

# Pueblo of Zia Recreation Trust Lands Regulations



## PUEBLO OF ZIA RECREATION TRUST LANDS

### Part 1 - Management of Zia Recreation Trust Lands

#### 1.01 Purpose.

These regulations are issued to govern the management and use of lands (hereafter referred to as the "Pueblo of Zia Recreation Trust Lands") transferred to the Pueblo of Zia, in trust, from the Bureau of Land Management ("BLM") under the authority of Public Law 109-94. These regulations do not apply to other Pueblo of Zia Reservation lands, BLM administered lands, State of New Mexico lands, or private lands. A legal description of the Pueblo of Zia Recreation Trust Lands may be reviewed upon request at the office of the Pueblo of Zia, the office of the Bureau of Indian Affairs in Albuquerque, the office of the Bureau of Land Management in Albuquerque and Santa Fe, and a copy of the Map is attached to these regulations.

#### 1.02 Definitions.

See also for reference 36 CFR part 1.4 Terms. Access means the physical ability for use of the lands by the public for recreational, scenic, scientific, educational, paleontological, and conservation uses.

*Commercial Enterprise* means any activity where a person, group, or organization attempts to make a profit, amortize equipment, or obtain goods and serves as compensation for a service provided. The strict sharing of actual expenses, if collection does not exceed actual expenses, is not a commercial activity.

*Competitive Use* means an activity in which two or more persons compete and either:

- (1) participants register, enter, or complete an application for the activity; or,
- (2) a predetermined course or area is established.

*Cultural Resources* means any remnants, traces, or artifacts of pre-historic, historic, or present day Native American peoples and their activities.

*District Manager* means the district manager of the Albuquerque District of the Bureau of Land Management.

*Gaming* means any activity upon which a stake or risk of money or anything of value is placed on the outcome of something involving an uncertain outcome.

*Governor* means the governor of the Pueblo of Zia or his designated representative.

#### 1.11 How may I use the Pueblo of Zia Recreation Trust Lands?

You may use the Pueblo of Zia Recreation Trust Lands for day-use recreational, scenic, scientific, educational, paleontological, and conservation uses, without authorization or fees, unless prohibited or regulated through these regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land.

#### 1.12 When do I need to pay a fee to use the Pueblo of Zia Recreation Trust Lands?

You may be charged a fee only for activities requiring authorization from the Governor under 1.13. Fees may be established as provided in 1.50 of this section.

#### 1.13 When Do I need an authorization to use the Pueblo of Zia Recreation Trust Lands?

You must receive specific authorization from the Governor for any competitive use, organized group activity, collection or disturbance of cultural resources, collection or disturbance of minerals or natural resources in excess of 1.15 in this section, hunting, or camping.

#### 1.14 When and how may I collect or disturb cultural resources within the Pueblo of Zia Recreation Trust Lands?

You may only collect or disturb cultural resources as part of a bonafide scientific study, recovery, or preservation effort and with specific written authorization from the Governor, which authorization may be declined or limited in the Governor's discretion.

#### 1.15 When and how may I collect or disturb minerals or natural resources within the Pueblo of Zia Recreation Trust Lands without authorization?

You may collect or disturb minerals or natural resources within the Pueblo of Zia Recreation Trust Lands only with specific written authorization from the Governor, and only:

- (a) for non-commercial purposes;
- (b) with no more than non-motorized hand tools; and,
- (c) causing minimal surface disturbance which would not clearly necessitate reclamation; except that,
  - (i) the collection or disturbance of fossils is not permitted.

#### 1.16 When and how may I gather scientific information about cultural resources, minerals, or natural resources within the Pueblo of Zia Recreation Trust Lands?

You may conduct research, including gathering information and collecting minerals and natural or cultural resources,

using methods which may cause impacts greater than those allowed under 1.15 in this section as part of a bonafide scientific study, recovery, or preservation effort, but only with specific written authorization from the Governor.

#### 1.17 How may I hunt on the Pueblo of Zia Recreation Trust Lands?

You may hunt or trap only with written authorization from the Pueblo of Zia and subject to such rules and regulations as are set forth in such written authorization. Fees may be established as provided in 1.50 of this section.

#### 1.18 Where do I obtain an authorization to use the Pueblo of Zia Recreation Trust Lands?

For activities requiring authorization under 1.13, you may request authorization by writing to:

Office of the Governor  
135 Capitol Square Drive  
Zia Pueblo, NM 87053-6567

#### 1.20 What is prohibited within the Pueblo of Zia Recreation Trust Lands?

Except as specifically authorized within the regulations of this part, it shall be unlawful to:

- (a) Engage in activities without authorization from the Governor when authorization is required under these regulations.
- (b) Engage in activities without paying fees to the Pueblo of Zia when a fee is required under these regulations.
- (c) Use or operate motorized vehicles except on existing roads identified on the Map or other routes approved of in writing by the Governor.
- (d) Horseback ride, except on existing roads identified on the Map and on existing trails.
- (e) Extract minerals for commercial use or in excess of 1.15 of this section.
- (f) Remove plants, rocks, animals of any type (except for hunting specifically authorized herein), cultural or paleontological artifacts or resources, or any other natural resources or to disturb the surface of the land or resources thereon or therein, without a permit issued by the Pueblo specifically for such purpose.
- (g) Engage in commercial development enterprises.
- (h) Leave or deposit trash, litter, debris, or waste of any kind, or store or cache equipment, machinery, or goods of

*Map* means the map entitled "Ojito Wilderness Act, October 1, 2004."

*Minerals* means, rocks, earth, fossils, oil, gas, coal or and similar substance found within the earth including parts or traces of each.

*Mechanized Vehicle* means any vehicle without a motor, having mechanical parts, and capable of or designed for carrying a person on or immediately over land or other natural terrain excluding:

- (1) Any wheelchair used by a person having a disability that requires the use of a wheelchair, provided that such wheelchair is suitable for use in indoor pedestrian areas.

*Motorized Vehicle* means any motorized vehicle capable of, or designed for, travel on or immediately over land or other natural terrain excluding:

- (1) Any fire, emergency, law enforcement, or military vehicle while being used for emergency purposes
- (2) Any vehicle use expressly authorized by the Pueblo for uses permitted within these regulations.
- (3) Any wheelchair used by a person having a disability that requires the use of a wheelchair, provided that such wheelchair is suitable for use in indoor pedestrian areas.

*Natural Resources* means any plants or animals.

*Organized Group Activity* means a structured, ordered, consolidated, scheduled, or advertised event.

*Pueblo of Zia Recreation Trust Lands* means lands held in trust by the United States for the Pueblo of Zia conveyed under Public Law 109-94.

*Pueblo* means the Pueblo of Zia.

*Reclamation* means the activity of reshaping lands, restoring topsoil, or replacing vegetative cover on lands disturbed by human activity because unaided natural processes would not conceal the impacts or recover immediately after the disturbance is ceased.

*Regional Director* means the director of the Southwest Region of the Bureau of Indian Affairs.

*State Director* means the state director of the Bureau of Land Management for New Mexico, Texas, Oklahoma, and Kansas.

#### 1.10 Use of Pueblo of Zia Recreation Trust Lands.

any kind, or abandon pets or other animals or their remains.

- (i) Dispose, store, or abandon any hazardous material or substance.
- (j ) Overnight camp.
- (k) Consume alcoholic beverages within or upon the lands.
- (l) Discharge a firearm of any kind, including bow and arrow, except in the legal pursuit of game under 1.17 of this section.
- (m) Bait, trap, injure, pursue, or harass wildlife except in the legal pursuit of game under 1.17 of this section.
- (n) Harass livestock.
- (o) Set a fire, including a campfire, or detonate any fireworks, explosive, or incendiary device.
- (p) Cut wood within or upon the lands without a permit issued by the Pueblo specifically for such purpose, which shall specify the area and amount of wood to be removed.
- (q) Bring pets except those under immediate control of the owner through a leash or electronic control.
- (r) interfere with Pueblo cultural or religious uses of the lands.

#### 1.30 Penalties (This will be 25 CFR authority)

- (a) Violations of any of these regulations will be prosecuted as appropriate pursuant to 25 CFR.
- (b) Definitions of prohibited acts and penalties prescribed therefore, set forth in federal law applicable to tribal trust lands and federally-owned public lands, to the extent not inconsistent with these regulations, are hereby adopted and incorporated by reference and shall apply to the lands.

#### 1.40 Resolving complaints by an aggrieved party.

##### 1.41 Who may file a complaint.

Any person or organization who believes their ability to access the Pueblo of Zia Recreation Trust Lands for recreational, scenic, scientific, educational, paleontological, and conservation uses has been wrongfully constrained may file complaint.

##### 1.42 How do I file a complaint?

You may file a written complaint to the Governor. In your complaint you should include:

- (a) Your name, address, telephone number, and e-mail address.
- (b) The nature of your complaint and the public access activity you allege was wrongfully constrained.
- (c) A statement of reasons why you are filing a complaint.

- (d) The date, time, and location of the action that constrained your public access.
- (e) The method by which public access was constrained, or the person or entity who constrained your access.
- (f) The remedy you wish the Governor to consider in correcting the action that constrained your public access.

**1.43 Where do I file a complaint?**

Complaints regarding the wrongful constraint of public access of the Zia Recreation Trust Lands may be submitted to:

Governor, Zia Pueblo  
 135 Capitol Square Drive  
 Zia Pueblo, NM 87053-6567

**1.44 How will my complaint be processed?**

- (1) The Governor will consider all complaints, within 30 days of receipt.
- (2) Where the Governor is in agreement with the complainant, the Governor will immediately cause action to be taken to correct the issue, process, or practice that led to the complaint.
  - (a) You will be notified by mail of the actions to be taken.
- (3) If you are unsatisfied with the actions taken by the Governor, or if the Governor fails to act on a complaint within 30 days of his receipt thereof, you may forward your complaint to the Regional Director of the Bureau of Indian Affairs who will consult with State Director of the Bureau of Land Management on a final decision.

**1.45 Where do I forward my complaint in the event I disagree with the Governor's decision or the Governor's failure to act within the specified time?**

Forward complaints for final decision to:

Regional Director of the Southwest Region for the Bureau of Indian Affairs  
 1001 Indian School Rd. NW  
 Albuquerque, NM 87104-2303  
 (505) 563-3103

**1.46 How will the Regional Director consider my complaint?**

The Regional Director, after consultation with the State Director, will make a final decision regarding your complaint, within 30 days of receipt of a complaint.

- (a) Where the Regional Director is in agreement with the complainant, the Regional Director will immediately cause action to be taken to correct the issue, process, or practice

that led to the complaint.

- (b) You will be notified by mail of the decision and actions (if any) to be taken.

**1.47 How may I appeal the decision of the Regional Director if I disagree with it?**

You may file an appeal to either the Interior Board of Indian Appeals (IBIA) or the Interior Board of Land Appeals (IBLA) according to the procedures identified in 25 CFR Part 4 or 43 CFR Part 4.

**1.50 Establishment of Pueblo Authorization Process and Fee Schedule.**

The Pueblo shall make available an authorization process, and where applicable, a fee schedule for activities requiring authorization, provided:

- (1) No authorization or fee will be required except for activities described in 1.13 of this section.
- (2) An authorization process and fee schedule will be:
  - (a) Established 30 days prior to the acquisition of the lands by the Pueblo;
  - (b) Revised by the Pueblo as described in 1.70; and,
  - (c) Provided to the Bureau of Land Management, Albuquerque District.
- (3) Where provided for in these regulations, fees may be applied only for:
  - (a) cost recovery; and a rate comparable to Federal lands fee schedules for similar activities; except that,
  - (i) rights-of-way fees are applied, according to estab-

lished right-of-way fee schedules of the Department of Interior.

**1.60 Notice of Regulations, Pueblo Authorization Process, and Fee Schedule.**

The Pueblo will post copies of regulations, Pueblo authorization process, and fee schedule at Pueblo Offices, appropriate parking areas or access points, and with appropriate federal and state offices. The BLM will post copies of regulations in the Albuquerque District Office and the New Mexico State Office and on the BLM web site. The BIA will post copies of regulations in the Regional Office in Albuquerque.

**1.70 Revisions of Regulations, Pueblo Authorization Process, and Fee Schedule.**

- The regulations, Pueblo authorization process, and fee schedule may be modified by the Pueblo and the Bureau of Indian Affairs according to the following process:
  - (a) The BIA and Pueblo will publish notice of the availability of proposed revisions in local newspapers of general circulation.
  - (b) The BIA will accept comments on the proposed revisions for 30 days. A public hearing may be held at the discretion of the Regional Director.
  - (c) The Regional Director will consider all comments, and through consultation with the State Director, recommend agreed upon revisions to the Secretary of Interior. No revisions will take effect until approved by the Secretary of the Interior.

