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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 112]

OSAGE TRIBE OF INDIANS IN OKLAHOMA

Distribution of Judgment Funds

FEBRUARY 5, 1973.

Notice is hereby given that it is proposed to add a new Part 112 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations as set forth below. This addition is proposed pursuant to the authority contained in 5 U.S.C. 301 and the Act of October 27, 1972 (86 Stat. 1295).

The purpose of the proposed regulations is to govern the distribution of judgment funds awarded to the Osage Tribe of Indians in Oklahoma in Indian Claims Commission Dockets 105, 106, 107, and 108, including accrued interest.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Associate Solicitor of Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240, on or before March 16, 1973.

It is proposed to add a new Part 112 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

PART 112—DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Sec.
112.1 Definitions.
112.2 Purpose.
112.3 Notice of time limit and place for filing claims.
112.4 Issuance of Orders of Distribution.
112.5 Segregation of per capita shares.
112.6 Distribution of share of deceased allottee.
112.7 Notice of orders to claimants and distributees.
112.8 Appeal from an Order of Distribution.
112.9 Disbursement of distributed shares.
112.10 Miscellaneous provisions.

AUTHORITY: 5 U.S.C. 301; 86 Stat. 1295.

§ 112.1 Definitions.

(a) "Act" means the Act of October 27, 1972 (86 Stat. 1295).

(b) "Allottee" means a person whose name appears on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539).

(c) "Associate Solicitor" means the Associate Solicitor—Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240.

(d) "Distributee" means one to whom a distribution is ordered pursuant to the regulations in this part.

(e) "Secretary" means the Secretary of the Interior or his authorized representative.

(f) "Superintendent" means the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056.

§ 112.2 Purpose.

The regulations in this part govern the distribution, pursuant to the Act, of judgment funds awarded to the Osage Tribe of Indians of Oklahoma. All funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, are to be distributed, except the sum of $1 million and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.

§ 112.3 Notice of time limit and place for filing claims.

The Act provides for distribution of funds to allottees and heirs of Osage Indian blood of deceased allottees.

(a) All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, not later than April 27, 1974. An individual who claims as an heir of Osage Indian blood should make a timely filing of a claim which identifies, by name and allotment number, each allottee in whose share the individual claims an interest, in order that the Superintendent may notify the individual when the order of distribution for each such allottee is made. Failure to file a claim in this manner may prevent an individual from receiving a notice of distribution in an instance in which he is an interested party. Failure of an heir of Osage Indian blood to file a claim will not necessarily prevent the distribution to such heir of the portion of the allottee's share due that heir if sufficient evidence to support such distribution is available to the Superintendent. However, no heir who fails to file a claim within the prescribed period (on or before Apr. 27, 1974) shall after that period have any right to any distribution other than that ordered by the Superintendent based on evidence available to the Superintendent during that period. Unclaimed shares of distributees are required by statute to revert to the Osage Tribe 6 months after determination of their right to share.

(b) Distribution of a living allottee's own share will be made without the filing of a claim.

§ 112.4 Issuance of orders of distribution.

The Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, is authorized to issue the orders of distribution in accordance with the Act and the regulations in this part. The Superintendent's decisions thereon shall be final unless a timely appeal therefrom is filed in accordance with § 112.8.

§ 112.5 Segregation of per capita shares.

The Superintendent shall segregate one per capita share for each allottee for distribution as follows:

(a) One share for distribution to each such allottee who is living on the date the order for distribution for that share is issued; and

(b) One share for distribution to the heir or heirs of Osage Indian blood of each allottee who is deceased on the date the order of distribution for that share is issued, to be divided among such heirs in such proportions as shall be computed in accordance with § 112.6.

§ 112.6 Distribution of share of deceased allottee.

(a) The Superintendent shall issue an order of distribution which, except as otherwise provided in this § 112.6, divides the share of a deceased allottee leaving heirs of Osage Indian blood in such proportions as the allottee's heirs of Osage Indian blood would have shared in the estate of the allottee if the allottee had died intestate leaving one or more individuals of Osage Indian blood as the allottee's only heirs at law under the Oklahoma law of intestate succession. In preparing such an order, the superintendent shall accept as accurate any unambiguous determination of heirship, of an allottee or of the heir of an allottee, either made by the Secretary prior to April 18, 1912, or contained in a final order of an Oklahoma court after that date. When no such unambiguous determination is available, such order shall be based upon all other pertinent heirship evidence available to the Superintendent.

(b) When one or more of the immediate heirs of Osage Indian blood of an allottee is deceased, the heirs of Osage Indian blood of such deceased heirs shall be ascertained, successively among all remote heirs of Osage Indian blood of the allotee, in the sequence in which the

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deaths of the heirs occurred until the identities of all living remote heirs of Osage Indian blood, and the respective proportions of the share to which they are entitled, have been ascertained. To qualify for distribution as an heir, it must be established that the distributee and each heir of the allottee through whom the claim is traced had Osage Indian blood acquired either from an allottee or from a common ancestor of an allottee and the distributee.

§ 112.7 Notice of orders to claimants and distributees.

Notice of an order of distribution shall be mailed, on the date of issuance of such order, to the allottee whose share is being distributed if living, but if not living, to (a) each distributee named therein, and (b) each claimant whose claim asserts entitlement to a portion of the allottee's share. Such notice shall be accompanied by a copy of the order of distribution and shall contain instructions for filing an appeal in accordance with paragraphs (a) or (b) and (c) of § 112.8.

§ 112.8 Appeal from an order of distribution.

(a) An order of distribution of the share of an allottee living on the date the order is issued shall become final 3 days from the date thereof unless an appeal is filed by an interested party with the Superintendent before the expiration of those 3 days.

(b) An order of distribution of the share of an allottee who is deceased on the date the order is issued shall become final 30 days from the date thereof unless an appeal is filed by an interested party with the Superintendent before the expiration of those 30 days.

(c) Each appeal must contain a statement of the reasons that the appellant considers the order of distribution to be subject to error, and each appellant must, at the time of filing his appeal, mail a copy thereof to each person named as a distributee in the order of distribution. The Superintendent shall furnish a copy of the appeal to each other interested party to whom a copy of the order of distribution was mailed.

(d) The Associate Solicitor-Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240, is authorized to determine appeals from orders of distribution in accordance with the Act and the regulations in this part. The Associate Solicitor's decision thereon shall be final on the date of the issuance of his decision and shall constitute the final action of the Department of the Interior in connection with such appeal.

(e) The Superintendent may, in his discretion for good cause shown, order partial distribution of any undisputed segment of any share for which an appeal is pending when such distribution will not be affected by the appeal decision on the disputed portion of the share.

§ 112.9 Disbursement of distributed shares.

When an order of distribution, either as issued or as amended by decision on appeal, has become final, the Superintendent shall either disburse to distributees the amounts distributed to them or deposit such amounts to appropriate accounts, in accordance with the following guidelines:

(a) When the amount distributed to any heir is less than $20, the amount shall be segregated in a special account for that heir until all orders of distribution have become final, at which time the sum of all amounts thus segregated to such account shall be disbursed or redeposited as provided in paragraphs (b), (c), (d), and (e) of this § 112.9, if such sum equals or exceeds $20. When such sum is less than $20, such sum in each of such accounts, and all unclaimed shares, and all amounts awarded to distributees which remain unclaimed for 6 months after the order of distribution has become final, shall, subsequent to April 27, 1974, be deposited to the account of the Osage Tribe as sums which have reverted to it.

(b) Living allottees having certificates of competency shall have their distributions disbursed directly to them.

(c) Living allottees not having certificates of competency shall have their distributions deposited to their accounts, subject to withdrawal by them at their request.

(d) Heirs of Osage Indian blood who are at least 18 years of age and are not under guardianship shall have their distributions disbursed directly to them.

(e) Heirs of Osage Indian blood who are under guardianship shall have their distributions deposited to their accounts, subject to disbursement to the distributees or their guardians or other persons on their behalf on such terms and conditions as the Superintendent shall consider to be in their best interests during their legal disability, after which the remaining portion shall be disbursed to such distributees.

(f) Heirs of Osage Indian blood who are under 18 years of age shall have their distributions deposited to their accounts, with the funds represented by such deposits invested at favorable rates of return for prudent investments, to be disbursed with earnings thereon only when the respective distributees for whom they are held shall attain the age of 18 years.

§ 112.10 Miscellaneous provisions.

(a) Powers of attorney, assignments, and orders given to another person by anyone entitled to share in the payment will not be recognized.

(b) None of the funds distributed are subject to Federal or State income taxes.

W. L. ROGERS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-2910 Filed 2-13-73;8:45 am]

Bureau of Land Management

[43 CFR Parts 2070, 6250, 6290]

USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

Proposed Procedures and Standards

The purpose of this proposed amendment is to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands. The proposed rules would provide procedures to control and direct the use of off-road vehicles so as to protect the resources of those lands, promote the safety of all users of those lands, and minimize conflicts among the various uses of those lands. The proposed rules also would prescribe operating regulations and vehicle standards for the use of off-road vehicles. Areas and trails would be designated as open, closed, or restricted, with regard to such use.

In accordance with the Department's policy of public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until March 16, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45–4:15 p.m.).

Chapter II, Title 43, of the Code of Federal Regulations is amended as follows:

PART 2070—DESIGNATION OF AREAS AND SITES

1. A new paragraph (c) is added to § 2071.1 to read as follows:

§ 2071.1 Areas or sites that may be designated.

* * * * *

(c) The provisions of this part do not apply to designation of areas and trails for off-road vehicle use. Such designations are made pursuant to Part 6290 of this chapter.

PART 6250—RECREATION ACCESS

§ 6250.1–2 [Amended]

2. Paragraph (c) of § 6250.1–2 of Part 6250 is deleted.

Subpart 6251 [Deleted]

3. Subpart 6251 of Part 6250 is deleted.

PART 6290—OFF-ROAD VEHICLES

4. A new Part 6290 is added to Group 6200 to read as follows:

Subpart 6290—General

6290.0–1 Purpose.
6290.0–2 Objectives.
6290.0–3 Authority.
6290.0–5 Definitions.
6290.0–8 Applicability.

Subpart 6291—Use of Off-Road Vehicles

6291.1 Use of Off-Road Vehicles.

Subpart 6292—Designation of Public Lands

6292.1 Classes of designations.
6292.2 Designations.
6292.3 Designation criteria.
6292.4 Procedures for designation.

Subpart 6293—Organized Off-Road Vehicle Events

6293.1 Events requiring permits.

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