

PART 166—GRAZING PERMITS**Subpart A—Purpose, Scope, and Definitions**

Sec.

- 166.1 What is the purpose and scope of this part?
- 166.2 Can the BIA waive the application of these regulations?
- 166.3 May decisions under this part be appealed?
- 166.4 What terms do I need to know?

Subpart B—Tribal Policies and Laws Pertaining to Permits

- 166.100 What special tribal policies will we apply to permitting on Indian agricultural lands?
- 166.101 May individual Indian landowners exempt their land from certain tribal policies for permitting on Indian agricultural lands?
- 166.102 Do tribal laws apply to permits?
- 166.103 How will tribal laws be enforced on Indian agricultural land?
- 166.104 What notifications are required that tribal laws apply to permits on Indian agricultural lands?

Subpart C—Permit Requirements

GENERAL REQUIREMENTS

- 166.200 When is a permit needed to authorize possession of Indian land for grazing purposes?
- 166.201 Must parents or guardians of Indian minors who own Indian land obtain a permit before using land for grazing purposes?
- 166.202 May an emancipated minor grant a permit?
- 166.203 When can the Indian landowners grant a permit?
- 166.204 Who may represent an individual Indian landowner in granting a permit?
- 166.205 When can the BIA grant a permit on behalf of Indian landowners?
- 166.206 What requirements apply to a permit on a fractionated tract?
- 166.207 What provisions will be contained in a permit?
- 166.208 How long is a permit term?
- 166.209 Must a permit be recorded?
- 166.210 When is a decision by the BIA regarding a permit effective?
- 166.211 When are permits effective?
- 166.212 When may a permittee take possession of permitted Indian land?
- 166.213 Must I comply with any standards of conduct if I am granted a permit?
- 166.214 Will the BIA notify the permittee of any change in land title status?

OBTAINING A PERMIT

- 166.215 How can I find Indian land available for grazing?
- 166.216 Who is responsible for permitting Indian land?
- 166.217 In what manner may a permit on Indian land be granted?
- 166.218 How do I acquire a permit through tribal allocation?
- 166.219 How do I acquire a permit through negotiation?
- 166.220 What are the basic steps for acquiring a permit through negotiation?
- 166.221 How do I acquire an advertised permit through competitive bidding?
- 166.222 Are there standard permit forms?

PERMIT (LEASEHOLD) MORTGAGE

- 166.223 Can I use a permit as collateral for a loan?
- 166.224 What factors does the BIA consider when reviewing a leasehold mortgage?
- 166.225 May a permittee voluntarily assign a leasehold interest under an approved encumbrance?
- 166.226 May the holder of a leasehold mortgage assign the leasehold interest after a sale or foreclosure of an approved encumbrance?

MODIFYING A PERMIT

- 166.227 How can Indian land be removed from an existing permit?
- 166.228 How will the BIA provide notice if Indian land is removed from an existing permit?
- 166.229 Other than to remove land, how can a permit be amended, assigned, subpermitted, or mortgaged?
- 166.230 When will a BIA decision to approve an amendment, assignment, subpermit, or mortgage under a permit be effective?
- 166.231 Must an amendment, assignment, subpermit, or mortgage approved under a permit be recorded?

Subpart D—Land and Operations Management

- 166.300 How is Indian agricultural land managed?
- 166.301 How is Indian land for grazing purposes described?
- 166.302 How is a range unit created?
- 166.303 Can more than one parcel of Indian land be combined into one permit?
- 166.304 Can there be more than one permit for each range unit?
- 166.305 When is grazing capacity determined?
- 166.306 Can the BIA adjust the grazing capacity?
- 166.307 Will the grazing capacity be increased if I graze adjacent trust or non-trust rangelands not covered by the permit?

- 166.308 Can the number of animals and/or season of use be modified on the permitted land if I graze adjacent trust or non-trust rangelands under an on-and-off grazing permit?
- 166.309 Who determines livestock class and livestock ownership requirements on permitted Indian land?
- 166.310 What must a permittee do to protect livestock from exposure to disease?

MANAGEMENT PLANS AND ENVIRONMENTAL COMPLIANCE

- 166.311 Is an Indian agricultural resource management plan required?
- 166.312 Is a conservation plan required?
- 166.313 Is environmental compliance required?

CONSERVATION PRACTICES AND IMPROVEMENTS

- 166.314 Can a permittee apply a conservation practice on permitted Indian land?
- 166.315 Who is responsible for the completion and maintenance of a conservation practice if the permit expires or is canceled before the completion of the conservation practice?
- 166.316 Can a permittee construct improvements on permitted Indian land?
- 166.317 What happens to improvements constructed on Indian lands when the permit has been terminated?

Subpart E—Grazing Rental Rates, Payments, and Late Payment Collections

RENTAL RATE DETERMINATION AND ADJUSTMENT

- 166.400 Who establishes grazing rental rates?
- 166.401 How does the BIA establish grazing rental rates?
- 166.402 Why must the BIA determine the fair annual rental of Indian land?
- 166.403 Will the BIA ever grant or approve a permit at less than fair annual rental?
- 166.404 Whose grazing rental rate will be applicable for a permit on tribal land?
- 166.405 Whose grazing rental rate will be applicable for a permit on individually-owned Indian land?
- 166.406 Whose grazing rental rate will be applicable for a permit on government land?
- 166.407 If a range unit consists of tribal and individually-owned Indian lands, what is the grazing rental rate?
- 166.408 Is the grazing rental rate established by the BIA adjusted periodically?

RENTAL PAYMENTS

- 166.409 How is my grazing rental payment determined?
- 166.410 When are grazing rental payments due?

- 166.411 Will a permittee be notified when a grazing rental payment is due?
- 166.412 What if the permittee does not receive an invoice that a grazing rental payment is due?
- 166.413 To whom are grazing rental payments made?
- 166.414 What forms of grazing rental payments are acceptable?
- 166.415 What will the BIA do if the permittee fails to make a direct payment to an Indian landowner?
- 166.416 May a permittee make a grazing rental payment in advance of the due date?
- 166.417 May an individual Indian landowner modify the terms of the permit on a fractionated tract for advance grazing rental payment?
- 166.418 When is a grazing rental payment late?

LATE RENTAL PAYMENT COLLECTIONS

- 166.419 What will the BIA do if grazing rental payments are not made in the time and manner required by the permit?
- 166.420 Will any special fees be assessed on delinquent grazing rental payments due under a permit?
- 166.421 If a permit is canceled for non-payment, does that extinguish the permittee's debt?

COMPENSATION TO INDIAN LANDOWNERS

- 166.422 What does the BIA do with grazing rental payments received from permittees?
- 166.423 How do Indian landowners receive grazing rental payments that the BIA has received from permittees?
- 166.424 How will the BIA determine the grazing rental payment amount to be distributed to each Indian landowner?

Subpart F—Administrative and Tribal Fees

- 166.500 Are there administrative fees for a permit?
- 166.501 How are annual administrative fees determined?
- 166.502 Are administrative fees refundable?
- 166.503 May the BIA waive administrative fees?
- 166.504 Are there any other administrative or tribal fees, taxes, or assessments that must be paid?

Subpart G—Bonding and Insurance Requirements

- 166.600 Must a permittee provide a bond for a permit?
- 166.601 How is the amount of the bond determined?
- 166.602 What form of bonds will the BIA accept?

- 166.603 If cash is submitted as a bond, how is it administered?
- 166.604 Is interest paid on a cash performance bond?
- 166.605 Are cash performance bonds refunded?
- 166.606 What happens to a bond if a violation occurs?
- 166.607 Is insurance required for a permit?
- 166.608 What types of insurance may be required?

Subpart H—Permit Violations

- 166.700 What permit violations are addressed by this subpart?
- 166.701 How will the BIA determine whether the activities of a permittee under a permit are in compliance with the terms of the permit?
- 166.702 Can a permit provide for negotiated remedies in the event of a permit violation?
- 166.703 What happens if a permit violation occurs?
- 166.704 What will a written notice of a permit violation contain?
- 166.705 What will the BIA do if a permit violation is not cured within the required time period?
- 166.706 Will the BIA's regulations concerning appeal bonds apply to cancellation decisions involving permits?
- 166.707 When will a cancellation of a permit be effective?
- 166.708 Can the BIA take emergency action if the rangeland is threatened with immediate, significant, and irreparable harm?
- 166.709 What will the BIA do if a permittee holds over after the expiration or cancellation of a permit?

Subpart I—Trespass

- 166.800 What is trespass?
- 166.801 What is the BIA's trespass policy?
- 166.802 Who can enforce this subpart?

NOTIFICATION

- 166.803 How are trespassers notified of a trespass determination?
- 166.804 What can I do if I receive a trespass notice?
- 166.805 How long will a written trespass notice remain in effect?

ACTIONS

- 166.806 What actions does the BIA take against trespassers?
- 166.807 When will we impound unauthorized livestock or other property?
- 166.808 How are trespassers notified if their unauthorized livestock or other property are to be impounded?

- 166.809 What happens after my unauthorized livestock or other property are impounded?
- 166.810 How do I redeem my impounded livestock or other property?
- 166.811 How will the sale of impounded livestock or other property be conducted?

PENALTIES, DAMAGES, AND COSTS

- 166.812 What are the penalties, damages, and costs payable by trespassers on Indian agricultural land?
- 166.813 How will the BIA determine the value of forage or crops consumed or destroyed?
- 166.814 How will the BIA determine the value of the products or property illegally used or removed?
- 166.815 How will the BIA determine the amount of damages to Indian agricultural land?
- 166.816 How will the BIA determine the costs associated with enforcement of the trespass?
- 166.817 What happens if I do not pay the assessed penalties, damages and costs?
- 166.818 How are the proceeds from trespass distributed?
- 166.819 What happens if the BIA does not collect enough money to satisfy the penalty?

Subpart J—Agriculture Education, Education Assistance, Recruitment, and Training

- 166.900 How are the Indian agriculture education programs operated?
- 166.901 How will the BIA select an agriculture intern?
- 166.902 How can I become an agriculture educational employment student?
- 166.903 How can I get an agriculture scholarship?
- 166.904 What is agriculture education outreach?
- 166.905 Who can get assistance for post-graduate studies?
- 166.906 What can happen if we recruit you after graduation?
- 166.907 Who can be an intern?
- 166.908 Who can participate in continuing education and training?
- 166.909 What are my obligations to the BIA after I participate in an agriculture education program?
- 166.910 What happens if I do not fulfill my obligation to the BIA?

Subpart K—Records

- 166.1000 Who owns the records associated with this part?
- 166.1001 How must records associated with this part be preserved?

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§ 166.4

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Subpart A—Purpose, Scope, and Definitions

§ 166.1 What is the purpose and scope of this part?

(a) The purpose of this part is to describe the authorities, policies, and procedures the BIA uses to approve, grant, and administer a permit for grazing on tribal land, individually-owned Indian land, or government land.

(b) If the BIA's approval is not required for a permit, these regulations will not apply.

(c) These regulations do not apply to any tribal land which is permitted under a corporate charter issued by us pursuant to 25 U.S.C. §477, or under a special act of Congress authorizing permits without our approval under certain conditions, except to the extent that the authorizing statutes require us to enforce such permits on behalf of the Indian landowners.

(d) To the extent that any provisions of this part conflict with Section 213 of the Indian Land Consolidation Act Amendments of 2000, the provisions of that act will govern.

(e) In approving a permit on behalf of the Indian landowners, the BIA will not permit for fee interest owners nor will we collect rent on behalf of fee interest owners. Our permitting of the trust and restricted interests of the Indian landowners will not be conditioned on a permit having been obtained from any fee interest owners. However, where all of the trust or restricted interests in a tract are subject to a life estate held in fee status, we will approve a permit of the remainder interests of the Indian landowners only

if such action is necessary to preserve the value of the land or protect the interests of the Indian landowners. Where a life estate and remainder interest are both owned in trust or restricted status, the life estate and remainder interest must both be permitted under these regulations, unless the permit is for less than one year in duration. Unless otherwise provided by the document creating the life estate or by agreement, rent payable under the permit must be paid to the holder of the life estate under part 179 of this title.

§ 166.2 Can the BIA waive the application of these regulations?

Yes. In any case in which these regulations conflict with the objectives of the agricultural resource management plan provided for in §166.311 of this part, or with a tribal law, the BIA may waive the application of such regulations unless the waiver would constitute a violation of a federal statute or judicial decision or would conflict with the BIA's general trust responsibility under federal law.

§ 166.3 May decisions under this part be appealed?

Yes. Except where otherwise provided in this part, appeals from decisions by the BIA under this part may be taken pursuant to 25 CFR part 2.

§ 166.4 What terms do I need to know?

Adult means an individual Indian who is 18 years of age or older.

Agency means the agency or field office or any other designated office in the Bureau of Indian Affairs (BIA) having jurisdiction over trust or restricted property or money.

Agricultural product means:

(1) Crops grown under cultivated conditions whether used for personal consumption, subsistence, or sold for commercial benefit;

(2) Domestic livestock, including cattle, sheep, goats, horses, buffalo, swine, reindeer, fowl, or other animals specifically raised and used for food or fiber or as a beast of burden;

(3) Forage, hay, fodder, food grains, crop residues and other items grown or harvested for the feeding and care of