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TITLE XVI - CULTURAL AND NATURAL RESOURCES

ARTICLE 1 - LAND MANAGEMENT AND CONSERVATION

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ARTICLE 3 - LIVESTOCK CODE

Sec. 16-3-1 Title

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

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

Sec. 16-3-4 Sovereign Immunity

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

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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).

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

Sec. 16-3-14 Estray or Unauthorized Livestock Impoundment and Disposal

A. When it is determined that estray 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 estray 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 estray 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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

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.

Adopted by Tribal Council on November 28, 2018.

ARTICLE 4 - PROTECTION OF CULTURAL AND RELIGIOUS RESOURCES
- Reserved -

ARTICLE 5 - TRIBAL PARKS, RECREATION AND PROTECTED AREAS
- Reserved -

ARTICLE 6 - WILDLIFE CONSERVATION AND MANAGEMENT

Sec. 16-6-1 Policy Statement

It is the Pueblo's policy that:

A. All wildlife will be managed for human enjoyment and welfare, for traditional, cultural and scientific purposes, and to insure the perpetuation of wildlife;

B. Species of wildlife indigenous to the Pueblo are the property of the Pueblo and should be accorded protection in order to maintain and enhance their numbers;

C. All matters relating to the conservation, regulation, control, and management of wildlife resources of the Pueblo are subject to the jurisdiction of the Pueblo;

D. The Pueblo has a legitimate right to establish rules and standards to govern the actions of tribal members and non-tribal members on the subject of wildlife regulation;

E. The Tribal Council possesses the inherent authority to adopt any regulations for the implementation of the policies of Article 6 and to amend such regulations as deemed necessary;

F. All wildlife now or hereafter found upon the Pueblo lands are hereby declared to be the property of the Pueblo and the right, title, interest, or property therein cannot be acquired, transferred, or possessed except as expressly provided herein;

G. Neither the Pueblo, the Pueblo Department of Natural Resources, nor individual tribal members or officers are responsible for damages to person or property caused by wildlife. In its discretion, however, the Pueblo may establish programs to mitigate such damages; and

H. The Pueblo will preserve respect for life in all forms and will perpetuate this attitude, both in the traditional manners of hunting fish and game and the approach to conservation of these most precious resources.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-2 Definitions

- A. "Adult" means a person eighteen (18) years old or older who has not been adjudicated mentally incompetent.
- B. "Antlerless Elk" means any male or female elk without antlers.
- C. "Aquatic Wildlife" means any species of fish, crustacean, aquatic insect, or amphibian.
- D. "Big Game Animals" means all animals including but not limited to elk, deer, pronghorn antelope, bear, mountain lion, wild turkey, bighorn sheep and other species that may be transplanted onto Pueblo Lands, or neighboring lands, which are classified as big game by the Pueblo Department of Natural Resources.
- E. "Bull Elk" means any elk with visible antlers.
- F. "Carcass" means the dead body of any animal or parts of it.
- G. "Chumming" means placing fish, parts of fish, or other material upon which fish might feed for the purpose of attracting fish to a particular area in order that they may be taken, but such term shall not include fishing.
- H. "Closed Area" means any area of land where hunting, trapping, or fishing for certain species of wildlife is prohibited.
- I. "Closed Season" means that period of time during which the taking of any wildlife is prohibited.
- J. "Code" means this Wildlife Conservation Code.
- K. "Daily Bag Limit" means the maximum number of wildlife which may be lawfully taken or possessed by any one person in any one day in the field.
- L. "Director" means the Director of the Pueblo Department of Natural Resources.
- M. "DNR" means the Pueblo Department of Natural Resources.
- N. "Enforcement Division" means the Natural Resource Conservation Enforcement Division at the Department of Natural Resources, Pueblo of Santa Ana.
- O. "Enforcement Division Manager" means the Division Manager of the Natural Resource Conservation Enforcement Division or a person with administrative or supervisory authority over the Enforcement Division.

P. “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.

Q. “Field Possession Limit” means the maximum number of wildlife that may be possessed by any one person at any one time in the field.

R. “Firearm” means any pistol, revolver, rifle, shotgun, or any other device which expels a projectile by an explosive force and is capable of being used as a weapon.

S. “Fishing” means to take or attempt to take aquatic wildlife.

T. “Fork-Antlered Deer” means any deer possessing an antler which has a definite fork, showing two or more distinct points. A burr at the base of the antler does not constitute a point of a fork.

U. “Fur-Bearer” means those species of wildlife with dense fur having commercial value, including bobcat, coyote, fox, beaver, and other species that may be transplanted onto Pueblo Lands or are classified as fur-bearers by the DNR.

V. “Game Birds” includes, but is not limited to, species of wild birds such as quail, ducks, ringneck pheasant, geese, doves, sandhill cranes, or any other game bird species that may be transplanted onto the Pueblo for hunting or are classified as game bird species by the DNR.

W. “Game Management Units” means those areas defined as game management units in the Pueblo’s Hunting, Fishing, and Trapping Regulations.

X. “Guide” means to lead, direct, show, or point-out wildlife, or hunting, fishing, or trapping areas to any person.

Y. “Harass” means to unlawfully endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, drive, herd, or torment.

Z. “Hunting” means to take or attempt to take any wildlife by any means.

AA. “Hunting Hours” means the hours of the day or night when wildlife may be taken lawfully.

BB. “Minor” means any person under the age of eighteen years.

CC. “Motor Vehicle” means any vehicle with an internal combustion engine, including ATV (all-terrain-vehicle), and any vehicle drawn by a vehicle with an internal combustion engine.

DD. “Non-Game Birds” means all birds except those identified as game birds or

raptorial birds.

EE. “Non-Toxic Shot” means that non-toxic shot approved for use by the U.S. Fish and Wildlife Service. Non-toxic shot includes bismuth-tin, iron (steel), iron-tungsten, iron-tungsten nickel, tungsten-bronze, tungsten-iron-copper-nickel, tungsten matrix, tungsten polymer, tungsten-tin-iron, tungsten-tin-bismuth, tungsten-tin-iron-nickel, and tungsten-iron-polymer.

FF. “Non-Tribal Member” means any person who is not officially recognized as a member of the Pueblo.

GG. “Officer” means a commissioned member of the Enforcement Division or other commissioned police officer of the Pueblo.

HH. “Open Season” means that period of time during which the taking of wildlife by legal means is permitted. All times and dates of open season shall be inclusive.

II. “Outfitter” means any person who advertises or holds themselves out for hire to the public or accepts any compensation for providing within the Pueblo boundaries where a hunt occurs, equipment or services for hunting activities. Exempt: are Pueblo member’s assistant family and friends in their traditional hunting activities.

JJ. “Permit” means the primary document granting authority to engage in certain specified activities covered by this Code including a license, tag, or other document provided for by this Code or rules or wildlife regulations and issued or required by the DNR authorizing the hunting, fishing, trapping, taking, transportation, or possession of wildlife or other activity for which express authorization is required by this Code.

KK. “Pollution” means contamination of lands, waters and shorelines by the discharge of harmful substances and litter.

LL. “Possession” means actual possession and any control of the object referred to.

MM. “Predator” means black bear and mountain lion.

NN. “Protected Species” means all raptorial birds, most non-game birds, and other species of wildlife designated by the DNR as protected.

OO. “Public Road” means the traveled portion and the shoulders on each side of any road maintained for public travel by the county, state, federal or Pueblo, including all structures within the limits of the right-of-way of any such road.

PP. “Raptorial Bird” means any eagle, hawk, falcon, or owl.

QQ. "Refuge" means any parcel of land designated by this Code or regulation approved pursuant to this Code where certain wildlife shall be protected from hunting, trapping, or fishing activities as designated.

RR. "Special Regulation Unit" means those areas defined as Special Regulation Units, or SRUs, in the Pueblo's Hunting, Fishing, and Trapping Regulations.

SS. "Sport Fish" means any species of trout, bass, bluegill, catfish, sunfish, and other species that may be transplanted onto Pueblo Lands for fishing or which are classified as sport fish by the DNR.

TT. "Tag" means a label or other identification device issued by the DNR for attachment to the carcass of any wildlife as evidence of legal taking and possession.

UU. "Take or Taking" means fishing, hunting, capturing, netting, trapping, killing, or possessing any wildlife or any other attempts to commit any of these acts.

VV. "Trapping" means taking or attempting to take any wildlife by means of any trap, snare, deadfall or other device commonly used to capture wildlife, whether or not such acts result in the taking of wildlife.

WW. "Two Track Road" A road which shows use prior to hunting season for purposes such as 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.

XX. "Unregulated Wildlife" means those species of wildlife whose take by tribal members is not regulated including, but not limited to, cottontail rabbits, jack rabbits, squirrels, woodrats, European starling, English sparrow, common pigeon, rattlesnake and other species classified as unregulated wildlife by the DNR.

YY. "Validation Tag" means the tag required to transport wildlife off Pueblo Lands which is attached to a carcass by an officer of the Enforcement Division.

ZZ. "Watercraft" means any boat or floating device designed to carry people or cargo on the water, and propelled by a motor, oars, or wind action on a sail, except makeshift objects constructed of inner tubes or other floatable material not propelled by a motor, personal floatation devices and other objects used for water sports.

AAA. "Waterfowl", means those species of wild water birds with subsistence or sport hunting qualities, including, but not limited to, all ducks and geese and any other species of waterfowl that may be introduced or transplanted onto Pueblo Lands for hunting or which are classified as waterfowl by the DNR.

BBB. "Weapon" means any firearm, bow and arrow, or other device that is used to kill wildlife.

CCC. “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.

DDD. “Youth Hunt” means a hunt participated in by persons who are minors as of December 31st of the calendar year of the hunt applied for.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; Amended by Resolution Number 11-R-26, adopted October 27, 2011; and, Amended in 2014 pursuant to Memorandum of September 29, 2014.

Sec. 16-6-3 The Pueblo of Santa Ana Natural Resource Conservation Enforcement Division

A. The Natural Resource Conservation Enforcement Division (hereafter referred to as “Enforcement Division”) is hereby established within the Pueblo Department of Natural Resources (hereafter referred to as “DNR”). The administrative organization of the Enforcement Division shall be established and approved by the Tribal Council.

B. The Enforcement Division is responsible for assisting the DNR in developing and recommending policies, rules, and regulations relating to the wildlife and natural resources of the Pueblo. The Enforcement Division and its Conservation Officers shall have primary responsibility for enforcing the provisions of this Code and any other regulations issued hereunder.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-4 Conservation Officers

A. Pueblo of Santa Ana Enforcement Division Conservation Officers shall meet such requirements as to physical characteristics and training as shall be established by the Director.

B. The Governor or Tribal Judge may swear-in Conservation Officers to aid the Enforcement Division in times of unusual need.

C. Conservation Officers shall have the power and authority of police officers for the purpose of enforcing Tribal Codes and regulations, including but not limited to this Code and any regulations issued hereunder, including the authority to make arrests and to make searches and seizures as provided for in this Code and other Tribal Codes.

D. Duly commissioned police officers of the Pueblo Police Department are authorized to enforce the provisions of this Code and any regulations issued hereunder, including making arrests and conducting searches and seizures as provided for in this Code.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-5 Wildlife Regulations

As needed, the Tribal Council shall, upon recommendation from the DNR, adopt or amend wildlife regulations. A regulation, when adopted, shall have the force of law on the Pueblo. The regulations shall include the following:

A. Determination of season dates for taking any wildlife within the Pueblo when it is determined that such seasons are necessary for proper wildlife management.

B. Closing or opening lakes, streams and refuges to fishing, trapping, or hunting; regulating all species and controlling all means by which wildlife may be taken; and taking such other actions which, in the judgment of the Tribal Council, will best perpetuate and control any species of wildlife; as well as regulating the transportation and storage of all wildlife or parts thereof within the exterior boundaries of the Pueblo and such shipment or transportation off the Pueblo.

C. Determination of bag and possession limits.

D. Determination of hunting unit boundaries and other locations for the taking of all wildlife.

E. Determination of the manner and means (i.e., permits and restrictions) of taking or transporting any wildlife, including prescribing types of baits, lures, tackle, equipment, traps, firearms and other weapons, tagging of wildlife or parts thereof, or any other means or device for taking such wildlife.

F. Determination of rules for the guiding and outfitting of hunters, fishermen or trappers.

G. Establishment of refuges or sanctuaries for wildlife. When Pueblo tribal member assignments or agricultural leases are to be included, the assignee or lessee will be provided with written notice. All boundary lines shall be posted at the usual place of ingress with signs notifying the public of ownership of land by the Pueblo and its status as a refuge.

H. Determination of access into hunting and fishing areas (i.e., Game Management Units) within the Reservation.

I. Establishment of methods and procedures for checking hunters, fishermen, or trappers into and out of designated areas, and prescribing safety and other regulations as may be necessary in the interests of wildlife management and the safety and welfare of the Pueblo and those participating in hunting, trapping and fishing on Pueblo lands.

J. Establishment of fees for permits, tags and special hunting seasons.

K. Determination of the number of permits to be issued for all activities for which express authorization is required by this Code.

L. Establishment of the schedule of civil penalties and permit denial/suspension/revocation points to be imposed for violations of the civil offenses of this Code.

M. Determination of all other regulations reasonably necessary for conservation and management of wildlife and for realization of the policies set forth in Sec. 16-6-1 of this Code.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-6 Publication of Wildlife Regulations

Regulations adopted hereunder shall be made available to any Tribal Member upon request and shall be posted using available public places and electronic media.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-7 Emergency Regulations

A. If it is determined that an emergency situation such as disease or extreme environmental conditions exists, the Governor may, upon recommendation of the Director, adopt emergency regulations for the health, safety, and public welfare of the Pueblo or its wildlife.

B. The emergency regulations are effective immediately without public comment although every reasonable effort shall be made to notify all concerned of the existence of emergency regulations.

C. Unless extended by the Governor, no emergency regulation shall be effective for a period longer than ninety (90) days from the date of passage.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-8 Hunting Permit Requirement

A. Only male Pueblo tribal members 12 years of age or older who have not been convicted of any felony, battery of a household member, or currently have their hunting and fishing privileges revoked in the State of New Mexico shall be allowed to hunt and shall be required to have in their possession a valid Pueblo hunting permit while hunting on Pueblo Lands. Male tribal member minors may hunt only when accompanied by a male tribal member parent or guardian over the age of 21 years old and said parent or guardian shall assume full responsibility for the actions of said minor in writing under oath.

B. Only tribal members may guide a permitted hunter but may not hunt or carry a weapon unless they are also properly permitted.

C. Except as provided for at Sec. 16-6-10, Tribal members are required to have a valid Pueblo hunting, fishing, or trapping permit in their possession to hunt, fish, or trap for regulated species.

D. Any non-tribal member who shall hunt, trap or fish on the Pueblo in violation of this Code shall be considered trespassing and shall be prosecuted according to Pueblo law, or state or federal law, whichever has proper jurisdiction over the non-tribal member, and is subject to a special trespass action under Title XI, Article 9.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; Amended by Resolution Number 11-R-26, adopted October 27, 2011; and, Amended in 2014 pursuant to Memorandum of September 29, 2014.

Sec. 16-6-9 Hunter Safety Training Requirement

A. No male under the age of 21 years shall be allowed to hunt unless he has successfully completed a hunter safety course approved by the Enforcement Division, he must also carry such proof of completion while hunting and shall be required to present it while obtaining a hunting permit.

B. The Enforcement Division may provide a hunter safety training course or may recognize a proof-of-completion certificate issued by any State or by the National Rifle Association for an approved course.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005.

Sec. 16-6-10 Ceremonial and Religious Hunting

In recognition of ceremonial and religious hunting on the Pueblo, four types of hunts are recognized. No hunting permits will be required for Tribal members involved in these hunts. However, types of weapons used, and age of individuals allowed to hunt is at the discretion of the Governor. Furthermore, the specific rules in Sec. 16-2-11 and Sec. 16-2-12 must be followed during these hunts.

A. Warchief Hunts: No hunting permits will be required for Tribal members involved with hunts called by the Warchief. Bag limits, types of animals hunted (i.e. small game or big game), and hunting areas during such traditional hunts shall be at the discretion of the Warchief.

B. Tyiputra Hunts: No hunting permits will be required for Tribal members involved in this activity.

C. Society Hunts: No hunting permits will be required for Tribal members involved with Society Hunts. Society Hunts will require consultation with the Warchief. Bag limits, types of animals hunted (i.e. small or big game), and hunting areas during Society Hunts shall be at the discretion of the Warchief.

D. Initiation Hunts: No hunting permits will be required for Tribal members involved in Initiation Hunts. No Big Game animals may be hunted during Initiation Hunts.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-11 Taking of Wildlife in Defense of Self or Others

An individual is not considered to have violated this Code or any regulations issued hereunder if it is demonstrated that, in killing or injuring wildlife, the individual was acting in self-defense or in defense of others.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-12 Types of Permits, Tags and Fees.

A. The Governor and or Warchief, upon annual recommendation from the DNR, shall establish types of permits, number of tags and dates for hunting, trapping and fishing on the Pueblo. The DNR will establish recommendations based on the best scientific data available.

B. The DNR may establish tagging requirements for specified types of wildlife.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-13 Sale of Permits and Tags

If necessary, the Tribal Council shall direct the manner by which permits and tags may be sold in the future.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-14 Denial, Suspension and Revocation of Permit Privileges

The Governor has the authority to deny an application for a permit and to revoke or suspend a permit, for a period of time not to exceed five (5) years, if it is determined that a person has:

- A. been convicted of state, federal, or tribal wildlife violation;
- B. misrepresented the person's qualifications when applying for a permit; or
- C. engaged in immoral or unethical conduct not befitting a tribal member.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-15 Enforcement

A. Procedures for Enforcement:

1. The Enforcement Division Manager, Conservation Officers and Santa Ana Police Department commissioned police officers shall enforce the provisions of this Code and any regulations issued hereunder and shall:

a. Seize any wildlife held in violation of this Code or regulations issued hereunder, take evidence necessary for enforcement of the provisions of this Code or regulations

issued hereunder, and turn over the remaining carcass or parts for proper disposition by the War Chief;

b. With or without a warrant, arrest any person suspected of a violation of this Code or regulations issued hereunder. Unless special circumstances exist as defined by the Rules of Procedure for Contemporary Court, if a person is cited for violating provisions of this Code or regulations issued hereunder, the accused person shall not be taken into custody if in the judgment of the officer no arrest is necessary and the person voluntarily signs an oath printed on the citation issued for the offense that he will appear before the Tribal Court within 10 days at the time and place indicated on the citation; and

c. Open, enter and examine all camps, wagons, automobiles, tents, buildings, outbuildings, containers and packages where there is probable cause to believe any wildlife taken or held in violation of this Code or regulations issued hereunder may be found therein and seize it.

2. Any warrant for the arrest of a person shall be issued upon an affidavit and sworn complaint, the same as in other criminal cases, and any search warrant shall be issued upon a written affidavit showing probable cause supported by oath or affirmation, describing with some particularity the place(s) to be searched and the thing(s) to be seized.

3. Conservation Officers, under the direction of the Enforcement Division Manager may establish checking stations as needed for the proper enforcement of this Code and regulations issued hereunder.

B. Penalties and Sanctions:

1. Civil Penalties

a. Any person who engages in conduct prohibited by any provision of this Code or regulations issued hereunder, shall be assessed a civil penalty by the Tribal Court in the amount established by this Code or any regulations issued hereunder,

b. The schedule of fines authorized in this Code will be imposed for violations of this Code or any regulations issued hereunder. At the time any person is arrested or detained for violating any provision of this Code or regulations issued hereunder, the arresting or detaining officer may give the alleged offender an opportunity to sign an oath printed on the citation issued for the offense that he will appear before the Tribal Court within 10 days at the time and place indicated on the citation and pay the fine in the form of a civil penalty assessment. If the civil penalty assessment is not paid, the citation becomes, by law, a summons and complaint and requires an appearance in the Tribal Contemporary Court at the place, date, and time indicated on the citation form.

c. Civil jurisdiction over all matters relating to alleged violations of this Code and any regulations issued hereunder are vested with the Tribal Court. All questions, complaints, and alleged violations involving the provisions of this Code shall be adjudicated in

accordance with this Code and Tribal Court procedures. Fines imposed for violating this Code or regulations issued hereunder shall follow the schedule of fines authorized in this Code.

d. For any violation of this Code or regulations issued hereunder, a revocation or suspension of Pueblo hunting, fishing, or trapping privileges for a minimum period of one year from the date of being found liable shall be imposed.

2. Civil Damages

In addition to any other penalties or sanctions allowed by this Code, the Pueblo may bring a civil action for recovery of damages against any person for unlawful killing, wounding, catching, taking, trapping or unlawful possession of any wildlife protected by this Code, or any part thereof, and the Tribal Court may assess damages for each wildlife species in accordance with the Restitution Fee Schedule of this Code at Sec. 16-6-16.

3. Criminal Penalties

a. In addition to any other penalties, sanctions and civil damages allowed by this Code, any Indian person who violates any provisions of this Code or regulations issued hereunder, upon conviction thereof, shall be subject to fines as described in Section 16-6-17.

b. Upon criminal conviction for any violation of this Code or regulations issued hereunder, a revocation or suspension of Pueblo hunting, fishing or trapping privileges for a minimum period of one year, shall be imposed.

4. Forfeited Bond Schedule

In any civil or criminal proceedings brought for alleged violations of this Code, the Tribal Court, in consultation with the Governor, Enforcement Division Manager and other appropriate law enforcement officials, may adopt a bond schedule or a schedule of forfeiture to be imposed by the Tribal Court upon the receipt of any admission that a violation of this Code has occurred, which admission may be made either under oath in open court or by sworn written statement. Neither a bond schedule nor a schedule of forfeiture shall bind the Tribal Court in the imposition of any penalties, sanctions or civil damages after adjudicating a violation where the defendant has contested liability and/or entered a plea of not guilty.

5. Forfeiture of Property and Wildlife

a. At the time any arrest is made or citation is issued for violation of this Code or regulations issued hereunder, the arresting officer may seize any equipment used or suspected of being used in the taking of wildlife or otherwise involved in the commission of the violation for which the arrest was made or the citation was issued and shall give the person from whom such things were taken an itemized receipt for all seized items. When an offender is found guilty of or liable for violating this Code or regulations issued hereunder, the Tribal Court, in addition to imposing other penalties, may order the forfeiture to the Enforcement Division of all or part of the seized items. If the seized items are not owned by the offender, the Tribal Court may order a preliminary forfeiture, order that notice be given to the owner of the seized property, and provide an opportunity for a hearing before ordering the forfeiture to the Enforcement Division of

the seized items. At such hearing, the burden shall be on the owner of the seized item to prove they did not participate in or have knowledge of or consent to the illegal use of the seized items.

b. Any person found guilty of or liable for an offense pursuant to this Code or regulations issued hereunder shall forfeit any wildlife or part thereof found in his possession to the War Chief for appropriate disposition.

c. The DNR shall conduct a public sale of all confiscated items, subject to applicable federal law, not appropriate for official use by the DNR. Such sales shall be by auction held after not less than one week's notice to tribal members by announcement and by posting notice using available public places and electronic media. The proceeds shall be deposited into the Enforcement Division account.

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; Amended by Resolution Number 11-R-26, adopted October 27, 2011; and, Amended in 2014 pursuant to Memorandum of September 29, 2014.

Sec. 16-6-16 Offenses and Penalties

A. Allowing Dogs to Roam and Attack Wildlife or Livestock.

It is unlawful to allow dogs to roam at large to attack wildlife or livestock. Any dog(s) found harassing wildlife or livestock shall be destroyed and costs of their disposal shall be assessed against the owner. The owner of such dog(s) may also be held liable for damages caused by said dog(s).

Penalty Assessment: \$500.00

B. Camping in Unauthorized Area.

It is unlawful to camp in any restricted area(s) or within 1/4 mile of a wildlife or livestock watering facility.

Penalty Assessment: \$250.00

C. Crossing of Closed Road.

It is unlawful for any person to use a motor vehicle on any road that has been closed to motor vehicle traffic.

Penalty Assessment: \$500.00

D. Destruction of Posted Signs and Structure.

It is unlawful to destroy, attempt to destroy or deface any sign or marker posted or any structure designed for the purpose of regulating and managing any wildlife.

Penalty Assessment: \$500.00

E. Discharging a Firearm in Unauthorized Areas.

It is unlawful to discharge a firearm within 150 yards of any residence or building without written permission of the owner of the residence or building.

Penalty Assessment: \$200.00

F. Disobeying an Officer.

It is unlawful to disobey a lawful order given by an officer of the Enforcement Division or Pueblo Police Department police officer while in the course of performing their official duties.

Penalty Assessment: Mandatory Court Appearance

G. Driving on Roads Closed to Access by Hunters while Hunting or Transporting a Hunter.

It is unlawful to drive on roads that are closed to access by hunters while hunting or transporting a hunter at any time, except for when retrieving legally taken game.

Penalty Assessment: \$1000.00

H. Driving off Established or Two Track Roads.

It is unlawful to drive off established or two track roads at any time, even when retrieving legally taken game.

Penalty Assessment: \$1000.00

I. Exceeding Daily Bag or Field Possession Limits.

It is unlawful to take or possess wildlife in excess of the number permitted by any regulations issued hereunder.

Penalty Assessment: \$500.00

J. Failing to Provide Sex and Species Identification of Wildlife Carcass.

It is unlawful to possess or to transport any wildlife or any considerable portion of such wildlife unless the carcass is accompanied by natural evidence sufficient to determine the sex and species by ordinary inspection.

Penalty Assessment: \$250.00

K. Failing to Tag Wildlife Properly.

It is unlawful for any person to fail to tag wildlife properly when required by this code or regulation.

1. Whenever any person shall take any wildlife which must be tagged, the person shall:

- a. Immediately sign the appropriate tag when the animal is killed;
- b. Mark the month and date on the tag;
- c. Mark the sex of the animal on the tag; and

d. Securely attach tag to the carcass only when carcass is placed into, or transported for removal from the location of the take, by motor vehicle, horseback, or other methods and when carcass is in camp, at a residence, or at another place of storage.

2. Any wildlife that is properly tagged is the sole property of the permittee as specified in this Code. Whenever the tag is separated from the permit, the permit is then void and may not be used again for hunting.

3. It is unlawful for any person to transport off the Pueblo any wildlife which must be tagged without first obtaining a validation tag from the Enforcement Division.

Penalty Assessment: \$500.00

L. Guiding or Outfitting.

It is unlawful to guide or outfit any hunter, fisherman, or trapper without written permission from the Tribal Council.

Penalty Assessment: \$500.00

M. Harassing Wildlife.

It is unlawful for any person to harass any wildlife.

Penalty Assessment: \$500.00

N. Hunting after Permitted Hours.

It is unlawful to hunt wildlife other than during permitted hours unless otherwise provided for by regulation of the Enforcement Division, or this Code, or any regulations issued hereunder. Legal hunting hours shall be from one-half hour before sunrise until one-half hour after sunset.

Penalty Assessment: \$500.00

O. Hunting, Fishing, or Trapping During Closed Season or In a Closed Area.

It is unlawful to hunt, fish, or trap during a closed season or in a closed area.

Penalty Assessment: \$500.00

P. Hunting, Fishing, or Trapping without Required Permit or Tag.

It is unlawful to hunt, fish, or trap without the required permits or tags, and to hunt, fish, or trap without having such permit or tag in possession.

Penalty Assessment: \$1000.00

Q. Hunting on Wildlife Refuges.

It is unlawful to hunt or take wildlife on any posted wildlife refuge.

Penalty Assessment: \$1000.00

R. Hunting or Possessing a Firearm and or a Bow and Arrow While in Possession or Under the Influence of Alcohol or Drugs.

It is unlawful to hunt or to possess any firearm or bow and arrow while in possession of or under the influence of alcohol or drugs.

Penalty Assessment: Mandatory Court Appearance

S. Impersonating a Law Enforcement Officer.

It is unlawful to falsely represent oneself as a Conservation Officer or any other Pueblo law enforcement officer.

Penalty Assessment: \$500.00

T. Killing or Taking Protected Species.

It is unlawful to hunt or take any protected species.

Penalty Assessment: Mandatory Court Appearance

U. Making a False Statement in Obtaining a Permit.

It is unlawful to knowingly swear to or affirm any false statement while applying for any type of permit.

Penalty Assessment: \$500.00

V. Negligent Use of a Deadly Weapon.

It is unlawful to discharge any weapon in a negligent manner.

Penalty Assessment: \$200.00

W. Permitting Unauthorized Non-Tribal Member on Pueblo.

It is unlawful for any Pueblo member to allow any non-tribal member to enter, hunt, fish, or trap on the Pueblo unless the non-tribal member is properly authorized by the Governor pursuant to any regulations issued hereunder. In addition to any civil penalties that may be imposed, any non-tribal member who violates this section shall be considered trespassing and shall be prosecuted according to Pueblo law, or state or federal law, whichever has proper jurisdiction over the non-tribal member, and shall be subject to a special trespass action under Title XI, Article 9.

Penalty Assessment: \$500.00

X. Illegal Introduction or Export of Wildlife.

It is unlawful for anyone to introduce, plant, place, or attempt to plant or place any type of wildlife on Pueblo Lands without the authorization of the Tribal Council or to export wildlife off Pueblo Lands without the authorization of the Tribal Council.

Penalty Assessment: \$500.00

Y. Intentional Interference with Lawful Activities.

It is unlawful for any person to willfully prevent or interfere with the lawful participation of any individual in the activity of hunting, trapping, or fishing.

Penalty Assessment: \$1000.00

Z. Pollution of Pueblo Lands, Waters, and Shorelines.

It is unlawful to pollute any lands, waters, or shorelines.

Penalty Assessment: \$500.00

AA. Possessing a Loaded Firearm in a Motor Vehicle.

It is unlawful, except for those authorized by law, to carry or possess any firearms in or on any motor vehicle, unless such firearm is unloaded.

Penalty Assessment: \$500.00

BB. Purchasing, Selling, Bartering, or Trading Wildlife for Profit.

1. It is unlawful to hunt, fish, or take wildlife or attempt to hunt, fish, or take wildlife for the purpose of selling, bartering, or trading for profit for self or others.

Penalty Assessment: Mandatory Court Appearance

2. It is unlawful to offer to, or to, sell, barter, or trade any wildlife for profit for self or others.

Penalty Assessment: Mandatory Court Appearance

3. Nothing in this sub-section shall be construed to prohibit the purchase, sale, barter or trade of non-edible portions of legally taken wildlife.

CC. Refusing to Allow Inspection of Permits or Tags.

It is unlawful to refuse to allow inspection of one's permit or tag by any authorized Conservation Officer or law enforcement officer. It is also unlawful for any person to fail to present wildlife to the DNR when required to do so pursuant to any regulations issued hereunder.

Penalty Assessment: \$500.00

DD. Failure to Stop at a Check Station.

It is unlawful for any person to fail to stop at a check station established by the Enforcement Division or Santa Ana Pueblo Police Department.

Penalty Assessment: \$500.00

EE. Shooting Fish.

It is unlawful to shoot or attempt to shoot any fish with any firearm within any Pueblo waters.

Penalty Assessment: \$100.00

FF. Shooting from the Road.

It is unlawful to shoot any firearm from (within 50 feet of), across, or onto any maintained public road on the Pueblo unless otherwise permitted by this Code or any regulations issued hereunder.

Penalty Assessment: \$500.00

GG. Shooting from a Vehicle.

It is unlawful to shoot any firearm or bow and arrow from a vehicle or OHV on the Pueblo unless otherwise permitted by this Code or any regulations issued hereunder.

Penalty Assessment: \$500.00

HH. Shooting from a Vehicle.

It is unlawful to shoot any firearm or bow and arrow from a vehicle or OHV on the Pueblo unless otherwise permitted by this Code or any regulations issued hereunder.

Penalty Assessment: \$200.00

II. Spotlighting.

It is unlawful for any person, unless authorized by the DNR, to cast rays of light from any artificial light into any area where wildlife may be or may be expected to be while in possession of any weapon whereby any wildlife could be killed with the aid of such artificial light. Nothing in this sub-section shall prevent a livestock owner from protecting livestock from predatory animals.

Penalty Assessment: \$1000.00

JJ. Taking Wildlife other than by Methods Prescribed.

It is unlawful to hunt, fish, or trap in any method which is not authorized by this Code or any regulations issued hereunder.

Penalty Assessment: \$500.00

KK. Trespassing on Pueblo Lands.

It is unlawful to enter onto Pueblo Lands without the express written consent of the Pueblo. Permission to hunt, fish, trap, or engage in other activities involving wildlife is only allowed as provided for by this Code or any regulations issued hereunder.

Penalty Assessment: \$500.00

LL. Unlawful Taking or Possession of Wildlife.

It is unlawful for any person to take, attempt to take, or possess any wildlife, or part thereof, whether or not such wildlife is alive or dead, unless permitted by this Code or any regulations issued hereunder.

Penalty Assessment: \$1000.00

MM. Using a Dog to Take Wildlife.

It is unlawful to use a dog to take or attempt to take wildlife, except as authorized by Code or any regulations issued hereunder.

Penalty Assessment: \$100.00

NN. Using a Permit or Tag Not Issued to a Party.

It is unlawful to use, or cause to be used, another person's permit or tag.

Penalty Assessment: \$1000.00

OO. Using a Motor Vehicle or Aircraft for the Purpose of Hunting.

It is unlawful to discharge any weapon from a motor vehicle or aircraft. Penalty Assessment:

Mandatory Court Appearance

PP. Using Illegal Weapons or Ammunition.

It is unlawful to hunt wildlife with any weapons or ammunition except those permitted by this Code or any regulations issued hereunder.

Penalty Assessment: \$500.00

QQ. Using Nets, Trotlines, or Traps.

It is unlawful, except for those authorized by this Code or any regulations issued hereunder, to set or use any trap, net, trotline or other such device to take any wildlife from any waters of the Pueblo, unless authorized by tribal council or is part of any research or study conducted by DNR or another natural resources agency approved by the director of DNR or designee.

Penalty Assessment: \$500.00

RR. Using Wildlife as Bait.

It is unlawful to use wildlife as bait unless otherwise provided under this Code or by regulation of the Enforcement Division.

Penalty Assessment: \$500.00

SS. Wastage of Wildlife Meat.

It is unlawful to abandon any edible portion of wildlife or permit it to go to waste.

Penalty Assessment: \$1000.00

TT. Willful Destruction of Wildlife.

It is unlawful to take or kill any wildlife and abandon the carcass, or to take or kill any wildlife for the head, claws, hide, antlers, feathers or other parts with the intent of abandoning the carcass, or to mutilate any wildlife while it is alive.

Penalty Assessment: \$1000.00

UU. Wounding of Animals.

It is unlawful to wound wildlife and fail to make a reasonable attempt to find the animal and reduce it to possession.

Penalty Assessment: \$500.00

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; Amended by Resolution Number 11-R-26, adopted October 27, 2011; and, Amended in 2014 pursuant to Memorandum of September 29, 2014.

Sec. 16-6-17 Tribal Restitution Fee Schedule

Individual Wildlife Species.

A. Big Game:

1. Elk	\$1,000 to \$15,000
2. Deer	\$1,000 to \$15,000
3. Antelope	\$1,000 to \$15,000
4. Bear	\$1,000 to \$15,000
5. Mountain Lion	\$1,000 to \$15,000
6. Wild Turkey	\$500 to \$5,000

B. Game Birds:

1. Quail	\$100 to \$500
2. Ringneck Pheasant	\$100 to \$500
3. Dove	\$100 to \$500
4. Duck	\$100 to \$500
5. Goose	\$100 to \$500
6. Sandhill Crane	\$100 to \$500

C. Unregulated Wildlife:

1. Woodrat	\$50 to \$100
2. Squirrel	\$50 to \$100
3. Rabbit	\$50 to \$100
3. Prairie Dog	\$50 to \$100

D. Other Birds:

1. Eagle	\$1,000 to \$5,000
2. Hawk	\$1,000 to \$5,000
3. Owl	\$1,000 to \$5,000

- 4. Heron \$1,000 to \$5,000

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.

Sec. 16-6-18 Tribal Criminal Sanction Schedule

Individual Wildlife Species:

A. Big Game:

- 1. Elk \$1,000 to \$5,000
- 2. Deer \$1,000 to \$5,000
- 3. Antelope \$1,000 to \$5,000
- 4. Bear \$1,000 to \$5,000
- 5. Mountain Lion \$1,000 to \$5,000
- 6. Wild Turkey \$500 to \$5,000

B. Game Birds:

- 1. Quail \$100 to \$500
- 2. Ringneck Pheasant \$100 to \$500
- 3. Dove \$100 to \$500
- 4. Duck \$100 to \$500
- 5. Goose \$100 to \$500
- 6. Sandhill Crane \$100 to \$500

C. Unregulated Wildlife:

- 1. Woodrat \$50 to \$100
- 2. Squirrel \$50 to \$100
- 3. Rabbit \$50 to \$100
- 4. Prairie Dog \$50 to \$100

D. Other Birds:

- 1. Eagle \$1,000 to \$5,000
- 2. Hawk \$1,000 to \$5,000
- 3. Owl \$1,000 to \$5,000
- 4. Heron \$1,000 to \$5,000

Enacted by Resolution Number 05-R-49, adopted October 13, 2005; and, Amended by Resolution Number 11-R-26, adopted October 27, 2011.