



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Approving Posting of Ordinance No. 287, Amending the Livestock Code of the White Mountain Apache Tribe)

---

**WHEREAS,** pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** the Office of the Attorney General has this day proposed revisions to the Livestock Code, in its entirety, as set forth in Ordinance No. 287 attached hereto; and

**WHEREAS,** pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

**WHEREAS,** the Council has reviewed Ordinance No. 287 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 287 to be in the best interest of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 287, which amends the Livestock Code, in its entirety, attached hereto, is hereby recommended for posting by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 287, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. Any and all comments concerning Ordinance No. 287 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council and the Attorney General's Office and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action. Proof of posting should include start and end date of posting period, and locations of posting.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

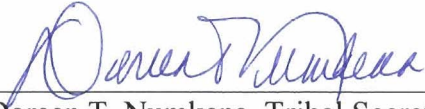
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JANUARY 17, 2018** duly adopted by a vote of **NINE** for, **ZERO** against, and **ZERO** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
\_\_\_\_\_  
Ronnie Lupe, Tribal Chairman

1/25/18  
Date

  
\_\_\_\_\_  
Doreen T. Numkena, Tribal Secretary

1-25-2018  
Date

**ORDINANCE OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 287,  
amending White Mountain Apache Livestock Code as follows: See attached

**WHITE MOUNTAIN APACHE  
LIVESTOCK CODE**

**WHITE MOUNTAIN APACHE  
LIVESTOCK CODE**

**TABLE OF CONTENTS**

**CHAPTER ONE**

**SLAUGHTERING WITHOUT A PERMIT**

SECTION 1.1 PERMIT REQUIRED; FEE; INSPECTION OF HIDE; SALES TO STORES PROHIBITED

SECTION 1.2 VIOLATIONS; PENALTIES

**CHAPTER TWO**

**LIVESTOCK IN TRESPASS**

SECTION 2.1 DEFINITIONS

SECTION 2.2 REGULATIONS

SECTION 2.3 IMPOUNDMENT

SECTION 2.4 FEES; SALES

SECTION 2.5 INTERPRETATION

SECTION 2.6 RIGHT TO HEARING; WRITTEN REQUEST

SECTION 2.7 PROCEDURES AT HEARING

**CHAPTER THREE**

## **BRANDING REGULATIONS**

SECTION 3.1 GENERAL PROVISIONS

SECTION 3.2 BRANDING RESPONSIBILITY

SECTION 3.3 TRIBAL BRAND REQUIRED

SECTION 3.4 HORSE BRANDING REQUIRED

SECTION 3.5 FEES

SECTION 3.6 TRIBAL BRAND COMMITTEE

SECTION 3.7 MEETINGS; COMPENSATION

SECTION 3.8 DUTIES OF THE TRIBAL BRAND COMMITTEE

SECTION 3.9 CLERK; LIVESTOCK MANGER

SECTION 3.10 BRANDS AND ADVERTISING

SECTION 3.11 ENFORCEMENT; PUNISHMENT

SECTION 3.12 AMENDMENTS

## **CHAPTER FOUR**

### **PRESERVATION OF RANGELANDS**

#### **Article One - - General Provisions**

SECTION 4.1 GRAZING UNITS

SECTION 4.2 FEES

SECTION 4.3 LIVESTOCK ASSOCIATIONS

SECTION 4.4 GRAZING PERMITS

SECTION 4.5 MANAGEMENT PLANS; BOARD OF DIRECTORS

SECTION 4.6 GRAZING CAPACITY LIMITATIONS IN ASSOCIATION PERMITS

SECTION 4.7 ASSOCIATION DETERMINATION OF NUMBER OF ANIMALS INDIVIDUALS MAY GRAZE

SECTION 4.8 TRIBAL COUNCIL CONSERVATION MEASURES

SECTION 4.9 ASSOCIATIONS TO FURNISH ROSTER TO TRIBAL COUNCIL

SECTION 4.10 GRAZING BY TRIBAL COUNCIL AUTHORITY ONLY

SECTION 4.11 BRANDING

SECTION 4.12 REMUDA PASTURES; COMMUNITY HORSE PASTURES

SECTION 4.13 SCOPE

**Article Two - - Horses, Burros, Mules**

SECTION 4.14 BURROS

SECTION 4.15 MARES AND FILLIES

SECTION 4.16 SADDLE GELDING; WORK ANIMALS

SECTION 4.17 ELIMINATION OF WILD AND EXCESS ANIMALS; AUTHORITY; PROCEDURE

SECTION 4.18 STALLIONS ON OPEN RANGE; CASTRATION; DESTRUCTION

SECTION 4.19 STALLIONS AND MARES PROHIBITED IN ROUNDUP REMUDAS OR HERDS

**Article Three – Cattle**

~~SECTION 4.20 BULLS; STATEMENT OF PURPOSE OR REGULATION~~

SECTION 4.~~21~~20 DISPOSITION OF CATTLE

SECTION 4.~~22~~21 FEES FOR SLAUGHTER PERMIT

SECTION 4.~~23~~22 ID BRAND; BROKEN ARROW BRAND; REGISTRATION OF INDIVIDUAL BRANDS

SECTION 4.~~24~~23 MAVERICKS

SECTION 4.~~25~~24 HOLDING PASTURE VIOLATIONS

SECTION 4.~~26~~25 NON-MEMBER GRAZING

**Article Four -- Enforcement**

SECTION 4.~~27~~26 ENFORCEMENT

SECTION 4.~~28~~27 DISPOSITION OF FINES

# LIVESTOCK CODE

## WHITE MOUNTAIN APACHE

[AMENDED JANUARY 2018]

### CHAPTER ONE

#### SLAUGHTERING WITHOUT A PERMIT

NOTE: Chapter One is derived from Ordinance 6, enacted October 8, 1937.

##### **SECTION 1.1 PERMIT REQUIRED; FEE; INSPECTION OF HIDE; SALES TO STORE PROHIBITED**

A. No member of the Fort Apache Tribe, owning stock within the reservation, will be \_\_\_permitted to slaughter, either for personal use or for sale, any of his cattle without a \_permit from the stockman in his district, or the Superintendent of Livestock. When a \_\_\_permit is granted, a charge of \$210.00 must be made, which fund must be deposited with \_\_\_\_\_the Superintendent, in the Livestock Fund. In addition the permittee, that is, the man who \_\_\_\_\_butchers the beef, must keep and produce the hide for inspection as to ownership of the \_\_brand.

B. No permits are to be issued for the sale of beef to stores.

##### **SECTION 1.2 VIOLATIONS; PENALTIES**

For violation of this regulation, the Council has provided a penalty of ninety (90)days in jail, or a fine of not to exceed five hundred dollars (\$500.00). Any violation must be reported and a warrant issued through the Police Court for the guilty party. The object of this regulation is to prohibit once and for all, the permissible killing of livestock without permission within the reservation. Police Officers and all stockman must see that his regulation, approved by the Council, is complied with.

### CHAPTER TWO

#### LIVESTOCK IN TRESPASS

NOTE: Chapter Two is derived from Ordinance 99, enacted march 4, 1976.

##### **SECTION 2.1 DEFINITIONS**

A. "Brand Inspector" shall mean the person who is responsible for inspecting all \_\_\_\_\_livestock, issuing hauling permits for livestock transportation, issuing slaughter permits, etc. This person is appointed by the Tribe.

AB. "Compound" shall mean any area of land within the reservation reserved for the \_\_\_\_\_public use, or for which there is a permit, lease, or assignment issued for a public purpose.

C. "Highway" shall mean a paved roadway for which the State of Arizona or the U.S. Federal Government has a right-of-way through the Reservation, and shall include all the land specified in said right-of-way.

D. "Livestock" shall include horses, burros, mules, cattle, and sheep, goats, swine, of every kind and description.

E. "Livestock Association" shall mean an association formed on the Reservation for the care, custody, and control of particular Livestock within its designated district.

F. "Livestock Manager" shall mean the person who coordinates and manages each Livestock Association, or his authorized representative (s) (ie: Stockman)

G. "Livestock Officer" shall mean the person(s) and/or agents of a law enforcement agency, who is/are charged with enforcing provisions of this Code and authorized by the Tribal Council, to include the Brand Inspector, Police Department employees, and/or Game Rangers. In the event additional assistance is needed to enforce provisions of this Code, all authorized employees of the above agencies that are summoned to assist are included in this definition.

H. "Reservation" shall mean all land within the exterior boundaries of the Fort Apache Indian Reservation.

I. "Tribal Court" shall mean the Tribal Court of the White Mountain Apache Tribe, Whiteriver, Arizona.

~~"General Livestock Coordinator" shall mean the person who coordinates and manages the General Livestock Association, or his authorized representative (s).~~

~~B. "Livestock" shall include horses, burros, mules, cattle and sheep of every kind and description.~~

~~C. "Highway" shall mean a paved roadway for which the State of Arizona or the U.S. Federal Government has a right of way through the Reservation, and shall include all the land specified in said right of way.~~

~~D. "Tribal Court" shall mean the Tribal Court of the White Mountain Apache Tribe, Whiteriver, Arizona.~~

~~E. "Compound" shall mean any area of land within the reservation reserved for the public use, or for which there is a permit, lease or assignment issued for a public purpose.~~

~~F. "Reservation" shall mean all land within the exterior boundaries of the Fort Apache Reservation.~~

~~G. "Livestock Association" shall mean an association formed on the Reservation for the care, custody and control of particular Livestock within its designated district.~~

## **SECTION 2.2 REGULATIONS**

A. No livestock shall be permitted to roam or graze within the following areas on the \_\_\_\_\_Reservation:

\_\_\_\_\_ (1) Any Highway;



\_\_\_\_\_ (2) Any other public community roadway; and the land contiguous thereto if said \_\_\_\_\_ land is abutted by a fence; ~~any church and/or traditional/cultural site, as well as~~ \_\_\_\_\_ any community subdivision;

\_\_\_\_\_ (3) Any school or government compound, including but not limited to those at \_\_\_\_\_ Alchesay High School, Alchesay and Williams Creek Fish Hatcheries, the Bureau \_\_\_\_\_ of Indian Affairs, ~~Cedar Creek~~ JFK School in Cedar Creek, Cibecue Community \_\_\_\_\_ School, Theodore Roosevelt School at Fort Apache, and the Tribal ~~or other~~ \_\_\_\_\_ Business-Commercial Area.

\_\_\_\_\_ (4) Any other areas where livestock threatens the public health, safety, or welfare, \_\_\_\_\_ as defined by the Tribal Council.

B. All livestock found grazing or roaming within the areas described in subsection A \_\_\_\_\_ herein shall be deemed in trespass and subject to removal by authorities.

C. The ~~General Livestock Coordinator~~ Livestock Officer shall be responsible for the \_\_\_\_\_ endorsement of this Chapter.

~~D. The Tribal Council is specifically authorized to grant EXEMPTIONS from the operation of these regulations, in whole or in part, for any activity which serves the public interest or welfare, education or entertainment, or similar purposes of public benefit.~~

### **SECTION 2.3 IMPOUNDMENT**

A. All Livestock in trespass, as provided in Section 2.2, shall be subject to immediate \_\_\_\_\_ impoundment and sale under the provisions and restrictions of this Section, unless \_\_\_\_\_ otherwise disposed of pursuant to the provisions of the ~~Law and Order Code~~ Code of the White Mountain Apache Tribe and its amendments.

B. Livestock in trespass shall be taken by the ~~General Livestock Coordinator~~ Livestock Officer to the impound feedlot near the Fairgrounds, or any available holding pen and \_\_\_\_\_ therein impounded.

C. Immediately upon impoundment of any livestock under the provisions of this Chapter, \_\_\_\_\_ the ~~General Livestock Coordinator~~ Livestock Officer shall take all action possible to (1) \_\_\_\_\_ ascertain ownership of the impounded Livestock, including, but not limited to checking \_\_\_\_\_ for brands and registration on the Tribal Brand Record, and inquiring of residents, if any, \_\_\_\_\_ in the locale where the livestock was found; and (2) to determine which livestock \_\_\_\_\_ association, if any, is in charge of the care and custody of the livestock so impounded.

D. Written notice shall be sent as soon as possible by the ~~General Livestock Coordinator~~ Livestock Officer to the owner or owners, and to the Livestock Association in charge of \_\_\_\_\_ said livestock, if any; said notice shall describe the livestock impounded, the location and \_\_\_\_\_ the date of its trespass, the basis for believing it is owned by the person (s) notified, or \_\_\_\_\_ controlled by the livestock association notified, the amount of fees as provided herein for \_\_\_\_\_ the release of the livestock, the deadline for the redemption, the possible disposition of \_\_\_\_\_ the livestock not redeemed and the right of the owner to a hearing as provided in this \_\_\_\_\_ Chapter.

E. The owners or livestock association properly notified shall have ~~three~~ three (3) working days \_\_\_\_\_ after notice is sent in which to contact the ~~General Livestock Coordinator~~ Livestock Officer and personally acknowledge in writing their ownership, and their intent \_\_\_\_\_ to redeem the impounded livestock upon payment of fees required. Such \_\_\_\_\_ acknowledgment shall not serve as a waiver of any rights provided under this Chapter.

### **SECTION 2.4 FEES; SALE**

A. The following fees shall be assessed as compensation for the costs of impoundment of \_\_\_\_\_ livestock in trespass:

\_\_\_\_\_ (1) An initial gathering fee of ~~\$5.00~~ \$50.00 per head of livestock, due upon \_\_\_\_\_  
\_\_\_\_\_ impoundment of any animal, and payable within the first 24 hours after \_\_\_\_\_  
\_\_\_\_\_ impoundment; plus

\_\_\_\_\_ (2) An impoundment fee of ~~\$2.00~~ \$10.00 per day per head of livestock \_\_\_\_\_  
\_\_\_\_\_ impoundment, due after the first 24 hours of impoundment and payable after \_\_\_\_\_ proper  
notice is given

B. Livestock may be redeemed upon cash payment of the required fees, or in the case of a livestock association, upon written authorization for a deduction from sale proceeds.

C. All livestock unredeemed within ~~20-five (5)~~ days after Notice of Impoundment is sent \_\_\_ or any un-owned/impounded livestock shall be sold at public auction no sooner than ~~21- six (6)~~ days after impoundment and at such times and places as the ~~General Livestock- Coordinator~~ Livestock Officer shall establish; ~~Provided provided~~ that notice of such \_\_\_\_\_ auctions shall be given to the owner (s) and livestock association, if any, at least five (~~5~~) \_\_\_\_\_ days prior to the auction.

~~D. Repeat Offences - Upon finding livestock in trespass for a second time, Notice of Impoundment and Forfeit shall be sent to owner or owners, and to the Livestock Association in charge of said livestock, if any. Such animals may not be redeemed and \_\_\_\_\_ shall then be sold at public auction.~~

~~D. All fees and proceeds of sales obtained under the provisions of this chapter shall be \_\_\_ paid to the General Livestock Association White Mountain Apache Police Department as \_\_\_ compensation for impoundment and auction costs; Provided that proceeds from the sale of any unclaimed livestock whose owner or Livestock Association was properly sent Notice of Impoundment shall be paid to such owner or Livestock Association, less the amount of assessed fees for impoundment and reasonable costs of the auction.~~

## **SECTION 2.5 INTERPRETATION**

A. Its is intended that this Chapter shall be enforced in addition to and not in conflict with the provisions of Chapter Four of this ~~code Code~~ [Ordinance 3] of the Law and Order Code of ~~the White Mountain Apache Tribe~~ and its amendments.

B. Nothing in this Chapter is intended to create ground for any potential civil liability \_\_\_ based on claims of negligence against any person (s) or livestock association whose \_\_\_ livestock may be involved in a vehicle accident or other injury within the areas defined in \_\_\_ Section 2.2 herein; nor is it intended that anything in this Chapter shall act as a waiver of \_\_\_ sovereign immunity of the White Mountain Apache Tribe.

## **SECTION 2.6 RIGHT TO HEARING; WRITTEN REQUEST**

A. Any party aggrieved or injured pursuant to the enforcement of this Chapter has a right \_\_\_ to a hearing in Tribal court, if a petition for a hearing is timely made as provided herein.

B. Written requests for a hearing shall be timely made within three (3) days from the date \_\_\_ of notice of the acts or events which aggrieved or injured the petitioner, and shall set \_\_\_ forth the nature of said acts or events, the date of their occurrence, the date of notice of \_\_\_\_\_ the acts or events, and the relief sought by the petitioner.

## **SECTION 2.7 GENERAL PROVISIONS**

A. The Tribal Court shall hear the matter within seven (7) days from the date the hearing \_\_\_ is requested. The Court shall follow its regular procedures for hearing civil actions; \_\_\_ provided that the Court shall hear evidence only on the issue or issues raised in the \_\_\_ Petition.

B. Upon a determination based on the evidence presented at the hearing, the Tribal Court may order such relief as it deems proper, including that any unpaid impounded livestock, \_\_\_\_\_ if any, or prior to their release, any proceeds of sale, if any, or any paid impoundment \_\_\_ fees or auction costs not owed, shall be returned.

C. Any notice required by this Chapter is sufficient if the person to receive it has actual or constructive knowledge of the matters of which he is to be notified. Such knowledge is \_\_\_\_\_ presumed unless otherwise rebutted if the notice required is timely mailed or delivered in writing and is verified by a mailing or delivery affidavit.

## CHAPTER THREE

### BRANDING REGULATIONS

NOTE: Chapter Three is derived from Ordinance 42, enacted June 1, 1960; and Ordinance 79 amending Section II of the Ordinance 42, enacted August 17, 1966.

#### SECTION 3.1 GENERAL PROVISIONS

A. A brand for the entire reservation shall be recorded with the Livestock Sanitary Board of the State of Arizona in the name of the White Mountain Apache Tribe.

B. The location of the livestock association brands shall be carefully described on cattle, horses, mules, and burros.

C. Each White Mountain Apache Indian Livestock owner on the Fort Apache Indian Reservation must record their individual holding brand with the White Mountain Apache Tribe before December 1, 1960.

D. Brand recording periods are for ten years. ~~All brands are subject to renewal in 1960, 1970, 1980, etc.~~ A one-year period shall be allowed before brands become delinquent.

#### SECTION 3.2 BRANDING RESPONSIBILITY

The branding of livestock and record maintenance will be the responsibility of the respective Board of Directors of each livestock association and that of the Livestock Manager of each respective district.

#### SECTION 3.3 TRIBAL BRAND REQUIRED

All livestock owners must brand their stock with the registered holding brand of the White Mountain Apache Tribe, with the exception of performance horses as described in Section 3.4.

#### SECTION 3.4 HORSE BRAND REQUIRED

All horses will be branded by the authorized owner with a stamp iron in compliance with this ordinance. Performance horses that are not branded must have sufficient markings to determine owner (freeze brands, tattoos, micro-chip, etc). Such markings shall be registered with the Brand Committee for each horse on the Fort Apache Indian Reservation within ten (10) days of being acquired.

#### SECTION 3.5 FEES

All brand transactions and applications must be accompanied by the correct fees. The following prescribed fees shall be the established fees:

A. For brand registration and recording with the White Mountain Apache Tribe ~~five-Ten~~ dollars (~~\$5.00~~10.00).

B. For brand renewals (Brands already in use) - ~~Two-Ten~~ dollars (~~\$2.00~~10.00).

C. For brand transfer from one individual to another - ~~One-Ten~~ dollars (~~\$1.00~~10.00).

D. All fees collected shall be placed in an account with the applicable livestock association, the Fort Apache Agency and \_\_\_\_\_ disbursed only for purposes connected with expenses approved by the Tribal Brand \_\_\_Committee.

### **SECTION 3.6 TRIBAL BRAND COMMITTEE**

A. A permanent brand committee will be established consisting of ~~the a~~ White Mountain \_\_\_Apache Tribal Livestock Manager, Livestock Inspector, and four members of the White \_\_\_\_\_Mountain Apache Tribe.

B. The Tribal Livestock Manager and the Livestock Inspector shall be permanent members of the Brand Committee.

C. The four other members shall serve for a period of two years following their \_\_\_appointments by the Tribal Council except that upon the initial appointment two \_\_\_members shall be appointed to serve for a period of two years and two members shall be \_\_\_\_\_appointed to serve for a period of one year. After the initial appointment two members \_\_\_\_\_shall be appointed by the Council to the Brand Committee each year.

### **SECTION 3.7 MEETINGS; COMPENSATION**

A. ~~Two-Four~~ regular meetings shall be held each year on the day and at the place designated \_\_\_\_\_by the Committee Chairman. Special meetings may be called by the Committee Chairman at his discretion. Four \_\_\_\_\_members of the Board Committee shall constitute a quorum.

B. Compensation. Appointed Committee members shall serve on a voluntary basis and shall not be reimbursed from Brand fee \_\_\_\_\_deposit account on the basis of ten dollars (\$10.00) each meeting plus mileage at nine \_\_\_\_\_fifty three and one half cents (.09535) per mile.

### **SECTION 3.8 DUTIES OF THE TRIBAL BRAND COMMITTEE**

A. To act on all matters furthering the improvement of the methods of handling all \_\_\_\_\_business related to the branding of livestock on the reservation.

B. To act on brand application

C. To act on brand transfer and duplications.

D. To act as a board of arbitration where necessary.

E. To provide a recording system and have printed a reservation brand book by livestock \_\_\_association districts and all other necessary forms for brand transactions.

### **SECTION 3.9 CLERK; LIVESTOCK MANAGER**

A clerk shall be provided by the ~~General Livestock Board~~Brand Committee to handle all clerical work in connection with brand registration, meetings, etc. ~~The Tribal Livestock Manager~~ shall be authorized to sign all brand certificates.

### **SECTION 3.10 BRANDS AND ADVERTISING**

A. All brands will be submitted to and reviewed by the Brand Committee.

B. All brands will be advertised through ~~the Tribal Council delegates and~~ notice posted in all districts for fifteen (15) days after being passed by the Brand Committee as being satisfactory before they will be recorded. Complaints must be submitted within a fifteen-\_\_\_\_ day period or no review of the brand will be deemed necessary.

### **SECTION 3.11 ENFORCEMENT; PUNISHMENT**

Any member of the White Mountain Apache Tribe violating any provision of this Chapter or in any way interrupting or interfering with the compliance and enforcement of this Chapter shall be guilty of a misdemeanor and when convicted in the White Mountain Apache Tribal ~~court~~Court shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than ~~three five hundred thousand~~ dollars (~~\$300~~5000.00) and/or imprisonment of ~~not less than one day or more than one year.~~

### **SECTION 3.12 AMENDMENTS**

Amendments to this Chapter may be made by resolution by the White Mountain Apache Tribal Council ~~subject to the approval by the Secretary of Interior or his authorized representative.~~

## **CHAPTER FOUR**

### **PRESERVATION OF RANGELANDS**

NOTE: Chapter Four is derived from Ordinance 31, enacted February 11, 1959; Ordinance 24, enacted March 22, 1954; and Ordinance 8, enacted October 5, 1942.

#### **Article One – General Provisions**

### **SECTION 4.1 GRAZING UNITS**

The Tribal Council shall define the boundaries of the grazing unit and shall adjust these boundaries from time to time as conditions warrant. Such boundary adjustments shall be effective as the beginning of the next permit period.

### **SECTION 4.2 FEES**

The Tribal Council shall establish annual grazing fees. ~~Such fees shall apply to all cattle, horses, mules, burros, and other livestock.~~ Such fees shall apply to all mature livestock animals. Such fees shall be established by the Tribal Council at least three months prior to the beginning of the annual grazing fees each year but not later than three months prior to May 1.

### **SECTION 4.3 LIVESTOCK ASSOCIATIONS**

A. Each member of the Tribe shall be eligible for membership in a stock association \_\_\_\_\_ subject to the requirement set forth in the Articles of Association or other organizational \_\_\_\_\_ document of the Association and approved by the Tribal Council pursuant to Section 1 (r), Article V of the amended ~~tribal~~ Tribal constitution.

bB. Applications for the establishment of additional stock associations and for \_\_\_ consolidation of two or more established association shall be subject to approval of the \_\_\_\_\_ Tribal Council in accordance with Section 1 (r), Article V of the amended ~~tribal~~ Tribal constitution.

Ce. Individual cattle owners must have Tribal Council approval (Council Resolution) to care for and manage their own cattle on their own property.

dD. Individuals owning horses or other livestock for personal use shall keep such \_\_\_\_\_ animals -confined in their property at all times, unless approved for grazing in other \_\_\_\_\_ areas (ranges) as defined in Sections 4.4A and 4.4B.

#### **SECTION 4.4 GRAZING PERMITS**

A. In order to carry out the objective quoted herein and to provide a method for using the \_tribal grazing resources in a manner which will permit the protection and conservation of \_\_\_\_\_ these resources with equal opportunities to all tribal members, grazing permits shall be \_\_issued only to recognized and approved livestock associations and/or individual owners \_\_\_\_\_ caring for their own livestock for use of specified ranges.

B. Grazing permits shall be issued by the White Mountain Apache Tribal Council Chairman subject to approval of the Superintendent, Fort Apache Agency. Grazing permits shall be issued in accordance with Section 151.16 and 151.18, CFR 25. ~~All \_\_\_\_\_ grazing lands within the Fort Apache Reservation shall be under permit not later than \_\_\_\_\_ May 1, 1959.~~

C. All grazing permits shall be issued for a five-year period ~~beginning May 1, 1959.~~

#### **SECTION 4.5 MANAGEMENT PLANS; BOARD OF DIRECTORS**

A. The Board of Directors for each Association shall prepare or assist and enter into \_\_\_\_\_ agreement with an appropriate government agency in the preparation of a livestock and range management plan or plans and shall be responsible for the effectuation of such \_\_agreement plans.

B. Livestock management plans shall include:

- \_\_\_\_\_ (1) Culling procedure.
- \_\_\_\_\_ (2) Annual inventory.
- \_\_\_\_\_ (3) Breeding procedure.
- \_\_\_\_\_ (4) Weaning procedure.
- \_\_\_\_\_ (5) Cow and Bull ratio.
- \_\_\_\_\_ (6) Branding, castrating and dehorning procedures.
- \_\_\_\_\_ (7) Construction of corrals and chutes.
- \_\_\_\_\_ (8) Supplemental feeding program.

\_\_\_\_\_ (9) Any other phase of livestock management which is to the best interest of the \_\_\_\_\_  
\_\_\_\_\_ Indians.

C. Range management plans may be incorporated with Livestock management plans and \_\_shall include:

\_\_\_\_\_ (1) Maximum stocking rate.

\_\_\_\_\_ (2) Salting procedures.

\_\_\_\_\_ (3) Deferred rotations grazing.

\_\_\_\_\_ (4) Reseeding depleted ranges.

\_\_\_\_\_ (5) Stock water development.

\_\_\_\_\_ (6) Erosion control.

\_\_\_\_\_ (7) Fencing.

\_\_\_\_\_ (8) Water spreading.

\_\_\_\_\_ (9) Flood control.

\_\_\_\_\_ (10) Brush and undesirable plant control.

\_\_\_\_\_ (11) Stock rate and range use schedule.

\_\_\_\_\_ (12) Any other phase of range mismanagement which is to the best interest of the \_\_\_\_\_  
\_\_\_\_\_ Indians.

D. Upon completion of these plans they shall become a part of the permit.

#### **SECTION 4.6 GRAZING CAPACITY LIMITATIONS IN ASSOCIATION PERMITS**

Grazing permits issued to the stock associations and/or individual owners shall restrict the total number of livestock to be grazed on the unit to the maximum authorized grazing capacity of the unit as established pursuant to Section 151.5, CFR 25.

#### **SECTION 4.7 ASSOCIATION DETERMINATION OF NUMBER OF ANIMALS INDIVIDUALS MAY GRAZE**

The various Indian livestock associations may determine, subject to the approval of the Tribal Council, the number of livestock each member of the said association may graze under the terms of the permit issued to the association and shall adjust these numbers from time to time as conditions and equities may warrant.

#### **SECTION 4.8 TRIBAL COUNCIL CONSERVATION MEASURES**

Grazing units or parts thereof which utilization show to be deteriorated may be closed to grazing by the Tribal Council for such time as it deems necessary to permit the recovery of the forage. In the event of the necessity of such action to conserve range, resources, the Tribal Council shall take such steps as are necessary to remove all livestock from the area thus closed to grazing and keep stock from grazing thereon until such time as the range has improved sufficiently to permit resumption of use.

#### **SECTION 4.9 ASSOCIATIONS TO FURNISH ROSTER TO TRIBAL COUNCIL**

A. Each Indian Livestock association shall furnish the Tribal Council a list showing for each member of its association the number, class, sex, brand, etc., of all livestock owned \_\_\_\_\_ and grazed in the unit not later than December 1 of each year.

~~B. Each individual livestock owner that has been allowed to keep his/her own livestock on his/her property, shall furnish the Tribal Council a list showing for the number, class, sex, brand, etc., of all livestock owned and grazed in a unit not later than December 1 of \_\_\_\_\_ each year.~~

#### **SECTION 4.10 GRAZING BY TRIBAL COUNCIL AUTHORITY ONLY**

No livestock shall be allowed to graze on the Fort Apache Indian Reservation except by special authority of/or grazing permits issued in writing by the Tribal Council.

#### **SECTION 4.11 REBRANDING**

Rebranding will be allowed only with the written permission of ~~the Tribal Council Issue Committee~~ the Brand Committee and/or Livestock Association's Board of Directors. Owner and applicant must appear in person before the committee. Any livestock rebranded will be branded, in numerical order up to the specified number allowed (such as BL#1, BL#2, etc.). The location of the number will be designated by the Brand ~~and Issue~~ Committee.

#### **SECTION 4.12 REMUDA PASTURES; ~~COMMUNITY HORSE PASTURE~~**

A. A remuda pasture ~~and community horse pasture~~ shall be provided by the Board of \_\_\_\_\_ Directors which shall be outlined in the range management plan of each livestock \_\_\_\_\_ association; the grazing capacity of such pastures shall be set in accordance with Title 25, \_\_\_\_\_ Code of Federal Regulations.

B. Remuda Pasture: Horses to be placed in the remuda pasture shall be horses actually \_\_\_\_\_ used during each Association's round-up. Such horses are to be designated by the Board of Directors and kept in the remuda pasture when not in actual use.

~~C. Community Horse Pasture: Animals not eligible for the remuda pasture, such as teams, mules, burros, and saddle horses not used in round-up, shall be kept in the community horse pasture when not in actual use. Written permission must be obtained from the majority of the members of the Board of Directors of the livestock association to place animals in the community horse pasture.~~

#### **SECTION 4.13 SCOPE**

This Article shall apply to all land within the Fort Apache Indian Reservation as defined in Article II of the Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation, approved June 27, 1958, as amended PROVIDED that the rights accruing to members of the Tribe under Article XI of the Constitution are not hereby jeopardized or abrogated in any way and PROVIDED FURTHER THAT rights of occupancy of reservation lands shall not include exclusive grazing privileges or rights not otherwise provided by this Chapter and nothing in this Chapter shall affect adversely the rights of individuals to their home sites or dwelling places.

### **Article Two – Horses, Burros, Mules**

#### **SECTION 4.14 BURROS**



No family shall be permitted to keep more than two ~~gentle-work~~ burros and no wild or unused burros on the Fort Apache Indian Reservations.

#### **SECTION 4.15 MARES AND FILLIES**

No family shall be permitted to keep more than two gentle brood mares or fillies one year or more of age. Such mares or fillies must be kept in the owner's corral/pasture at all times that they are not being used for work or saddle purposes, and not on the open range or roaming freely within communities.

#### **SECTION 4.16 SADDLE GELDINGS; WORK ANIMALS**

The number of broke and gentle saddle geldings and work animals that an individual may own shall not be limited but individuals will be encouraged to keep only the number needed for round-up or other work or saddle use by family members. Such animals need to be confined in a personal corral or pasture at all times.

#### **SECTION 4.17 ELIMINATION OF WILD AND EXCESS ANIMALS; AUTHORITY; PROCEDURE**

A. All wild, excess, or useless horses, mares, mules and burros shall be eliminated from \_\_\_ the Fort Apache Indian Reservation ranges by the method deemed most practical by the officers of district livestock association.

~~B. In the event that useless horses, mares, mules and/or burros are found within designated communities, the Livestock Officer(s) and his/her agents may remove such animals for the safety of the public. Such removal shall follow the procedures set forth in Chapter 2 of this Code.~~

~~BC. In case the livestock association officers refuse to act, the White Mountain Apache Tribal Council/Tribe shall have power to dispose of such wild, useless, or excess animals.~~

~~CD. Notice. In either case of disposition on the range is deemed the most practical \_\_\_\_\_ method of elimination, notice must be posted and warning to horse owners must be given \_at least 10 days before any animals are disposed of in order that owners may gather gentle \_\_\_\_\_ stock to be placed in proper pastures.~~

~~DE. Proceeds. In case a horse and burro round-up is decided upon by district or tribal \_\_\_\_\_ officers, all monies received from the sale of unbranded animals and/or unregistered but \_\_\_\_\_ branded animals shall go to the organization conducting the round-up. All monies \_\_\_\_\_ received from branded animals shall be deposited into the account of the individual-owner organization. Individual owners will have no recourse in disposition and/or \_\_\_\_\_ proceeds from the sale of these animals or receive any compensation therefore, as they failed to care for and provide their own pastures/corrals as outlined in this Code.~~

~~E. Work horses. Individuals desiring to take out round-up or other work horses bearing their brand must pay a fee of \$5.00 cash in advance for each animal and must further receive the majority approval of a committee consisting of the district stockman and the board of directors of the association who shall decide whether or not the animal or animals are needed and worth keeping.~~

#### **SECTION 4.18 STALLIONS ON OPEN RANGE; CASTRATION; DESTRUCTION**

Any stallion two years to more of age found running loose on the open range shall be castrated by round-up crews if it appears that he may make a good saddle horse or if in the judgement of the district stockman or round-up foreman, the animal will not make a useful saddle horse or will not be broken to ride by the owner, he may be destroyed, and in either case of castration or destruction, the owner shall have no recourse against the district stockman or round-up foreman, or receive any compensation therefore.

#### **SECTION 4.19 STALLIONS AND MARES PROHIBITED IN ROUNDUP REMUDAS OR HERDS**

No stallions and no mares shall be permitted within the round-up remudas or herds.

### Article Three - - Cattle

[RESERVED]

#### SECTION 4.20 BULLS; STATEMENT OF PURPOSE OF REGULATION

~~A. The White Mountain Apache Tribe owns and operates a purebred herd of cattle which now produces all of the bulls being used with the individually owned herds and can continue to do so in the foreseeable future, and~~

~~—— B. The livestock owners of the reservation recognize the benefits accruing to them through the improvements which have thus been made in the quality of their cattle and wish to safeguard the present high quality of the cattle of the reservation;~~

~~—— C. BE IT ENACTED by the Council of the White Mountain Apache Tribe as follows:~~

~~(1) That no bulls, other than those produced in the tribal purebred herd or otherwise acquired after approval of the Council as to quality, shall be permitted to run on the open range of the reservation.~~

~~(2) That in the event bulls other than those owned by the tribe or whose quality has been approved by the Council are found on the open ranges, they shall be impounded immediately and the following disposition made:~~

~~(a) Bulls which are clearly unbranded mavericks of the individual herds shall be emasculated and branded to the association concerned.~~

~~(b) Bulls which are branded or otherwise marked indicating positive ownership shall be held and the owner contacted for disposition. The owner of such animal shall be required to repay any cost incurred in handling and earing for the animal incident to impoundment before it may be released and in no event will they be turned back on the reservation.~~

~~(c) In the event the owner of any bull mentioned in (b) above cannot be located within a reasonable time, or, if located, the owner fails or refuses to make disposition of the animal, it shall be sold for the best price obtainable and the net proceeds after deducting the expense incurred shall be paid to said owner.~~

~~—— (3) All association officers and stockmen are charged with strict enforcement of this Chapter.~~

#### SECTION 4.21-20 DISPOSITION OF CATTLE

No person shall buy, sell, barter, trade, donate, slaughter or otherwise dispose of cattle owned by members of the White Mountain Apache Tribe and grazing on the ranges of the Fort Apache Indian Reservation except under the following conditions:

A. Cattle selected for sale at ~~the regular cattle sale or auctions~~ when such sale ~~has been publicly announced~~ is deemed necessary by the Association Stockman.

B. ~~All other cattle shall be sold to the General Livestock Association.~~

~~CB. The Chairman or his duly authorized representative~~ cattle associations' Board of \_\_\_\_\_ Directors may authorize in writing sales or trades or gifts of single or small lots of cattle.

~~DC. The slaughter of single animals is permissible after obtaining the written consent of \_\_\_\_\_ the General Livestock Manager or the~~ district ~~stockmen~~ stockman and inspection by the \_\_\_\_\_ Livestock Officer.

#### **SECTION 4.22-21 FEES FOR SLAUGHTER PERMIT**

A. Fee. The fee for a permit to slaughter any cow, steer, heifer or bull shall be ~~the hide of \_\_\_\_\_ the animal, which shall be delivered to the stockman or his duly authorized \_\_\_\_\_ representative; proceeds from the sale of hides shall be deposited in the HIM account of \_\_\_\_\_ the appropriate livestock association provided that in the event of failure to surrender the \_\_\_\_\_ hide, the owner to whom a permit is issued will be liable in the next cattle sale to the \_\_\_\_\_ association for the value of an animal of the same class as specified in the permit.~~ \$10.00 per 1.1. The fee shall be deposited the the applicable Livestock Association account.

#### **SECTION 4.23-22 ID BRAND; BROKEN ARROW BRAND; REGISTRATION OF INDIVIDUAL BRANDS**

A. All cattle owned by the White Mountain Apache Tribe or any of its subordinate units \_\_\_\_\_ and all repayment cattle and all cattle upon which the Tribe holds a mortgage shall be \_\_\_\_\_ branded ID high up on the left hip as recorded in the Arizona State Brand Book.

B. All other cattle shall be branded, in addition to the individual member's brand, with the \_\_\_\_\_ broken arrow brand high up on the left hip of the animal.

C. All individual member brands shall be registered on the Tribal Brand Record through \_\_\_\_\_ the Tribal Brand Committee.

#### **SECTION 4.24-23 MAVERICKS**

A. Definitions.- A maverick animal is any animal not branded and which is weaned and \_\_\_\_\_ not positively identified as to the mother of said animal.

B. No person shall appropriate any maverick animal found on the range, for his own or \_\_\_\_\_ any other individual's use by branding or otherwise, and all maverick cattle rounded-up, \_\_\_\_\_ herded or gathered or found on the range shall be branded to the respective cattle \_\_\_\_\_ association in whose district it is found, and such maverick so found shall thereafter be \_\_\_\_\_ the property of said association.

C. The Livestock Manager may decide to have such mavericks sold at auction, in which case the holding brand for such Association must be applied by stamp iron prior to \_\_\_\_\_ inspection by the Branding Inspector. No maverick shall be transported off the Fort \_\_\_\_\_ Apache Indian Reservation without required branding.

#### **SECTION 4.25-24 HOLDING PASTURE VIOLATIONS**

A. The Council hereby forbids the exercise of any grazing privileges by a cattle owner of \_\_\_\_\_ the Tribe on range that is specifically set aside as a holding pasture or pastures for all of \_\_\_\_\_ the other cattle owners of the District to which he belongs, and it directs each district's \_\_\_\_\_ stockman and any member of a grazing district to complain to our Tribal Court of any \_\_\_\_\_ refusal by cattle owners of his district to abide by the rules that apply to other members, \_\_\_\_\_ and

B. As the penalty for the continued violation of grazing regulations after such a complaint shall be filed, the Court is directed to assess a fine of ten dollars (\$210.00) per day or a \_\_\_sentence of one day in jail or both for each day that such violation shall continue after an \_\_\_\_\_order to desist has been issued by the Court.

#### **SECTION 4.26-25 NON-MEMBER GRAZING**

Non-members of the Tribe shall not run, range or graze livestock on the grazing lands on the Fort Apache Indian Reservation except under grazing permits duly executed in accordance with applicable grazing regulations of Title 25, Code of Federal Regulations, provided that certain domestic stock owned by government or tribal employees and domestic stock owned by persons not employed by the Tribe or the government, but said persons living on the Reservation may obtain permission to graze domestic stock only after the Superintendent recommends to the Tribal Council and the Tribal Council approves said permission.

#### **Article Four -- Enforcement**

#### **SECTION 4.27-26 ENFORCEMENT**

Any person under the jurisdiction of the White Mountain Apache Tribal Court of the White Mountain Apache Tribe, Arizona, who violates any provision of this Chapter or in any way impedes or interferes with carrying out the provisions of this Chapter in any orderly manner or aids and abets in its commission shall be guilty of an offense and upon conviction thereof shall be sentenced to labor or imprisonment for a period of not to exceed 90-365 days or fine of not to exceed \$1505,000.00 or both such imprisonment and fines.

#### **SECTION 4.28-27 DISPOSITION OF FINES**

All fines received by the Court shall be deposited with the Tribal Treasurer pursuant to the Law and Order Code of the White Mountain Apache Tribe, which chapter and section are hereby incorporated by reference as part of this code.