

**§ 166.207 What provisions will be contained in a permit?**

A permit, at a minimum, must include:

- (a) Authorized user(s);
- (b) Conservation plan requirements;
- (c) Prohibition against creating a nuisance, any illegal activity, and negligent use or waste of resources;
- (d) Numbers and types of livestock allowed;
- (e) Season(s) of use;
- (f) Grazing rental payment, payment schedule, and late payment interest and penalties;
- (g) Administrative fees;
- (h) Tribal fees, if applicable;
- (i) Payment method;
- (j) Range unit number or name;
- (k) Animal identification requirements;
- (l) A description (preferably a legal description) of the permitted area;
- (m) Term of permit (including beginning and ending dates of the term allowed, as well as any option to renew, extend or terminate);
- (n) Conditions for making improvements, if any;
- (o) A right of entry by the BIA for purposes of inspection or enforcement purposes;
- (p) A provision concerning the applicability of tribal jurisdiction;
- (q) A provision stating how trespass proceeds are to be distributed; and
- (r) A provision for the permittee 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 material from the permitted premises that occur during the permit term, regardless of fault.

**§ 166.208 How long is a permit term?**

- (a) The duration must be reasonable given the purpose of the permit and the level of investment required by the permittee to place the property into productive use.
- (b) On behalf of the undetermined heirs of an individual Indian decedent owning 100 percent (%) interest in the land, we will grant or approve permits for a maximum term of two years.

(c) Permits granted for agricultural purposes will not usually exceed ten years. A term longer than ten years, but not to exceed 25 years unless authorized by other federal law, may be authorized when a longer term is determined by us to be in the best interest of the Indian landowners and when such permit requires substantial investment in the development of the lands by the permittee.

(d) A tribe may determine the duration of permits composed entirely of its tribal land or in combination with government land, subject to the same limitations provided in paragraph (d) of this section.

(e) A permit will specify the beginning and ending dates of the term allowed, as well as any option to renew, extend, or terminate.

(f) Permits granted by us for protection of the Indian land will be for no more than two years.

**§ 166.209 Must a permit be recorded?**

A permit must be recorded in our Land Titles and Records Office which has jurisdiction over the land. We will record the permit immediately following our approval under this subpart.

**§ 166.210 When is a decision by the BIA regarding a permit effective?**

Our decision to approve a permit will be effective immediately, notwithstanding any appeal which may be filed under Part 2 of this title. Copies of the approved permit will be provided to the permittee and made available to the Indian landowners upon request.

**§ 166.211 When are permits effective?**

Unless otherwise provided in the permit, a permit will be effective on the date on which the permit is approved by us. A permit may be made effective on some past or future date, by agreement, but such a permit may not be granted or approved more than one year prior to the date on which the permit term is to commence.

**§ 166.212 When may a permittee take possession of permitted Indian land?**

The permittee may take possession of permitted Indian land on the date

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specified in the permit as the beginning date of the term, but not before we approve the permit.

### **§ 166.213 Must I comply with any standards of conduct if I am granted a permit?**

Yes. Permittees are expected to:

(a) Conduct grazing operations in accordance with the principles of sustained yield management, agricultural resource management planning, sound conservation practices, and other community goals as expressed in tribal laws, agricultural resource management plans, and similar sources.

(b) Comply with all applicable laws, ordinances, rules, regulations, and other legal requirements. You must also pay all applicable penalties that may be assessed for non-compliance.

(c) Fulfill all financial obligations of your permit owed to the Indian landowners and the United States.

(d) Conduct only those activities authorized by the permit.

### **§ 166.214 Will the BIA notify the permittee of any change in land title status?**

Yes. We will notify the permittee if a fee patent is issued or if restrictions are removed. After we notify the permittee our obligation under § 166.228 of this part ceases.

#### OBTAINING A PERMIT

### **§ 166.215 How can I find Indian land available for grazing?**

You may contact a local BIA office or tribal office to determine what Indian land may be available for grazing permits.

### **§ 166.216 Who is responsible for permitting Indian land?**

The Indian landowner is primarily responsible for granting permits on their Indian land, with the assistance and approval of the BIA, except where otherwise provided by law. You may contact the local BIA or tribal office for assistance in obtaining a permit for grazing purposes on Indian land.

### **§ 166.217 In what manner may a permit on Indian land be granted?**

(a) A tribe may grant a permit on tribal land through tribal allocation,

negotiation, or advertisement in accordance with § 166.203 of this part. We must approve all permits of tribal land in order for the permit to be valid, except where otherwise provided by law.

(b) Individual Indian landowners may grant a permit on their Indian land through negotiation or advertisement in accordance with § 166.203 of this part. We must approve all permits of individual Indian land in order for the permit to be valid.

(c) We will grant permits through negotiation or advertisement for range units containing, in whole or part, individually-owned Indian land and range units that consist of, or in combination with individually-owned Indian land, tribal or government land, under § 166.205 of this part. We will consult with tribes prior to granting permits for range units that include tribal land.

### **§ 166.218 How do I acquire a permit through tribal allocation?**

(a) A tribe may allocate grazing privileges on range units containing trust or restricted land which is entirely tribally-owned or which contains only tribal and government land under the control of the tribe.

(b) A tribe may allocate grazing privileges to its members and to tribally-authorized entities without competitive bidding on tribal and tribally-controlled government land.

(c) We will implement the tribe's allocation procedure by authorizing the grazing privileges on individually-owned Indian land and government land, subject to the rental rate provisions in § 166.400(b) and (c) of this part.

(d) A tribe may prescribe the eligibility requirements for allocations 60 days before granting a new permit or before an existing permit expires.

(e) 120 days before the expiration of existing permits, we will notify the tribe of the 60-day period during which the tribe may prescribe eligibility requirements.

(f) We will prescribe the eligibility requirements after the expiration of the 60-day period in the event satisfactory action is not taken by the tribe.

(g) Grazing rental rates for grazing privileges allocated from an existing permit, in whole or in part, must equal