

STANDING ROCK SIOUX TRIBE

Grazing Permit Policies and Procedures

- I. PURPOSE AND OBJECTIVE.** It is the purpose of these policies and procedures is to:
- A. Preserve, through proper grazing management, the land, water, forest, forage and wildlife and recreational values on the reservation and improve these resources.
 - B. Promote use of the range resources by enrolled members and Local Districts of the Standing Rock Sioux Tribe to enable them to earn a living, in whole or in part, through the grazing of their own livestock.
 - C. Provide for administration of grazing privileges in manner which will yield the highest return consistent with practical sustained yield and management principals and the fulfillment of the rights and objectives of the tribal governing body and individual land owners.

II. ALLOCATIONS.

APPLICATIONS FOR ALLOCATIONS

- A. **Application Deadline.** *Applications shall be filed by April 1*, for allocations beginning November 1 of that year. No applications will be accepted during the last year of the permit period for a permitted range unit.
- B. **Evidence of Eligibility.** Applications for allocations must be accompanied by satisfactory proof to establish the applicant owns the required number of livestock for the range unit. This proof shall include the following:
 - a. Affidavit of Livestock Ownership;
 - b. State Registered Brand Certificate in Applicants Name;
 - c. One of the following documents in this particular order from the livestock owner(s) which will be kept confidential and will not be part of the public record:
 - 1. Current or Prior Year Livestock Sales Documents
 - 2. Current Livestock Purchase Documents
 - 3. Livestock lease/purchase contracts where the lessee provides a schedule of acquisition of the livestock.
 - 4. If the applicant has been approved for a loan from a lending agency, the applicant must provide Purchase Documents.

In addition, in order to maintain eligibility for the permit, these documents must be provided annually to the Land Operations office. Failure to do so will result in the cancellation of the allocation. The grazing permit may also be cancelled by the Bureau of Indian Affairs and/or the Standing Rock Sioux Tribe.

To be eligible for a grazing allocation, an applicant must:

1. Be 21 years of age or older, except Beginning Producers, an enrolled member of the Standing Rock Sioux Tribe and reside on the reservation. Proof of residency shall be provided to include: physical address of ranch, letter from neighbors, or any other proof of residency.
2. Not be delinquent to the Tribe and/or its entities; review of delinquent status by an applicant shall be by the Economics Committee of the Standing Rock Sioux Tribe.
3. Applicant will be required to own 60% of the carrying capacity of each range unit.
4. Applicant must have a registered brand in the state of North Dakota or South Dakota.
5. Community Development Organizations, Tribal/Member Cooperatives or Tribal Chartered Organizations or Local Districts must consist of 100% Standing Rock Sioux Tribal members and are eligible for allocation privileges by meeting the eligibility criteria.
6. **In case of doubt or dispute, the Tribal Council shall determine eligibility for range unit allocations, and their decision shall be final.**

An applicant who submits an application for allocation for a Competitive Bid range unit must pay the bid rate for that range unit until the end of the permit period.

PREFERENCE

- A. First preference shall be given to current permittees that meet all requirements, provided that the permittee has not had any uncorrected violations during the previous permit period and has held the permit for a minimum of three (3) years.
- B. Second Preference shall be given to Community Development Organizations, Tribal/Member Cooperatives or Tribal Chartered Organizations or Local Districts.
- C. Where more than one qualified application for allocation is received by the Standing Rock Sioux Tribe for a range unit and none of the applicants are the current permittee, the applicants shall submit sealed bids to the Tribal Economics Committee within five (5) days and the highest bid will be accepted; except where a Beginning/New Producer has also submitted an application for allocation.
- D. Any permit that becomes available during the permit period will be available for allocation by eligible Tribal members. A notice of available permits will be advertised for a fifteen (15) day period.
- E. **BEGINNING/NEW PRODUCERS**

Beginning Producer-Enrolled members between the ages of 14 to 18 will be allowed to apply for an allocation jointly with an adult enrolled member of the Tribe and must provide Evidence of Eligibility.

New Producers-Enrolled members are those individuals who have not previously held a grazing permit and meet eligibility requirements for an allocation.

Beginning/New producers will have first preference for those range units where there is more than one eligible application for allocation and are not the prior permittee of that range unit.

The 60% ownership requirement may be waived for the 1st year of the permit but must be met by the end of the permit period.

Additionally, preference will be given to those users who are actively pursuing objectives of improving the range resource by the addition of conservation practices, such as fencing, water development and grazing plans.

FAILURE TO MAINTAIN ELIGIBILITY WILL RESULT IN THE LOSS OF THE ALLOCATION FOR ALL RANGE UNITS AND THE GRAZING PERMIT MAY BE SUBJECT TO CANCELLATION IF ALLOCATED BY ANOTHER MEMBER OF THE STANDING ROCK SIOUX TRIBE.

III. COMPETITIVE BID.

- A. If no application for allocation has been submitted by eligible Tribal members, range units shall be let for competitive bid. Competitive bidding shall be by sealed bid with the highest bid accepted. If two or more identical bids are submitted for the same range unit, oral auction shall follow with \$100.00 being the minimum raise increment; oral auction will be limited to those who submitted identical high bids.

All persons submitting bids either sealed or in oral auction for individuals other than themselves, groups, partnerships, companies or corporations must furnish written evidence with the sealed bid of their authority to bind the parties for whom they bid.

Adult Tribal members may exercise Indian Preference to meet the highest bid. Enrolled members exercising Indian Preference must indicate their intention on their bid sheet and on the outside of their sealed envelope.

- B. Grazing privileges issued to all competitive bidders shall be revocable in whole or in part during the permit period to provide for economic development on Tribal Land.
- C. Range unit permits held by Competitive or Indian Preference Bid shall be subject to allocation by enrolled members.
- D. Competitive or Indian Preference bids will not be accepted from any individual who is delinquent.
- E. Privilege Tax-All persons, except tribal members of the Standing Rock Sioux Tribe, shall pay taxes for the privilege of doing business on the Standing Rock Indian Reservation. (Tax Code Title 16, Chapter 1, Section 16-101).

IV. RENTAL.

A. GRAZING RATE

- a. The grazing rate shall be set by the Tribal Council of the Standing Rock Sioux Tribe for lands owned by the Standing Rock Sioux Tribe and will be effective for a five year period unless there is a significant increase/decrease in the annual valuation study.
- b. The grazing rate shall be set by the Bureau of Indian Affairs for individually-owned Indian lands when the individual landowner fails to set a grazing rate for their individually-owned

land and will be effective for a five year period unless there is a significant increase/decrease in the annual valuation study.

B. BILLING DATE

- a. Grazing Rental and Administrative Fees will be due annually and payable November 1st.
- b. Bills are considered delinquent if not received on or before due date.
- c. Grazing permits will be cancelled if payment is not received by December 1st and will be effective immediately. (25 CFR, Part 2, §2.6 (a), No decision, which at the time of its rendition is subject to appeal to a superior authority in the Department, shall be considered final so as to constitute Departmental action subject to judicial review under 5 U.S.C. 704, unless when an appeal is filed, the official to whom the appeal is made determines that public safety, protection of trust resources, or other public exigency requires that the decision be made effective immediately.)

V. PERMITS AND LENGTH OF PERMIT PERIOD.

The Standing Rock Sioux Tribe may issue grazing permits for those range units where the Tribe is a majority owner.

Tribal and Allotted land in established range units shall be included under grazing permits issued by the Superintendent pursuant to 25 Code of Federal Regulation Part 166.208 for a five (5) year period beginning November 1, and ending October 31, five years later, except for permits cancelled, allocated, or voluntarily terminated, which will be for the remainder of the permit term.

A permit may be issued for greater than five (5) years but no more than ten (10) years for a permittee who has an approved Environmental Quality Incentives Program (EQIP) contract with the Natural Resources Conservation Service (NRCS) to install conservation practices within any range unit or has installed conservation practices within the last permit period.

VI. ADVERSE RANGELAND CONDITIONS

In the event of adverse rangeland conditions caused by drought, fire, or winter weather the Standing Rock Sioux Tribe reserves the right to temporarily waive or modify these policies and procedures to assist permittees affected by these conditions.

VII. ADDITIONAL CONDITIONS.

- A. PERMIT NAME. The name on a grazing permit shall not be changed during the permit period with the exception of an assignment of a range unit, for an estate and for addition of an immediate family member with approval of the Economics Committee.
- B. BRANDS. All livestock must be branded or have identification.
 - a. All equine species ex. Horses, ponies, burros, mules require a certificate of ownership either through branding, registration, or submission of pictures and descriptions of all animals.

- b. Buffalo, alpacas, lamas, goats, sheep, and Elk require brands, ear tags, lip or ear tattoos.
 - c. All brands shall be subject to inspection by a state certified brand inspector only to certify ownership of livestock.
- C. LIVESTOCK. All grazing livestock will have a conversion ratio based on weight, which will be set by the Land Operations Office. (See definition of Livestock). The following are the most common conversion rates used on the Standing Rock Reservation and unless specified by the Land Operations Department, the following conversion rates will be used for livestock:

TYPE	WEIGHT	CONVERSION RATIO
Cow/Calf Pair	1000	1.00
Steers	750	0.75
Heifers	750	0.75
Yearlings	750	0.75
Horse	1500	1.50
Bull	1500	1.50
Pregnant Cow	1000	1.00

- D. GRAZING PERIOD. The Grazing Period shall be from January 1 to December 31 each year of the permit period, except for the first and last year of the permit and when the Grazing Rental and Fees have been paid on or about November 1.
- E. EQIP CONTRACT. Any individual obtaining a permit either thru allocation, bid, Indian Preference, or Assignment may assume any federal cost-share contract for improvements that have not expired for that land covered under permit.

EQIP practices constructed on trust lands will become property of the land.

- F. HAY CUTTING. Grazing permits do not authorize the cutting of hay. A permit to cut hay must be obtained and approved in advance from the Superintendent. The rate per acre for hay cutting privileges shall be \$15.00 per acre on Tribal lands. This fee shall be waived for hay cutting on Tribal Lands for allocated Range Units. Hay cutting permits will be authorized yearly for tame hay and every other year for native grass hay.

Trespass hay cutting on Tribal Lands will result in a \$45.00 per acre penalty and the hay will be provided to the Standing Rock Sioux Tribe, Buffalo Program, per Tribal Council Motion No. 12, approved at the July 2, 2007, Tribal Council Meeting.

Hay cutting permits and the hay are for the permittees use only, however, hay cutting on shares is allowable under the following provisions: the non-member contractor will be billed two times the going rate per acre for their share on allotted and tribal lands.

Hay permits will not be issued where the maximum carrying capacity has been utilized for grazing.

Trespass hay cutting on Individually Owned Indian Lands, will result in penalties as defined in 25 CFR Part 166.800

G. **MANAGEMENT PLANS.** All range units will be managed for the protection of the grazing lands by the development of plans to sustain the grassland resource utilizing practices such as grazing plans, water development and cross fencing.

H. **SEASONAL GRAZING.** All permittees that are running livestock on a seasonal basis will be required to file a grazing plan prior to the start of the annual grazing period.

I. **PASTURING AUTHORIZATIONS**

Pasturing Authorizations are required on all Range Units for all livestock not authorized by the permit.

Pasturing Authorizations will not be issued for any livestock found in trespass.

Pasture Livestock owner must provide a registered brand certificate.

Privilege Tax-All persons, except tribal members of the Standing Rock Sioux Tribe, shall pay taxes for the privilege of doing business on the Standing Rock Indian Reservation. (Tax Code Title 16, Chapter 1, Section 16-101)

J. **LIVESTOCK DISEASES.** Whenever livestock within the Standing Rock Reservation become infected with contagious or infectious diseases, parasites or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable laws.

All livestock brought on the Standing Rock Indian Reservation from outside of North or South Dakota shall have health certificates and shall be provided to the Standing Rock Sioux Tribe.

K. **HUNTING AND FISHING.** Individuals hunting and fishing on Trust Lands within permits or leases contracts must abide by Title IX, Game and Fish Wildlife Conservation Code.

L. **WOOD CUTTING.** Access shall be available to landowners on their own land and to members of the Tribe on Tribal Land to gather dry firewood for their needs, provided that those activities do not impose unreasonable burdens on livestock. Individuals must possess a valid wood cutting permit approved by the Tribe.

M. **WITHDRAWAL OF ALLOTTED LAND.** Any individual(s), withdrawing land from a range unit shall be required to give such notice 180 days prior to the anniversary date of the permit. The individual(s) withdrawing land shall be required to fence it; fencing must be completed within the 180 days from the effective date of the land withdrawal, except for lands withdrawn by owner(s) for outside lease to existing permittee. All Fence construction must meet NRCS fencing standards.

Allotted Land withdrawn from the range unit which is not fenced within 180 days will be added back to the range unit.

N. **WITHDRAWAL OF TRIBAL LAND.** The Standing Rock Sioux Tribe reserves the right to withdraw Tribal land from any Range Unit for Economic Development or other public purpose. Withdrawals shall become effective on the anniversary date of the permit, unless the permittee

and the Tribe otherwise agree. Tribal Lands withdrawn from the Range Unit must be fenced by the individual/entity requesting the withdrawal.

- O. **ON AND OFF LANDS.** All on and off range lands included in the Grazing Permit, will be stocked at the approved stocking rate for the range unit as a whole.

A grazing plan must be completed for all On & Off lands, which may also include crop aftermath or cover crops that are owned, leased by the Permittee, with approval by the Agency Superintendent.

- P. **PERMITTEE CERTIFICATION.** Prior to approval of the grazing permit, all permittees must certify in writing that they understand and agree to the provisions of the grazing privileges policies and procedures.

- Q. **SURETY BONDS.** Will not be required on Range Unit permits.

- R. **RANGE UNIT BOUNDARIES.** Range Unit boundaries are required to be fenced. The permittee shall be liable for one-half of the expense of erecting and maintaining partition fences between the Range Unit boundaries and the adjoining land. Unless otherwise agreed upon, each user of the adjoining land shall build that fence which shall be upon his right hand when he stands upon his own land and faces the line upon which the proposed fence is to be built. All fences must be built according to Natural Resource Conservation specifications.

- S. **TRESPASS LIVESTOCK.** Unauthorized livestock are subject to Code of Federal Regulations, Title 25, Part 166.800 and 166.802, Trespass and the Standing Rock Sioux Tribal Grazing Permit Policies and Procedures, and the Standing Rock Sioux Tribe, Code of Justice, Title XVI, Taxes.

If a trespass violation occurs on an allocated range unit, the permittee will be given due process and have the right to appeal to the Economics Committee. The committee will determine if the trespass is accidental, willful, and/or incidental and the decision of the committee will be final. The first violation will be cause for a probation period and the second violation will be cause for cancellation.

The owner of livestock found in trespass will be subject to a penalty as determined by the Standing Rock Sioux Tribe, Code of Justice, Title XVI, Taxes.

- T. **PEST CONTROL.** All permittees are required to have and participate in an integrated pest management plan to include but not limited to prairie dogs and noxious weeds.

- VIII. CANCELLATION OF GRAZING PERMITS.** All grazing permits will be subject to cancellation by the Superintendent and/or the Standing Rock Sioux Tribe for failure to comply with any provisions of the Grazing Permit Policies and Procedures.

IX. DEFINITIONS.

- A. **ALLOCATION-**The awarding of range unit for grazing privileges by the Tribe to members of the Standing Rock Sioux Tribe.
- B. **ANIMAL UNIT-** One cow (with or without calf) or the equivalent of other livestock according to the conversion factors set forth in these policies and procedures.
- C. **APPLICANT -**Any person applying to the Tribe for allocation of grazing privileges.

- D. CARRYING CAPACITY – the maximum stocking rate established for a range unit.
- E. COMPETITIVE BIDS – Sealed bids submitted for a permit to graze a range unit. Oral auction would be necessary if bids are of the same dollar amount.
- F. DELINQUENT ON PAYMENT –Any payment not made by a specified date to the Standing Rock Sioux Tribe, Bureau of Indian Affairs, or to any entity of the Tribe.
- G. GRAZING PERMIT-Official written authority approved by the Superintendent and/or the Standing Rock Sioux Tribe to graze livestock for a specified period on a range unit.
- H. INDIAN PREFERENCE BID-Bid submitted by an enrolled member at the time of sale. Preference gives the member the option to meet the high bid, without going into oral auction. Indian Preference Bids cannot be obtained by assignment of grazing permits.
- I. LAND OWNER-Any individual owning trust interest in allotted land or the Standing Rock Sioux Tribe.
- J. LIVESTOCK-Livestock allowed to graze on units shall be cattle, sheep, goats, lamas, alpacas, equine species (horses, ponies, mules, and burros), elk, and buffalo.
- K. ON AND OFF LAND-Lands owned or controlled by a permittee and grazed in common with a range unit.
- L. PASTURING AUTHORIZATION-Written permission by the Superintendent to graze livestock that is not otherwise authorized by a grazing permit.
- M. RANGE UNIT - Any specified tract or tracts of land for which a grazing permit is issued.
- N. SEASONAL CARRYING CAPACITY -The Total Available Animal Unit Month adjusted on a range unit for seasonal use.
- O. SEASONAL USE-Grazing restricted to less than one year for a specified period.
- P. STOCKING RATE-The area of land specified for each animal unit for a year-long period.
- Q. TAKEN AREA-The area along the Oahe Reservoir between the waterlines and the Corp of Engineer's established survey line.
- R. TRIBAL MEMBER OR ENROLLED MEMBER-An enrolled member of the Standing Rock Sioux Tribe.
- S. TRESPASS LIVESTOCK-Livestock that are not authorized under the Grazing Privileges Policies and Procedures or Pasturing Authorization, Code of Federal Regulation 166.800.

Approved by Tribal Council, Motion No. 36, January 6, 2015 Regular Tribal Council Meeting