costs of producing beef cattle. Cost items in the index include the costs of feed, fuel, energy, autos, trucks, tractors, machinery, buildings, interest, taxes, farm wages, etc. The PPI used in the Grazing Fee is based on the October survey. Components of the index are weighed to reflect western production costs.

(e) The Grazing Fee adjusted annually represents the minimum to be charged. The actual Grazing Fee may be increased or decreased annually by resolution of the Tribal Council after consideration of recommendations from the Hualapai Agricultural Program and the respective Livestock Associations, but cannot be reduced below this minimum rate.

(f) Fifty percent of the Grazing Fee received from grazing permits becomes available for the Range Improvement fund . The other fifty percent will go into the Tribe’s general fund. The Grazing Fee is income derived from the sale of an undivided interest in the range resource. The 50% of the Grazing Fee which goes into the Tribe’s general fund is to be used for community services.

### **Section 10**

**Payments of Grazing Fees:** Grazing Fees for the ensuing permit year will be due and payable annually in advance on or before March 1, and if not paid by March 1, will be delinquent as of that date. When Grazing Fees become delinquent all grazing privileges granted by the permit are terminated and livestock are determined to be in trespass as defined further in this ordinance until all obligations are met.

### **Section 11**

**Refunds:** No refund will be made for failure to use all grazing privileges represented by a Grazing Permit. Notwithstanding, a refund may be issued upon , during periods of range depletion due to severe drought (30% of normal determined by the Natural Resource Conservation Service Standards i.e. severity index), fire, or other natural disasters (as declared by the Hualapai Tribal Council), or from significant livestock loss (10% or more of permitted amount) from disease, snow kill, etc.

### **Section 12**

**Permit Limitations:** The following limitations apply to all Grazing Permits on Hualapai Indian Tribe Reservation rangelands:

- (a) All of the permittee's obligations under the Grazing Permit are to the Hualapai Tribal Council as well as to the Federal Government because of the trust status of the tribal lands
- (b) Nothing contained in a Grazing Permit shall operate to delay or prevent a termination of Federal Trust Responsibilities with respect to the land during the terms of the permit
- (c) The Grazing Permit authorizes the grazing of livestock only
- (d) Grazing operations shall be conducted in accordance with recognized principles of sound range management. Grazing stipulations and management plans necessary to accomplish this shall be made a part of the Grazing Permit

### **Section 13**

**Inheritance of Livestock:** In the absence of a Will and/or Probate ruling by Tribal Court the following shall apply; upon death of a permittee the heir(s) to the livestock must apply for the allocation of grazing privileges in accordance with Article II, Section 3 and 4 of this Ordinance. Upon approval by a Livestock Association and the Tribal Court, a trustee may be appointed to manage inherited livestock for a minor heir. If membership and grazing privileges are obtained, the livestock does not have to be removed. If membership to the Association and allocation of grazing privileges are not obtained due to the absence of heirs and/or non-application for a Grazing Permit, then the livestock must be removed from the Grazing District by the end of the current permit year. No Grazing District may arbitrarily deny membership. If the heirs have not been determined, the livestock will be sold through an organized public sale and the proceeds deposited in the decedent's probate account.

#### **Section 14**

**Renewal of Grazing Permits:** Any permittee who has complied with Association By-Laws and is in good standing with the Livestock Association, the conditions of a grazing permit, range stipulations and range livestock management plans shall be given a preference in the renewal of his expiring Grazing Permit. Renewal of Grazing Permits shall be granted in accordance with Association By-Laws and Article II, Sections 3 and 4 of this ordinance.

#### **Section 15**

**Permit Modification:** Modifications may be made at the beginning of each permit year. Permit modifications must be approved by the Livestock Association Board of Directors and the HDNR (Agriculture Program). Modifications may be for the purpose of one or more of the following:

- (a) A change in the number of livestock permitted
- (b) A change in the season of use
- (c) Adjustment of Grazing Fees
- (d) Change in the class of livestock grazed
- (e) A modification may be required due to natural disasters such as drought, fire, extreme snow fall which will reduce the availability of the forage resources.

#### **Section 16**

**Permit Cancellation:** A grazing permit may be revoked, cancelled or modified with the approval of the HDNR Agriculture Program upon providing due process to the permittee when any of the following conditions occur:

- (a) A permittee fails to pay the grazing fee pursuant to Article II, Sections 8 and 9 of this ordinance.
- (b) A permittee fails to correct a condition leading to a conviction of trespass pursuant to Article VII of this ordinance.
- (c) Termination of trust status of the permitted land.
- (d) Death of a permittee requires the cancellation of the Grazing Permit at the end of the grazing permit cycle. When the heir(s) to the livestock are minors or adults, a due process hearing is required in the Hualapai Tribal Courts. The legal guardian or other trustee may be permitted to manage the inherited livestock for the minor to the time they turn 18 years of age, or complete military service, graduate college, or notify tribal court and the Livestock Association that management responsibilities will be undertaken by the heir(s). At age 18, the minor must become a Livestock Association member or remove the livestock. During the interim the guardian or trustee has the same responsibilities as other members of the Livestock Association.
- (e) A permittee fails to comply with the requirements of the Grazing Permit; range stipulations or this ordinance.

(f) An individual who violates this ordinance in a flagrant or repeated manner may be denied a Grazing Permit.

## **Article VI— RANGE MANAGEMENT**

### **Section 1**

**General Responsibilities:** The actual handling of livestock under a Grazing Permit is the responsibility of the permittee. In Livestock Associations, each member is individually responsible for the cooperative and collective handling and management of the livestock within the Grazing District. Adequate salt shall be provided and breeding stock of a satisfactory quality and breed used. Range pest infestations or animal diseases will be promptly treated, and such cases reported to the Tribal Council and the HDNR (Agriculture Program). Concentration of livestock or poor distribution of grazing will be alleviated as much as possible by riding through livestock to disperse and through distribution of trace minerals, salt and water. Special management practices will be applied to alleviate drought effects (refer to section 5).

### **Section 2**

**Compliance with Range and Livestock Management Plan:** All permittees will be required to comply with the conditions set forth in the Range and Livestock Management Plans approved by the Livestock Associations and the HDNR (Agriculture Program).

### **Section 3**

#### **Grazing Carrying Capacity:**

Subject to the recommendation of the HDNR Agriculture Program, the ten year average useable forage production will be determined on each range unit through sound science, and the findings will be recommended to the Hualapai Tribal Council for their acceptance.

### **Section 4**

**Stocking Rates:** Stocking rates shall be established for the Hualapai Indian Tribe Reservation rangelands, by the Range Specialist, upon approval by the HDNR Director prior to the beginning of each grazing permit period. Stocking rates shall be based on the carrying capacity and the best technical information available through utilization surveys and range condition and trend analysis, and shall be reviewed on an annual basis and adjusted as conditions warrant.

### **Section 5**

**Contents of Range and Livestock Management Plans:** Management Plans shall be prepared by the Livestock Association in concert with the HDNR (Agriculture Program). The plans will follow 55 BIAM Supplement 1, Part 4 and shall include:

(a) Maximum Stocking Rate

- (b)** Culling Procedures (refer to Livestock Association By-Laws)
  - 1. bull management
  - 2. cows/heifers
- (c)** Breeding Procedures (refer to Livestock Association By-Laws)
- (d)** Weaning Procedures (refer to Livestock Association By-Laws)
- (e)** Cow and Bull Ratio (20 to 1) (refer to Livestock Association By-Laws)
- (f)** Annual Livestock inventory (refer to Livestock Association By-Laws)
- (g)** Branding, Castrating and Dehorning Procedures (refer to Livestock Association By-Laws)
- (h)** Planned Rotation Schedule (refer to Livestock Association By-Laws)
- (i)** Priority for Construction of Range Improvements and Livestock Working Facilities
- (j)** Range Inventory and Conditions
- (k)** Trend Plots and Procedures for remeasurement
- (l)** Salting Procedure (recommended salt be ¼ mile from water and bedding areas)
- (m)** Resting of Depleted Range Pastures (Best Management Practices)
- (n)** Stock water Development (Water Distribution)
- (o)** Erosion Control
- (p)** Fencing
- (q)** Water Spreading (refer to NRCS and Livestock Association By-Laws)
- (r)** Flood Control
- (s)** Brush and Invasive species/Undesirable Plant Control
- (t)** Any other phase of range and livestock management which is in the best interest of the livestock owners and rangeland resources.
- (u)** Refer to elk management plan which determines the carrying capacity of wildlife



## **Section 6**

**Range Control Stipulations:** The following Range Control Stipulations are hereby prescribed for use in all Grazing Permits in addition to the Range Control Stipulations that are attached the Range Control Permit when granted:

(a) The permittee will observe the boundaries of his Grazing Unit and prevent drift of his livestock onto any other unit.

(b) The permittee will graze no more livestock than allowed by his Grazing Permit.

(c) Animal Health Regulations- all stock covered by the Grazing Permit is subject to the animal health laws and regulations now in force or hereafter established by the Hualapai Tribal Council, United States, and State of Arizona. Permittees shall abide by all such applicable laws and regulations. This includes introduction, export, quarantine, brands, and transportation of livestock (refer to elk management plan regarding wildlife and wildlife diseases).

(d) The permittee agrees to the counting and inspection of their livestock during spring and fall round ups. Annual counts will be turned in at the end of fall round up or by December 1 to HDNR (Agricultural Program). In the event the permittee fails to round up his stock at proper times and in a satisfactory manner for the purpose of allowing a count of the livestock the HDNR (Agriculture Program) shall have the right to round up and count said livestock in compliance with Article III, Section 16, subpart e, and in conjunction with the Association. The HDNR (Agriculture Program) shall be reimbursed by the permittee for the cost of rounding up and counting said livestock.

(e) All livestock grazed by the permittee will bear identifiable State Registered Brands and earmarks (if earmarks are used) to show ownership.

(f) Any unbranded maverick livestock found on the Hualapai Reservation Range Units will be reported to the Livestock Association and/or HDNR Agriculture Program. Maverick and unclaimed animals will be deemed the property of the Livestock Association. The livestock shall be branded in accordance with Livestock Association by laws or impounded by the HDNR Agricultural Program. Animals in which ownership is disputed and cannot be resolved and in cases where disputes are between Livestock Associations, said animals shall become property of the Hualapai Tribe.

## **ARTICLE V – ASSOCIATIONS**

### **Section 1**

**Right to Organize:** The permittees of each Grazing District must organize into a Livestock Association for the purpose of facilitating the livestock operation of their Grazing District.

## **Section 2**

**Participation by Permittees:** Permittees will be required to be a member of, and participate in, the activities of the Livestock Association (refer to Livestock Association By-Laws).

## **Section 3**

**Limited Ownership:** One permittee shall not be issued a permit in excess of 40% of the authorized carrying capacity of a given Grazing District.

## **Section 4**

**Organized Round-ups and Sales:** All working of livestock including branding, breeding, weaning and selling shall be organized so that all livestock within the Grazing District are worked as a group at the same time. Only with approval of the Livestock Association Board of Directors may an individual work his livestock separately from an organized roundup and only then in extraordinary circumstances. Only with approval of the Association Board of Directors may a permittee sell livestock apart from organized sales.

## **Section 5**

**Removal of Unauthorized Livestock:** The Livestock Association may impound and remove to a holding pen or corral any livestock grazing without a Grazing Permit or otherwise in violation of this Ordinance pending the final determination of such livestock by the Hualapai Tribal Court. The Livestock Association, when taking impoundment and removal actions, must make sure there is proper care of the livestock involved until their final judgement is determined by the Hualapai Tribal Court.

# **ARTICLE VI - LIVESTOCK DISEASE CONTROL AND TRANSPORTATION**

## **Section 1**

**Federal and Arizona Health Regulations (Adopted):** Whenever livestock on the reservation become infected with contagious disease, or have been exposed thereto, such livestock shall be treated and the movement thereof restricted in accordance with the applicable Federal and Arizona Laws. The Tribal Council may require livestock to be vaccinated, inspected or restricted in movement (quarantined) when necessary to prevent the introduction and spread of contagious or infectious disease in the economic interest of reservation livestock owners. To prevent infectious disease in reservation cattle herds, the following rules will be adhered to by all livestock owners within the reservation boundaries. Animal Health certificates for livestock entering the reservation must meet applicable Federal and Arizona Laws to comply with any health brand inspection and change of ownership requirements.

## **Section 2**

### **Requirements for Livestock leaving the Reservation:**

(a) A brand inspection meeting State of Arizona regulations shall be required of all livestock to be moved or transported off the reservation (self-inspection or State

Livestock Inspector). Livestock killed for slaughter or when there is a change of ownership, must be inspected by the State Livestock Inspector.

## **ARTICLE VII – LANDS**

This ordinance shall apply to all lands under the Jurisdiction of the Hualapai Tribe and subsequent lands acquired hereafter.

### **Section 1**

**Range Improvement Fund:** Fifty percent of all grazing fees and 100% of all trespass fees and forage value charges paid on the Hualapai Reservation shall be placed in a restricted account for the Livestock Association for which it was collected and shall be used only for rangeland improvements and water development in accordance with the priorities established in the approved range and livestock management plan.

## **ARTICLE VIII – LIVESTOCK TRESPASS**

### **Section 1**

**Prohibited Acts of Livestock Trespass:** The following acts are prohibited on the Hualapai Reservation and deemed as livestock trespass:

- (a) The grazing upon or driving across the rangelands of the Hualapai Indian Tribe Reservation of any livestock without an approved grazing or crossing permit.
- (b) The grazing of livestock upon reservation lands within an area closed to grazing of that class of livestock.
- (c) The grazing of livestock upon an area of reservation lands withdrawn from use for grazing purposes to protect it from damage by reason of improper handling of livestock upon instructions from the Tribal Council.
- (d) The grazing of livestock when a grazing permit has expired or grazing fees are delinquent.

## **ARTICLE IX - PENALTIES AND FINES**

### **Section 1**

**Court of Jurisdiction:** All complaints for enforcement of this Ordinance and for violations of this Ordinance will be subject to the jurisdiction of the Hualapai Tribal Court in accordance with the general rules of civil procedure for the Hualapai Tribal Court.

## **Section 2**

**Failure to Comply with Provisions:** Any person in his individual capacity or as a member of a Livestock Association who, within the Hualapai Indian Tribe Reservation, allows any livestock to graze upon any grazing land without proper Grazing Permit or fails to comply with the provisions of any of the terms, conditions, stipulations of this Ordinance shall be in violation of livestock trespass.

## **Section 3**

**Trespass Fee:** The owner of any livestock grazing in trespass is liable for a trespass fee of \$1 per head for each animal thereof for each day of trespass, together with the reasonable value of the forage consumed by their livestock, and damages to property injured or destroyed, and for expenses incurred in impoundment and disposal. These trespass fees and charges named in this Section shall be deposited in the Range Improvement Fund for rangeland improvements outlined in Article VII, Section 1, of this ordinance.

## **Section 4**

**Collection of Fines:** If any person be convicted of an offense as provided under Section 2 above shall fail to correct the condition or to abide by the terms of this Ordinance, or regulations of grazing permits issued hereunder or the order of the Hualapai Tribal Court, the court may order that the livestock or the excess livestock be rounded up and such livestock be sold at public auction or shipped to a recognized livestock market, provided that, after fined, penalties, impoundment and sale costs, damages and forage values have been paid the net returns of said sale shall be paid to the owner or owners of such livestock or their verified lien holders.

## **Section 5**

**Disposition of Fines:** All fines and penalties collected as a result of action under this ordinance except those trespass fees and other charges named in Section IV above shall be deposited with the Hualapai Tribal Court.

## **Section 6**

**Revocation of Permits:** If the HDNR (Agricultural Program) believes it has grounds to revoke or cancel a Grazing Permit, it shall provide Notice by setting forth those grounds in writing addressed to the permittee. The Notice shall be delivered 14 days prior to the permit being official revoked. If the permittee believes that revocation is improper, then it may appeal the decision of the HDNR (Agricultural Program) to the Hualapai Tribal Court by filing a Complaint that specifies which grounds for revocation and/or termination of the Grazing Permit were improper. The jurisdiction of the Hualapai Tribal Court in reviewing a decision to revoke or cancel a Grazing Permit shall be limited to a review of the grounds alleged in the HDNR's Notice.

**Section 7**

**Notice of Revocation or Cancellation of a Grazing Permit:**

Any Notice of revocation or cancellation of a Grazing Permit must be in writing, and must be delivered to the permittee in the following manner: Delivery will be effective when it is: 1) Personally delivered to a permittee with a copy delivered by mail, or 2) Personally delivered to an adult living in the permittee's residence with a copy delivered by mail

If the notice cannot be given by means of personal delivery, or permittee cannot be found, the notice may be delivered by means of: 1) Certified mail, return receipt requested, at the last known address of the permittee, or 2) Securely taping a copy of the notice to the main entry door of the premises in such a manner that it is not likely to blow away, and by posting a copy of the notice in some public place near the premises, including a tribal office, public store, or other commonly frequented place and by sending a copy first class mail, postage prepaid, addressed to the permittee at the permittee's last known address.

The person giving notice must keep a copy of the notice and proof of service in accordance with this section, by affidavit or other manner recognized by law.

**ARTICLE X – LIMITATIONS**

**Section 1**

**Severability Clause:**

This Ordinance is limited to the use of the tribal rangelands by the members of the Hualapai Tribe for their own stock. In the event any portion of this Ordinance shall be held to be void by any Hualapai Tribal Court or U.S. court of competent jurisdiction, that portion shall become void and unenforceable, but the remainder of this Ordinance shall continue in full force and effect.

**ARTICLE XI – ORDINANCE EFFECTIVENESS**

**Section 1**

**Effective Date:** This Ordinance shall be effective from the date of enactment of the Hualapai Tribal Council