

- (6) That the permittee is subject to the jurisdiction of the Tribal Council and Tribal Court for the purpose of enforcing compliance with the terms of the grazing permit.
- (7) All livestock over the age of two (2) years shall be branded with the YT brand. This will include all livestock of breeding age.
- (8) That in addition to Tribal YT brand, the permittee shall brand each animal over two (2) years in age with a personal brand registered with the Yomba Shoshone Tribe and the Nevada State Department of Agriculture.
- (9) Such other information as the Tribal Council deems appropriate and necessary.
- (10) Brand bulls and rotation of bulls out of herd at 5 years of age.
- (e) In issuing grazing permits, the Tribal Council may grant preference to those applicants who are members of the Yomba Cattleman's Association.
- (f) The Tribal Council shall set reasonable fees for the issuance of grazing permits. The Tribal Council shall consult with the Yomba Cattleman's Association in determining the fees.
- (g) Grazing permits shall not be exchanged, sublet nor transferred.
- (h) The number of head or season of use under a grazing permit may be modified, through application to the Tribal Council.
- (i) The Tribal Council or delegated authority will decrease or increase annual individual permits on an equal percentage to each permittee should USFS, BLM or Tribe AUM's increase or decrease.
- (j) Operators who continue to violate the conditions of this ordinance or permit will be prohibited from receiving future permits.
 - (i) A tribal member willingly violating the conditions of this ordinance and the permitting process shall be fine/or acted against (e.g. grazing non-member owned cattle).
 - 1. Non-permittee would automatically be trespassing and fall under the regulations of this ordinance.

Section 4

Livestock Health Regulations

- (a) The Tribe and the Yomba Cattleman's Association shall do all things necessary for the control and eradication of infectious, contagious or parasitic diseases of animals that are grazed within the boundaries of the Reservation and on those

federal lands adjoining the Reservation for which the Tribe obtains the right to graze.

(b) A person, his agent or employee shall not bring any animal into a Tribal controlled grazing unit unless he has obtained a health certificate showing that the animal is free from contagious, infectious or parasitic diseases or exposure thereto. This requirement does not apply to any animal whose accustomed range is located in close proximity and which is being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon, unless it is determined such livestock have been grazed in common with livestock that have not met the health requirement(s) required under this ordinance.

(c) Brucellosis

- (1) All female cattle and bison that are 12 months of age or older shall bear a legible official tattoo as evidence of calfhood vaccination against brucellosis.
- (2) A person, his agent or employee shall not ship, transport or otherwise move into Tribal controlled grazing land any cattle or bison that do not react negatively to a test for brucellosis.
 - (a) The following cattle and bison react negatively to a test for brucellosis within the 30 days before entry into the Reservation:
 - (i) All bulls that are 18 months of age or older.
 - (ii) Vaccinated female bison that are 24 months of age or older.

(c) Trichomoniasis

- (1) A person, his agent or employee shall not ship, transport or otherwise move into Tribal controlled grazing land any bull that is 8 months of age or older unless the bull:
 - (a) Has been tested for Trichomoniasis by an accredited veterinarian within 30 days before entering the Reservation; and
 - (b) Is accompanied by a health certificate issued by the accredited veterinarian which specifies the date of the testing and which:
 - (i) Verifies that Trichomoniasis has not been diagnosed in the herd of origin of the bull during the previous 12 months; or
 - (ii) If the bull is from a herd that has tested positive for Trichomoniasis during the previous 12 months, verifies that the bull has tested negative for Trichomoniasis in each of its three most recent tests before entering this State and that each such test was performed at least 1 week apart.
- (2) Annual testing of bulls
 - (a) Each bull 8 months of age or older which will commingle with cows shall be tested every year after they have been removed from the cowherd.

- (b) An accredited veterinarian who performs an official test for Trichomoniasis on a bull on the Reservation shall, within 48 hours after his receipt of a positive test result with respect to the bull:
 - (i) Report the result to the Range Manager, the Association and the owner of the bull; and
 - (ii) Classify the bull as an infected bull.

- (3) Infected bull
 - (a) A bull which is 8 months of age or older and which tests positive shall be removed from the Reservation unless;
 - (i) The infected bull is quarantined
 - (ii) The bull must have received a negative test result in each of its three most recent official tests for Trichomoniasis, with each such test being performed at least 7 days apart

- (4) Testing of estray bull
 - (a) A bull which is 8 months of age or older and which is found estray and commingling with a cow belonging to another person to receive an official test for Trichomoniasis;
 - (b) The owner of the bull to pay all costs associated with the test.

- (5) Exposed herd
 - (a) The owner of an exposed herd shall not transfer ownership of any bull or cow, or any heifer that is 20 months of age or older, from the herd until each bull in the herd has received an official test for Trichomoniasis.
 - (b) The owner of an exposed herd may release any cattle from the herd to a slaughter channel.

Section 5 Livestock Trespass, Impoundment and Disposal

Unauthorized livestock within any range unit which are not removed there from may be impounded and disposed by the Tribal Council, Association, or it's Authorized Agent and with the assistance of the Bureau of Indian Affairs or Tribal Police as provided herein:

- (1) When the Tribal Council or Association determine that unauthorized livestock use is occurring and have definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded anytime five (5) days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail.
- (2) When the Tribal Council or Association determine that unauthorized livestock use is occurring but do not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown, such livestock may be impounded anytime fifteen (15) days after the date of notice of

intent to impound unauthorized livestock is first posted at all places of business including the Tribal Headquarters, Post Office, and any other authorized place of posting. The notice will identify the area or areas in which it will be effective.

- (3) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be posted at all places of business including the Tribal Headquarters and Post Office. The notice will describe the livestock and specify the date, time, and place of sale. The date set shall be at least five (5) days after the posting of such notice.
- (4) The owner may redeem the livestock anytime before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding, feeding or pasturing the livestock.
- (5) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public auction to the highest bidder. When livestock are sold pursuant to this regulation, the Tribal Chairman or his designated agent is authorized to furnish the buyer a bill of sale or other written instrument evidencing the sale.
- (6) The proceeds of any sale of livestock as provided herein shall be applied as follows:
 - (a) To the payment of all expenses incurred by the United States, the Tribe, or Association in gathering, impounding, and feeding or pasturing the livestock.
 - (b) The payment of any penalties or damages assessed.
 - (c) Compensation to individuals who experienced property or personal damage.
 - (d) To institution or entity that has a legally recorded lien on the livestock.
 - (e) Any remaining amount shall be paid to the owner or heirs of said livestock upon submission of proof of ownership. If the proceeds remaining after above items noted above are not claimed within one year from the date of sale, such remaining proceeds will be credited to the Tribal Council.

Section 6

Interpretation

This Ordinance shall be liberally construed to effectuate its purposes and policies.

Resolution No. YT-14-10

**RESOLUTION OF THE GOVERNING BODY
OF THE
YOMBA SHOSHONE TRIBE**

WHEREAS: The Yomba Shoshone Tribe is organized under the provision of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, to exercise rights of home rule and be responsible for the general welfare of its membership; and

WHEREAS: The Yomba Shoshone Tribal Constitution and Bylaws at Article VII Tribal Lands, Section 2 provides the authority for the Tribal Council to approved grazing permits subject to the approval of the Secretary of the interior; and

WHEREAS: On May 14, 2010, the Yomba Shoshone Tribal Council enacted Tribal Resolution YT-09-2010 adopting the Yomba Shoshone Tribe Grazing Ordinance, and on June 2, 2010, the Superintendent, Western Nevada Agency approved said ordinance; and

WHEREAS: On July 20, 2010, the Western Regional Office returned the Grazing Ordinance back to the Western Nevada Agency with a concern regarding Section 1 (b) of the ordinance regarding off reservation jurisdiction, and once the concern was corrected, the proposed Grazing Ordinance would be legally sufficient to implement; and

WHEREAS: The Yomba Shoshone Tribal Council has reviewed the Western Regional Office concern and agree that an amendment is necessary to correct the concern; and

NOW THEREFOR BE IT RESOLVED, that the Yomba Shoshone Tribal Council hereby approves an amendment to Section 1 (b) of the Grazing Ordinance to read: "This Ordinance shall apply to all grazing on tribal lands with the boundaries of the Yomba Shoshone Reservation"; and


BE IT FURTHER RESOLVED, that the grazing ordinance references to tribal and nearby federal lands refers to a process whereby tribal member applications for grazing permits on and off the reservation are subject to the approval of the tribal council, and does not imply authority over federal lands outside of the reservation.

BE IT FURTHER RESOLVED, that the Yomba Shoshone Tribal Council authorizes the Chairman or Vice-Chairman to submit and process the amendment to the Secretary of the Interior for approval and any other discussions necessary for approval.

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

It is hereby certified that the Yomba Shoshone Tribal Council is the governing body of the Yomba Shoshone Tribe of Nevada, and is composed of six members of whom 6 constituting a quorum were present at a duly held meeting on the 13th day of August 2010 and that the foregoing resolution was adopted by an affirmative vote of 5 for, 0 against, and 0 abstention.

(Chairman presiding, not voting)


James Birchim, Chairman
YOMBA SHOSHONE TRIBE