Form 5-5517

OMB No. 1076-0157
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

FREE GRAZING PERMIT (Tribal Lands)

_____ _____ _____
(Tribe) (Reservation) (Agency)

By authority of law and under the regulations prescribed by the Secretary of the Interior at 25 CFR 166, and under the authority of the Constitution and Bylaws of the _____ Tribe, enrolled tribal member, _____ is hereby granted free grazing privileges on Range Unit _____ for his (her) livestock and the livestock of his (her) immediate family. These free grazing privileges apply only to the livestock listed in the following table and are subject to full compliance with applicable federal and tribal regulations and with the Provisions and Conditions listed in this permit.

Permit Period		Grazing Season		Livestock		Brands and Brand Location
From	To	From	To	Number	Kind	

Administrative fee and bonding requirements are waived per 25 CFR 166.503 and 25 CFR 166.600 respectively.

PERMIT PROVISIONS AND CONDITIONS

Interpretation of Permit Provisions - The Superintendent will make decisions relative to the interpretation of the terms of this permit and these Permit Provisions and Conditions. The terms of this permit cannot be varied in any detail as herein provided without the written approval of the parties thereto and any surety.

Assignment or Subletting - This permit may only be assigned, sublet, or mortgaged with the written consent of the parties thereto, and the surety, if any.

Trust Lands Not Covered By Permit- It is understood and agreed by the permittee that he is authorized to graze livestock on the lands covered by the permit as listed on the attached land description and is responsible to prevent his livestock from grazing on lands not covered by this permit. Failure to comply with this requirement may be cause for termination of the permit.

Entry by the BIA - BIA retains right of entry on lands covered by this permit at such reasonable times as may be deemed necessary for inspection or enforcement.

Access to and Across Indian Lands - It is understood and agreed that authority is reserved to the Superintendent to grant access to and across any of the lands covered by this permit as deemed in the interest of the Indian landowner, including the privilege of prospecting for and removal of oil, gas, and other minerals.

Indemnity -The permittee agrees to indemnify the United States and the Indian landowners against all liabilities or costs relating to the use, handling, treatment, removal, storage, transportation, or disposal of hazardous materials, or the release or discharge of any hazardous materials from the permitted premises that occur during the contract term, regardless of fault.

Applicable Federal, State and Tribal Laws - The permittee must comply with all applicable federal and state laws, rules, regulations, and other legal requirements. The permittee must also comply with all applicable tribal laws, ordinances, resolutions and policies.

Permittee Initial _____

Permittee Obligation - While the lands covered by the permit are in trust or restricted status, all of the permittee's obligations under the permit and the obligation of his sureties are to the United States as well as to the owner of the land.

Authorized Uses -The permit authorizes the grazing of livestock only; the permittee shall not utilize the permitted area for hay cutting, hunting, post or timber cutting, or any other non-grazing use without written authorization from the responsible Indian or federal authority. The permittee is prohibited from creating a nuisance, any illegal activity, and negligent use or waste of resources.

Adjustment of Grazing Capacity - The Agency Superintendent may adjust the grazing capacity and the season of use for the subject range unit pursuant to 25 CFR 166, Subpart D.

Affidavit of Permittee - The permittee may be required by the Superintendent to execute an affidavit declaring the number of livestock by class and kind grazed under the permit.

Counting of Livestock - All livestock authorized to graze upon or trail over Indian land must be made available for counting by the Superintendent. Arrangements should be made for counting all livestock before entering the range unit. Permittees must notify the Superintendent a sufficient length of time in advance so a representative can be present to count livestock on or off the range unit. The right is reserved by the Bureau of Indian Affairs to have a representative present at each roundup to check the number of stock. In the event the permittee fails or refuses to round up his stock at the proper times and in a satisfactory manner for the purpose of allowing a count of the stock, the Superintendent shall have the right to round up and count said stock at the expense of the permittee.

Livestock Exceeding Number Specified in Permit - If the number of livestock authorized under the permit is exceeded, the excess livestock shall be considered to be grazing in trespass as defined at 25 CFR 166.800. The trespasser will be liable to pay the trespass damages, penalties and costs listed at 25 CFR 166.812 and will be considered in violation of the grazing permit. Excess livestock not promptly removed from the range unit upon notice are subject to impoundment under the regulations at 25 CFR 166.806.

Distribution of Trespass Proceeds - Any funds collected by the BIA as trespass penalties or damages to trust lands will be distributed pursuant to 25 CFR 166.818.

Entering the Range - The earliest date upon which stock will be permitted to enter the range will be the date shown in the permit. Notice must be given to the Superintendent prior to entering the range unit. On reservations where permanent driveways have been established, all livestock will be required to enter and leave the reservation on the particular driveway designated by the Superintendent. Except where livestock are transported over or trailed over established rights-of-way, the route to be followed will be designated by the Superintendent.

Movement of Livestock - The Superintendent reserves the right to direct the movement of livestock whenever it is necessary for the protection and proper use of the range. The following acts are prohibited:

(a) The grazing upon or driving across any trust Indian lands of any livestock without an approved grazing or crossing permit.
(b) Allowing livestock to drift and graze on trust Indian lands without an approved permit.
(c) The grazing of livestock upon trust Indian lands within an area closed to grazing for that class of livestock.
(d) The grazing of livestock by a permittee upon an area of trust Indian lands withdrawn from grazing use.
(e) Refusal to round up stock at proper times and in a satisfactory manner for the purpose of allowing a count of the stock.
(f) Failure to remove livestock to prevent damage to the Indian lands upon receipt of instructions from the Superintendent.
(g) Failure to comply with Conservation Plan provisions.

Range Improvements - The Bureau of Indian Affairs encourages the construction of improvements necessary for proper management of livestock and the use of the range. Planned improvements must be identified in the permittee's Conservation Plan which will indicate whether the improvement will:

(1) Remain on the land upon termination of the permit, in a condition that is in compliance with applicable codes, to become the property of the Indian landowner; or

(2) Be removed and the land restored within a time period specified in the permit in which case the land must be restored as close as possible to its condition prior to construction. Written authorization must be

given by the Superintendent prior to construction. The cost of such improvements will be borne by the permittee unless otherwise provided for in the Conservation Plan. The permittee shall perform reasonable maintenance of all range improvements identified in the Conservation Plan in a manner acceptable to the Superintendent. The permittee may remove existing range improvements identified on Form 5-5529, *Removable Range Improvements Record*, when the permittee is responsible for all of the costs of the improvement and the Superintendent has approved the removal of the improvement.

Quarantine Regulations - All stock covered by this grazing permit are subject to the animal welfare laws, quarantine laws and health regulations now in force or hereafter to be promulgated by the United States, the state in which the reservation is situated, or by the tribal governing body.

Condition of Livestock Handling Facilities - Facilities used for livestock management must be kept in a clean and sanitary condition. All rubbish and other refuse must be properly and promptly removed.

Disposition of Carcasses - Animal carcasses shall be disposed of promptly and in accordance with veterinary-recommended disposal methods taking into consideration cause of death and environmental impacts. A carcass may not be buried on trust Indian land without prior written approval from the Agency Superintendent.

Damage to Indian Land and Property - The permittee will be liable and will be required to repair or make reimbursement for any damage done to the premises, livestock, or property of Indians resulting from the acts of the permittee, his employees or livestock.

Protection of Fish and Wildlife - The permittee must comply with federal and tribal fish, game, and wildlife protection laws and regulations which apply to the reservation.

Conduct in Case of Fire - Whenever a permittee discovers an unauthorized and uncontrolled fire, they shall report it to the nearest fire department as soon as possible. The unauthorized setting of a fire or carelessness in connection with an authorized fire may result in criminal prosecution.

Filing of Permits - The Agency office contains public records of the United States pertaining to Trust Indian allotments. A copy of this permit will be filed in the Agency office and shall be available for public inspection during normal business hours. A copy of this permit shall be recorded in the BIA Land Titles and Records office which has jurisdiction. The permittee may file or record a copy of this permit, at his own expense, in the appropriate county office.

It is understood and agreed that this permit may be modified or terminated in whole or in part pursuant to 25 CFR 166.227-231 and 166-700-709, or upon withdrawal of consent to these free grazing privileges by the Tribe. This permit is not subject to renewal beyond the ending date indicated on the front of this document but may be extended for up to one year by tribal resolution or in writing by the Agency Superintendent.

Attached to and made part of this permit are the Land Description and Conservation Plan.

Issued at the above Indian Agency this _____ day of _____, _____.

Tribal Official _____

Title _____

I accept this permit and the Provisions and Conditions contained herein.

Permittee _____ ___/___/_____

Witness _____ ___/___/_____

Approved

Superintendent _____ ___/___/_____

Paperwork Reduction Act Statement: This form is covered by the Paperwork Reduction Act. It is used to establish the respective rights and responsibilities of the respondent and the Federal government. The information is provided by respondents to obtain or retain a benefit. In compliance with the Paperwork Reduction Act of 1995, as amended, the collection has been reviewed by the Office of Management and Budget and assigned a number and an expiration date. The number and expiration date are at the top right corner of the form. An agency may not sponsor or conduct, and a person is not required to respond to, a request for information collection unless it displays a currently valid OMB Control Number. The public reporting burden is estimated to average 20 minutes ***per respondent***. This includes the time needed to understand the requirements, gather the information, complete the form, and submit it to the Department. Comments regarding the burden or other aspects of the form may be directed to the Indian Affairs Information Collection Clearance Officer, Office of Regulatory Affairs – Indian Affairs, 1001 Indian School Road NW, Suite 229, Albuquerque, NM 87104.