

**SOUTHERN UTE INDIAN TRIBAL CODE**

**TITLE 12**

**RANGE CODE**

**TABLE OF CONTENTS**

**ARTICLE 1. GENERAL PROVISIONS..... 1**

12-1-101. PURPOSE ..... 1

12-1-102. JURISDICTION..... 1

12-1-103. DEFINITIONS ..... 1

12-1-104. GRAZING CAPACITY ..... 1

12-1-105. RANGE UNITS ..... 2

12-1-106. GRAZING PERMITS ..... 3

12-1-107. PERMIT MAPS, RANGE CONTROL STIPULATIONS ..... 4

12-1-108. GRAZING FEES ..... 5

12-1-109. RANGE OPERATION AND MANAGEMENT ..... 5

12-1-110. RANGE IMPROVEMENTS AND DEVELOPMENT..... 6

12-1-111. VIOLATION AND ENFORCEMENT ..... 7

12-1-112. SHORT TITLE..... 7

## TITLE 12

### SOUTHERN UTE INDIAN TRIBAL CODE

#### RANGE CODE

##### Article 1. GENERAL PROVISIONS

**12-1-101. Purpose.** It is the purpose of this Range Code to aid the Southern Ute Indian people in achieving the following objectives:

- (1) To preserve, through proper grazing management, the unique environmental resources of the Southern Ute Indian Reservation and to revitalize these resources where they have deteriorated.
- (2) To promote the use of the range resources of tribal members to enable them to earn a living, in whole or in part, through the grazing of their own livestock.
- (3) To provide for the administration of grazing privileges in a manner which will yield the highest return to the Southern Ute Indian Reservation and to its people consistent with sustained yield land management principles.

**12-1-102. Jurisdiction.** This Range Code will govern the allocation and use of range lands on the Southern Ute Indian Reservation. In instances where definite procedures are not outlined in this Code, regulations in Title 25 CFR 151 will govern.

**12-1-103. Definitions.**

- (1) **Animal Unit.** One animal unit shall consist of one cow or five sheep or goats.
- (2) **Grazing Year.** The grazing year will commence on the first day of April and end on the 31st day of March in the following year. This does not infer that year long or continuous grazing will be tolerated, but rather that each permittee shall abide by the terms and seasons of use stated in his individual permit.
- (3) **Tribal Livestock Operator** is a tribal member who is in the business of raising livestock.
- (4) **Tribal Member** is a person who is an enrolled member of the Southern Ute Indian Tribe.

**12-1-104. Grazing Capacity.**

- (1) **Determination, Rates, and Grazing Capacity Criteria.**

- (a) **Superintendent Determination.** Subject to approval of the Area Director of the Bureau of Indian Affairs, the Agency Superintendent of the Bureau of Indian Affairs of the Southern Ute Indian Tribe shall prescribe the maximum number of livestock which may be grazed on each range unit and the season, or seasons, of use.
  - (b) **Grazing Capacity Criteria.** The grazing capacity so prescribed will take into consideration the implementation of tribal objectives and programs requiring grazing lands to support wildlife and other non-livestock uses.
  - (c) Stocking rates shall be reviewed on a continuing basis and adjusted as conditions warrant.
- (2) **Grazing Restrictions.** The amount of grazing permitted on range units will not exceed the amount authorized by the superintendent. The Tribal Council may restrict the amount of grazing further within this limitation upon the recommendation of the Southern Ute Indian Natural Resources Manager.
  - (3) **Annual Review.** Each year the Southern Ute Indian Tribal Council, in cooperation with the superintendent, will re-evaluate reservation grazing capacity to make any necessary changes for the protection and sound management of the range.
  - (4) **Season of Use.** The season of use for each unit will be determined by the Tribal Council in consultation with the superintendent and the permittee.

**12-1-105. Range Units.**

- (1) **Establishing Boundaries.** Boundaries of range units will be established by the Southern Ute Indian Tribal Council upon the recommendation of the Natural Resources Manager, subject to approval by the superintendent.
- (2) **Change of Range Unit Boundaries.** Range unit boundaries may be changed when the Southern Ute Indian Tribal Council deems this necessary for the protection and sound management of the range.
- (3) **When Boundary Changes.** Range unit boundaries may be changed only once during the grazing year. Changes shall be made before the beginning of the new grazing year.
- (4) **Hearing on Boundary Change.** Permittees using range units that are scheduled for boundary changes will be informed of the reasons for the change and will be afforded an opportunity for a hearing at their request. The hearing shall be conducted by the Administrative Appeals and Hearings Office.

**12-1-106. Grazing Permits.**

- (1) Grazing on all unallotted lands of the Southern Ute Indian Tribe which are not included in valid assignment or grazing leases shall be authorized by permit only under this code.
- (2) Grazing permits will be written and issued by the superintendent upon consultation and recommendations from the manager and final approval of the Southern Ute Indian Tribal Council.
- (3) Members of the Southern Ute Indian Tribe, tribal enterprises, and associations of tribal members shall have first preference in allocation of reservation grazing privileges. In the event there becomes a significant amount of grazing available in excess of the needs of tribal and member livestock operators, the Southern Ute Indian Tribal Council reserves the option to advertise and authorize the permitting of surplus range to nonmembers on a competitive bid basis.
- (4) In order to provide security for tribal livestock operators, grazing permits may be issued for a maximum term of 5 years. Grazing permits shall be reissued upon expiration to those permittees applying who have diligently adhered to the terms and conditions set forth in their individual grazing permit, and this code.
- (5) In order to facilitate planning, all grazing permits issued within the same 5 year term shall have the same expiration date.
- (6) Limited pasture grazing permits may be issued on a limited basis in the discretion of the manager, subject to review by the Southern Ute Indian Tribal Council. Limited permits are to be issued for a maximum period of one year only.
- (7) Grazing permits under this code may be issued to members of the Southern Ute Indian Tribe, enterprises of the Tribe, or associations of tribal members meeting the following criteria:
  - (a) Applicants must be 21 years of age or older and an enrolled member of the Southern Ute Indian Tribe.
  - (b) Applicants must provide proof of ability to provide care and feed for livestock during portions of the grazing year not covered in the range permit.
- (8) **Application.** Any person shall make written application to the manager on approved forms.

- (9) **Priority.** Applications shall be considered by the manager and superintendent jointly on a “first come, first served” basis, and depend on availability of range.
- (10) **Rejection - Appeal.** In the event an applicant is denied a permit based on his application, appeal can be made to the Administrative Appeals and Hearings Office within 15 days from the date of the decision.
- (11) **Modification.**
  - (a) Each permit issued for a term in excess of one grazing year shall be reviewed annually by the manager and the superintendent for the purpose of determining the need for any modification of such permit.
  - (b) Permittees may request modification of their permit by submitting such a request to the manager or superintendent no later than the first day of January prior to the beginning of the grazing year in which the permit is to be in effect. Requested modifications shall be for:
    - (i) An increase or decrease in number of livestock permitted; and/or
    - (ii) Alteration of season of use.

**12-1-107. Permit Maps, Range Control Stipulations.**

- (1) As soon as possible each permit will, as part of the total permit, have attached maps of the area to be grazed, a grazing plan, range control stipulations and approved application for grazing.
- (2) Permits are not transferable or assignable in whole or in part except by sole prior approval of the manager and superintendent.
- (3) Permits may be terminated prior to the end of the period for which they were issued in any of the following ways:
  - (a) Voluntary surrender by the permittee.
  - (b) Failure of the permittee to abide by the provisions of the permit or this code and other attachments listed under this section.
  - (c) For failure of the permittee to make use of the lands covered by the permit, unless excused by prior Tribal Council authority.
  - (d) Death of permittee shall not cancel the permit.

- (e) A period of 15 days after cancellation of a permit will be allowed for permittees to lodge a written request for review with the Administrative Appeals and Hearings Office. A hearing will be conducted, and the Office's determination shall be final.

**12-1-108. Grazing Fees.**

- (1) No free grazing will be permitted on the Southern Ute Indian Reservation range units for any class of livestock.
- (2) All Southern Ute Indian Tribal members, enterprises of the Tribe, or associations of the tribal members operated by members of the Tribe using the reservation range lands will be required to pay a grazing fee.
- (3) Permittees will be assessed a fee on an annual basis in advance of issuance of the permit based on the total number of livestock and period of use as defined on the individual grazing permit. No fee may be raised during the grazing year, and no fees shall be refundable for termination for cause as defined in this code.
- (4) A refund or fee adjustment shall be made only when range conditions dictate a necessity for modification of stocking rate or season of use as determined by the manager or superintendent.
- (5) Grazing fees shall be equal to the U.S. Forest Service fees for the same year. The monies collected from these grazing fees will be deposited in the Tribal General Fund.
- (6) For the purpose of fee computation and stock rate equivalents, one animal unit shall consist of one cow or five sheep or goats. Calves and lambs or kids at their mother's side, under 6 months of age, shall not be counted.
- (7) The Tribal Council, upon recommendation of the manager or superintendent, may consider, prior to the beginning of the next grazing year, approved range improvements by the permittee in lieu of grazing fees for any range unit in need of such improvements. Such improvements must be documented.
- (8) Grazing fees shall be paid before or at the time livestock is placed on the range unit by the permittee.

**12-1-109. Range Operation and Management.**

- (1) All permittees on the Southern Ute Indian Reservation will adhere to the following regulations governing the use of the reservation range:

- (a) The individual grazing permit and other related documents; and
  - (b) All provisions set forth in this Range Code.
- (2) The Southern Ute Tribal Council, upon recommendation of the manager and after consultation with the superintendent will determine the type of livestock to be permitted on range units.
- (3) All stock which will be placed on the range unit shall be identified with an approved brand or marking, recorded with the Colorado State Board of Stock Inspection Commissioners.
- (4) All sires will be purebred or will be of a blood line approved by the manager and superintendent in cooperation with other permittees running livestock within the same unit or area.
- (5) **Management of Livestock.**
- (a) Salt will be placed at designated salt grounds. These will be changed as provided in the grazing plan attached to the permit.
  - (b) Reasonable riding or herding will be done by the permittee to assure good distribution of livestock on the permitted range units. Sheep will be herded openly, never in bunches, except in areas enclosed by sheep-tight fences.
  - (c) Permittees running sheep on a permitted range unit will not bed sheep on any bedding area for more than 2 consecutive nights.
  - (d) Routes for moving stock across tribal lands from one range to another will be designated in the permit and the permittee must use such routes except upon traveling a recognized public roadway.
  - (e) The permittee will care for his livestock in a manner not harmful to his neighbor's livestock. Federal, Colorado and tribal sanitation regulations will be followed in the prevention, control or eradication of any livestock disease and may be made a requirement for allowance of animals to be placed or retained on the range unit.

**12-1-110. Range Improvements and Development.**

- (1) All improvements and development of a permanent nature whether placed there by the Tribe or by the permittee are the property of the Southern Ute Indian Tribe.

- (2) The permittee shall be responsible for the repair of all damages to fences and other improvements and structures resulting from reasonable use and normal wear and tear. For failure to do such maintenance, he may be charged for the cost of such repair when done by the Tribe. This charge is to be paid prior to placing livestock on the range the subsequent grazing year.

**12-1-111. Violation and Enforcement.**

- (1) Any person who has obtained a grazing permit under this code is deemed to have waived any jurisdictional objections to being prosecuted in the Southern Ute Indian Tribal Court for violations under this Range Code.
- (2) Any owner or person in charge of livestock grazing on any Southern Ute Indian Reservation range unit not rightfully there by virtue of an authorized permit or grazing livestock in excess of the permitted number, shall be guilty of trespass.
- (3) Upon recommendation of the manager and superintendent or upon initiation by the Tribal Council Chairman, said Chairman or his agent shall give the owner of livestock trespassing as defined in subsection (2) above a period not in excess of 48 hours to remove the trespassing livestock from the area.
- (4) Should the owner or the person in charge of any livestock alleged to be in violation, as hereinbefore provided, fail to comply with the terms of the notification of trespass, said person shall be subject to the provisions of the Southern Ute Indian Criminal Code and upon conviction thereof by the Tribal Court shall be subject to the penalties in said Criminal Code.
- (5) Nothing herein provided in subsection (4) above shall limit the right of the Southern Ute Indian Tribe, in addition to the violations of the Criminal Code, to include cancellation of any grazing permits possessed by said violator or for civil action for reimbursement to the Tribe for damage to the range.
- (6) Enforcement of this code and other related documents shall be the responsibility of the manager who will record such violations, a copy of which will be retained and placed in the permittee's file. The Law and Order Department shall place such charges before the Tribal Court. A person violating this Code may be fined up to a maximum of \$500.

**12-1-112. Short Title.** For purposes of the Tribal Code this shall be known as the Range Code.



**TITLE 12**  
**RANGE CODE**  
**History and Amendments<sup>1</sup>**

Title 12 adopted by Tribal Resolution No. 80-120, approved by the Bureau of Indian Affairs and effective on February 20, 1981.

Title 12 section and page numbering scheme revised and amended by Tribal Resolution No. 89-34, effective on March 21, 1989.

Sections 12-1-105(4), 12-1-106(10) and 12-1-107(3)(e) amended by Resolution No. 2014-215 on November 4, 2014, approved by BIA on December 12, 2014.

Resolution No. 2021-151 repealed and replaced the Range Code with a reformatted Range Code that contained only minor technical corrections, no substantive revisions, that the Bureau of Indian Affairs concurred it did not need to formally approve (April 25, 2023).

Resolution No. 2023-079 authorized on-line publication of the 2021-151 reformatted Range Code and provided an effective date of May 25, 2023.

---

<sup>1</sup> This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.