

Pueblo of Laguna Code

TITLE X-NATURAL RESOURCES AND ANIMALS

Chapter 4. Forest and Wood Management

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Section 10-4-1. Jurisdiction and Authorizations.

- A. The BIA-Laguna Agency and the Pueblo of Laguna Natural Resources Program (“NRP”) are hereby authorized and directed to collaborate on timber, forest and wood product management activities including, but not limited to, cutting of timber, to ensure the health and quality of the wooded lands of the Laguna Indian Reservation, consistent with this chapter.
- B. The NRP is hereby authorized and directed to serve as the Pueblo’s primary regulatory agency for purposes of implementing this chapter, and is further authorized and directed to promulgate, implement and enforce such rules and regulations as are necessary, consistent with this chapter and Pueblo law.
- C. The Pueblo of Laguna Public Safety Department and all duly certified Pueblo law enforcement officers are hereby authorized and directed to take such law enforcement actions consistent with this chapter and Pueblo law to ensure that all persons comply with this chapter.
- D. Use, management and harvesting of forest and wood product resources within the traditional boundaries of any Pueblo village (Encinal, Laguna, Mesita, Pagate, Paraje/Casa Blanca, and Seama) shall not be subject to this chapter but shall instead be regulated by the Mayordomos for each village in concurrence and coordination with their respective staff officers, and in accordance with the Pueblo’s Mayordomo Ordinance. P.O.L.C. Title II, Chapter 1.
- E. Nothing herein shall be construed as a waiver of the Pueblo’s sovereign immunity, jurisdiction, or inherent sovereign powers.

Section 10-4-2. Definitions

Board feet shall mean the unit of lumber measurement equal to one foot square by one inch thick.

Exotic Species (also referred to as non-native, invasive) shall mean a species that has been planted or has spread into the region that comes from a different area and includes Salt Cedar, Siberian Elm and Russian Olive.

Laguna Indian Reservation or Reservation shall mean all lands subject to the jurisdiction of the Pueblo, including all land held by the United States in trust for Laguna Pueblo and all lands within the exterior boundaries of the Pueblo of Laguna Reservation or Pueblo grant, regardless of whether the lands are owned in fee, held in trust by the United States for the Pueblo, or otherwise held.

Scaler shall mean a person who measures the diameter and length of the logs determines species and grade, and makes deductions for footage calculations.

Slash shall mean the branches, top and debris left from a harvesting operation, that are under 3" in diameter at the largest point.

Snag shall mean a dead standing tree sometimes designated as a wildlife tree.

Stumpage rate shall mean the value per thousand board feet or other unit of measure.

Stumpage value shall mean the value of uncut timber as it stands in the woods.

Cord shall mean a quantity of wood equal to 128 cubic feet of wood (4'x4'x8').

Section 10-4-3. Wood Harvesting Generally

A. Harvesting guidelines.

- (1) Only dead and downed wood is allowed to be harvested unless a green wood cutting permit is issued by the NRP.
- (2) Wood harvested may not be sold unless a sale permit is purchased.
- (3) Pueblo members harvesting or accompanying a harvesting family member must have their Pueblo identification and, if needed, a valid permit from the NRP in their possession during the harvest and transport of the forest products.
- (4) Wood harvesting areas will be closed while big game hunts are active in those areas.
- (5) Persons involved in the harvesting of any type of wood must be able to properly identify the correct species that may be legally harvested.
- (6) Up to five (5) cords of wood may be cut per person per year.
- (7) Up to three (3) harvest for sale permits may be received per person per year.
- (8) Individuals may not exceed harvest limits set forth in this chapter. There is no limit on the exotic species.
- (9) Piling of slash is prohibited. Slash should be spread out and not exceed two (2) feet in depth.
- (10) Standing dead trees or snags that have been marked with paint or flagging shall not be cut. These will be left for wildlife habitat.
- (11) Cutting will be done in a manner that is consistent with the management goals set forth for the area. Cutting in a manner that is out of regulation will result in civil assessments (For example, cutting without a permit, cutting outside of a cutting block, taking more than the maximum allowed cut, or selling wood without a permit.)
- (12) Harvest activities should not be undertaken when soils are saturated (wet).
- (13) Trash must not be left at harvest sites. It must be disposed of in approved locations and containers. Littering may result in civil assessments.
- (14) Individuals must avoid causing unnecessary damage to other natural resources while harvesting wood. Damage may result in civil assessments.

B. Eligibility for harvesting.

- (1) Only regular and naturalized enrolled members of the Pueblo of Laguna that are sixteen (16) years and older may harvest wood alone.
- (2) Non-Laguna members who are immediate family members of members of the Pueblo of Laguna may harvest if accompanied by a Pueblo member with a valid permit, or if the tribal member is present when the permit is received and signs the permit for their spouse/family member.

C. Off road travel.

- (1) Off road travel may be allowed in new cutting blocks that do not have roads or easy access to harvestable trees.
- (2) In the event of off road travel, do not use the same route more than twice. Take an alternative route to get back to your previous location. This will prevent new roads from being established and allow the land to recover much more quickly after all harvestable wood is removed.
- (3) Do not drive around off road to look for wood, find the wood on foot, and then take as direct a route as is reasonable to the location to haul it.

D. Cutting units.

- (1) The NRP and the BIA Forestry Section will have the authority to open new cutting units on any part of the Reservation that is not within a village jurisdiction. The NRP may close a cutting area at any time due to environmental damage, lack of remaining wood, the meeting of management goals or other reasonable natural resources management objectives.
- (2) Maps to and of the approved cutting areas or blocks are available at the NRP Office.

Section 10-4-4. Harvesting Which Does Not Require a Permit

A. The following forest products may be harvested without a permit:

- (1) Piñon nuts
 - (a) May be harvested as long as no hunts are taking place within the management unit.
- (2) Salt Cedar
- (3) Siberian Elm
- (4) Russian Olive
- (5) Slash for ovenwood may be gathered without a permit
 - (a) Slash is small leftover sticks from a previous harvesting operation.
 - (b) Slash must be less than 3" in diameter at the largest point.

B. Sale of exotic species (Salt Cedar, Siberian Elm, Russian Olive)

- (1) In order to encourage Pueblo members to harvest the large amount of exotic species (i.e., Salt Cedar, Siberian Elm, Russian Olive) these species may be sold off the reservation by individuals at any time, provided that a haul permit is acquired for transporting exotic species off the reservation.

Section 10-4-5. Permits Generally

- A. All permits, except for ceremonial use and commercial permits, are available at the NRP office. Ceremonial use permits are available at the Pueblo Secretary's office and commercial permits are available at the BIA Forestry Section office.
- B. The following information is needed to obtain any NRP issued wood harvesting permit:
 - (1) Pueblo identification number
 - (2) Harvest dates
 - (3) Transporting vehicle (make, model, license number, etc.)
 - (a) Alternate vehicles may be called in to Natural Resources (505-552-7512) between 8 and 4:30 Monday through Friday, or to the conservation officers on weekends and after hours (505-552-6685).
 - (4) Cutting block desired
 - (5) Signature
- C. NRP issued wood harvesting permits are valid for up to two (2) harvesting dates. The available dates may be limited by the NRP to meet management objectives or as is consistent with this chapter.
- D. If no wood is harvested, the permit may be reissued by NR, and will not count against the limit for that individual.

Section 10-4-6. Types of Permits

A. *Free Permits.*

(1) Fuel Wood Harvesting Permit

- (a) This permit is for dead and downed wood only.
- (b) Wood harvested under this permit is to be used as fuel wood only.
- (c) Wood harvested under this permit is for personal use and will not be sold.
- (d) Only Juniper and Piñon may be harvested with this permit.

(2) Live Wood Harvesting Permit

- (a) This permit is for cutting standing green wood.
- (b) Cutting of live green trees will only be allowed in designated areas and will be done in a manner that is compliant with the management objectives set forth by the NRP.
- (c) Wood harvested under this permit is for personal use and will not be sold.
- (d) Open to all species of tree except Douglas Fir, Cottonwood, and Oak.
- (e) All unmarked trees within the designated area will be open to harvest. Those trees that have been marked (with flagging or paint) will not be harvested unless otherwise directed by the NRP or BIA Forestry Section.
- (f) Cutting live trees outside of these guidelines will be considered a violation of this ordinance and will result in civil assessments.
- (g) In order to help the NRP meet forestry, range, and wildlife management objectives individuals obtaining a live wood permit must cut and scatter at least three (3) undesirable trees for every load of wood they cut. This will prevent younger trees from quickly repopulating the area as well as improve the aesthetic value.
- (h) This wood may be used for fuel wood or fence posts.
- (i) Vigas may be available in some units, but are limited to those that have been marked by the NRP or the BIA Forestry Section.
- (j) Permits issued for cutting green wood will be issued for specific areas.

(3) Christmas Tree Permit

- (a) Limited to one (1) permit per household or Pueblo/government office.
- (b) Must be an enrolled Pueblo member to obtain permit.

- (c) Only Piñon and Juniper may be harvested with this permit.
- (d) No tree over ten (10) feet tall may be harvested.
- (e) No harvesting of Christmas trees is permitted within village jurisdictions, except as authorized by the village mayordomos in concurrence with their staff officer.

(4) Haul Permit

- (a) This permit is to be used if a regular enrolled Pueblo member wishes to haul wood to a residence off the reservation, or in the case of exotic species, for sale off reservation.
- (b) Wood hauled under this permit may not be sold except for exotic species or with a Paid Permit.
- (c) Applicants must provide proof of residency in the form of a phone, electric, or utility bill issued no more than thirty (30) days before the date of the haul permit request. The bill must have the address and name of the Pueblo member requesting the permit and a valid driver's license with the same name and address on it.
- (d) Applicants must provide the make model and license of the vehicle that will be used for the hauling. The vehicle transporting the wood must be the same vehicle listed on the haul permit. This information can be updated at the NRP office or Police Department (after hours only).

(5) Ceremonial Use Permit

- (a) These permits are available at the Pueblo Secretary's office.
- (b) Permits for ceremonial uses will be issued only by the Pueblo Council with all conditions and restrictions set by the Pueblo Council.
- (c) Harvesting of Douglas Fir trees is prohibited except for religious ceremonies/purposes.

B. Paid Permits

(1) Wood Sale Permit

- (a) Pueblo members wishing to obtain a wood sale permit must submit an application to the NRP.

- (b) This permit will cost thirty dollars (\$30.00). The permit fee may be paid in cash only. Funds from this fee will remain with the NRP to aid in the cost of flagging, paint, grass seed, signs and other markers, and printing expenses.
- (c) Wood sale permits will be issued for a specific area, up to one (1) acre in size, by the NRP to meet management goals. The permit will state the name and location of the cutting block.
- (d) Wood sale permits will be valid until all the harvestable wood on the block has been removed or the management objective set forth by the NRP and/or the BIA Forestry Section has been achieved. An individual may not purchase another block until the management goals are reached on the current block. Each Pueblo member is limited to three (3) wood sale permits each calendar year.
- (e) Fuel wood, fence posts, fence stays, oven wood, and vigas (in some areas) may be cut and resold under this permit.
- (f) Depending on the site, live trees may be cut. Some areas may only allow for dead and downed wood.
- (g) Specific species that may and may not be cut will be identified on the permit.
- (h) Pueblo members who obtain a wood sale permit will need to obtain a separate haul permit to take the wood off the reservation.
- (i) The vehicle transporting the wood must be the same vehicle listed on the sale permit. This information can be updated at the NRP office or PD after business hours.
- (j) Every assigned cutting block is subject to inspection by NRP staff, BIA Forestry Section, Laguna Conservation Officers, and BIA Law Enforcement. Any violations will result in penalties that may include fines, loss of wood, seizure of harvesting equipment, and loss of harvesting and sale privileges.
- (k) Each cutting block will have a marked boundary and a marker identifying that block.
- (l) Exotic Species – Individuals are responsible for knowing what species they are cutting. If you are not sure – DON'T CUT! You will be charged on what you have, not what you think you have.

- (2) Commercial Wood Permits – See § 10-4-7, BIA Commercial Harvest Regulations.

Section 10-4-7. BIA Commercial Harvest Regulations

A. *Generally.*

- (1) With Pueblo Council approval, and when it is deemed to be to the Pueblo's benefit, non-Laguna members may harvest forest products from the Reservation at commercial stumpage rates or the rate set by the Pueblo Council.
- (2) Commercial interests should contact the NRP and BIA Forestry Section to discuss options prior to seeking Council approval.
- (3) Once approved, all harvest operations will be administered by the BIA Forestry Section and be consistent with Pueblo and federal policies and regulations.
- (4) Products cut under this section and permit can be sold or exchanged for other goods and services.
- (5) All products to be harvested shall be designated by the BIA Forestry Section.
- (6) Permits issued under this section shall be for a specific area and shall be accompanied by a map(s) delineating the area.
- (7) When required by the permit, scaling will be performed by a certified scaler.
- (8) Commercial permits may be extended due to adverse weather conditions or other extenuating circumstances by notifying the BIA Forestry Section prior to the expiration of the permit.
- (9) Fees
 - (a) A deduction of ten percent (10%) shall be made by the Bureau of Indian Affairs on each paid permit issued that has a stumpage value in excess of \$5,001.00. No deduction will be made if the permit value is less than \$5,001.00.
- (10) Stumpage Value
 - (a) Paid permits issued to any individual, company or corporation shall not exceed a stumpage value of \$25,000 during one calendar year based on approved stumpage values, unless otherwise approved by the Pueblo Council.
- (11) Compliance
 - (a) Permittees must comply with USC, Title 8, Section 1853 and all Pueblo Laws and Ordinances

- (b) Copies of permits shall be forwarded to the Pueblo of Laguna Public Safety Office and to the NRP.

B. Permit procedures.

- (1) A request must be made in writing to the BIA Forestry Section for a timber cutting permit application, Form F-5331.
- (2) The following information is needed for a commercial permit:
 - (a) Name, address and phone number for contact
 - (b) Pueblo enrollment number(s)
 - (c) State description of materials
 - (d) Quantity diameter, length and planned use for harvested wood
- (3) All requests for commercial permits will be forwarded to the Pueblo Council for review.
- (4) The NRP shall make a recommendation to the Pueblo Council as to the reasonableness of the harvesting request, its impact on management objectives and a proposed stumpage rate.
- (5) If authorized by the Pueblo Council, the permit will be returned to the BIA Laguna Agency and be signed by the approving officer (BIA Superintendent).
- (6) The BIA Forestry Section shall make arrangements for the selection and marking of material requested.
- (7) A copy of the permit will be given to the permittee with a review of the rules and regulations stated on the permit.
- (8) Failure to comply with all provisions of the permit or any permit issued for the Laguna Reservation will mean forfeiture of that permit, loss of all cut wood, potential loss of harvesting equipment, and loss of forest product privileges for one year.

Section 10-4-8. Enforcement and Penalties

- A. The following entities and personnel have the right to inspect loads and request that a valid permit be furnished for wood harvested and hauled on the Reservation: NRP, BIA Forestry Section, Laguna Public Safety Officers, Laguna Conservation Officers, and BIA Law Enforcement.
- (1) In the event that NRP or BIA Forestry Section discovers an infraction, any of the above named law enforcement personnel will be called to enforce any necessary penalties.
- B. The following entities and personnel have the right under this chapter to confiscate loads and enforce penalties: Laguna Conservation Officers, Laguna Public Safety Officers, and BIA Law Enforcement.
- C. *Assessments and Penalties.* All assessments should be paid to the Pueblo of Laguna Court, and are considered to be civil violations, unless noted otherwise.
- (1) Harvesting without a permit.
- (a) First offense - Wood harvested and harvesting equipment will be confiscated, and a \$50 civil assessment imposed. The harvesting equipment shall be returned after the assessment is paid.
- (b) Second offense - Wood harvested and harvesting equipment will be confiscated, and a \$100 civil assessment imposed. Wood harvesting privileges will be revoked for one year. The harvesting equipment shall be returned after the assessment is paid.
- (c) Third offense - Wood harvested will be confiscated. Harvesting equipment will be permanently confiscated and held for use or sale by the NRP and a \$150 civil assessment will be imposed. Wood harvesting privileges on Pueblo of Laguna reservation will be revoked for five (5) years.
- (2) Selling wood without a permit or hauling wood off reservation without a permit.
- (a) First offense - Wood harvested and harvesting equipment will be confiscated, and a \$100 civil assessment imposed. The harvesting equipment shall be returned after the assessment is paid.
- (b) Second offense - Wood harvested and harvesting equipment will be confiscated, and a \$150 civil assessment imposed. Wood harvesting privileges will be

- revoked for one year. The harvesting equipment shall be returned after the assessment is paid.
- (c) Third offense - Wood harvested will be confiscated, harvesting equipment will be permanently confiscated and held for use or sale by the NRP and a \$250 civil assessment will be imposed. Wood harvesting privileges on Pueblo of Laguna reservation will be revoked for five (5) years.
- (3) Harvesting unauthorized species. Some species may not be available for harvest in some cutting blocks, including Douglas Fir, Ponderosa Pine, Cottonwood, and Oak.
- (a) First offense - Wood harvested and harvesting equipment will be confiscated, and a \$50 civil assessment imposed. The harvesting equipment shall be returned after the assessment is paid.
 - (b) Second offense - Wood harvested and harvesting equipment will be confiscated, and a \$100 civil assessment imposed. Wood harvesting privileges will be revoked for one year. The harvesting equipment shall be returned after the assessment is paid consistent with section 10-4-8(D).
 - (c) Third offense - Wood harvested will be confiscated, harvesting equipment will be permanently confiscated and held for use or sale by the NRP and a \$150 civil assessment will be imposed. Wood harvesting privileges on the Reservation will be revoked for five (5) years.
- (4) Pueblo members harvesting wood outside of an approved cutting block.
- (a) First offense – A warning will be given and the individual will be escorted to appropriate harvest location (if permitted).
 - (b) Subsequent offenses – Treated as harvesting without a permit and subject to the appropriate penalties.
- (5) Harvesting above the set limit will be treated as harvesting without a permit.
- (6) Harvesting in manner that is not compliant with the management goals set for the cutting unit, including but not limited to cutting marked timber, not scattering three (3) undesirable trees, or creating new roads.
- (a) Loss of harvest permit for that block for one (1) year.
- (7) Littering may result in the loss of wood harvest privileges for one (1) year.

- (8) Damaging other natural resources while harvesting wood may result in loss of harvesting privileges.

D. *Confiscated equipment.*

- (1) All wood confiscated will be taken to the Laguna Transfer Station to be distributed by the NRP or their agent to the elderly and needy on a first come first served basis.
 - (2) Confiscated equipment will be held in a secure location, as identified by the Department of Public Safety, and returned after assessment is received. If assessment is not received within ninety (90) days, confiscated equipment will be sold, or donated by the NRP, with proceeds going to the Pueblo's General Fund.
- E. The assessments and penalties set out in this chapter are in addition to any other penalty, assessment or charge which may be brought under Pueblo or federal law, including, without limitation, the Pueblo's criminal laws (P.O.L.C. Title XV), Exclusion or Removal (subsection 12-4-1 *et seq.*) and Trespass (subsection 12-5-1 *et seq.*).