



**THE NAVAJO NATION**  
**DEPARTMENT OF AGRICULTURE**  
P.O. BOX 4889 WINDOW ROCK, ARIZONA 86515  
Phone: (928) 871-6605 Fax (928) 871-6679

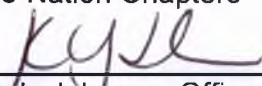


Ben Shelly,  
President

Rex Lee Jim,  
Vice-President

**Memorandum:**

To: Navajo Nation Grazing Officials  
Navajo Nation Land Boards  
Navajo Nation Chapters

From:   
Kimberly Johnson, Office Specialist  
Grazing Management Office

Date: August 1, 2013

Subject: **CJY-44-13, AN ACTION RELATING TO AN EMERGENCY: APPROVING A SUPPLEMENTAL APPROPRIATION...\$1,397,239 TO THE DEPARTMENT OF AGRICULTURE FOR FERAL LIVESTOCK ROUNDUPS;...**

The Navajo Nation Council approved a \$1.3 million for the Department of Agriculture to address the feral horse problem on the Navajo Nation as part of a mitigation plan to address extreme drought conditions on the Navajo Nation; the legislation was signed July 25, 2013 by honorable Navajo Nation President Ben Shelley.

Conditions of Appropriations stipulates direct services to be provided to the Navajo Nation with a goal of providing 1,000 free stallion castrations, 1,500 mare contraception treatments, and provide incentive payments to participating chapters, \$50,000 per agency; as well as provide educational and marketing materials for the general public. Funds are to be expended by September 30, 2013.

Therefore; per **NNC T3, Subsection 1311 Livestock or equine round up procedures and requirements**, the Department of Agriculture is requesting each Chapter and/or Grazing Official to obtain Chapter Resolutions to implement continuous livestock round ups in your respective chapters. Livestock Roundup laws and information are attached for your reference.

Horse roundups are currently being scheduled for Chapters who currently have resolutions on file with the Department of Agriculture. A roster of current Livestock Round Up resolutions is attached for you reference, if your chapter has a resolution but is not listed please inform the Grazing Management Office as soon as possible.

The Department employed 10 horseback riders, 4 ATV riders, and 10 laborers to assist with the onsite projects. The Department of Agriculture's resources include 3 trucks and stock trailers, drivers, and panels. Upon Chapter confirmation the Grazing Management Office will contact BIA, the Department of Resource Enforcement (Rangers) and the Navajo Nation Veterinary & Livestock Program to coordinate resources.

The Department of Agriculture and Grazing Management Program are available for chapter presentations and consultation upon request. Contact the Grazing Management Office for more information at 928-871-7405/6605. Thank you to all chapters who are participating in this effort.

Concurrence



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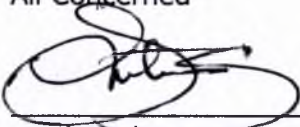
Leo Watchman, Jr., Department Manager III  
Navajo Nation Department of Agriculture

Attachments:    *CJY-44-13*  
                      *Community Range Assessment*  
                      *NNC T3, Subsection 1311 Livestock or equine round up procedures*  
                      *Suggested Chapter Plan Outline*  
                      *Sample Resolution*

XC:            *Frederick H. White, Division Director, DNR*  
                  *Resource & Development Committee*  
                  *Leo Watchman, Jr. Department Manager III, NNDA*  
                  *Chief Butler, Department of Resource Enforcement*  
                  *Glenda Davis, Program Manager, NNVL*



**M-E-M-O-R-A-N-D-U-M**

TO: All Concerned  
FROM:   
Leo Watchman, Department Manager III  
Department of Agriculture  
Division of Natural Resources  
DATE: October 1, 2012  
SUBJECT: Standing Delegation of Authority


During my absence from the Department of Agriculture, a Standing Delegation of Authority protocol will commence effective immediately. The order of person be delegated Authority as follows below. The Authority of Delegation to consist of those duties governing routine operations including specific functions related to the overall operations of the Department of Agriculture with the exception of those that may require my attention and/or approval.

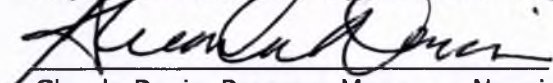
- Roxie June, Principal Planner
- Raymond Castillo, Principal Extension Agent
- Glenda Davis, Program Manager
- Ivan J. Becenti, Acting Program Manager

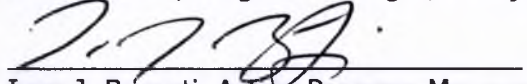
Dept. of Agriculture greatly appreciate your cooperation. Should you have questions or further assistance, please contact the office at (928) 871-6605. Thank you.

**ACKNOWLEDGED:**

  
Roxie June, Principal Planner

  
Raymond Castillo, Principal Extension Agent

  
Glenda Davis, Program Manager, Navajo Veterinary & Livestock Program

  
Ivan J. Becenti, Acting Program Manager, Tribal Ranches Program

**DISTRIBUTION**





RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22<sup>nd</sup> NAVAJO NATION COUNCIL - Third Year, 2013

AN ACTION

RELATING TO AN EMERGENCY: APPROVING A SUPPLEMENTAL APPROPRIATION REQUEST FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$3,000,000 TO THE NAVAJO DEPARTMENT OF WATER RESOURCES, FOR ADDRESSING THE EXTREME DROUGHT CONDITIONS ON THE NAVAJO NATION; \$1,397,239 TO THE DEPARTMENT OF AGRICULTURE FOR FERAL LIVESTOCK ROUND-UPS; AND \$202,761 TO THE DEPARTMENT OF RESOURCE ENFORCEMENT FOR LIVESTOCK ROUND-UPS

BE IT ENACTED:

**Section 1. Findings.**

A. The Navajo Nation Council hereby finds that the need for supplemental to address extreme drought conditions on the Navajo Nation constitutes an emergency pursuant to 2 N.N.C. § 164 (A)(16). The Justification for the supplemental funding is further explained in Exhibit C, the Navajo Nation Commission on Emergency Management's State of Emergency Declaration, CEM-13-06-27, attached hereto. The supplemental funding in the amount of \$3,000,000 to the Department of Water Resources; \$1,397,239 to the Department of Agriculture for Feral Livestock Round-ups and \$202,761 to the Department of Resource Enforcement for livestock round-ups.

B. The Navajo Nation finds it in the best interest of the Navajo people to appropriate the supplemental funding for the purpose of mitigating the extreme drought conditions currently existing on the Navajo Nation, and shall not exclude areas known and recognized as the Navajo Partitioned Lands.

**Section 2. Supplemental Appropriation**

A. In a previously released memo to the Navajo Nation Council dated July 15, 2013 the unaudited UUFBA/Available for Appropriation calculated is \$13,333,509, see attachment "A". There have been no additional supplemental appropriations, so as of July 18, 2013 the UUFBA balance remains at \$13,333,509. The UUFBA would be able to cover supplemental request up to the amount of \$13,333,509. The supplemental funding is to be placed in the Business Unit Numbers as detailed in Exhibit A.

B. Condition of Appropriation: Conduct an audit at the end of the fiscal year for these funds.

**Section 3. Directives**

A. The Navajo Nation Council hereby directs the Bureau of Indian Affairs, Branch of Natural Resources to expeditiously and efficiently repair and maintain livestock water facilities within all chapters/communities located in Navajo Partitioned Lands (NPL) and Former Bennett Freeze Area.

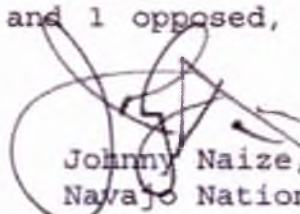
B. The Navajo Nation Council directs the Navajo Department of Water Resources to make the necessary request to the entities to accomplish the intensions of this supplemental appropriation for the Jeddito Chapter within the Hopi Partition Lands.

C. The Navajo Nation Council directs that technically, a feral horse round-up should be a FERAL HORSE round-up, not a CATTLE round-up.

D. The Navajo Nation Council further directs that the people who put a lot of personal expenses to re-claim their cattle should be fully reimbursed for their personal expenses, further, the price paid to the program and department for unauthorized selling of "unbranded" cattle round-up of cattle was never authorized.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 14 in favor and 1 opposed, this 18<sup>th</sup> day of July 2013.

  
Johnny Naize, Speaker  
Navajo Nation Council

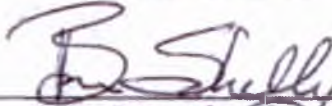
July 23, '13  
Date

Motion: Honorable David L. Tom  
Second: Honorable Duane Tsinigine



ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this \_\_\_\_\_ day of JUL 25 2013 2013.



Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2013, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President  
Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10) and 2 N.N.C. § 164 (A) (17), on this \_\_\_\_\_ day of \_\_\_\_\_, 2013. The justification of my line-item veto is set forth by memorandum.

Ben Shelly, President  
Navajo Nation

Navajo Nation Community Range Assessment  
Navajo Nation Department of Agriculture

Date: _____
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Please Circle the best answer or provide details. **Chapter/Community :** \_\_\_\_\_

1. What is the current community range condition?	1. Excellent    Moderate    Poor    Severe (NO Forage)
2. Is your community experiencing a drought?	2. Yes                      No                      Not Sure
3. Does your community have a problem with feral horses and livestock?	3. Never                  Sometimes    Daily    Not Sure
4. Do feral horses dominate windmills?	4. Never                  Sometimes                  Daily                  Not Sure
5. Do stray & feral livestock dominate windmills?	5. Never                  Sometimes                  Daily                  Not Sure
6. Do feral horses dominate the range?	6. Never                  Sometimes                  Daily                  Not Sure
7. Do stray & feral livestock dominate the range?	7. Never                  Sometimes                  Daily                  Not Sure
8. Does your chapter receive complaints of feral horses?	8. Never                  Sometimes                  Daily                  Not Sure
9. Does your chapter receive complaints of other feral or stray livestock?	9. Never                  Sometimes                  Daily                  Not Sure
10. Does your chapter have an approving resolution to conduct horse roundups?	10. Yes                      No                      Not Sure
11. How many horse roundups has the Grazing Official conducted for 2012?	11. 0      1      2      3      4      5      6 Other: _____
12. How is your Chapter or Grazing Official dealing with the feral livestock?	12.
13. Does your Chapter have a budget for Feral Horse & Livestock roundups?	13.
14. Is there a high demand for livestock hay and/or water in your community?	14. Yes    No
15. Give your best estimate of the number of <b>feral and stray</b> livestock in your community.	15. Horses _____      Cattle: _____ Other: _____
14. Estimate the number of vehicle collisions caused by stray/feral livestock in your community.	16. Horses _____      Cattle: _____ Other: _____

Other comments or suggestions related to feral livestock:

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Please return the completed survey to the Navajo Nation Department of Agriculture by fax (928)871-6679 or email ([kjohnson\\_gmp@yahoo.com](mailto:kjohnson_gmp@yahoo.com)).. Thank you for your feedback.

### **Title 3, Chapter 7. Control & Inspection of Livestock**

§ 1311. Livestock or equine roundup procedures and requirements.

A. Procedures:

1. District Grazing Committee members and Eastern Land Board members (hereinafter "member") must assess the livestock body condition, availability of forage, water and situation in their respective chapters and present their evaluation at the next chapter meeting.

2. By resolution, the chapter will identify a team to coordinate roundup activities to conduct the round up and recommend said livestock to be sold. The chapter will designate a lead person for this team.

3. Upon receipt of chapter authorization, the chapter members shall identify all available resources including, but not limited to, funds, feed, water troughs, manpower, vehicles, and trailers. The chapter official shall provide assistance on an as needed basis. The members shall also coordinate the roundup with the Resource Enforcement Department, Livestock Officer or local Deputy Livestock Inspector, and the Department of Agriculture.

4. Chapter members and livestock owners shall be given 10 days notice of the dates, times, and location of the roundup. Such notice shall include posting of three written notices at public places within the communities. Public services announcements may be used for radio at the discretion of the chapter.

5. It is mandatory for a Livestock Officer or Deputy Livestock Inspector to be present at all roundups and livestock sales to perform inspections and ensure compliance with the livestock laws of the Navajo Nation as codified at Sections 1201 through 1523.

6. Process for the disposition of livestock gathered during the roundup:

a. All unclaimed and unbranded livestock shall be hauled to designated holding pens.

b. Owners shall have five days to claim their stray animals which were impounded. Proof of ownership shall be required with original documents only.

c. After the five-day claim period, the Department of Resource Enforcement shall sell the remaining livestock.

d. The designated Livestock Officer or Deputy Livestock Inspector shall be responsible for maintaining accurate records of the description,



animal identification (when applicable) and type of livestock gathered during the roundup, the purchase price, date, and location of the sale. All records will be submitted to the Department at the end of the roundup.

e. All proceeds from the sale of the livestock or equine shall be placed in the "Livestock Custody Fund" account for 20 days. These funds shall be disbursed to persons having a rightful claim to any livestock sold. Expenses for the transportation, care, feeding and sale of the livestock shall be deducted from any payments due.

f. After the 20-day period, the remaining funds, less expenses for the transportation, care, feeding and sale of the livestock as submitted by the Department of Resource Enforcement, Navajo Nation Veterinary and Livestock Program, Department of Agriculture, and chapter, shall be deposited and maintained in the "Livestock Custody Fund" account to be used by Department of Resource Enforcement, Navajo Nation Veterinary and Livestock Program, Department of Agriculture and Grazing Management Program.

g. Claims are to be submitted within 20 days of the seizure.

#### B. Voluntary Sales.

1. Chapter member(s) who choose to sell excess livestock during a roundup shall be responsible for the transportation of their livestock to the sale site. Participants in the scheduled livestock sales shall abide by the sale procedures established by Navajo Nation Code and the Resource Enforcement Department.

2. It is recommended that all livestock owners evaluate their livestock and use the following factors in deciding to market any or all of their livestock:

a. Excess or unwanted animals.

b. Cull animals.

1) Old or sick animals.

2) Infertile or sterile animals.

3) Undesirable breeding stock.

3. Any person refusing to cull animals as specified in this Section shall be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed \$500.00, or both.

4. Forfeiture. Any animal found to be cull will be forfeited to the Navajo Nation and destroyed upon order of a court of the Navajo Nation.

#### C. Emergency Conditions.

1. If Navajo Nation President declares an emergency and the Navajo Nation in the midst of a severe drought and immediate action must be taken to alleviate the emergency conditions.

2. All unbranded livestock rounded up will be sold immediately and branded livestock shall be sold within two days of the roundup.

3. It is also imperative that Navajo livestock owners voluntarily participate in these livestock sales by marketing excess or unwanted animals.

D. Interference with authorized roundups.

1. A person commits an offense pursuant to this Section if he or she interferes with or obstructs an authorized roundup which has for its purpose the removal of unowned horses or other livestock, or is for the purpose of determining ownership or is designed to protect Navajo Nation land from destruction or injury.

2. Any person found guilty of violating this Section shall be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine a minimum of \$500.00 but not to exceed \$5,000.00 or both.

## **Suggested Chapter Horse Roundup Planning Outline**

### **Pre-Planning**

- Chapter resolution authorizes the local Grazing Official to conduct a horse/livestock roundup. Specify horse roundup to include mules and donkeys. It is recommended to approve a resolution for: “continuous”, “year round”, or “indefinite” livestock roundups.
- Chapter officials establish a plan of operation to execute the round up.
- The Grazing Official coordinates with the Navajo Nation Department of Agriculture, Grazing Management office, Department of Resource Enforcement and the Bureau of Natural Resource, and possibly the neighboring Grazing Committee members for support and technical assistance with the roundup.
- Post public notices in three (3) locations. Each notice will include dates, time, and location of horse roundup including “Notice of Trespass”.
- The chapter hires laborers, “experience” riders and other personnel to provide services for the duration of the roundup.

### **Daily Roundup Planning**

- The Grazing Official will provide a daily logistics plan and will supervise the project.
- The logistical plan should include startup time, starting and ending points, rider’s assignments, coverage area, and communication with the riders and other support personnel.
- The Grazing Official, Ranger or an assistant should be on location of the holding pen(s) at all times.
- Grazing officials will record brands and description of horses as they appear at the pens. A copy of this list will need to be submitted to NNDA/GMO.
- The Grazing Official with support of DRE, NNDA and BIA will enforce the Navajo Grazing Regulations.
- Any person interfering with the roundup in any way, verbal or otherwise, is subject to arrest in accordance with NN Title 3 §1311 (d) Penalties.

### **Claiming Seized Livestock**

- All horses not branded and unclaimed will be turned over to DRE.
- Livestock owners must provide a valid grazing permit with their name AND not be in violation of any grazing laws.
- Only permitted number of horses will be released to the rightful owners.
- Note\*\* Xerox Copies are not accepted\*\*



RESOLUTION OF THE \_\_\_\_\_ CHAPTER

Approving the implementation of the (chapter) Community Horse and Livestock Roundup and the Horse and livestock Round Up Procedures, (Exhibit A); and requesting the Navajo Nation Department of Agriculture, Department of Resource Enforcement and the BIA Branch of Natural Resources to assist with the (chapter/community) Roundup. The (chapter) Community Horse and Livestock Round Up shall be indefinite.

WHEREAS:

1. The Navajo Nation Chapter is a recognized Chapter of Navajo Nation Council per Resolution \_\_\_\_\_ and NN 2, Section \_\_\_ ; and
2. Navajo Nation Council Resolution CAP-34-98 codifies 26 Navajo Nation Code, the Local Governance Act, which authorizes chapters to implement community based projects beneficial to the community members; and
3. The Navajo Nation Commission on Emergency Management has declared a drought pursuant to Resolution \_\_\_\_\_. (Exhibit B)
4. The Grazing Committees have authority to oversee grazing activities on the Navajo Nation; and
5. The Navajo Nation Chapter acknowledges the forage and range assessment report provided by the local Grazing Official; and
6. The Navajo Nation Chapter forage assessment reveals the community is being overgrazed and ranchers are concerned of the stray and unbranded horses roaming and destroying the range; and
7. The Navajo Nation and BIA recommend livestock reduction to preserve forage and vegetation for sheep and cattle consumption; and

THEREFORE BE IT RESOLVED THAT:

The (Name of Chapter) Chapter approves and supports the (Name of Chapter) Chapter Horse Roundup Procedures; and requests the Navajo Nation Department of Agriculture, Department of Resource Enforcement and the BIA Branch of Natural Resources to assist administering the Name of Chapter) Chapter 20\_\_ Horse and Livestock Roundup.

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

We hereby certify that the foregoing resolution was duly considered by the Navajo Nation Chapter of the Navajo Nation, at a duly called meeting at which a quorum was present and that same was passed by a vote of \_\_\_ in favor, \_\_\_ opposed and \_\_\_ abstained on this \_\_\_ day of \_\_\_\_\_, 20\_\_.