



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

National Policy Memorandum

**Bureau of Indian Affairs
Office of the Director**

Effective: SEP 26 2013
Expires: SEP 26 2014

Number: NPM-TRUS-32

Title: Tribal, Individual and Superintendent Authorization to Permit for Grazing

1. Purpose

The purpose of this memorandum is to establish Indian Affairs (IA) policy regarding the written authority required for permitting Indian land for grazing purposes.

2. Scope.

This policy applies to all IA programs and staff approving, granting, and administering a permit for grazing on tribal land, individually-owned Indian land, or government land under the regulations at 25 CFR 166.

This policy does not apply to any tribal land which is permitted under a corporate charter issued by IA pursuant to 25 U.S.C. §477, or under a special act of Congress authorizing permits without IA approval under certain conditions, except to the extent that the authorizing statutes require IA to enforce such permits on behalf of Indian landowners.

3. Policy.

It is the policy of IA that each Agency must have on record **written proof of authority** to permit tribal and individually held trust lands for livestock grazing.

A. Authority to Include Tribal Lands in Grazing Permits.

The tribe authorizes the Secretary to include tribal lands in grazing permits. This authorization should be part of the tribal resolution establishing a general policy for permitting of Indian agricultural lands. A fully developed tribal resolution is an important management tool and should detail, where applicable:

- language authorizing BIA waivers described under 166.100;
- tribal definition of "highly fractionated undivided heirship lands";

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- tribe's alternative plan for notifying individual Indian landowners;
- statement authorizing the BIA to permit tribal land for grazing;
- a description of the tribal lands to be included in permits;
- tribe's alternative notice period applicable under 166.205(a)(6)(i);
- tribal determination of duration of permits;
- tribe's procedure and eligibility requirements for allocation of grazing privileges to tribal members and tribally authorized entities without competitive bidding;
- determination of class of livestock that may be grazed on tribal lands and livestock ownership requirements;
- grazing rental rate to be charged for permitted use of tribal lands and government lands under the control of the tribe;
- any tribal fees, taxes, or assessments that must be paid;
- any waiver of bonding and insurance requirements under 166 Subpart G in connection with use of tribal lands;
- any late payment lump-sum or interest penalties to be levied on tribal grazing receipts;
- any other provisions the tribe determines to be needed.

Under 25 CFR 166.218(e), BIA will contact the tribe 120 days prior to the expiration of grazing permits to advise them of their option to prescribe eligibility requirements for the allocation of grazing privileges on tribal lands. The Agency Superintendent shall, when completing this notification requirement, request the above-described tribal resolution establishing a general policy for permitting of Indian agricultural lands for the upcoming permit period.

This request shall be accompanied by a full description of established range units, the Superintendent's determination of each unit's grazing capacity, any restrictions on season of use, and BIA's determination of current fair annual rental.

B. Authority to Grant Grazing Privileges on Individually Held Indian Lands.

To include individually held Indian lands in grazing permits, the Agency Superintendent shall first act to obtain **written authority from the beneficial owner**. Written authority shall remain in effect until ownership changes, the land is removed from trust status, or the authority is revoked by the Indian landowner.

When necessary to protect the interests of individual Indian landowners, the BIA may grant a grazing permit on behalf of Indian landowners under the regulations at 25 CFR 166.205.

4. Roles and Responsibilities

- A. **Director, Bureau of Indian Affairs** is responsible for overseeing IA Agriculture and Rangeland Management programs to ensure compliance with statutes, regulations, and DOI policy.
- B. **Regional Directors** provide regional guidance for Agriculture and Rangeland Management Program and address appeals from decisions issued by Agency Superintendents.
- C. **Agency Superintendents:**
1. Contact tribes 120 days prior to the expiration of grazing permits to request the above-described tribal resolution establishing a general policy for permitting of Indian agricultural lands.
 2. Act on behalf of the tribe under 25 CFR 166.205(a)(6)(i) when the tribe fails to act in response to the 120 day notice and such action is determined to be appropriate.
 3. Contact individual Indian landowners seeking authority to grant grazing privileges on individually held Indian lands when an allotment is added to a designated range unit or when ownership of individually held land changes.
 4. Act to remove individually held Indian lands from a range unit description when the land is removed from trust status or when an existing authority to grant grazing privileges is revoked.
 5. Act on behalf of individual Indian landowners under 25 CFR 166.205 when such action is determined to be appropriate.
 6. Fully document decision to act on behalf of Indian landowners under the regulations at 25 CFR 166.205.

5. Approvals



Director, Bureau of Indian Affairs

9/26/13

Date