



# PUEBLO OF ISLETA

P.O. BOX 1270  
ISLETA, NM 87022

## **PUEBLO OF ISLETA Resolution No. 2024-069**

### **DIRECTING IMMEDIATE REMOVAL OF ALL LIVESTOCK FROM RANGELAND AND AUTHORIZING IMPOUNDMENT, SALE, AND CIVIL AND CRIMINAL ENFORCEMENT RELATING TO ANY CATTLE IN TRESPASS**

**WHEREAS**, the Pueblo of Isleta is a federally recognized Indian tribe with a written Constitution adopted pursuant to the Indian Reorganization Act and with inherent powers of self-government;

**WHEREAS**, the Pueblo of Isleta Tribal Council is the Legislative Branch of the Pueblo of Isleta Tribal Government pursuant to the Constitution;

**WHEREAS**, Article V, Section 2(e) of the Constitution empowers the Tribal Council to “protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;”

**WHEREAS**, Article V, Section 2(b) of the Constitution empowers the Tribal Council to “execute leases, contracts, and permits” that encumber Pueblo lands;

**WHEREAS**, Article V, Section 2(k) of the Constitution empowers the Tribal Council to regulate trade, land assignments, and private dealings in pueblo land;

**WHEREAS**, Article V, Section 2(l) of the Constitution empowers the Tribal Council to “manage and control the lands and resources of the pueblo for the best interest of the pueblo;”

**WHEREAS**, the Pueblo is authorized under 25 CFR § 166.103 to apply and enforce its own laws regulating the use of Pueblo agricultural lands, including laws permitting livestock grazing activities, as long as such laws do not conflict with any applicable federal law;

**WHEREAS**, Tribal Council adopted the Pueblo’s Range Grazing Management Regulations (“Regulations”) on December 16, 2015, through Resolution No. 2015-103;

**WHEREAS**, the Regulations provide the mission statement of the Pueblo of Isleta for purposes of rangeland management: “to protect, preserve, and enhance the land, water, forage, wildlife, recreational, cultural, and sacred sites of the Pueblo rangelands through sound rangeland management and to improve, build-up, and rehabilitate these resources where they have

deteriorated utilizing practices that are environmentally, socially, economically, culturally, and traditionally acceptable so that these vital resources are available for future generations.” Regulations, Art. I;

**WHEREAS**, the Pueblo’s rangeland is overgrazed and the region is experiencing drought conditions. As a result, forage and water become more and more limited each year. This unsustainable cycle threatens the livestock, environment, and wildlife of the rangeland today. Dozens of cattle have died as a result of these conditions over the last few days. These conditions also threaten the future viability of the Pueblo’s rangeland. This constitutes an emergency circumstance that places the Pueblo’s land resources at risk and that requires immediate action by the Tribal Council in order to manage and control the Pueblo’s natural resources for the best interests of the Pueblo;

**WHEREAS**, deceased cattle in the rangeland present a danger to public health, animal health, and environmental health, as bacteria and disease from carcasses place the surrounding land, water, and wildlife at risk of contamination;

**WHEREAS**, to allow the rangeland to continue to be overgrazed would amount to prioritizing the private interests of those Tribal Members with grazing permits over the Pueblo’s public interests in land, wildlife, and water resources for the benefit of the entire Pueblo. The Council is Constitutionally charged with protecting the Pueblo’s land and resources in the best interests of the Pueblo;

**WHEREAS**, under Article VIII, Section A of the Regulations, “[a]ll livestock grazing on Isleta Pueblo rangelands must be authorized by a grazing permit issued by the Tribal Council (or Livestock Board);”

**WHEREAS**, under Article XIII, Section C of the Regulations, grazing permits may be modified or suspended in order to meet management needs and resource conditions;

**WHEREAS**, Article XV of the Regulations authorizes the Pueblo to impound and dispose of cattle that graze or trespass in violation of Pueblo law;

**WHEREAS**, Article XX of the Regulations authorizes regulatory amendments through Tribal Council Resolution, with interested parties to be provided notice of such amendments through the executive branch; and

**WHEREAS**, the Tribal Council finds that it is in the best interest of the Pueblo of Isleta and its livestock, wildlife, environment, and public health to immediately require all livestock to be removed from all grazing units of the Pueblo of Isleta rangeland and to authorize the executive branch to take the enforcement actions specified herein to protect the health and sustainability of the rangeland.

**NOW THEREFORE BE IT RESOLVED**, all persons with cattle in any grazing unit of the Pueblo of Isleta shall remove their cattle from the grazing units within 45 calendar days of the adoption of this Resolution. All persons are permanently enjoined from using or occupying,

including through cattle and any other livestock, any grazing unit in the Pueblo's rangeland after 45 calendar days, until this Resolution expires or is repealed. This prohibition shall remain in effect, including for grazing permit holders, until this Resolution is revoked. The applicable Regulations and each grazing permit, as extended through Res. No. 2023-107, are hereby amended to include the provisions of this Resolution, which are necessary to conserve and protect the Pueblo's lands, natural resources, public health, and wildlife;

**BE IT FURTHER RESOLVED**, non Tribal Members may be authorized to assist with cattle round-ups for purposes of assisting Tribal Members with compliance with this Resolution but only upon obtaining a Permission Agreement to Enter from the Governor. Such Permission Agreement to Enter shall require escort by an Open Space Officer of the Isleta Police Department. Such escort shall be scheduled in advance of issuance of the Permission Agreement to Enter in order to accommodate the staffing limitations of the Open Space Division;

**BE IT FURTHER RESOLVED**, after 45 calendar days, the Department of Natural Resources, Open Space Officers of the Isleta Police Department, and any other employee designated by the Governor shall be immediately authorized to impound and dispose of, including through sale, any livestock remaining in any grazing unit in violation of this Resolution. Other than the notice provisions required herein, no other notice or administrative procedures shall be required to be provided to grazing permittees prior to the impoundment and sale of such livestock. This authority shall apply to all livestock in any grazing unit, including: cattle subject to a current grazing permit, cattle in trespass after the expiration of a prior grazing permit, cattle formerly belonging to permittees who are now deceased, stray and/or unbranded cattle, and any other livestock. All funds generated from the sale of impounded livestock pursuant to this Resolution shall be appropriated to the Department of Natural Resources for purposes of rangeland management. Such appropriation shall not be subject to reversion at the close of any fiscal year;

**BE IT FURTHER RESOLVED**, the Legal Department is authorized to initiate an enforcement action for livestock trespass under the Regulations against any person whose cattle remains in any grazing unit in violation of this Resolution. Each day of trespass shall constitute a separate violation entitling the Pueblo to civil penalties of \$12 per head per day of trespass. The Pueblo shall also be entitled to compensatory damages, injunctive relief, and attorney's fees. Section B, D, and the notice provisions of Sections E and F of Article XV of the Regulations are hereby repealed and replaced by this Resolution. Section C of Article XV of the Regulations is hereby amended to entitle the Department of Natural Resources to impose administrative fines of up to \$10,000 per person in trespass under this Resolution, in addition to the other damages and relief authorized herein and under Isleta law, without first seeking specific permission or authority from either the Livestock Board or Tribal Council. All civil penalties, compensatory damages, and administrative fines collected hereunder shall be appropriated to the Department of Natural Resources for purposes of rangeland management. Such appropriation shall not be subject to reversion at the close of any fiscal year;

**BE IT FURTHER RESOLVED**, that to the extent livestock belonging to a non-Tribal Member is in trespass in violation of this Resolution, the Department of Natural Resources is authorized to impound and hold such cattle and to charge such non Tribal Member a fee of \$125 per head per day of trespass and impoundment, as well as administrative fines of up to \$10,000. Such

finances and fees must be paid to the Department of Natural Resources in order for the livestock to be returned to the non Tribal Member. After 30 days of holding cattle under this provision, the cattle shall be considered abandoned and shall become forfeited property belonging to the Pueblo of Isleta and may be subject to disposal, including sale, by the Department of Natural Resources. Additionally, the Legal Department shall be authorized to initiate an enforcement action for civil trespass under the Pueblo of Isleta Law and Order Code, Section 05-02-01 against any non Tribal Member with livestock in any grazing unit in violation of this Resolution, including for civil penalties of up to \$10,000 per day of trespass, along with other compensatory damages and injunctive relief under the Pueblo of Isleta Law and Order Code, Section 30-01-11, and any other applicable law;

**BE IT FURTHER RESOLVED**, any person whose cattle remains in any grazing unit in violation of this Resolution may also be subject to criminal penalties under the Pueblo of Isleta Law and Order Code, Sections 30-12-01 (Criminal Trespass); 30-12-03 (Misusing Public Property); 30-13-01 (Cruelty to Animals). They may further be subject to any other civil and criminal penalties authorized under applicable law;

**BE IT FURTHER RESOLVED**, any person whose cattle remains in any grazing unit in violation of this Resolution may be subject to federal enforcement by the U.S. Bureau of Indian Affairs against trespass and/or unauthorized use of land under 25 CFR § 166.709;

**BE IT FURTHER RESOLVED**, the Department of Natural Resources, Open Space Officers of the Isleta Police Department, and any other employee designated by the Governor is authorized to bury all deceased cattle in each grazing unit in a manner that protects public health and the surrounding environment;

**BE IT FURTHER RESOLVED**, that the Governor, by and through the Department of Natural Resources and any other department designated by the Governor, shall as soon as is reasonably feasible provide notice of this Resolution to interested parties by:

- Providing electronic notice through the Pueblo of Isleta website and related social media;
- Providing notice through the Pueblo of Isleta text messaging system;
- Posting notice at public locations within the Pueblo, including at the access gates of each grazing unit; and
- Mailing this Resolution to each grazing permit holder by certified mail, return receipt requested.

**BE IT FURTHER RESOLVED**, upon compliance with the notice provision above, all grazing permittees and all other persons with cattle in any grazing unit shall be considered to have been provided notice of this Resolution and its enforcement provisions, regardless of whether a grazing permittee actually received such notice (i.e. even if a mailed notice is returned as undeliverable, the recipient shall be considered on notice). No person shall be entitled to any additional notice beyond what is prescribed herein. Enforcement actions and penalties shall not be contingent on any additional notice beyond what is prescribed herein;

**BE IT FURTHER RESOLVED**, the Governor shall have the authority to issue Executive Orders under this Resolution to expand civil enforcement authorities of the Department of

Natural Resources in order to protect the rangeland from unlawful grazing and livestock trespass and/or to establish procedures relevant to enforcement hereunder, as long as doing so is deemed necessary to protect the health and environment of the Pueblo of Isleta rangeland. However no Executive Order issued under this Resolution shall restrict the Pueblo's enforcement authorities against unlawful grazing or livestock trespass;

**BE IT FURTHER RESOLVED**, nothing in this Resolution shall absolve the U.S. Bureau of Indian Affairs of its trust responsibilities, including its trust obligations pertaining specifically to Tribal agricultural lands;

**BE IT FURTHER RESOLVED**, that the Governor, Treasurer, Department of Natural Resources, and Isleta Police Department are authorized and directed to effectuate the intent of this Resolution, including through compliance with any Executive Orders issued by the Governor under this Resolution;

**BE IT FURTHER RESOLVED**, that any person lawfully holding a grazing permit under Res. No. 2023-107 shall be entitled to retain such permit through the full term, but only if the Permittee complies with this Resolution and all other applicable laws. If the rangeland is deemed ready for grazing and this Resolution is repealed prior the expiration of permits issued under Res. No. 2023-107, those with lawful permits may resume grazing pursuant to their permit and applicable law. A permittee's violation of this Resolution, applicable Regulations, or other Pueblo laws shall result in the immediate cancellation of that permit by the Department of Natural Resources, without any requirement of prior notice and without any specific approvals required from the Livestock Board or the Tribal Council. The Department of Natural Resources shall track permit vacancies resulting from non-compliance with this Resolution, so that permits may be made available to new applicants once the rangeland is deemed ready for grazing and this Resolution is lifted. Article XIII of the Regulations is hereby amended to authorize the immediate cancellations described herein;

**BE IT FURTHER RESOLVED**, no grazing fees shall be due from permittees for the period that this Resolution is in effect. Beginning in January 2025 and for a period of three months, Permittees may request a refund for grazing fees paid for months-paid which are subject to this Resolution using the procedures and forms created by the Treasurer and the Department of Natural Resources. No interest shall be due on such refunds. No refunds shall be issued to persons deemed by the Department of Natural Resources to have violated this Resolution or applicable law. No refunds shall be issued to any person that fails to submit a request during the three-month period authorized herein. Any grazing permit fees not refunded shall be appropriated to the Department of Natural Resources for purposes of rangeland management. Such appropriation shall not be subject to reversion at the close of any fiscal year; and


**BE IT FURTHER RESOLVED**, that to the extent this Resolution is in conflict with any prior action by the Tribal Council, including the Range Grazing Management Regulations, the provisions of this Resolution shall control; and

**BE IT FURTHER RESOLVED**, that this Resolution is effective immediately and shall remain in place for at least two years to provide the rangeland the time to return to a sustainable

condition. This Resolution shall automatically renew for another two years after the close of the initial period unless Tribal Council affirmatively takes action to revoke this Resolution earlier. The Tribal Council's determination to revoke this Resolution at the close of the initial period shall only be made upon the presentation of findings by the Department of Natural Resources that the rangeland has returned to a healthy and sustainable condition.

**CERTIFICATION**

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 13<sup>th</sup> day of June, 2024, with a quorum present, with 5 voting for, 0 opposing, and 1 abstaining.

  
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Tribal Council President

  
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Governor

**ATTEST:**

  
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Tribal Council Secretary