



PUEBLO OF SANTA ANA

Memo

To: Santa Ana Livestock Owners
From: Governor G. Tenorio
Date: December 21, 2018
Re: Pueblo of Santa Ana Livestock Code

On December 20, 2018, the Tribal Council approved the attached Pueblo of Santa Ana Livestock Code (Code). The Code applies to all livestock activities and all livestock owners who pasture livestock on the Pueblo. **The Code will become effective on January 20, 2019.** Every person maintaining livestock (cattle and equine animals) on the Pueblo, shall, beginning on February 11, 2019, and no later than April 1, 2019, report to the Department of Natural Resources the number of livestock of each breed, including the number of cattle under six (6) months of age, that such person has on Pueblo lands as of that date, and the location such animals are pastured, and shall apply for the appropriate permit (s) to graze animals on Pueblo lands.

No permits will be required for maintaining domesticated animals (means, but is not limited to, swine, goats, sheep, llamas, alpacas, and poultry) on Pueblo lands, but such animals will be regulated under certain provisions of the Code.

We look forward to working with all livestock owners to ensure healthy livestock and healthy watersheds well into the future.

If you have any questions about the Code, please contact the Department of Natural Resources.

**PUEBLO OF SANTA ANA
LIVESTOCK CODE**

**PUEBLO OF SANTA ANA
2 DOVE ROAD
SANTA ANA PUEBLO, NEW MEXICO 87004**



November 2018

SEC. 16-3-1. TITLE

This Article of the Pueblo of Santa Ana Tribal Code shall be known as the “**Livestock Code**”.

SEC. 16-3-2. SCOPE

This Livestock Code shall apply to all livestock and domesticated animal activities of all persons within the exterior boundaries of the Reservation.

SEC. 16-3-3. PURPOSE OF CODE

The Pueblo of Santa Ana (hereafter referred to as “the Pueblo”) finds as follows:

- A. Historically, certain rangelands and irrigated pasturelands (hereafter referred to as “grazing lands”) of the Pueblo have been available to members of the Pueblo to pasture their livestock and the Tribal Council hereby reaffirms that policy, subject to the provisions of this Livestock Code (hereafter referred to as “the Code”); and
- B. It is in the interest of the Pueblo to make grazing lands available to tribal members without charge, for pasturing of livestock owned by tribal members, so long as the owners of the livestock comply with the provisions of this Code, provided that pasturing of livestock on Reservation lands is a privilege of membership in the Pueblo, and no person shall be deemed to have any right to pasture livestock on Reservation lands, nor shall the issuance of any form of grazing permit be construed as conveying any interest in the land on which grazing is allowed, and violation of any of the provisions of this Code may be deemed grounds for limitation, suspension, or cancellation of the privilege of grazing livestock, as provided herein; and
- C. The assurance of adequate and healthy grazing lands to serve permittees on the Pueblo long into the future is dependent upon the maintenance of prudent grazing practices, and overall sound grazing management, and it is the purpose of this Code to assure such prudent and sound practices with respect to grazing lands on the Pueblo; and
- D. Maintaining healthy grazing lands that support the requirements of wildlife, watershed protection, and traditional plant gathering and use by tribal members is dependent upon the maintenance of prudent grazing practices, and it is the purpose of this Code to assure such practices and activities with respect to grazing lands on the Pueblo; and
- E. The Pueblo has a legitimate right to establish rules and standards to govern the actions of tribal members with respect to the use of Pueblo grazing lands; and
- F. The Tribal Council possesses the inherent authority to adopt any rules for the implementation of this Code and to amend such rules as deemed necessary; and
- G. The exercise of regulatory authority over the Pueblo’s natural resources, as in the manner set forth in this Code, enhances and furthers the sovereign authority of the Pueblo; and

- H. The provisions of this Code supersede any previous livestock Codes, resolutions, or regulations and shall be applicable to all persons, livestock, and domesticated animals throughout Reservation lands.

SEC. 16-3-4. SOVEREIGN IMMUNITY

Nothing in this Code shall be construed as a waiver of the Pueblo's sovereign immunity from suit.

SEC. 16-3-5. DEFINITIONS

As used in this Code, the following terms shall have the following meanings:

1. **“Annual Forage Production”** means the amount of palatable, above-ground forage produced during the water year cycle (October 1 through September 30).
2. **“Animal Unit”** means a mature cow, bull, or cow with a calf six (6) months or younger.
3. **“Applicant”** means any tribal member or grazing group that applies for a grazing permit or grazing group permit.
4. **“Brand”** means a distinctive mark, unique to the livestock owner, which is permanently affixed to the hide of an animal with a hot iron or freeze brand. To be valid, a brand must be recorded with the New Mexico Livestock Board.
5. **“Carrying Capacity”** means the stocking rate of a grazing unit that is prudent without causing damage to the land.
6. **“Closed Area”** means any area of Reservation land where livestock grazing is prohibited.
7. **“Director”** means the Director of the Pueblo's Department of Natural Resources.
8. **“DNR”** means the Pueblo's Department of Natural Resources.
9. **“Domesticated Animals”** means, but is not limited to, swine, goats, sheep, llamas, alpacas, and poultry.
10. **“Earmark”** means a distinctive manner of cutting or shaping the ear or ears of livestock, used in conjunction with a brand, to identify the livestock's owner. Earmark may also include a tag, containing identifying information that is permanently affixed to the animal's ear.
11. **“Enforcement Division”** means the Conservation Enforcement Division within DNR.
12. **“Established Road”** means a road built and/or maintained by equipment and which shows no evidence of ever having been closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades, or posted closures.

13. **“Estray”** means any livestock or domesticated animal running at large upon the Reservation, having no brand or earmark, or bearing a brand that is not on record at DNR.
14. **“Forage”** means palatable plant parts used for food by grazing animals.
15. **“Governor”** means the duly appointed Governor or Lieutenant Governor of the Pueblo.
16. **“Grazing”** means the consumption of plant parts by grazing animals.
17. **“Grazing Group”** means a group of tribal members who collectively graze cattle within a specified rangeland grazing area. (Formerly, such groups were known as cattle associations.)
18. **“Grazing Permit (Group)”** means a grazing authorization which grants permission to a Grazing Group to enter and utilize rangeland forage by a specified number of livestock, for a specified period, during a specified time, within a specified area. Each individual livestock owner within the Grazing Group is required to have a Grazing Permit (Individual) as well.
19. **“Grazing Permit (Individual)”** means a grazing authorization which grants permission to a tribal member to graze livestock on Reservation lands. There are two types of Grazing Permits (Individual) available to tribal members: Rangeland and Irrigated Pastureland.
20. **“Grazing Lands”** means Rangelands and Irrigated Pasturelands and associated corrals used for livestock grazing.
21. **“Grazing Management Unit”** means a unit of Rangeland designated for grazing use.
22. **“Grazing Unit Management Plan”** means a written plan developed by DNR that clearly defines what is permitted, what is to be accomplished and what specific actions will be taken, with respect to livestock grazing within a given area of land.
23. **“Irrigated Pastureland”** means lands, including associated corrals, that are irrigated and used for grazing livestock and domesticated animals that are not Rangelands.
24. **“Irrigated Pastureland Grazing Permit”** means a grazing authorization, which grants permission to a tribal member to graze livestock on a specified area of Irrigated Pastureland and associated corrals for a specified period.
25. **“Livestock”** means cattle or equine animals raised for consumption, recreation, or profit.
26. **“Motor Vehicle”** means any self-powered vehicle, including cars, trucks, ATVs, UTVs, and motorcycles and any vehicle drawn by a motor vehicle.
27. **“Neglect”** means not providing adequate care (such as proper food, water, veterinary care, shelter, or space) for livestock or domesticated animals.
28. **“Non-Tribal Member”** means any person who is not recognized as a member of the Pueblo, as determined by the Governor.

29. **“Officer”** means a commissioned officer of the Enforcement Division or of the Santa Ana Police Department, or any other commissioned officer having law enforcement authority within the Reservation.
30. **“Overgrazing”** means unsustainable grazing by animals such that plant communities will be permanently impaired if grazing is not discontinued.
31. **“Overutilization”** means grazing that consumes more than an identified utilization percentage of available annual forage production, as determined by DNR.
32. **“Permittee”** means any tribal member or grazing group possessing a grazing permit.
33. **“Permitted Livestock”** means livestock authorized to graze on Reservation lands.
34. **“Person”** means an individual, grazing group, or partnership, including any agent of the foregoing.
35. **“Proper Use”** means grazing by livestock and wildlife that has no detrimental effect on the forage resource.
36. **“Pueblo”** means the Pueblo of Santa Ana.
37. **“Rangeland”** means land which supports non-irrigated forage.
38. **“Rangeland Grazing Permit”** means a grazing authorization, which grants permission to a tribal member to graze a specified number of livestock, for a specified period, on a specified area of Rangeland.
39. **“Range Improvements”** means any activity or practice designed to improve production of forage, utilization of forage, and including facilities or treatment intended for the purpose of improving range resources.
40. **“Reservation”** means all lands held in trust for the Pueblo by the United States, and lands owned by the Pueblo in fee subject to federal law restrictions on alienation.
41. **“Stocking Rate”** means the number of livestock or Animal Units allowed to graze a particular unit of land for a specific period of time.
42. **“Tribal Court”** means the Pueblo Contemporary Court.
43. **“Tribal Council”** means the governing body of the Pueblo.
44. **“THPO”** means the Tribal Historic Preservation Office of the Pueblo.
45. **“Tribal Member”** means a person who is recognized as a member of the Pueblo, as determined by the Governor.
46. **“Two Track Road”** means a road that was not constructed or maintained as such, but that shows use for purposes such as hunting, recreation, fuelwood cutting, and ranching and which shows no evidence

of ever having been closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades, or posted closures.

47. **“Wildlife”** means any animal living wild in a state of nature, including all wild mammals, birds, fish, reptiles, crustaceans, and amphibians and their nests, eggs and spawn, except those species of animals that are normally considered domesticated.

SEC. 16-3-6. RESPONSIBILITY AND AUTHORITY

- A. The DNR is responsible for the administration and implementation of this Code.
- B. The Enforcement Division and other officers shall have the authority to issue citations for violations of this Code and to perform such other duties as are set forth herein.

SEC. 16-3-7. GRAZING MANAGEMENT UNITS

- A. Effective grazing use of rangelands on the Reservation requires organization of grazing areas into grazing management units. A map formally designating the boundaries of the grazing units will be maintained at the DNR, and is available for inspection by any grazing Permittee or Applicant on request, during normal business hours
- B. Cattle are the only livestock that are permitted to graze within grazing management units on Reservation lands. Equine animals may only be grazed on Irrigated Pastureland.
- C. Designated rangeland grazing management units as of the date of this Code are:
 - 1. Snakehead Group Grazing Management Unit
 - 2. Simms Group Grazing Management Unit
 - 3. T-11 Group Grazing Management Unit
- D. The carrying capacity and stocking rate of each grazing unit will be determined by the DNR in an objective manner and based on the most recent annual forage production data. Maximum grazing unit stocking rates will be based on the use of forty percent (40%) of dry year annual forage production. The stocking rates so determined will take into consideration wildlife and other non-livestock requirements. Stocking rates will be reviewed every five (5) years at a minimum and adjustments made as conditions warrant. Under severe drought conditions, the stocking rates will be reassessed and adjusted by the DNR in consultation with the Governor.
- E. As of the date of this Code, all other rangelands on the Reservation not designated above as grazing management units are closed areas not open to livestock grazing, but are instead set aside for watershed and vegetation restoration and wildlife habitat improvement.
- F. A request by a tribal member to graze an area that has been closed to livestock grazing shall be presented to the Governor. If the Governor believes that the request may have merit, he will refer it to DNR and the THPO for evaluation, and, in the event that DNR and THPO agree that any such area may be made available for grazing, they will also determine the periods during which grazing would be allowed and the stocking rates. The DNR and THPO will report their recommendations to the Governor, who will present the request and the recommendations of DNR and the THPO to the Tribal Council. The Tribal Council shall determine whether to allow grazing within any portion of a previously closed area. If it accepts a DNR/THPO recommendation to allow such grazing, it shall do so in accordance with the recommendations as to periods of use and stocking rates. If it decides to allow

such grazing contrary to a DNR/THPO recommendation, the matter shall be referred back to DNR and THPO for a determination of periods of allowable use and stocking rates.

SEC. 16-3-8. MOTOR VEHICLE USE WITHIN GRAZING MANAGEMENT UNITS

- A. Motor vehicles used within Grazing Management Units are permitted on Established Roads and Two-track Roads only, except as provided in this section.
- B. Motor vehicles are not permitted off Established Roads or Two-track Roads during round-ups or during routine fence, cattle or range water monitoring.
- C. Motor vehicles may leave Established Roads or Two-track Roads to retrieve sick or injured livestock, retrieve unruly, tied-up livestock, or to conduct repairs of rangeland infrastructure (fences and water sources).

SEC. 16-3-9. RANGELAND GRAZING MANAGEMENT

- A. The DNR shall be required to implement proper rangeland management practices on all Reservation rangelands that are designated as grazing management units under this Code. The DNR shall monitor herds grazing under permits issued pursuant to Sec. 16-3-10 of this Code.
- B. The position of Range Program Manager shall be housed within the Range and Wildlife Division of the DNR.
- C. The Range Program Manager shall report to the Tribal Council at the Tribal Council's request. The Range Program Manager shall be responsible for ensuring proper range management on the Reservation. The Range Program Manager, in conjunction with other DNR staff, shall perform all functions necessary to ensure proper range management, including but not limited to the following:
 - 1. Inspect herds and rangelands to prevent overgrazing and overutilization;
 - 2. Collect, organize, and catalogue information pertaining to precipitation, soils, foliage, infrastructure, and water resources on the Reservation;
 - 3. Investigate and report the impact of grazing on the soils, foliage, and water resources on the Reservation;
 - 4. Develop Grazing Management Unit Plans that clearly quantify carrying capacity, rotation schedules, grazing seasonality, and identify best management practices to improve rangeland quality within a grazing management unit;
 - 5. Take such steps as the Range Program Manager may deem necessary to ensure compliance with the terms of grazing permits issued pursuant to Sec. 16-3-10 of this Code.
 - 6. When the Range Program Manager suspects that a grazing permittee is violating the terms of his or her permit, the Manager shall gather evidence relevant to the suspected violation and present it to the Enforcement Division, and shall work with the Enforcement Division to pursue appropriate remedies for any such violation;
 - 7. Consult with grazing groups, as appropriate, to carry out the purposes of this Code;
 - 8. Construct and maintain rangeland improvements, including, but not limited to wells, troughs, fences, and gates, when appropriate;
 - 9. Develop proposals for funding for ongoing range management and watershed restoration activities, and
 - 10. Solicit public comment and obtain expert advice, when appropriate.

SEC. 16-3-10.

GRAZING PERMIT REQUIREMENTS

- A. A Grazing Permit (Group) is required for a Grazing Group to pasture cattle on Reservation Rangelands. Every tribal member who intends to graze cattle on Rangelands must belong to a Grazing Group. A tribal member who wishes to join a Grazing Group must present his or her request to the Grazing Group spokesperson. If the request is not agreed to, the tribal member may present his or her request to the Governor, who will decide the matter. If the request is ultimately granted, the tribal member must also obtain a Grazing Permit (Individual), as set forth in this section.
- B. Each Grazing Group must select a spokesperson, who shall be identified as such to DNR, and shall serve until replaced by the Grazing Group. The spokesperson shall apply to DNR for the Grazing Permit (Group) and shall provide DNR with the names of all members of the Grazing Group. The spokesperson shall notify DNR of any change in the Grazing Group's membership. The permit will be issued to the spokesperson and shall be valid for a period of one year, from October 1 through September 30. The Grazing Group permit will quantify the total carrying capacity for the Grazing Group and it will be up to the Grazing Group to allocate among its members the number of cattle each member of the Grazing Group may graze. Each Grazing Group permit shall include:
 - 1. Name of Grazing Group;
 - 2. Name and contact information of Grazing Group spokesperson;
 - 3. Number of cattle permitted to graze within Grazing Group Management Unit;
 - 4. Names of persons pasturing cattle under the Grazing Group Permit;
 - 5. Number of cattle permitted for each member of the Grazing Group; and
 - 6. Responsibilities of the Grazing Group, as set forth in this Code.
- C. A Rangeland Grazing Permit (Individual) is required for a member of a Grazing Group to graze cattle within the Grazing Group Management Unit. Rangeland Grazing Permits (Individual) may be obtained by tribal members from DNR, upon presentation of evidence that the Applicant's brand is recorded with the New Mexico Livestock Board, and that the Applicant is a member of a permitted Grazing Group. The number of cattle allowed by the Permit must be consistent with the number allocated to the Applicant as shown by the Grazing Group Permit.
- D. Each Rangeland Grazing Permit (Individual) and Irrigated Pasture Grazing Permit (Individual) shall include:
 - 1. Name, email, mailing address, and phone number of Permittee.
 - 2. Type of Permit (Rangeland or Irrigated Pastureland)
 - 3. Term of permit.
 - 4. Permittee's Grazing Group (if Rangeland permit)
 - 5. Number of permitted cattle or animal units.
 - 6. Responsibilities of the Permittee, as set forth in this Code.
- E. An Irrigated Pastureland Grazing Permit (Individual) is required for a tribal member to graze livestock on irrigated pasturelands and associated corrals. Irrigated Pastureland Grazing Permits may be obtained from DNR, upon presentation of evidence that the Applicant's brand is recorded with the New Mexico Livestock Board (as to cattle to be grazed), photographs of any unbranded equine animals to be grazed, and evidence that the Applicant has the right to graze livestock on the particular parcel of Irrigated Pastureland identified in the application.
- F. Irrigated pastureland grazing permittees will be solely responsible for adequately maintaining fencing around their pastures to ensure livestock confinement within said pasture and to keep livestock from running at large.
- G. No permits shall be required for domesticated animals on Reservation lands, but such animals shall be confined within the owner's property and not on irrigated pasturelands.
- H. No non-tribal member may hold a grazing permit of any kind.

- I. No grazing permit may be exchanged, sublet, assigned, or transferred to another person in any manner, nor shall any permittee allow a non-tribal member to graze animals on the permittee's permitted Rangelands or Irrigated Pasturelands.
- J. Every grazing permittee shall be responsible for informing himself or herself of the requirements of this Code with respect to proper range management practices, livestock care, branding of livestock, grazing permit restrictions, and others.
- K. A grazing permittee who is suspected of violating any term of his or her grazing permit or of this Code shall be given written notice of the claimed violation by the Enforcement Division, and shall have the right either to correct the violation within the period specified within the notice, which shall be no less than ten (10) days, and to provide evidence of such correction to the Enforcement Division within such time, or to contest the claimed violation by filing a written response to the notice with the Enforcement Division within ten (10) days of receiving the notice. The notice shall fully inform the permittee of these rights. A claimed violation that has been acknowledged and corrected shall be considered to have been resolved. If the permittee contests the violation, the Enforcement Division and the permittee shall meet and attempt to resolve the matter within fifteen (15) days after the permittee files his or her response, but if no resolution is achieved, the Enforcement Division will file an action in the Tribal Court against the permittee, and will proceed to prosecute such case to conclusion. The Enforcement Division may file such action either as a civil action, seeking correction of the violation and any provable damages, or as a criminal action, as set forth in Section 16-3-16, below.
- L. A permittee who is found to have violated the terms of his or her grazing permit, in civil or criminal proceedings in the Tribal Court, on three or more occasions within a ten-year period, may have his or her grazing privileges on Reservation lands cancelled by the Governor, for such a period as the Governor deems just.

SEC. 16-3-11. LIVESTOCK IDENTIFICATION AND REGISTRATION

- A. Every person maintaining cattle on Reservation lands must register such person's brand and earmark with the DNR. Such registration must be accomplished by presentation of a certified copy of a recorded brand signed by the Director of the New Mexico Livestock Board. Every person maintaining any equine animal on Reservation lands must register such person's animal with the DNR. Such registration must be accomplished by presentation of a certified copy of a recorded brand signed by the Director of the New Mexico Livestock Board or by the presentation of a color photograph and description of said equine animal by the Applicant.
- B. The DNR shall maintain records showing all brands, earmarks, and photographs registered by livestock owners on Reservation lands. The records shall be available for inspection by tribal members on reasonable request during ordinary business hours.
- C. No person may register more than one brand.

SEC. 16-3-12. NO PASTURAGE OF UNBRANDED CATTLE

No person shall maintain unbranded cattle on any Reservation lands, other than offspring six months or younger accompanied by their branded mothers, nor shall any person maintain cattle bearing a brand that is not registered with the DNR, except that newly purchased cattle may be pastured with cattle bearing the owner's registered brand, so long as the owner presents a verified bill of sale or transfer for such cattle to the DNR at the time such cattle are placed on Reservation lands, and so long as the owner rebrands the cattle with the owner's registered brand within 30 days after the purchase or transfer date shown on the bill of sale or transfer.

SEC. 16-3-13. LIVESTOCK AND DOMESTICATED ANIMAL HEALTH REQUIREMENTS

- A. Each Permittee shall provide for each of his or her livestock and domesticated animals:
 - 1. Sufficient quantity of food and water, of suitable quality;
 - 2. Adequate shelter and protection from the weather;
 - 3. Adequate space;
 - 4. Veterinary care when needed to prevent suffering; and
 - 5. Humane care and treatment, or euthanasia in appropriate cases.
- B. Each Permittee shall inspect all of his or her animals regularly, to determine whether any animal requires special care or treatment, and shall promptly address any such needs determined in such inspections.
- C. The DNR will carry out periodic inspections of animals grazing on the Reservation, and upon determining that any animal has been neglected shall proceed in accordance with Section 16-3-10(I). In the event the owner of the animal fails to take timely action to correct the condition, regardless of the course of the proceeding as to the violation DNR may seize, impound and treat the animal as needed, or euthanize it if appropriate, without liability to the owner.
- D. A Permittee who believes that any infectious, contagious, or parasitic disease exists in any animal that is grazed within the Reservation shall report that information to DNR immediately. The DNR is empowered to monitor animals on the Reservation for disease. The DNR will notify the Governor of the discovery of any disease outbreak. The Governor, in consultation with the DNR may:
 - 1. Require Permittees to inoculate their animals to protect other herds;
 - 2. Suspend a permit or permits to control disease outbreak;
 - 3. Confiscate and or impound livestock and domesticated animals to control disease; and
 - 4. Order the immediate euthanasia of livestock or domesticated animals to control disease.
- E. Any owner of any livestock or domesticated animal who negligently mistreats, injures, kills without lawful justification, torments, abandons or fails to provide necessary sustenance or space to an animal under the person's custody or control shall be guilty of a misdemeanor and upon conviction may be assessed a fine of \$1,000.00. Any person convicted of such an offense will have any grazing permit held by such person cancelled.

SEC. 16-3-14. ESTRAY OR UNAUTHORIZED LIVESTOCK IMPOUNDMENT AND DISPOSAL

- A. When it is determined that stray or unauthorized livestock use is occurring on Reservation lands, the Enforcement Division will attempt to identify and contact the owner and inform him or her that the owner has five (5) days from the day of notification to remove the unauthorized livestock from Reservation lands. If the stray or unauthorized livestock are not removed by the owner, the Pueblo may round them up and dispose of them at the New Mexico Livestock holding pens at the Cattlemen's Livestock Auction in Belen, New Mexico. Estray or unauthorized livestock that are rounded up within the Reservation will not be disposed of through auction or sale on the Pueblo and will not be permitted to occupy Reservation lands.
- B. If the Enforcement Division deems stray or unauthorized livestock a risk to public health or safety, it may immediately confiscate and dispose of the animals without notice to the owner, but it will provide notice of such action to the owner, if the owner can be identified, as soon thereafter as possible.

SEC. 16-3-15.

PROHIBITED ACTIVITIES

- A. It is prohibited for any person to maintain or introduce any livestock within a rangeland or irrigated pasture unless such person has applied for and received a grazing permit for such rangeland or pasture in the manner set forth in this Code
- B. It is prohibited for any person to round up livestock on any pasture other than that in which such person is authorized to maintain his or her livestock, without the consent of the owners maintaining livestock in such pasture.
- C. It is prohibited to operate motor vehicles off of Established Roads or Two-track Roads within Grazing Management Units at any time, except as provided in this Code.
- D. It is prohibited for any person to create new roads within Grazing Management Units or on other Reservation lands without first consulting with the DNR and THPO and receiving authorization to create new roads from the Tribal Council.
- E. It is prohibited for any person to neglect, mistreat, injure, kill without lawful justification, torment or abandon any livestock or domesticated animal on Reservation lands or under said person's custody.
- F. It is prohibited for any person to graze more than the number of cattle permitted by such person's grazing permit.
- G. It is prohibited for any person to deviate from an approved Grazing Management Unit plan without prior approval from the DNR.
- H. It is prohibited for any Tribal Member to allow non-Tribal Members to introduce livestock or domesticated animals onto Reservation lands for the purpose of grazing.
- I. It is prohibited for any person to allow any livestock or domesticated animal to run at large on Reservation lands.
- J. It is prohibited for any Tribal Member who maintains cattle on Reservation land not to register such person's brand and/or earmark with the DNR.
- K. It is prohibited for any Tribal Member that maintains equine animals on Reservation land not to register such equine animals with the DNR.
- L. It is prohibited for any person to not follow the terms of such person's grazing permit.
- M. It is prohibited for any person maintaining livestock on Reservation lands to register more than one brand.
- N. It is prohibited for any Permittee to exchange, sublet, assign, or transfer a grazing permit to another person.
- O. It is prohibited for any person who is authorized to graze livestock on Irrigated Pasturelands to fail to keep such Irrigated Pasturelands completely and securely fenced,
- P. It is prohibited for any person authorized to graze livestock on Reservation lands to graze more than the number of livestock specified in such person's grazing permit, or in a location other than that specified in such person's grazing permit.

SEC. 16-3-16.

ENFORCEMENT

- A. The Enforcement Division Manager and Conservation Officers shall enforce the provisions of this Code.
- B. Santa Ana Police Department commissioned Officers and other authorized Officers are authorized to enforce the provisions of this Code.

- C. Exclusive civil and criminal jurisdiction over all matters relating to alleged violations of this Code are vested in the Tribal Court.
- D. All DNR employees and Officers are exempt from liability or prosecution for any actions taken by them so long as such actions are within the scope of their job duties and consistent with the provisions of this Code.
- E. Any person convicted of three or more violations described in this Code, may, in addition to any fine or other penalty imposed by the Tribal Court, be subject to suspension or cancellation of his or her grazing permit on Reservation lands.
- F. In addition to any other penalties allowed by this Code, the Pueblo may bring a civil action in Tribal Court for injunctive relief to cease such violation, including any action for recovery of damages against any person who violates this Code and by virtue of such violation causes damage to the person or property of the Pueblo or any of its members.

SEC. 16-3-17. PENALTIES, SEVERABILITY

- A. **Penalty Clause:** Any person who violates any of the provisions of this Code shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine for each offense of no less than \$100.00 and no more than \$1,000.00 and/or imprisonment for a period up to ninety (90) days.
- B. **Severability Clause:** If any provision of this Code is, for any reason, held to be invalid by a court having jurisdiction, such ruling shall not affect the validity of the remaining portions of this Code.

SEC. 16-3-18. EXEMPTIONS

Nothing in this Code shall be deemed to apply to any livestock operation managed by a non-Indian subcontractor at any business operated on Reservation lands pursuant to a valid lease or sublease, in which all animals are confined and are not allowed to graze on Reservation lands; nor shall this Code be deemed to apply to any grazing of animals on any lands not under the jurisdiction of the Pueblo.

SEC. 16-3-19. EFFECTIVE DATE; NOTICE

The Pueblo of Santa Ana Livestock Code shall become effective one (1) month from its adoption by the Tribal Council. DNR shall, as expeditiously as possible after the enactment of this Code, notify all livestock owners who pasture livestock on Reservation lands of the enactment of this Code. Every person maintaining livestock on Reservation lands, shall, by no later than ninety (90) days after being notified of the enactment of this Code, report to the DNR the number of animals of each breed, including animals under six (6) months of age, that such person has on Reservation lands as of that date, and the location where such animals are pastured, and shall apply for the appropriate permit(s) to graze animals on Reservation lands.