



THE NAVAJO NATION  
DEPARTMENT OF AGRICULTURE

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June 4, 2025

MEMORANDUM

TO: District Grazing Committee Members  
District Land Board Members  
Resources and Development Committee

FROM:   
Jesse Jim, Department Manager III  
Navajo Department of Agriculture  
Division of Natural Resources

SUBJECT: **SALE of FERAL HORSES / LIVESTOCK**

The Equine Rescue Operations (ERO) provided by the Department of Agriculture have been operating under the authority of 3 N.N.C. §1311 since the inception of the Horse Management Program in 2018. The sale of all equines gathered during these rescue operations has been offered to priority one (1) and priority two (2) Navajo livestock buyers on a rotation schedule. It has come to the Department's attention that the procurement process for these businesses has not been made public, and the Resources and Development Committee has not approved the newly established Navajo Feral Equine Buyers Guidelines.

Therefore, *effective June 3, 2025*, the Department of Agriculture will no longer authorize the sale of all unclaimed and unbranded livestock and equines to H&B Services, LLC and Cactus 3 Livestock, Inc. The Department of Agriculture will work with the Department of Resource Enforcement for the disposition of all equines gathered during these rescue operations until such time as amendments/guidelines are approved by the Resources and Development Committee relative to the sale of equines and livestock to Navajo livestock buyers' businesses.

Accordingly, 3 N.N.C. § 1311.A.6.c, the Department of Resource Enforcement is empowered to sell all unclaimed and unbranded livestock. Additionally, 3 N.N.C. §1308 A. permits the sale of stray animals at public auctions to the highest bidder. Therefore, the **sale** of equines and livestock will be at the discretion of DRE, and the Horse Management Program's operation will continue to follow the Livestock and Equine Roundup Procedures and Requirements with the Department of Agriculture.

Requests for all equine rescue operations can be made through the coordinators of the Horse Management Program: Shawn Holgate 928-270-2254 ([shawn.holgate@navajo-nsn.gov](mailto:shawn.holgate@navajo-nsn.gov)) and Marvin Capitan 928-871-6605 ([marvin.capitan@navajo-nsn.gov](mailto:marvin.capitan@navajo-nsn.gov)). If you have any questions regarding this matter, please contact me at [jesse.jim@navajo-nsn.gov](mailto:jesse.jim@navajo-nsn.gov) or 928-871-7072. Your cooperation regarding this matter is appreciated. Thank you.

Cc: Hope Wilson, Department of Resource Enforcement

Livestock brands generally, see §§ 2001, 2002 of this title.

Other offenses relating to livestock brands, see 17 N.N.C. § 461.

Penalty, see § 1356 of this title.

C.J.S. Animals §§ 264 to 270, 272 to 290, 309 to 314, 428, 434, 505.

#### **§ 1309. Representation of livestock officer by Navajo Nation prosecutor**

The Navajo Nation prosecutor of the district wherein the livestock is seized shall represent the livestock officer or deputy livestock inspector and the interests of the Navajo Nation in proceedings under this Act.

##### **History**

CMY-27-06, May 12, 2006. The Navajo Nation Livestock and Foreign Animal Disease Response Act of 2006.

#### **§ 1310. Notification required on seizure by government agencies**

All Navajo, federal, state and local governmental agencies shall notify the Department within two hours of any seizure of any livestock or property in or on which livestock is present or when a person responsible for the care of any livestock is taken into custody and the person from the tribal, federal, state or local governmental agency knows that the person taken into custody is responsible for the care of any livestock.

##### **History**

CMY-27-06, May 12, 2006. The Navajo Nation Livestock and Foreign Animal Disease Response Act of 2006.

#### **§ 1311. Livestock or equine roundup procedures and requirements**

##### **A. Procedures:**

1. District Grazing Committee members and Eastern Land Board members (hereinafter "members") must assess the livestock body condition, availability of forage, water and situation in their respective chapters and present their evaluation at the next chapter meeting.

2. By resolution, the chapter will identify a team to coordinate roundup activities to conduct the roundup and recommend said livestock to be sold. The chapter will designate a lead person for this team.

3. Upon receipt of chapter authorization, the chapter members shall identify all available resources including, but not limited to, funds, feed, water troughs, manpower, vehicles, and trailers. The chapter

official shall provide assistance on an as needed basis. The members shall also coordinate the roundup with the Resource Enforcement Department, livestock officer or local deputy livestock inspector, and the Department of Agriculture.

4. Chapter members and livestock owners shall be given 10 days notice of the dates, times, and location of the roundup. Such notice shall include posting of three written notices at public places within the communities. Public services announcements may be used for radio at the discretion of the chapter.

5. It is mandatory for a livestock officer or deputy livestock inspector to be present at all roundups and livestock sales to perform inspections and ensure compliance with the livestock laws of the Navajo Nation as codified at Sections 1201 through 1523.

6. Process for the disposition of livestock gathered during the roundup:

a. All unclaimed and unbranded livestock shall be hauled to designated holding pens.

b. Owners shall have five days to claim their stray animals which were impounded. Proof of ownership shall be required with original documents only.

c. After the five-day claim period, the Department of Resource Enforcement shall sell the remaining livestock.

d. The designated livestock officer or deputy livestock inspector shall be responsible for maintaining accurate records of the description, animal identification (when applicable) and type of livestock gathered during the roundup, the purchase price, date, and location of the sale. All records will be submitted to the Department at the end of the roundup.

e. All proceeds from the sale of the livestock or equine shall be placed in the Livestock Custody Fund account for 20 days. These funds shall be disbursed to persons having a rightful claim to any livestock sold. Expenses for the transportation, care, feeding and sale of the livestock shall be deducted from any payments due.

f. After the 20-day period, the remaining funds, less expenses for the transportation, care, feeding and sale of the livestock as submitted by the Department of Resource Enforcement, Navajo Nation Veterinary and Livestock Program, Department of Agriculture, and chapter, shall be deposited and maintained in the Livestock Custody Fund account to be used by Department of Resource Enforcement, Navajo Nation Veterinary and Livestock Program, Department of Agriculture and Grazing Management Program.

g. Claims are to be submitted within 20 days of the seizure.

B. Voluntary Sales.

1. Chapter member(s) who choose to sell excess livestock during a roundup shall be responsible for the transportation of their livestock to the sale site. Participants in the scheduled livestock sales shall abide by the sale procedures established by Navajo Nation Code and the Resource Enforcement Department.

2. It is recommended that all livestock owners evaluate their livestock and use the following factors in deciding to market any or all of their livestock:

a. Excess or unwanted animals.

b. Cull animals.

(1) Old or sick animals.

(2) Infertile or sterile animals.

(3) Undesirable breeding stock.

3. Any person refusing to cull animals as specified in this Section shall be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed five hundred dollars (\$500.00), or both.

4. Forfeiture. Any animal found to be cull will be forfeited to the Navajo Nation and destroyed upon order of a court of the Navajo Nation.

#### C. Emergency Conditions.

1. If the Navajo Nation President declares an emergency and the Navajo Nation is in the midst of a severe drought and immediate action must be taken to alleviate the emergency conditions.

2. All unbranded livestock rounded up will be sold immediately and branded livestock shall be sold within two days of the roundup.

3. It is also imperative that Navajo livestock owners voluntarily participate in these livestock sales by marketing excess or unwanted animals.

#### D. Interference with authorized roundups.

1. A person commits an offense pursuant to this Section if he or she interferes with or obstructs an authorized roundup which has for its purpose the removal of unowned horses or other livestock, or is for the purpose of determining ownership or is designed to protect Navajo Nation land from destruction or injury.

2. Any person found guilty of violating this Section shall be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine a minimum of five hundred dollars (\$500.00) but not to exceed five thousand dollars (\$5,000.00) or both.

### **History**

CMY-27-06, May 12, 2006. The Navajo Nation Livestock and Foreign Animal Disease Response Act of 2006.

#### **§ 1312. Report by livestock officer or inspector; preliminary disposition of proceeds of sale**

A. Upon making the sale as provided by Sections 1306 and 1307, the livestock officer or inspector shall notify the Division of the name of the purchaser, the time and place of sale, the amount for which the animal was sold and a description of the animal showing the marks and brands, if any, or other identifying marks and brands, shall pay to the Department the net proceeds realized at the sale.

B. The Department shall place the amount realized from the sale of stray animals in the Livestock Custody Fund established by Section 1302.

### **History**

CMY-27-06, May 12, 2006. The Navajo Nation Livestock and Foreign Animal Disease Response Act of 2006.

#### **§ 1313. Payment of proceeds of sale to owner of stray**

Upon making satisfactory proof of ownership of any animal sold as a stray within 20 days after the sale, the Department shall pay to the owner of the animal the net proceeds realized at the sale less any expenses incurred by the Navajo Nation and its entities.

### **History**

CMY-27-06, May 12, 2006. The Navajo Nation Livestock and Foreign Animal Disease Response Act of 2006.

## **Subchapter 7. Offenses; Penalties**

### **Cross References**

Animals; livestock, see 17 N.N.C. §§ 350, 460-466, and 524.

### **United States Code**

Driving stock to feed on lands without consent of tribe, 25 U.S.C. § 179.

Injuries to stock by Indians, reparation, 25 U.S.C. § 229.