

2005-2008  
Grazing Ordinance



Fort Belknap  
Indian Reservation

# FORT BELKNAP INDIAN COMMUNITY GRAZING ORDINANCE JANUARY 1, 2005 THRU DECEMBER 31, 2008

**BE IT ENACTED**, this 28<sup>th</sup> day of December, 2004, by the Fort Belknap Indian Community, pursuant to the powers vested in the Fort Belknap Indian Community by Article V, Section 1, Sub-Section (8) and Article V, Amendment #1 - Sub-Section (s) of the Constitution, By-Laws and Corporate Charter of the Fort Belknap Indian Community of the Fort Belknap Indian Reservation, Montana and Public Law 103-177 (American Indian Agricultural Resource Management Act) dated December 3, 1993.

## SECTION I - DEFINITIONS:

The Definitions of 25 CFR 166.4 are, by reference thereto, incorporated into the Grazing Ordinance, as identified in parentheses. The definitions contained in the approved Grazing Ordinance shall be the rule in the event of any conflict of the definitions contained in 25 CFR 166.4.

1. **ALLOCATION:** (25 CFR 166.4) The apportionment of grazing privileges without competition to tribal members or tribal entities, including the tribal designation of permittees and the number and kind of livestock to be grazed.
2. **AUM (ANIMAL UNIT MONTH):** (25 CFR 166.4 definition only ) The amount of forage required to sustain one cow or one cow with one calf for one month:
 

A. 1 Cow/Calf	=	1.00 AUM	E. 1 Sheep	=	0.20 AUM
B. 1 Yrlg Heifer (6-18mo)	=	0.75 AUM	F. 1 Goat	=	0.15 AUM
C. 1 Horse/Colt	=	1.50 AUM	G.1 Bull	=	1.50 AUM
D. 1 Yrlg Horse	=	1.25 AUM	H. Buffalo	=	1.00 AUM
			I. Buffalo Cow/Calf	=	0.75 AUM
3. **ADULT:** (Tribal Code) An Individual Indian who is 21 years of age or older.
4. **INDIAN:** Enrolled member of the Fort Belknap Indian Community.
5. **INDIAN LIVESTOCK:** Livestock solely owned by an Indian (Enrolled member of the Fort Belknap Indian Community..
6. **INDIVIDUALLY OWNED LAND:** (25 CFR 166.4) Any tract, or interest therein, in which the surface estate is owned by an individual Indian in trust or restricted status. Allotments in which the Tribe owns an Undivided Interest will be considered individually owned lands for the purpose of this Grazing Ordinance.
7. **TRIBAL LANDS:** Lands held by the United States of America in trust for the Fort Belknap Indian Community.

8. STATE SCHOOL SECTIONS: State School Sections administered by the Fort Belknap Indian Community Council. These lands are designated "Tribally Controlled Lands" for the purposes of this Grazing Ordinance.
9. RANGE UNITS: (25 CFR 166.4) Rangelands consolidated to form a unit of land for the management and administration of grazing under a permit. A range unit may consist of a combination of tribal individually-owned Indian and or government land.
10. GRAZING PERMIT: (25 CFR 166.4) A written agreement between Indian Landowners and a Permittee, whereby the Permittee is granted a revocable privilege to use Indian land or Government land for a specified purpose. BIA Grazing Permit Form #5-5516 is attached.
11. INDIVIDUAL ALLOCATION PERMITTEE: An adult living Indian who has acquired a legal right of possession to Indian land by a permit for grazing purposed under this part. A BIA Allocation Application Form 5-5524 is attached.
12. FAMILY ALLOCATION PERMITTEE: An adult living Indian, along with their immediate Indian family members, which includes minor Indian children, who has acquired a legal right of possession to Indian land by a permit for grazing purposed under this part. Each adult living Indian identified under the Family Allocation Permit is considered a Permittee for preference purposes. A BIA Allocation Application Form 5-5524 is attached.
13. IMMEDIATE INDIAN FAMILY: Includes spouse, child, parent, parent's sibling, sibling, sibling's child, grandparent, first cousin, common-law spouse.
14. GRAZING RENTAL RATE: (25 CFR 166.4) The amount the Permittee must pay for an AUM or acre based on the fair annual rental. (25CFR 166.407) The grazing rental rate for tribal land will be the rate set by the tribe. The grazing rental rate for individually-owned Indian land will be the grazing rental rate set by the BIA.
15. GRAZING RENTAL PAYMENT: (25 CFR 166.4) The total of the grazing rental rate multiplied by the number of AUMs or acres in the permit.
16. FAIR ANNUAL RENTAL: (25 CFR 166.4) The amount of rental income that a permitted parcel of Indian land would most probably command in an open and competitive market.
17. RIGHT TO DO BUSINESS FEE: All Non-Member Livestock fees required per AUM:
- |                        |         |                     |                         |
|------------------------|---------|---------------------|-------------------------|
| A. Cow/Calf =          | \$ 4.00 | E. Goat =           | \$0.30                  |
| B. Yrlg Heifer 6-18mo) | \$1.50  | F. Sheep =          | \$0.40                  |
| C. Horse/Colt =        | \$3.00  | G. Bull =           | <del>\$3.00</del> 46.00 |
| D. Yrlg Horse =        | \$2.50  | H. Buffalo Bull     | <del>\$3.00</del> 3.00  |
|                        |         | I. Buffalo Cow/Calf | \$2.00                  |

18. BRAND INSPECTION FEE: All Non-Member Livestock required \$.50 @ animal, @ 6 months.

19 SEASONS OF USE: The seasons of use, is that time period within a Calender Year, that Permitees have been approved to utilize the forage resource. The Tribal Council, by Resolution, may amend this Section of the Grazing Ordinance on an individual and/or annual basis to accommodate the needs of the Indian Operator as necessary.

- A. Range Units - May 15<sup>th</sup> to November 15<sup>th</sup> for a six (6) month period or may vary with BIA approved Conservation Plan.
- B. Pasture Lease - Land not physically separated from Range Units will be for the Seasons of use for the Range Units in which they are located.
- C. Farm/Pasture Lease - Land physically separated from Range Units will be for the Seasons of use specified by the lease, permit or ordinance governing Farm/Pasture Leases.
- D. Owner's Use Lands - Lands which individual owners have chosen to manage on their own and are not physically separated from the Range Units will comply with the Seasons of use for the Range Units in which they are located and must comply with all provisions of this Grazing Ordinance which are applicable.

20. PRIVATE LEASE: Landowner leasing out their own land, providing their own lease, to Indian or Non-Member. The BIA establishes the Grazing Capacity and provide compliance on all Trust Land.

21. TRESPASS: (25 CFR 166.4) Any unauthorized occupancy, use of, or action on Indian lands.

Domestic livestock in an area for which the owner has no authorization, including but not limited to: Road Right-of-ways, Housing Development Complexes and Communities. Livestock in Trespass are subject to the Law and Order Code, Grazing Ordinance, Tribal Resolutions and BIA Regulations.

22. GRAZING PERMIT ANNIVERSARY DATE: For the purpose of this Ordinance and to effectively implement the Allocation Process, the anniversary date shall be determined to be January 1<sup>st</sup>.

23. LIVESTOCK CROSSING PERMIT: Is a permit issued by the BIA prior to all livestock entering, crossing non-owned grazing/property and leaving the Fort Belknap Indian Reservation. BIA Livestock Crossing Permit form #5528 is attached.

24. CONSERVATION PLAN: Is a document prepared by the Livestock Owner with assistance from the Tribal NRCS Office and BIA Range Office with approval by the BIA.. All livestock residing on and grazing on the Fort Belknap Indian Reservation are subject to this requirement.

25. PRIVATE LAND - OWNERS USE - IN RANGE UNIT: Co-Permitees must agree with owners use, running in common (see Section XI 2.) in Range Unit. If no agreement, owner must fence out private land prior to use. A 7 month requirement for withdrawal of lands from the land schedule of the permit.

26. BRUCELLOSIS: Is an infectious disease caused by the bacteria of the genus Brucella. These bacteria are primarily passed among animals and they cause disease in many different vertebrates; sheep, goats, cattle, deer, elk, pigs, dogs and other animals. Humans can become infected by coming in contact with animals or animal products that are contaminated with these bacteria.

27. TRICHOMONIASIS: A Venereal disease in cattle which results in varying degrees of reproductive inefficiency.

28. FOREIGN ANIMAL DISEASE: Transmissible livestock or poultry disease believed to be absent from the United States and its territories that has a potential significant health or economic impact.

29. GRAZING CAPACITY: (25 CFR 166.4) The maximum sustainable number of livestock that may be grazed on a defined area and within a defined period, usually expressed in an Animal Unit Month AUM.

## **SECTION II - GRAZING RENTAL BILLING & PAYMENTS:**

All Range Units and Tribal Lease rentals shall be billed by the Fort Belknap BIA and collected by the Fort Belknap Office of Special Trust. All Right to do Business Fees & Brand Inspection Fees shall be collected by the Fort Belknap Indian Community, Tribal Natural Resource Department.

1. GRAZING RENTAL RATES NOTIFICATION : All grazing rental rates for the upcoming grazing period, will be made through BIA written notification to Permittees by October 1<sup>st</sup>, to allow for management adjustments.
2. GRAZING PERMITS: All Grazing Permits, will be prepared by the BIA and will be available for Permittees signature by February 1<sup>st</sup> of the first year
3. BILL OF COLLECTIONS: All Bill of Collections will be prepared and mailed out by the BIA to Permittees by January 1<sup>st</sup> on or about *FBIC Amended 11-16-05*
4. PAYMENT DUE DATES: All Payments are due to the Fort Belknap Office of Special Trust, in full no later than 30 days of scheduled turnout.
5. FORMS OF ACCEPTABLE PAYMENT: (25 CFR 166.414) Payments made to the Fort Belknap Office of Special Trust may be delivered in person or by mail. They will accept: Personal or Business checks drawn on the account of the Permittees, money orders, cashier's checks, certified checks or electronic funds transfer payments. Cash, foreign currency or third party check will not be accepted.

### **SECTION III: RIGHT TO DO BUSINESS AND BRAND INSPECTION FEES:**

1. **RIGHT TO DO BUSINESS FEES:** All Non-Member Livestock are required to pay Right to do Business Fees to the Fort Belknap Indian Community, Tribal Natural Resources Department prior to the issuance of a Livestock Crossing Permit, entering, grazing or leaving the Fort Belknap Indian Reservation. A Crossing Permit **MUST** be completed prior to entering and **AGAIN**, prior to leaving.

A non-refundable Right to do Business fee per livestock & per AUM, must be paid in full and is due prior to the approval of a Livestock Crossing Permit and grazing on the Fort Belknap Indian Reservation. Non prior full payment of RTDB Fees shall be cause for cancellation of any grazing privileges on the Fort Belknap Indian Reservation. (25 CFR 166.421) If a permit is canceled for non-payment, the Permittee remains liable for any delinquent payment. No future permits will be issued until all outstanding debts related to Indian agricultural lands are paid.

2. **BRAND INSPECTION FEES:** All Non-Member Livestock are required to pay a 6 month Brand Inspection Fee to the Fort Belknap Indian Community, Tribal Natural Resources Department prior to entering or grazing on the Fort Belknap Indian Reservation.

A non-refundable 6 month Brand Inspection Fee of \$.50 per Non-Member Livestock is due prior to the approval of a Livestock Crossing Permit. Non prior payment of Brand Inspection Fees shall be cause for cancellation of any grazing privileges or access to the Fort Belknap Indian Reservation. Again, 25 CFR 166.421 applies.

3. **INDIAN LIVESTOCK FEE EXCLUSION:** Indian Livestock are excluded from the Right to do Business and Brand Inspection Fees.

4. **DISPOSITION OF FEES:** The fees collected under this section shall be disbursed in accordance with the Fort Belknap Indian Community approved Budget.

### **SECTION IV - CANCELLATION:**

1. **RANGE UNIT & TRIBAL LEASE CANCELLATION PROCEDURES:** Cancellation procedures for Range Units & Tribal Leases, shall be governed by 25 CFR 166.700 - 166.709 and this grazing ordinance.

The only successful appeal to a cancellation for non-payment of all rentals/fees, shall be full payment of rentals/fees. Any person whose permit is cancelled for non-payment shall be deemed delinquent, therefore ineligible to negotiate or bid on any lands for lease or permit until full payment of fees and/or penalties assessed are paid in full.

2. **MUTUAL CONSENT CANCELLATION:** A Grazing permit issued under the Grazing Ordinance and 25 CFR may be canceled by mutual consent, provided the request for mutual consent cancellation is submitted in writing prior to the annual billing date, of March 1st.

## **SECTION V - LIVESTOCK CROSSING PERMITS:**

1. **LIVESTOCK CROSSING PERMITS:** Livestock Crossing Permits, are issued by the BIA prior to all livestock entering, utilizing non-owned grazing and again when leaving the Fort Belknap Indian Reservation, for grazing purposes. All livestock moved within the Fort Belknap Indian Reservation and not continuously moved on Livestock Owner's Personal Property, requires a Livestock Crossing Permit. A BIA Livestock Crossing Permit Form #5-5528 is attached.
  2. **MOVEMENT OF LIVESTOCK ON PUBLIC ROADWAYS:** All livestock owners will notify the Fort Belknap Law Enforcement prior to any movement involving the public roadway/right of ways, during the movement of the Livestock from one range/pasture to another. All livestock movement involving public roadway/right of ways, livestock owners are required to have a visual flagger at least ¼ of a mile to the front and to the rear of the livestock, for the safety of the motorist, livestock-owner and livestock.
  3. **FEES:** All Non-Member Livestock are required to pay Right to do Business and Brand Inspection Fees to the Fort Belknap Tribal Natural Resources Department prior to the approval of a Livestock Crossing Permit or entering the Fort Belknap Indian Reservation.
  4. **CROSSING PERMIT CONTENTS/ATTACHMENTS:** The Crossing Permit will contain the name, address & telephone # of the Permittee/Owner along with # / type & breed of livestock, grazing/entering/leaving dates, travel routes, grazing destination, brands and locations. All Livestock entering the reservation must be accompanied by a State issued Brand Inspection, copy's of Bull TRIC Tests, and Bangs Vaccinations. Any livestock entering, grazing or leaving the reservation without an approved Livestock Crossing Permit, State Brand Inspection, Bull TRIC Tests, and Bangs Vaccinations, shall be subject to immediate impoundment and not be allowed to do any further business within the Fort Belknap Indian Reservation.
  5. **NOTICE OF COMPLETION:**
    1. 24 hour notice for Indian Range Unit Livestock Crossing Permits.
    2. 3 business day notice for Non - Member Range Unit Livestock Crossing Permits. Allowing BIA time to develop inspection/counting of livestock schedule.
    3. 10 business day notice for all Private Leases, Indian & Non-Member, Livestock Crossing Permits. Allowing BIA time to research/obtain private leases & develop inspection/counting of livestock schedule.
- The completed and approved Crossing Permit, with attached documents, will be submitted to Tribal Natural Resources prior to livestock entering the Fort Belknap Indian Reservation.
6. **INSPECTION OF NON-MEMBER LIVESTOCK:** ALL Non-Member Livestock entering/grazing/leaving the Fort Belknap Indian Reservation will be visually inspected/counted prior to entering/leaving. Any discrepancies will require all Non-Member Livestock to be ran through an alley way (at the owners expense) to be thoroughly inspected. An inspection/counting schedule will

be developed by the BIA, with inspection assistance from the Fort Belknap Tribal Natural Resource Department. Inspections by the BIA/Tribe will be any reasonable weather day, excluding National/Tribal Holidays, during all daylight hours.

7. RANGE UNIT CO-PERMITTEES: All Co-Permittees will notify other Permittees within the Range Unit prior to entering/leaving Range Unit.

8. CROSSING/TRAILING NOTIFICATION: All Livestock crossing another Range Unit, Private Lease or Private Property, the Livestock Owner is required to notify the Permittees or Owner prior to crossing. Any discrepancies or concerns, will require written authorization. Any unauthorized occupancy, use of, or action on Indian lands is Trespassing. (CFR 25 166.4)

9. LIVESTOCK REMOVAL VIOLATIONS: Removal of livestock without authorization, crossing without authorization, transporting/trailing non-inspected/counted non-member livestock from the Fort Belknap Indian Reservation, will be cause for cancellation of permits/leases and will be subject to the loss of grazing privileges on the Fort Belknap Indian Reservation and/or subject to a fine of not less than \$5.00 nor more that \$50.00 per animal. Livestock removed without authorization will be returned to the owner, at the removers expense.

10. LIVESTOCK COUNT RECORD: Livestock count/inspections will be made by appropriate Tribal and/or BIA Officials on the Fort Belknap Indian Reservation. A BIA Stock Counting Record Form # 5-5527 is attached.

11. CONSERVATION PLAN: All Livestock that consider the Fort Belknap Indian Reservation their Home Base/Ranch or utilize more than Summer Grazing, is required to complete a Conservation Plan. The Plan will contain information about all their Livestock and their grazing.

#### **SECTION VI - BONDS:**

1. PERFORMANCE (RENTAL) BOND: If full payment is made on the scheduled due date, for Grazing Permits, no performance bond will be required for Indians. 25 CFR 166.100 (a)(2) Waive or modify the requirement that a Permittee post a surety or performance bond, for Indian livestock.

Non-Member livestock that are entering and leaving the Fort Belknap Indian Reservation, will be required to provide a Performance Bond prior to receiving an approved Crossing Permit. The Bond will be a minimum of \$100 or 10% payable to the Fort Belknap Office of Special Trust. Upon completion of a Crossing Permit, inspection of livestock prior to leaving the Fort Belknap Indian Reservation and no fees or rentals are due, the Bond will be returned.

2. COMPLIANCE BOND: A compliance bond may be required to insure compliance with stipulations or special conditions.



## **SECTION VII - LIVESTOCK HEALTH:**

All individuals who own or graze livestock within the boundaries of the Fort Belknap Indian Reservation, including Sub-Marginal lands, must follow the current Tribal/State/Federal Animal Health requirements.

1. **HEALTH VIOLATIONS:** Any operator who does not comply with this section, Livestock will be impounded/quarantined and will be denied leasing permitting privileges for a period of time to be determined by the Fort Belknap Indian Community Council and the Fort Belknap BIA.
2. **BRUCELLOSIS:** Bangs Vaccinations are required for all operators bringing livestock on and grazing livestock on the Fort Belknap Indian Reservation. Fort Belknap Indian Community Resolution #74-80
3. **TRICHOMONIASIS:** It shall be the policy of the Fort Belknap Indian Community that all Livestock within the boundaries of the Fort Belknap Indian Reservation, will conform to all rules and regulations enacted by "Livestock Health Ordinance Trichomoniasis Code" Ordinance # 1-90. All Bulls, with cows, breeding or attempting to breed, must be tested for TRICH, with testing results on file with the Fort Belknap BIA & Fort Belknap Natural Resources Department, prior to turning out with cattle.
4. **FOREIGN ANIMAL DISEASE:** It shall be the policy of the Fort Belknap Indian Community that all Livestock within the boundaries of the Fort Belknap Indian Reservation, will conform to the Foreign Animal Disease Preparedness and Emergency Plan as approved through Fort Belknap Indian Community Resolution # \_\_\_\_\_

**SECTION VIII - FENCE MAINTENANCE:** Maintenance of all Range Unit boundary fences will be administered as provided:

1. **RANGE UNIT BOUNDARY FENCE INSPECTION:** The Fort Belknap BIA will perform an annual inspection documented on a map, of all Range Unit Boundary Fences, by April 15<sup>th</sup>. The map will be available to each Permittee and other land users, with clear indicators of fencing responsibilities. BIA Officials will enforce all parties involved in completing fence maintenance. Crossing Permits will not be approved until fence maintenance is completed.
2. **PERMITTEE MAINTENANCE:** The Permittee is required to maintain a proportionate share of the Range Unit boundary fence, including the reservation boundary and road right of ways that enclose their Range Unit, according to the Right Hand Rule of fencing.
3. **RIGHT HAND RULE:** Facing the adjoining land (Range Unit, Private Lease, Land Owner, Reservation Boundary, Right of way, etc), the Permittee is responsible to maintain the Right one half of the common boundary fence between his permit and the other land user. The area of fence assigned will start at the most north-west corner of the RU and will be assigned alphabetically (Permittee/user last name), proceeding clock wise around the unit. By mutual consent between

Permittees/users, specific fencing responsibility other than those identified according to the right hand rule, may be negotiated, with approval by the BIA Superintendent and/or Fort Belknap Indian Community Council.

4. CO-PERMITTEE'S MAINTENANCE: In Range Units with more than one permit holder/user, the map provided by the BIA, will indicate each Permittee/user's responsibility for maintenance. A timeline will be agreed upon for all parties involved in the fence maintenance completion. The amount of fencing responsibility will be determined by the % of the total approved AUM's .

5. RANGE UNIT INTERIOR FENCES: Range Unit interior fences will be maintained by the permit holder (s)

6. RANGE UNIT EXTERIOR BOUNDARY FENCE: When the RU exterior boundary fence changes, when lands are withdrawn, not included in land schedule, the person creating the change is responsible for the construction of the new fence. After the first year the Right Hand Rule is applicable. If there is a mutual common use agreement between permittee (s) and person creating the change, no fence changes need to take place. Any common use arrangement must be approved in writing by the BIA and FBIC.

7. SPECIAL FENCING REQUIREMENTS: All Range Units will be permitted for the grazing of cattle, horses, sheep or goats. Special woven wire fencing will be required for the entire Range Unit Boundary Fence if stocked with sheep or goats. Special fencing is also required due to the concerns of Longhorn Cattle/Bulls. Longhorn Cattle/Bull owners are responsible for the special fencing requirements of a 5 strand barb wire fence, prior to grazing , for the entire Range Unit containing Long Horn Cattle/Bulls.

#### **SECTION IX - RANGE IMPROVEMENTS:**

1. IMPROVEMENTS ATTACHED TO THE LAND: All improvements placed on the land will become attached to the land and become a part of the land, unless prior provisions are made with the Fort Belknap Indian Community, BIA and land owner.

2. RANGE UNIT INVENTORIES: Each Range Unit will be inventoried by the Fort Belknap BIA, to determine improvements, in addition to fencing, that will require maintenance. A maintenance schedule/requirement map will be made a part of each Grazing Permit.

NRCS is currently completing a Range Unit Inventory, projected to be completed 2006.

3. 10 YEAR DEVELOPMENT LEASE: A 10 year Development Lease, which includes, plan of operation, specific development improvements, a time line of improvements, evaluation plan of improvements, must be negotiated and approved by BIA and the Tribal Council. A 10 Year Development Lease may be completed with the assistance of NRCS if attempting to utilize the Equip Program.

4. Noxious Weed: Each Range Unit will be assessed by the BIA to determine Noxious Weed Problems. The BIA will assist in providing a Weed Control Program.

#### **SECTION X - ESTABLISHMENT OF RANGE UNITS:**

1. TRIBALLY OWNED AND CONTROLLED LAND: Tribally owned and controlled land in the Range Units shall be included under grazing permits for the duration of the approved permit period, subject to land transactions in accordance with the "Land Management Plan of Operations and/or Farm/Pasture Code" approved and adopted by the Fort Belknap Indian Community.

2. INDIVIDUALLY OWNED LAND: Individually owned lands may be included under grazing permits by the BIA. Individual landowners may withdraw their lands, for their own use or purposes, from the Range Unit Land Schedule upon written notice by November 15<sup>th</sup> to the BIA & existing Permittees. Fencing Maintenance #6 will be applied.

#### **SECTION XI - GENERAL CONDITIONS:**

1. HOME SITES: Home sites will not be allowed in Range Units, unless the Land Owner is withdrawing their land and fencing it out for a home site.

2. RUNNING IN COMMON IN RANGE UNITS: All Permittees will be required to agree upon the type/breed of livestock/bulls within their Range Unit. Non agreement will require, new Permittees or new breeds of livestock and bulls to be placed in a Range Unit (if available) separate from other common livestock. Any changes in Seasons of Use must be concurred by all Permittees.

3. PAST DUE OBLIGATIONS: No Grazing Privileges, of any type, will be issued to any person who has failed to have paid in full, including any fees, satisfactory to the Fort Belknap Indian Community, to include, Tribal & BIA delinquencies: Credit, Farm/Pasture & Irrigation O&M.

4. ALLOCATED RANGE UNIT - SUB LEASING: Absolutely no sub leasing in any Allocated Range Units by anyone, to anyone.

5. BULLS: All Bulls must be identified with attached testing results/TRICH test. Tests results must be on file prior to turn out. All Bulls may only be in a Range Unit for a 8 week, pre-paid, grazing/breeding period, which must be defined on the required Grazing Permit & Livestock Crossing Permit. At the end of the Breeding period they must be picked up from the Range Units. All Bulls running in common, Permittees/owners must agree on breeding period & breed of Bull. A majority decision will rule, with majority being 51%. All testing results must be on file prior to turn out. All Non-Member Bulls or Bulls entering the Reservation must be inspected prior to turn out or entering the Fort Belknap Reservation. 1 Bull per 25 Cows is required.

6. ALLOCATIONS & PRIVATE/OWNER GRASS: Range Unit Allocations may be cancelled if private/owners summer grass was available and not used, but leased out.

7. **SHARE LIVESTOCK AGREEMENTS:** No Share Livestock Agreements, Livestock Lease Agreements, or any other arrangement which is intended to subvert the conditions imposed for a special privilege will be eligible for any special privilege available under the terms of this Ordinance. Assumption of risk for livestock is a key factor in determining ownership.

## **SECTION XII - ALLOCATION PROCEDURES:**

1. **ALLOCATION ELIGIBILITY:** Any Indian, needing summer grazing, may allocate by completion of the Allocation Application, as follows:

A. Indian Cattle Association/Corporation/Cooperatives Allocation- with 100% Indian Members/100% Indian Livestock.

or

B. Indian Individual Allocation - with 100% Indian Livestock

or

C. Indian Family Allocation - with 100% Indian Livestock.

2. **ALLOCATION APPLICATION:** Allocation Applications are available and must be returned completed, to the Fort Belknap Natural Resources Department. The application and its required contents will be on file with the BIA and the Fort Belknap Tribal Natural Resource Department. The following documents are required to be attached to the Allocation Application:

A. Montana State Brand Certificate(s) - sole ownership/authorized signatory

B. Enrollment Certificates

C. Proof of Livestock Ownership.

In Family Allocation copies for everyone is required of each owner.

3. **ALLOCATION BY TRIBAL RESOLUTION:** All completed, eligible allocations are approved by the Fort Belknap Indian Community and will remain in effect for the 5 year grazing period, provided abiding by the Fort Belknap Grazing Ordinance &/or unless it is rescinded, modified or canceled. Approved allocations in good standing need not apply each year.

4. **GRAZING PERMIT:** A Grazing Permit will be issued to each approved allocation/Permittee upon approval by Council Resolution. The Grazing Permit will be completed and issued to each Permittee by March 1<sup>st</sup> of each year.

5. **ALLOCATION APPLICATION DUE DATES:** October 1<sup>st</sup> by 5:00 p.m., to the Fort Belknap Tribal Natural Resource Department. If October 1<sup>st</sup> falls on a Holiday, Saturday or Sunday, the Application is due by 5:00 p.m. on the next business day.

6. **PROOF OF OWNERSHIP:** All Allocation's are approved for 100% Indian Owned Livestock. All Livestock must bear a brand registered to the individual requesting allocation prior to the permit approval.

7. **FAMILY ALLOCATION:** An adult living Indian, along with their immediate all Indian family members, which includes minor children, may complete a Allocation for a Family Allocation. Each adult identified under the Family Permit/Allocation is considered a Permittee for preference purposes.

8. **OTHER PREFERENCE:** Livestock approved for an allocation, are not eligible for preference for other private leases/summer pasture.

9. **ALLOCATION PREFERENCE:**

1. Previous Allocated Individual or Family Permittees, in good standing, from the last year &/or previous grazing permit period.
2. Previous Negotiated Indian Individual/Family Permittees, in good standing, from the last year of the previous grazing permit period.
3. Indian/Indian Family that did not have permit, but has an established base of operations adjoining or close to the unit for which allocation is requested.
4. Equal Allocation Preference, in same requested unit, with no comprise, will be awarded to the highest sealed bid of the equal preference allocation Applicants.

**SECTION XIII - RENTAL RATES:**

1. **TRIBAL AND TRIBALLY CONTROLLED LANDS:** May be subject to allocation at the established rate of \$11.50 per AUM to qualified applicants for the Grazing Permit Period. (The \$11.50 rate is for the 2005 Grazing Season only. The 2005 Tribal Rate is subject to change upon a new Grazing Rate Appraisal.) The Tribal Allocation Rate will be reviewed and may be amended by the Fort Belknap Indian Community, by October 1<sup>st</sup>, of the end of the 5 year grazing period. *Amended Res. #2005 - \$11.50 rental rate on tribal land extended one year, or until such time as a new grazing ordiannce is approved, OR until the Range Unit Inventory has been completed.*

2. **ALLOTTED AND INDIVIDUALLY OWNED LANDS:** (CFR 166.400) The BIA will establish the grazing rental rate by determining the fair annual rental for Individually owned Indian lands and Tribes that have not established a rate. (CFR 166.401) An appraisal can be used to determine the rental value of real property. The development and reporting of the valuation will be completed in accordance with the Uniform Standards of Professional Appraisal Practices (USPAP). If an appraisal is not desired, competitive bids, negotiations, advertisements, or any other method can be used in conjunction with a market study, rent survey, or feasibility analysis developed in accordance with the USPAP.

**SECTION XIV - LIVESTOCK OWNERSHIP:**

1. **PROOF OF OWNERSHIP:** Proof of Ownership of the livestock, to the Fort Belknap Tribal Land Department during the Allocation Process and the BIA as their Administrative responsibility, for which a allocation privilege is available to enrolled members of the Fort Belknap Indian Reservation is required prior to Grazing Permit approval.

2. METHOD OF PROOF OF OWNERSHIP:

1. "Hooves" on the ground.
  2. A current recorded Montana Brand Certificate:
    - a. 100% Indian Ownership - per Brand Certificate & documentation from Montana Department of Livestock indicating sole ownership/authorized sales signature.
    - b. Dual Ownership - A FBIC Enrolled Member and Non-Member - 50% of Livestock may be eligible for Allocation with other 50% of Livestock bidding for available grazing.
- &
3. Proof of Financial Responsibility
- &
4. Historical Allocation Use to be determined by the BIA & Tribal Natural Resources Dept.
- &/Or
1. Bill of Sales.
- &
2. State Brand Inspection change of ownership

**SECTION XV - EXCESS OR RELINQUISHED AUM'S:**

1. EXCESS AUM'S - Excess AUM's shall be advertised for competitive public sealed bids and awarded to the highest bidder, under the terms of this Ordinance, provided all Indian Operators needs are met.
2. ~~INDIAN PREFERENCE: Indian owned livestock that did not receive an Allocation or who did not apply for an allocation privilege and who meet the livestock ownership requirements of this ordinance have the option to meet the high bid of other bidders to fill their grazing requirements.~~
3. BID REQUIREMENTS: The individual requesting to meet the high bid must have submitted a written minimum qualified bid in the unit for which they are requesting to meet the high bid.
4. OTHER PREFERENCE: No other preference to meet the high bid in an advertised unit will be authorized except as authorized by this ordinance.
5. ~~NO BIDS: In the event any excess AUM's, are advertised and no bids are submitted, the unpermitted AUM may be offered, for a one (1) year negotiated permit to a Indian. Indian operators who meet the livestock ownership requirements of this ordinance have a first preference to negotiate for the excess AUM, provided the individual has notified the Superintendent or Land Chairman in writing of their request, prior to the advertisement of any excess AUM's available for a negotiated permit. Any negotiated AUM will be available for allocation privileges or must be advertised for competitive bid prior to the following grazing season.~~

6. RELINQUISHED AUM's: If during the course of the permit period, any AUM's are relinquished in any manner, if time allows the following events will be conducted in accordance with the terms of this ordinance:

1. Negotiate with the existing Co-Permittee, with Indian owned livestock.
2. Negotiate the excess AUM for allocation rate with Indian owned livestock.
3. Advertise the excess AUM for competitive Bid.

AUM's must be relinquished 30 days prior to the billing date.

#### **SECTION XVI - LEGALITIES:**

Legal matters originating from this ordinance may seek legal adjudication through the Fort Belknap Tribal Court and related appropriate legal systems as authorized.

The Fort Belknap Indian Community may not be held liable for any injury or loss of livestock during a cause of impoundment or quarantine. The Livestock owner(s) will be responsible for all costs associated with impoundment or quarantine.

All lands within the exterior boundaries, including the Sub-Marginal, of the Fort Belknap Indian Reservation, including sub-marginal, fee patent, state, etc. used for grazing purposes shall be subject to all the provisions of this ordinance.

In any case in which 25 CFR regulations conflict with the Grazing Ordinance, Tribal Law, the Fort Belknap Indian Community will request a waiver of such regulations unless the waiver would constitute a violation of a federal statute or judicial decision or would conflict with the BIA's general trust responsibility under federal law.

Failure to comply with the requirements of this ordinance shall be cause for cancellation or denial of grazing privileges within the Fort Belknap Indian Reservation.

**ATTEST:**

\_\_\_\_\_  
**Julia doney, President**  
**Fort Belknap Indian Community**

\_\_\_\_\_  
**Julie King Kulbeck, Secretary/Treasurer**  
**Fort Belknap Indian Community**

## Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, Resolution No. 201-08 approved "Allocation Requests" and awarded permits to individuals in the Range Unit System, and

WHEREAS, Resolution #183-2008 approved an extension for 10 years to the Grazing Ordinance approved by Resolution No. 250-2005, with this ordinance to expire on December 31, 2019, now

THEREFORE BE IT RESOLVED, That due to administrative problems within the BIA Range Department in encoding the permits and billing, a one time extension has been set by the BIA for February 23, 2009 where payment is to be received in Prescott for the grazing rental fees, now

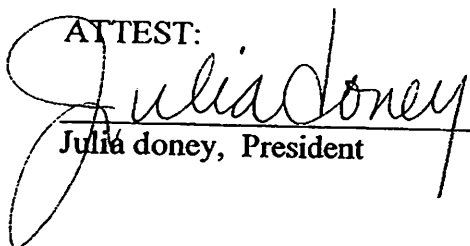
BE IT FURTHER RESOLVED, That in recognition of circumstances where the individual permittees may request/require modifications to their permits, the Tribal Council is hereby making an amendment to Resolution #183-2008 to authorize Peggy Crasco Doney, Tribal Land Director administrative authority to work with the BIA Range Department to make minor adjustments/amendments to the permits in accordance with the Grazing Ordinance, now

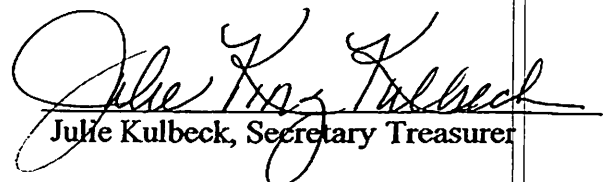
BE IT FURTHER RESOLVED, That this authorization is approved for timeliness in making a modification to the permits to allow the BIA sufficient time to make the adjustment to the permit and invoice so that the permit may meet the payment deadline of February 23, 2009,

BE IT FURTHER RESOLVED, That any major changes to the permits will require Council Action for approval or disapproval, now

BE IT FINALLY RESOLVED, That the officers of the council are hereby authorized to sign all documents necessary to effectuate this action.

ATTEST:

  
Julia Doney, President

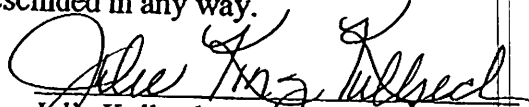
  
Julie Kulbeck, Secretary Treasurer



CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the fort Belknap Indian Community Council is composed of 10 members, of whom 9 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 3rd day of FEBRUARY, 2009; and that the foregoing resolution has been adopted by the affirmative vote of: 8 for; 0 opposed; 1 not voting; 1 absent; 0 excused; 0 temp. absent; and that the said resolution has not been rescinded in any way.

DATE: 2/9/09

  
Julie Kulbeck, Secretary Treasurer

FORT BELKNAP INDIAN COMMUNITY  
Tribal Government

FORT BELKNAP AGENCY, HARLEM, MT.  
Address

## **Fort Belknap Indian Community**

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Fort Belknap Indian Reservation and as such is charged with the responsibility of the welfare and well being of it's members and agricultural operators. and

WHEREAS, every five(5) years a new Grazing Ordinance is approved to allow new applications for allocation and to administer the Range Unit permits with the current Grazing Ordinance to expire on December 31, 2008. now

THEREFORE BE IT RESOLVED, a Range Inventory was completed by the Tribe, which has an impact on the stocking capacity in the range units. A new "Grazing Study" was completed by the Tribe, which has not yet been approved by OST at the Rockv Mountain Regional Office, which is justification for the Tribe to consider an extension of the current ordinance. now

BE IT FURTHER RESOLVED, that the letter received from the BIA Superintendent on September 30 asks that all Allocations for the Range Units be received by their agency by October 15 for permits encoded into TAAMS. They also notified the Tribe that a Bond for Range Unit Permits would be added and paid when allocations are made. now

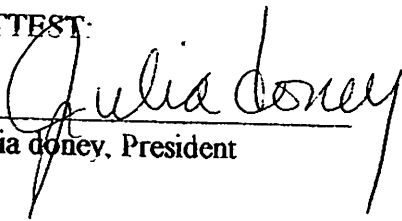
BE IT FURTHER RESOLVED, that the Fort Belknap Community Council after careful consideration of all factors involved hereby amend Resolution 183-2008 which reads " Approve an extension for One Year" to the Grazing Ordinance approved by Resolution No. 250-2005 beginning in 2005 and expiring on December 31, 2008 "will now expire December 31, 2009" to be amended to "Approve an extension for 10 years to the Grazing Ordinance approved by Resolution No. 250-2005 beginning in 2005 and expiring on December 31, 2008 "will now expire December 31, 2019". now

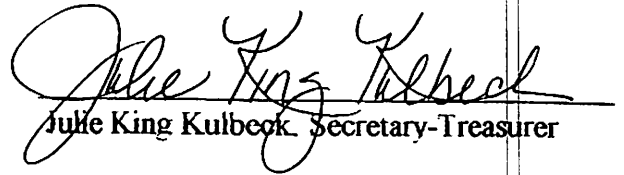
BE IT FURTHER RESOLVED, that the Council has also made a decision to include and extend the current rate of \$16 00 on allotted land and \$11 50 on Tribal Land in this extension for ten years(10) years to be reviewed for rate changes at a five(5) year period. now

BE IT FURTHER RESOLVED, that the Fort Belknap Community Council also waives the bond on all Range Unit Permits. now

BE IT FURTHER RESOLVED, that the Council Officers are hereby delegated the authority and responsibility to negotiate and sign all documents necessary to effect this action.

ATTEST:

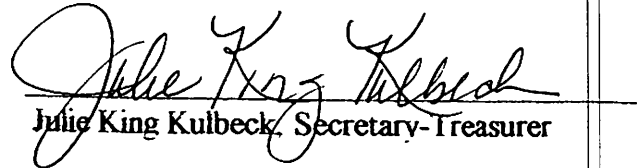
  
Julia Doney, President

  
Julie King Kulbeck, Secretary-Treasurer

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 8 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of Jan, 2009 and that the foregoing resolution has been adopted by the affirmative vote of 8 for; 0 opposed; 0 not voting; 0 absent; 0 temporary absent; 2 excused and that the said resolution has not been rescinded in any way.

DATE: 1/7/09

  
Julie King Kulbeck, Secretary-Treasurer

FORT BELKNAP INDIAN COMMUNITY  
Tribal Government

FORT BELKNAP AGENCY, HARLEM, MT  
Address

# Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, The Fort Belknap Community Council finds a discrepancy in the current Grazing Ordinance approved by Resolution #250-2005 with the Grazing Ordinance in effect from 2005 - 2008, and

WHEREAS, The discrepancy which deals with Enrolled member livestock eligible for Allocated Grazing in the Range Units is in Section XIV - Livestock Ownership: - Sub-section 2 - Method of Proof of Ownership - Sec. 2 a. 100% Indian Ownership - per Brand Certificate & documentation from Montana Department of Livestock indicating sole ownership/authorized sales signature, and

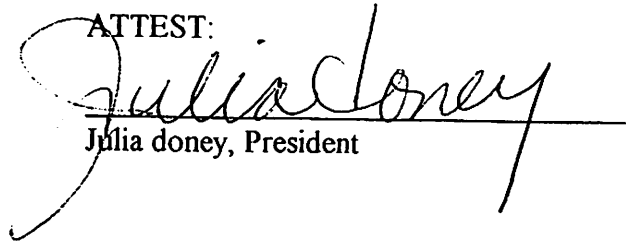
WHEREAS, Section XIV - Livestock Ownership - sub-section 2. b - Dual Ownership - A FBIC Enrolled Member and Non-Member - 50% of Livestock may be eligible for Allocation with other 50% of Livestock bidding for available grazing , and

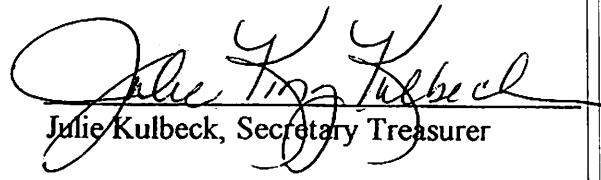
THEREFORE BE IT RESOLVED, , The sections stated above under Section XIV - Livestock Ownership - Sub- Section a & b are in conflict and the Fort Belknap Community Council hereby amends Res. #250-2005 and "Deletes" Sub-Sec. 2.b under XIV - Livestock Ownership in it's entirety, now

BE IT FURTHER RESOLVED, That amendment will remain in effect throughout the term of Grazing Ordinance #250-2005 until December 31, 2008, now

BE IT FINALLY RESOLVED, That the Officers of the Council are hereby authorized to sign any and all documents necessary to effectuate this action.

ATTEST:

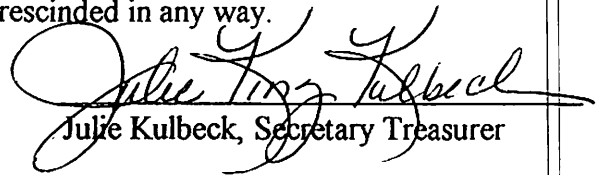
  
Julia Doney, President

  
Julie Kulbeck, Secretary Treasurer

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 10 members of whom 10 members, constituting a quorum were present at a meeting thereof, duly, and regularly called, noticed, convened and held this 6th day of March 2007; and that the foregoing resolution has been adopted by the affirmative vote of 8 For; 0 Opposed; 0 Not Voting; 0 Absent; 0 Excused; 2 Temporarily Absent; and that the said resolution has not been rescinded in any way.

Date: March 28, 2007

  
Julie Kulbeck, Secretary Treasurer

FORT BELKNAP INDIAN COMMUNITY FORT BELKNAP AGENCY, HARLEM, MT  
Tribal Government Address

# Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the 2005-2008 GRAZING ORDINANCE, is adopted by the Fort Belknap Indian Community for the orderly administration of grazing privileges within the Fort Belknap Indian Reservation,

WHEREAS, the Tribal Land Rate, established by the Fort Belknap Community Council, for the 2005 Grazing Season is \$11.50 per AUM and the Allotted Land Rate, established by the Fort Belknap Bureau of Indian Affairs, is \$16.00 per AUM,

NOW THEREFORE BE IT RESOLVED, that the 2005-2008 GRAZING ORDINANCE is hereby adopted and affirmed,

BE IT FURTHER RESOLVED, That the officers of the Council are hereby authorized to sign any and all documents necessary to effectuate this action.

ATTEST:

*Darrell Martin*  
Darrell Martin, President

*Julie Kulbeck*  
Julie Kulbeck, Secretary Treasurer

### CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 6 members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 2<sup>nd</sup> day of December, 2004, and that the foregoing resolution has been adopted by the affirmative vote of 6 For; 1 Opposed; 0 Not Voting; 0 Absent; 4 Excused; 0 Temporarily Absent; and that the said resolution has not been rescinded in any way.

DATE: December 28, 2004

*Julie Kulbeck*  
Julie Kulbeck, Secretary Treasurer

FORT BELKNAP INDIAN COMMUNITY  
Tribal Government

FORT BELKNAP AGENCY, MONTANA  
Address