



# TE-MOAK TRIBE OF WESTERN SHOSHONE

## ORDINANCE OF THE GOVERNING BODY OF THE

### TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA

NO. 14-ORD-TM-\_\_\_\_

**BE IT ENACTED BY THE TRIBAL COUNCIL OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA, AS FOLLOWS:**

In accordance with Article 10 Tribal Lands Section 2 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, approved August 24, 1938, amended on August 26, 1982, as organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378) that this Ordinance to be known as the "TE-MOAK TRIBE GRAZING ORDINANCE" shall be effective upon passage.

### TE-MOAK TRIBE GRAZING ORDINANCE

**PREAMBLE:** This Grazing Ordinance shall govern the allocation and use of the Te-Moak Tribe of the Western Shoshone Indians of Nevada rangelands held in Trust by the United States on individual Band Council lands and other Te-Moak Tribes of the Western Shoshone Lands set forth in the future and shall become effective upon approval of the Te-Moak Tribal Council.

#### I. DEFINITIONS:

**ANIMAL UNIT MONTH (AUM)** a mature (1000 lb.) cow or equivalent based on an average monthly consumption of approximately 800 lbs. of air dry forage.

<b>AUM EQUIVALENTS</b>	Bison -	Mature	1.0 AUM
		Yearling	.75 AUM
	Cow with or without calf		1.0 AUM
	Bull -	Mature	1.3 AUM
		2 year old	.8 AUM
		Yearling	.6 AUM
	Horses -	3 year old and over	1.5 AUM
		2 year old	1.25 AUM
		Yearly	.75 AUM
	Sheep -	Mature	.20 AUM
		Yearling	.15 AUM
	Goats -	Mature	.20 AUM
		Yearling	.14 AUM

**CARRYING CAPACITY** maximum sustainable number of livestock that may be grazed on a defined area of land and within a defined period without damage to new vegetation or related natural resources, usually expressed in Animal Unit Months (AUMs) or Acres per Animal Unit (AU).

LIVESTOCK	domestic animals of the bovine, equine or caprine species. For the purposes of this ordinance, livestock are defined as cattle, horses, asses, sheep, goats, swine, llamas, alpacas, buffaloes or the carcasses thereof.
OWNER	an individual and/or individuals with legal ownership.
PERMIT	a revocable privilege granted in a resolution, limited to entering on and utilizing forage by a specific class of domestic livestock on a specified tract of land.
RANGE UNIT	a tract of tribal rangeland designated as a management unit for the administration of grazing under a permit.
RESERVATION	the Te-Moak Tribe of Western Shoshone Indians of Nevada (Battle Mountain, Elko, and Wells Indians Colonies and South Fork Indian Reservation including Odgers Ranch and Ruby Valley).
STOCKING RATE	maximum number of AUM's which can be grazed on each range unit under sustained yield principles. It is based upon the carrying capacity of each range unit with adjustments for new management capacity, topography, climatic conditions, water development, and Tribe objectives. Stocking rates are set under guidelines contained in 25 CFR §166.305.
STRAY	any livestock as aforementioned in this Ordinance, unbranded, running-at-large within the boundaries of the Te-Moak Tribe of the Western Shoshone Reservation lands whose owner cannot be identified.
TRESPASS	any unauthorized occupancy, use of or action by livestock in areas of Tribal lands that are not approved by Band Council, Ordinance or Permit.
TRIBAL COURT	the Tribal Court for the Te-Moak Tribe of the Western Shoshone Indians of Nevada is governed by the Court of Indian Offenses 25 CFR, Subpart A, §11.100 (a), (3) commonly referred to as the CFR/Tribal Court.
TRIBAL LAND	land or any interest therein held in trust by the Federal Government for the Tribe.
TRIBE, TRIBAL	the Te-Moak Tribe of Western Shoshone Indians of Nevada and the Te-Moak Tribal Council (parent Council for the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band) which is the governing body recognized by the Secretary as having the authority to act for the Band Councils.
TRUST	pertains to an interest in or possession of property such as land held for the benefit of another, such as an Indian Tribe by the Federal Government.
TRUST RESPONSIBILITIES	refers to the Federal Government's commitment to Indian Tribes for conservation of natural resources, cultural resources, and water resources.

## II. GENERAL PROVISIONS

### A. Purpose

The purpose of this Grazing Ordinance (Ordinance) for the Te-Moak Tribe of the Western Shoshone Indians of Nevada (Tribe) is to serve as a guide and provide a system for the management and governance of the Federal Trust lands governed by the Band Council. This Ordinance will provide a fair and equitable opportunity for the proper use of grazing lands within the jurisdiction of the Tribe by fair and equitable opportunity for the proper use of grazing lands within the jurisdiction of the Tribe by its membership and provide for the protection and preservation of these lands for use by future generations.

## **B. Authority**

This Ordinance is written under the Authority of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, Article 10 and 25 CFR Parts 151 and 166.

Grazing permits governing the use of the land shall be executed by the Band Council and shall become effective upon approval. It shall be the responsibility of the Band Council to enforce the rules and regulations set forth within this Ordinance.

## **C. Conservation**

Stipulations of use shall be attached to each grazing permit and shall require each permittee, or other user of the trust lands of the Band Council to protect the land and any permanent improvements from depredation or accelerated depreciation while such land and improvements are under their care.

It is within the authority of the Secretary of the Interior to protect Tribal lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing. Subject to 25 CFR, Part 166, the right exists for an Indian Tribe to authorize grazing permits on their lands, subject to the provisions that the Bureau of Indians Affairs will set stocking rates and seasons of use in accordance with 25 CFR, §166.305, and to prescribe by appropriate tribal action the conditions under which their lands may be used.

## **D. Indian Preference**

It is the established policy of the Band Council to encourage the use of Tribal lands by operators who are tribal members. It is also recognized that the agricultural resource will support only a limited number of economically sound ranch enterprises. As the number of requests for grazing permits begin to surpass the annual productivity of the range resource, it becomes necessary to set priorities for determining Indian Preference. The term “Indian Preference” as applied through this Ordinance means preference shall be given to enrolled adult members of the Te-Moak Tribe of Western Shoshone Indians of Nevada and shall be granted in the following matter:

1. Tribally enrolled individuals, tribally recognized Associations, Corporations, and Partnerships whose members are bona fide operators, making their living from agricultural pursuits.
2. Head of household who is a bona fide livestock owner.
3. Tribally enrolled individuals, tribally recognized Associations, Corporations, and Partnerships whose members are bona fide livestock owners and operators but do not fully support their households through agricultural pursuits.
4. All other Tribal members who do not qualify under the above classifications.

Tribal lands permitted by tribal members using preference granted to them by the Band council may be assigned or cancelled upon request under the following provisions:

1. Cancellation. Land(s) must re-advertised for permit. The cancellation and any associated permit feeds will not become effective until the land is re-permitted.

### **III. GRAZING PERMITS**

#### **A. General**

This Ordinance shall apply to all grazing lands within the jurisdiction of the Band Council and all other grazing lands now held in trust for the Te-Moak Tribe of Western Shoshone Indian of Nevada or that may be received as a gift, grant or purchase or in any other way placed under the jurisdiction of the Band Council, with the exception of lands which have been assigned to individual tribally enrolled members as assignments, homesites, and business sites. Also to be expected from this Ordinance are any lands reserved by the Band Council as "Special Use Areas" for any other purpose.

#### **B. Range Units**

1. All rangelands within the Reservation or otherwise under the administration of the Band Council shall be divided into Range Units. Lands included in units must be contiguous and manageable as a unit. The boundaries of such Range Units shall be defined in the Land Use Permit Plan. Adjustments in these boundaries for resource management purposes or to include newly acquired lands may be made by the Band Council.
2. Carrying capacity for these Range Units shall be determined in accordance with 25 CFR, §166.305.
3. Grazing units or parts thereof where utilization studies or other vegetation production surveys show deterioration in land quality, may be closed to grazing by the Band Council or their authorized representative for such time as deemed necessary to permit recovery of the forage. In the event that a range unit closure is necessary to conserve range resources, the Band Council shall notify the permittee, in writing, and request to implement immediate measures to remove all livestock and close the area to further grazing.
4. At any time, should the range unit size or carrying capacity be reduced or increased while it is under permit to a permittee, adjustments to the animal grazing rental fees shall be made to reflect such changes. When a range unit or any part thereof is revoked for any reason other than revocation, for due cause as stipulated below in Article III, C, 5, "Revoking Permits" or for protection of a Range Unit as described in 3 above, adjustments in fees and changes to carrying capacities will be made at the end of the grazing season, where possible. If it becomes necessary to adjust the size or carrying capacity of a unit, due consideration will be given to the permittee. The permittee shall be given 30 days to remove their livestock and property unless they can present just cause before the Band Council for additional time so as to cause the last amount of damage to the range unit or hardship to the permittee.
5. Carrying capacity levels established by the BIA may be reviewed if a permittee believes that the carrying capacity of a range unit is incorrect. The permittee shall make a written request to the Band Council of an investigation of the range unit in question. Carrying capacities may be adjusted in accordance with the findings of these investigations and in accordance with 25 CFR, §166.305.

#### **C. Issuance of Permits**

##### **1. Allocations**

- a. Any enrolled adult member of the Te-Moak Tribe of Western Shoshone Indians of Nevada is eligible to hold a grazing permit. Any tribally recognized Group Corporation, Partnership or Association of Tribal Members with approval of the Band Council will be eligible to hold a grazing permit.
- b. Everyone listed above (under Article III., C., 1., a.,) requesting a grazing permit on Reservation lands must comply with the following stipulations:
  - (1) All permittees must show proof of livestock ownership for all animals that will be grazed under the permit.
  - (2) All permittees must show proof that they have a recognized, registered brand recorded with the State of Nevada Livestock Commission and the brand is in his/her name only or recorded in the name of a tribally recognized Group, Corporation, Partnership or Association, whichever the case may be, at the time of application and that all livestock grazed carry this brand. Exception: A brand may be recorded in the name of the permittee and his spouse provided they are both Tribal Members.
  - (3) Exception: Registered Horses. Owners must provide verification of APHA, AQHA or Thoroughbred Papers for proof of ownership. Photos, tattoos, markings, freeze brands, and iron brands must have Registration Papers on file with the Band Council.
  - (4) Prospective permittees must submit an application to the Band Council on the prescribed form one (1) month prior to grazing season. The Band Council will, in turn, set a special meeting to review applications for grazing and make the final approval.

## **2. Tenure**

Grazing permits for each range unit shall state the number of livestock to be grazed, the kind of livestock, the season of use and the annual fees due. Range Control Stipulations (Attachment 1) for each grazing permit will be attached for review and acceptance by the permittee. Failure to abide by the terms of these stipulations will result in permit revocation.

Grazing permits will be issued by the Band Council for lands administered under their jurisdiction. Any land base (e.g., land assignment) required for Bureau of Land Management grazing permits shall be approved by the Band Council, no exceptions. Grazing permits will be reviewed and approved by the Band Council prior to permit initiation to ensure conformance with the Federal and Tribal law. Grazing permits will become effective on **April 15** of the issuing year upon approval by the Band Council.

Permits shall be issued for the established grazing season as designated by permit; no livestock shall be allowed to graze upon the rangelands of the Te-Moak Tribe of Western Shoshone Indians of Nevada, outside of individual pasture assignments, except by authority of a grazing permit issued by the Band Council.

Permittee shall notify the Band Council the day of their scheduled turnout for counting of the cattle herd and verification of vaccinations.

Any livestock found grazing on Tribal lands as described in Part A, "Range Use" outside of individual pasture assignments, that are not authorized by a valid grazing permit will be subject to trespass action in accordance with "Article III., D., Livestock Trespass" of this Ordinance.

## **3. Grazing Fees**

- a. Minimum grazing fees to be charged for both allocations and advertised units will be set by the Band Council prior to each annual permit period. In consultation with the B.I.A. in accordance with 25 CFR,

§166.400, the Band Council will provide a fair market appraisal of grazing rates to livestock owners. A request for appraisal must be made one (1) year in advance of the expiration of each subsequent permit period.

- b. Grazing fees will be charged on an Animal Unit Month (AUM) basis for the authorized carrying capacities and season of use for each pasture or range unit.
- c. Permittees in good standing, whose allocations are up for renewal, will be charged the established rate per AUM as prescribed by the Band Council for that given year.
- d. No free grazing shall be permitted on any grazing unit.
- e. The authorized grazing year shall be from April 15 to October 15 annually. Grazing fees shall be paid annually, in advance, and will be due April 1. Fees not paid by April 15 will be delinquent as of that date. Failure to negotiate for the payment of grazing fees by April 15 will be due cause for revoking the grazing permit.

#### **4. Improvements**

- a. All improvements will be the responsibility of the Band Council and such improvement must be reviewed on an annual basis to ensure that the grazing area is suitable for livestock.
- b. The Band Council shall establish a "Tribal Range Improvement Account" with 100% of the grazing fees collected annually to be utilized for maintenance and improvement on the grazing lands. All improvements will remain on the grazing lands. 50% is to remain in the account for emergency repairs.

#### **5. Revoking Permits**

All permits shall be revocable by the Band Council, with the terms and conditions as outlined in this Ordinance.

#### **6. Pasture and Production**

- a. For unpermitted range units, the established rates per AUM, as prescribed by the Band Council for that given year, will be used as the minimum bid for all prospective bidders. If there is more than one applicant or anyone new interested in an unpermitted range unit, applicants, for the range unit will be allowed to bid competitively by sealed bid. The Band Council will issue the permit to the highest bidder, provided all requirements under this Ordinance have been met.

#### **D. Livestock Trespass**

1. Any tribally enrolled member or tribally recognized Associations, Corporation or Partnership of members of the Te-Moak Tribe of Western Shoshone Indians of Nevada or any other Indian who allows any livestock to graze rangelands under the jurisdiction of the Band Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada, without a valid permit shall be deemed guilty of an offense against this Ordinance and subject to Tribal Court action.
2. Any person or persons holding a grazing permit issued by authority of this Ordinance who fails to comply with the terms set forth within the grazing permit shall be deemed in trespass and violation of permit, and shall be subject to penalties set forth in 25 CFR, Part 166, Subpart I.

#### **E. Sub-Leasing**

1. There will be no sub-leasing of grazing privileges on Tribal Range Units.
  - a. Definition of Sub-Leasing: The act of willfully allowing parties, other than the party for whom the lease or permit is issued to, to use the property as if it were leased or permitted to them.
  - b. Immediate family members won't be allowed to run livestock on Range Permits unless their name, address, brands, and livestock descriptions are also on the permit.
  - c. Violation of sub-leasing provisions will be cause for cancellation of the permit. In the case of permits where there are more than one permittee, the party or parties of fault only will have their permit privileges revoked. All other grazing permit privileges held by the parties at fault, at the time of cancellation, will also be revoked. Both the permittee(s) at fault and the sub-lessee will be ineligible to obtain grazing permit privileges on Tribal Lands for five (5) years following cancellation. The Band Council will approve or disapprove cancellation.

#### **IV. BRANDING REQUIREMENTS**

##### **A. Necessity of a Brand**

Every Tribal Member owning livestock shall have and use a brand on each animal; such brand shall be recorded in the State of Nevada Department of Agriculture Official Livestock Identification Division. Additional markings, including earmarks, waddles, dewlaps, ear tags, tattoos, etc., may be utilized for identification purposes by the owners but may not replace the branding requirements within this Ordinance. Cattle shall be branded with a hot iron brand. Sheep, llama, and alpacas shall be branded with a point brand. Horses shall be branded with a hot iron brand, freeze brand or tattoo marking (on upper lip). Any unbranded cattle, excepting calves with a branded mother, shall be subject to seizure by the Band Council and shall be handled and disposed of as an estray. Any person who violates the provisions of this section shall be, upon conviction, subject to a penalty assessment or any other orders of the Tribal Court (25 CFR Subpart D).

##### **B. Brands, Recording, Evidence of Ownership**

No brand(s), except those that are recorded under the provisions of this Ordinance, shall be recognized in law as evidence of ownership of the livestock upon which such brand may be used. It shall be the duty of all persons to brand newly acquired cattle or horses with duly registered brands as soon as practicable, notwithstanding the possession of a Bill of Sale. Nothing herein, however, shall be construed as relieving the owner of his duty to retain possession of any Bill of Sale.

##### **C. Brands – Property Subject to Sale, Assignment, and Descent**

Any duly registered brand shall be considered to be the personal property of the person and be subject to sale, assignment, transfer, devise, and descent.

##### **D. Brands of Minors – Responsibility of Parents and Guardians**

Minors under 18 years of age, owning livestock separate from that of the parent or guardian may have a separate brand registered with the State of Nevada Department of Agriculture Brand Division; however the parent or guardian shall be responsible for the proper use of such brand by any such minor. In addition, the brand must not be expired.

##### **E. Bills of Sale, Necessity and Presumption, Definitions of Livestock**

1. No person shall buy, receive, dispose of or have in his/her possession any livestock unless the person selling or disposing of such livestock gives, and the person buying or receiving such livestock obtains, a written Bill of Sale giving the number, kinds, marks, and brand of each animal sold which meet the requirements set forth in this Ordinance.
2. The possession of livestock, without having a written Bill of Sale meeting the requirements set out in this Ordinance shall be prima facie evidence of illegal possession against any person charged with theft, unlawful possession, handling, driving or killing livestock.

#### **F. Bill of Sale-Requirements**

1. A duly executed Bill of Sale is an instrument in writing by which the owner or his authorized agent transfers to the buyer the title of livestock, and such description shall include marks, brands, and any other identification.
2. The seller shall sign his name to and write in the Bill of Sale his address. The Bill of Sale shall be executed on the day of the transaction.
3. The Bill of Sale may be witnessed and certified by any Livestock Brand Inspector.
4. A registration certificate issued by a recognized Pure-Bred Association, properly identifying the animal properly acknowledged by the Band Council may be used as proof of ownership.
5. An inspection certificate executed as a Bill of Sale and certified by a Livestock Brand Inspector may be used as a proof of ownership.

#### **G. Bills of Sales of Livestock, Duty of Exhibit, Violation, Penalty**

Any person who has purchased or received or has in his possession any livestock either for himself or another, shall exhibit the Bill of Sale for the livestock at the reasonable request of any Livestock Brand Inspector or other peace officer. Any person who fails to produce a Bill of Sale as required in this Ordinance or is unable to exhibit other written evidence of ownership or legal possession shall, upon conviction, be subject to penalty assessment not to exceed \$300.00 and such other orders of the Tribal Court.

#### **H. Inspection of Brands and Earmarks of Exported Cattle**

It shall be the duty of the State of Nevada Department of Agriculture Brand Inspectors to cause to be kept and preserved a true and correct record of the result of such inspection, which record may be preserved in the State of Nevada Brand Inspection Records, which record shall set forth the date of the inspection, the place where, and the person by whom made, the name and post office address of the owner, shipped claimant of the cattle so inspected, and names and post office addresses of all persons in charge of such cattle inspected, and the number of classification of such cattle.

#### **I. Unbranded Cattle-Estrays**

In any case of dispute over ownership of branded or unbranded livestock, and the State of Nevada Brand Inspector is unable to determine ownership positively, such animal will be handled as an stray. It shall be sold with the proceeds turned over to the Band Council.

#### **J. Ownership-Possession**



If any duly authorized Inspector shall find any cattle or carcasses in the possession of any person, branded or unbranded, and said person in charge or in possession of such livestock does not have a Bill of Sale or cannot furnish satisfactory proof of ownership or said inspector has good reason to believe said livestock or carcass(es) was stolen, the Inspector shall seize and take possession of same and retain possession until satisfactory evidence of ownership is produced or until such livestock or carcass(es) are disposed of as provided by this Ordinance.

## **V. LIVESTOCK DISEASE CONTROL AND TRANSPORTATION**

Whenever livestock on the reservation become infected with a contagious disease or have been exposed thereto, such livestock shall be treated and the movement thereof restricted in accordance with the applicable Federal, State of Nevada Laws, and Tribal Ordinance. The Band Council shall require livestock to be vaccinated to stop any further spread of diseases and inspect or restrict in movement, when necessary, to prevent the introduction and spread of contagious or infectious disease. In the economic interest of reservation livestock owners, the following rules will be adhered to by all livestock owners within the reservation boundaries:

### **A. Requirements for livestock entering the reservation**

1. No livestock infected with or which have recently been exposed to any infectious, contagious or communicable disease or which originated in a quarantined area, shall not be transported or moved onto tribal lands without the knowledge or approval of the Band Council.

### **B. Official health certificate**

1. An official health certificate is a legible record attesting the animals covered thereby meets the requirements of the Band Council, on an official form of the State of origin and approved by its livestock approving official(s) and issued by an approved, accredited veterinarian or an equivalent form of the U.S. Department of Agriculture issued by a Federal Inspector of the veterinary services.
2. Such Certificate shall contain:
  - a. Names and addresses of the consignor and consignee.
  - b. Origin of shipment.
  - c. Accurate description or identification of each animal including brand.
  - d. Health status of the animals including dates and results of inspection tests, vaccinations or treatment, if any, required by the Band Council.
3. A copy of the health certificate shall be on file in the Band Council administration office.
4. Health Certificates shall be valid no longer than thirty (30) days after the date of inspection.
5. No health certificate will be accepted by the Band Council unless it is compliant in all respects with the requirements of this ordinance.
6. Accredited veterinarians who are approved by the chief livestock sanitary official of the State of origin and federal veterinarians of the U.S. Department of Agriculture may inspect livestock for the purpose of issuing a health certificate.
7. Infected livestock shall be held in quarantine at the risk and expense of the owner until released by an authorized representative of the Band Council. Such animals when found to be not in compliance with the health certificate requirements may be ordered slaughtered, removed from the reservation or confined to a quarantined area designated by the Band Council.

### **C. Brucellosis entry requirements**

Cattle may enter the reservation, provided they are transported or moved in conformity with this ordinance and are free from evidence of any infectious, contagious or communicable disease, or exposed thereto.

1. All female cattle entering the reservation shall have been officially Brucellosis calf-hood vaccinated (except calves under four (4) months of age) as follows:
  - a. Female cattle of any breed vaccinated while from four (4) or 12 months of age (120-265 days) with a reduced dose of strain 19 vaccine by an approved official of the State of origin.
  - b. Female cattle which were officially calf-hood vaccinated in accordance with the provision of the Federal Uniform Methods and Rules shall be declared official calf-hood vaccinates.
  - c. Evidence of vaccination shall be an official tattoo in the right ear of the animal. Tattoo symbols must be clearly legible to the naked eye in ordinary daylight without use of artificial light or other aids. Re-tattooing or re-identification of official vaccinates is not acceptable for entry onto the reservation.

### **D. Brucellosis test requirements**

1. All Brucellosis agglutination tests of animals which are intended for shipment onto the reservation shall be made in State or Federal approved laboratories or commercial laboratories operated under the supervision of the United States Department of Agriculture and approved by the State of origin, or by a veterinarian approved by the livestock sanitary officials of the State of origin to make such tests.
2. Test Eligible Cattle
  - a. Officially vaccinated female cattle of dairy breeds which are over 20 months of age.
  - b. Officially vaccinated female cattle of beef breeds which are over 24 months of age.
  - c. Officially vaccinated females of dairy breeds which are under 20 months of age if parturient (springers) or past parturient (have calved).
  - d. Officially vaccinated females of beef breeds which are under 24 months of age if parturient or past parturient.
  - e. Intact males of beef or dairy breed which are over six (6) months of age.
3. All test eligible from a Class B or C State shall have been tested negative within 30 days of importation and shall be quarantined on arrival and subjected to a retest 45 to 120 days past entry.
4. Exceptions to test requirements:
  - a. Cattle from a Class Free State
  - b. Cattle from a certified free herd in Class Free, A or C States
5. All Test eligible cattle entering the reservation, in addition to the above requirements, shall be individually identified on a health certificate.

6. Cattle not meeting these requirements shall not enter any Tribal Lands except by special permission of the Band Council.
7. Any animals imported in violation of these Brucellosis regulations shall be placed under strict quarantine and cosigned to immediate slaughter and removed from the reservation to a designated federal quarantine area within 15 days or such shipment shall be returned to the point of origin by importer.
8. In addition to meeting the above requirements for entry, cattle imported onto tribal lands shall meet all requirements set forth in Title 9, as revised.

#### **E. Trichomoniasis**

A person, his representative or employee shall not ship, transport or otherwise move onto tribally-controlled land, grazing or assignment any bull that is eight (8) months of age or older, unless the bull:

1. Has been tested for Trichomoniasis by an approved, accredited veterinarian within 30 days before entering the reservation.
2. Is accompanied by a health certificate issued by an approved, accredited veterinarian which specifies the date of the testing and which:
  - a. Verifies that Trichomoniasis has not been diagnosed in the herd of origin of bull during the previous 12 months; or
  - b. If the bull is from a herd that has tested positive for Trichomoniasis during the previous 12 months, verifies that the bull tested negative for Trichomoniasis in each of its three (3) most recent tests before entering reservations lands and that each such test was performed at least one (1) week apart.
  - c. Bulls that are eight (8) months of age or older which comingle with cows shall be tested yearly after they have been removed from the cowherd.
  - d. An approved, accredited veterinarian who performs tests for Trichomoniasis on a bull on the reservation shall, within 48 hours after receipt of a positive test with respect to the bull, will report the result to the owner of the bull and classify the bull as an infected bull.
  - e. An infected bull shall be removed from the reservation unless the infected bull is quarantined.
  - f. An infected bull must receive a negative test result in each of its three (3) most recent tests for Trichomoniasis, with each test being performed at least seven (7) days apart.
  - g. Testing of an estray bull found comingling with a cow belonging to another person is to receive a test for Trichomoniasis with the owner of the bull paying all costs associated with the test.
  - h. The owner of an exposed herd shall not transfer ownership of any bull, cow or heifer that is 20 months of age or older, from the herd until each bull in the herd has received a test for Trichomoniasis.
  - i. The owner of the exposed herd may release any cattle from the herd to slaughter.

#### **F. Scabies**

All cattle shipped from States with scabies infestations must meet the following requirements:

1. Permit and official health certificate on all cattle.
2. Official dipping required on all cattle originating in States with scabies infested herds.
3. These requirements are in addition to other States, Federal, and Tribal requirements pertaining to the movement of cattle onto the reservation.
4. All horses, mules, and asses shall be accompanied by an official health certificate from the State of origin.

#### **G. West Nile Virus (WNV) Disease**

Although WNV is not a contagious disease, it is recommended that equine owners vaccinate against WNV to lessen the threat of death among their equine herd.

1. At the first sign of a horse infected by WNV on an assignment or rangeland, the owner(s) or any person(s) who witness(es) a horse with the symptoms of WNV must immediately notify the proper authorities as designated by the Band Council in accordance with the protocol of the Livestock Emergency Response Plan (LERP) to confirm the symptoms of WNV or in the event of death, exact cause of death.
2. Should it be determined that the West Nile Virus is indeed the cause of death, proper health officials must immediately be notified to alert tribal members that the virus is local and to take necessary steps in a avoidance of death to their horses.

#### **H. Bovine Spongiform Encephalopathy (SSE) aka Mad Cow Disease**

SSE is a transmissible, neurodegenerative, fatal brain disease of cattle and is the most feared form of bovine disease that can affect the entire cattle population on the reservation if measures are not taken to avoid the spread of SSE as the timing and severity of an outbreak are impossible to predict.

It may take from two (2) – eight (8) years from the time an animal becomes infected until it first shows signs of disease. Symptoms of SSE may include, but not be limited to, change in behavior and attitude, gradual uncoordinated movements, trouble standing and walking, weight loss despite having an appetite, and/or decrease milk production.

1. Cattle brought in from outside of the reservation shall require documentation on its place of origin including, but not limited to, vaccination, age, animal identification and the off-spring from each cow.
2. In all SSE infected cases, the entire cattle herd may be destroyed and disposed of to prevent the disease from spreading to other cattle herds and humans. Note: Without proper protection, an individual's premises and livelihood may be devastated which may very well create a domino effect and the possibility of preventing access to markets for other cattle owners.
3. Currently there is no known cure for this disease. Containment and quarantine of the infected cattle herd is required to prevent the spread of disease. A minimum of 40 days is sufficient time to have the entire cattle herd tested for SSE. Upon confirmation of SSE, the disposal of animals will commence by the burning and burying of infected cattle as this is the only alternative for containing the disease.
4. At the onset of identifying the disease, the cattle owner must immediately contain their cattle herd and notify proper authorities (or a representative designated by the Band Council) as outlined in the Livestock Emergency Response Plan (LERP). Failure to do so will result in violation of this Ordinance.

**VI. LIVESTOCK HEALTH REQUIREMENTS ON TRIBAL LANDS**

1. All female cattle or female bison born on the reservation shall be vaccinated between four (4) and 12 months of age (120 – 365 days) with a reduced dose of strain 19 vaccine by an approved, accredited veterinarian with the exception of those going directly to slaughter.
2. The Band Council may require health clearances and appropriate treatment of cattle by an approved, accredited veterinarian prior to turnout on the range and following fall roundup during periods of high risk from infectious, contagious diseases or parasites.
3. Change of ownership:
  - a. A brand inspection shall be required prior to sale or exchange of any livestock on the reservation.
  - b. A permit shall also be required.
  - c. A health certificate may be required during periods of high risk form infectious, contagious or communicable diseases or parasites as determined by the Band Council.

**VII. EFFECTIVE DATE OF ORDINANCE**

1. This Ordinance shall become effective upon approval by the Tribal Council and shall supercede all previous Grazing Ordinances.

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

I, the undersigned certify that the Tribal Council of the Te-Moak Tribal of Western Shoshone Indians of Nevada is composed of 9 members of whom \_\_\_\_\_ constituting a quorum were present at a duly held meeting on \_\_, \_\_\_\_\_, 2014, and that this Ordinance was duly adopted at such meeting by a Vote of \_\_ FOR, \_\_\_\_\_, AGAINST, \_\_ \_\_\_\_\_, ABSTENTIONS, pursuant to Article 4, Section 3 (n) of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

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**Davis Gonzales, Tribal Chairman  
Te-Moak Tribe of Western Shoshone**

**ATTEST:**

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**Recording Secretary  
Te-Moak Tribe of Western Shoshone**