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TITLE 22—FOREIGN RELATIONS
TITLE 23—HIGHWAYS
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CROSS REFERENCES

General Land Office regulations pertaining to allotments to Indians and Eskimos: See Public Lands: Interior, 43 CFR Part 67.
General Land Office regulations pertaining to Indian allotments and possessions: See Public Lands: Interior, 43 CFR Part 176.
General Land Office regulations pertaining to restored and ceded Indian lands: See Public Lands: Interior, 43 CFR Part 177.

Section 52.1 Relinquishment of original patent. To effect a reallotment under section 3 of the Act of June 25, 1910 (36 Stat. 856; 25 U.S.C. 408), the Indian owner shall endorse on the original patent a relinquishment of all lands described therein and explain the purpose of the relinquishment. The relinquishment shall name the child or children to be reallotted and follow with descriptions by legal subdivisions of the land. If a part of the allotment is being retained by the Indian owner, the relinquishment and application for reallotment may describe only the tract to be reallotted. The relinquishment must be signed by the original allottee or owner of the land involved and be acknowledged before a superintendent of an Indian agency or an officer authorized to administer oaths. The signatures of those who cannot write must be by thumb mark and be witnessed. (Sec. 3, 36 Stat. 856; 25 U.S.C. 408) [Pars. 3, 4, 5, Circ. 1961, Sec. Int., Jan. 12, 1924]

52.2 Relinquishment when original patent has been lost or destroyed. When the original patent has been lost or destroyed, the relinquishment and application for reallotment may be submitted in the form of a letter, which must be accompanied by an affidavit showing the loss or destruction of the original patent If no patent has been issued, that fact should be set out in the letter. (Sec. 3, 36 Stat. 856; 25 U.S.C. 408) [Par. 6, Circ. 1961, Sec. Int., Jan. 12, 1924]

Subchapter H—Forestry

PART 61—GENERAL FOREST REGULATIONS

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CROSS REFERENCES

Rights-of-way for logging roads: See Part 256.
Sale of forest products, Red Lake Indian reservation, Minnesota: See Part 63.
Sale of timber products, Menominee Indian reservation: See Part 62.

Section 61.1 Objectives. The following objectives are to be sought in the management of Indian forests:

(a) The preservation of Indian forest lands in a perpetually productive state by providing effective protection, preventing clear cutting of large contiguous areas, and making adequate provision for new forest growth when the mature timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in the harvesting of the tree capital, so as to make possible continuous production and a perpetual forest business.

(c) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining Indian communities, to the end that the Indians may receive from their own property not only stumpage, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(d) The sale of Indian timber in open competitive markets on reservations where the volume produced by the forest annually is in excess of that which is practicable of development by the Indians, or where fire damage, insect infestation, disease, overmaturity, or other causes require extensive and rapid harvesting of the timber in order to prevent loss.

(e) The preservation of the forest for scenic purposes along public highways, in the vicinity of Indian or white communities, and wherever the recreational or aesthetic value of the forest seems to exceed its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effect in regulating runoff and minimizing erosion.*† (Sec. 6, 48 Stat. 986; 25 U.S.C. 466) [Par. 1]

*§§ 61.1 to 61.29, inclusive, (with the exceptions noted in the text,) issued under the authority contained in secs. 7, 8, 36 Stat. 857; 25 U.S.C. 407, 406.

†The source of §§ 61.1 to 61.29, inclusive, is General forest regulations, Secretary of the Interior, May 18, 1936.

61.2 Development restricted. Proceeding in accordance with this general policy, the development of reservation timber will not be authorized until practical methods of cutting are prescribed which will assure the perpetuation of the forest, prevent unnecessary waste, and make possible effective protection against destructive agencies. Cutting will be given priority in those stands of timber which are deteriorating as the result of fire damage, disease, insect infestation, overmaturity, or other causes. Whenever practicable, from 25 to 60 percent of the merchantable timber volume will be left standing in order to protect the site, provide seed for a new stand, and make possible a second cut before the reproduction matures.*† (Sec. 6, 48 Stat. 986; 25 U.S.C. 466) [Par. 2]

61.3 Cutting restrictions. Clear cutting of large contiguous areas will not be permitted, except on lands which will be used for agricultural development. It is the policy of the Indian Service to promote the use of logging methods which will insure a reasonable

*†For statutory and source citations, see note to § 61.1.

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degree of protection for reserve stands and to limit the use of donkey engines and other high power machinery to areas upon which the use of animal or tractor logging is not feasible. Wherever circumstances necessitate the use of high power machinery which results in destructive logging, cuttings will be so broken up by stands of green timber as to secure adequate protection against fire and ample provision for reseeding the cut-over area.*† (Sec. 6, 48 Stat. 986; 25 U.S.C. 466) [Par. 3]

61.4 Inferior areas reserved. Inferior species of low commercial values should generally be withheld from cutting until a reasonable consumer demand develops. Species of this character are ordinarily most valuable when left standing in the forest because they protect the ground, provide seed, and do not lower the general value of the stumpage to be harvested. Accordingly such species should generally be reserved for utilization at a later date, when they will have a positive value, and only those trees marked for cutting which if left standing would be injurious to the future development of the forest. Areas containing large volumes of inferior species should be excluded from sales wherever possible.*† (Sec. 6, 48 Stat. 986; 25 U.S.C. 466) [Par. 4]

61.5 Objectives to be expressed. The Indian Service is definitely committed to a policy of sustained yield forest management. This policy will be given practical expression through the medium of forest working plans for all reservations of major importance from an industrial forestry standpoint. Such working plans should contain a statement of how the policies of the Indian Service are to be applied on a given Indian forest, with a definite program of action for a specified period in the future. These plans will express the objectives to be attained in timber management, thus giving the necessary basis for consistent action over the long period necessary to grow a timber crop.*† (Sec. 6, 48 Stat. 986; 25 U.S.C. 466) [Par. 5]

61.6 Effective date. The regulations in this part are hereby made effective as of May 18, 1936, for all Indian lands under the jurisdiction of the Office of Indian Affairs, except as this part may be superseded by special instructions to particular reservations or by provisions of special laws, Tribal Constitutions, Bylaws or charters, heretofore or hereafter ratified, or any tribal action authorized thereunder.*† (R.S. 161, sec. 6, 48 Stat. 986; 5 U.S.C. 22, 25 U.S.C. 466) [Par. 6]

61.7 Trespass procedure. All forest officers or other employees shall report promptly in writing any violation of the trespass law. Superintendents shall seize all timber unlawfully cut from Indian land, mark the same, forbid its removal, and promptly report to the Commissioner of Indian Affairs the name and post office address of the trespasser, the names and post office addresses of all witnesses of such depredations, and if possible furnish affidavits by such witnesses as to their knowledge of the facts, so that if necessary the case may be reported to the Department of Justice for the institution of a civil action for the recovery of damages, a criminal prosecution under the provisions of section 50 of the Act of March 9,

*†For statutory and source citations, see note to § 61.1.

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1909, as amended by section 6 of the Act of June 25, 1910 (36 Stat. 857; 18 U.S.C. 104), or the commencement of both civil and criminal actions. If a civil trespass action involves timber with a stumpage value of $500 or less, the Superintendent should ascertain what terms of settlement may be made; and if he deems it desirable to the welfare of the Indians he may settle the case without going into court.*† (Sec. 6, 36 Stat. 857; 18 U.S.C. 104) [Sec. 2]

61.8 Trespass reports. Violations of Section 6 of the Act of June 25, 1910 (36 Stat. 857; 18 U.S.C. 104), should be promptly investigated, affidavits and other information obtained, and a suitable report made to the Commissioner of Indian Affairs so that if necessary the case may be submitted to the Department of Justice for action.*† (Sec. 6, 36 Stat. 857; 18 U.S.C. 104) [Sec. 3, par. 2]

61.9 Fire protective measures. Forest officers must make every possible efforts to extinguish immediately any fire of which they have knowledge. Every Superintendent is authorized to hire temporary men, purchase tools and supplies, and pay for their transportation from place to place to extinguish a fire. No expense for fighting a fire outside a reservation must be incurred unless the fire threatens the reservation, and special authority must be obtained for any expenditure in excess of $1,000. Fire fighters should be paid by the hour, actual working time, at the current local rates. The time consumed in going to and from the fire will ordinarily be included. When subsistence is furnished, the rate of pay should be reduced accordingly. A report on Form 5–493 [5] should be made immediately after the extinguishment of any fire and filed in the agency office.† (R.S. 161, 42 Stat. 208, 857; 5 U.S.C. 22, 25 U.S.C. 13, 16 U.S.C. 594) [Sec. 4]

61.10 Slash disposal. Measures designed to reduce the fire danger from slash created by the cutting of timber are a necessary insurance against the loss of those trees left standing and the new trees which may germinate. An effective method of slash disposal is therefore an essential feature of any timber sale contract or timber cutting permit. On areas where selective logging or partial cutting is employed, the standard brush disposal method is by lopping, piling, and burning the brush. It is of major importance that the piles should be so located that they may be burned without injury to the reproduction or the reserved trees. Broadcast burning may only be employed on the restricted clear cut areas and should always be controlled by fire lines or other effective barriers.*† [Sec. 5]

61.11 Sustained yield management. No Indian timber may be developed either by Indians or by white men, unless it is operated on a sustained yield basis.*† (Sec. 6, 48 Stat. 986; 25 U.S.C. 466) [Sec. 6]

61.12 Indian operations. It is the policy of the Indian Service to encourage the development of Indian timber by the Indian people for the purpose of promoting self-sustaining Indian communities, and in conformity thereto the conducting of Indian logging operations

[5] See footnote on page 27.

*†For statutory and source citations, see note to § 61.1.

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and Indian sawmill operations is hereby authorized. Such operations may be organized and initiated, subject to the consent of the Indians in general council, whenever general appropriations for industrial development, special appropriations for sawmill development, reimbursable loan funds, or Indian tribal funds may be made available.*† (R. S. 161; 5 U.S.C. 22) [Sec. 7]

61.13 Timber sales from unallotted and allotted lands. On reservations where the volume produced by the forest annually is in excess of that which is practicable of development by the Indians, or where the stand is rapidly deteriorating as a result of fire damage, insect infestation, disease, over-maturity, or other causes, the sale of Indian timber in open competitive markets will be authorized; provided consent is given by the Indians in general council or by their duly authorized representatives for tribal, and by the allottees for allotted timber. Sales from unallotted lands, allotted lands or a combination of these two ownerships, having a stumpage value of over $100, will not be authorized until an examination of the timber to be sold has been made by a qualified forest officer and a complete report setting forth all pertinent information has been submitted to the officer or officers authorized to approve the contract as provided in § 61.20. † (Sec. 26, 41 Stat. 33, 47 Stat. 1568; 25 U.S.C. 399, 407a, 407b, 407c. Osage and Five Civilized Tribes: sec. 33, 36 Stat. 863; 25 U.S.C. 353. Flathead: 41 Stat. 452. Klamath: 47 Stat. 1568, as amended; 25 U.S.C. 407a. Menominee: 35 Stat. 51, 36 Stat. 1076, 39 Stat. 991. Quinault: 48 Stat. 910. Red Lake: 39 Stat. 137) [Sec. 9]

61.14 Advertisement of sales. All sales of timber of a stumpage value greater than $100 shall be made only after due advertisement and under sealed bids, and such advertisement must be approved by the officer who will approve the contract. If the stumpage value of the timber offered does not exceed $1,000, the advertisement may be made by posters and circular letters. If the stumpage value exceeds $1,000, the advertisement must be made in at least one newspaper of general circulation in the locality where the timber is situated. For sales in which the stumpage value of the timber does not exceed $10,000, the advertisement shall be for not less than 15 days; for sales exceeding $10,000 but not over $100,000, not less than 30 days; and for all sales exceeding $100,000, not less than 60 days.*† [Sec. 10]

61.15 Deposits with bids. A cash deposit shall be submitted with each proposal for the purchase of Indian timber, either allotted or unallotted. Such deposit shall be at least 20 percent of any estimated stumpage value which is less than $1,000; at least 10 percent of any estimated stumpage value between $1,000 and $10,000; at least 5 percent of any estimated stumpage value between $10,000 and $100,000; and at least 3 percent on any estimated stumpage value exceeding $100,000. Every deposit in excess of $500 must be in the form of a duly certified check on a solvent national bank, drawn payable to the order of the Superintendent having jurisdiction over the timber. Smaller deposits may be in cash, or by a duly certified check. All of these deposits are required as a guaranty of good faith, and when a bond is not executed the deposit of the successful bidder

*†For statutory and source citations, see note to § 61.1.

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will be retained until the contract is completed. In the final settlement the deposit will be credited as a portion of the whole amount due for the timber purchased and any balance returned, provided the purchaser has faithfully performed the terms of the contract. If a bond is furnished and accepted, the deposit will be credited as a first installment in payment for the timber. The cash or certified checks deposited will be returned to depositors whose proposals are not accepted.*† [Sec. 11]

61.16 Acceptance and rejection of bids. In ordinary circumstances the high bid received in connection with any advertisement issued under authority of this part shall be accepted. However, the officer authorized to approve the contract shall have the right to reject the high bid and readvertise if he considers the high bidder to be unqualified to fulfill the contractual requirements of the advertisements. The right is also reserved by the approving officer to waive minor technical defects in advertisements and proposals.*† [Sec. 12]

61.17 Sales to Indians without advertisement. Open-market sales to Indians without advertising may be made for stumpage not exceeding $5,000 in value; Provided, That in the case of stumpage on tribal lands the Indians in general council or their representatives to whom they specifically delegate this authority shall consent, and the allottees shall consent in the case of stumpage on Indian allotments. The stumpage prices in connection with such open-market sales shall be established by the approving officer after due appraisal procedure; provided, that the timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 61.18, and carry the bond requirements stipulated under § 61.21.*† [Sec. 13]

61.18 Contracts required. For sales of timber of a stumpage value greater than $100 the regular contract forms [5] must be used unless a special form for a particular sale is approved by the Commissioner of Indian Affairs or the Secretary of the Interior. The regular forms provide for a certain flexibility to meet variable conditions, but no essential departure from the fundamental requirements of such contracts may be authorized by a Superintendent or other field officer. When stumpage is purchased from unallotted lands by Indians or others, Form 5–487 [5] should be used, and when stumpage is purchased from allotted lands, Form 5–489 [5] should be used. Form 5–481 [5] should be used where logging operations are conducted by an Indian, either on his own allotment or on tribal lands, and the product sold in the form of logs, bolts or cordwood either on the land after severance or delivered to some other point in such form. When timber is cut from unallotted land or from an allotment held under a trust patent or other patent containing restrictions on alienation the contract should require that the proceeds be paid into the hands of the Superintendent and an accounting be made therefor.*† [Sec. 14, par. 1]

61.19 Execution of contracts. All contracts should be executed in sextuplet by the duly authorized representatives of the tribe or by

[5] See footnote on page 27.

*†For statutory and source citations, see note to § 61.1.

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the individual allottees concerned and by the purchaser. If a contract is approved by the Superintendent, or by the Superintendent and concurred in by the Regional Forester, the original copy should be forwarded to the General Accounting Office, and one copy each mailed promptly to the Indian Office and to the Regional Forester. If the contract requires the approval of the Commissioner of Indian Affairs or the Secretary of the Interior, all copies must be forwarded promptly to the Indian Office. Copies for agency and regional forestry files, for purchaser, and for allottee will be returned if the contract is approved.*† [Sec. 14, par. 2]

61.20 Approval of contracts. Contracts covering sales of timber having a stumpage value not exceeding $500 may be approved by the Superintendent. Contracts covering sales of timber having a stumpage value between $500 and $10,000 should be approved by the Superintendent and concurred in by the Regional Forester. In case of nonconcurrence, final decision shall be made by the Commissioner of Indian Affairs. Contracts covering sales of timber having a stumpage value between $10,000 and $100,000 should be approved by the Commissioner of Indian Affairs. Contracts covering sales in which the stumpage value exceeds $100,000 shall be made only with the express approval of the Secretary of the Interior. Contracts covering individual allotments executed under authority of an approved general contract will be approved by the Superintendent on Form 5–489[5] with such provisions incorporated therein as the approving officer or officers of the general contract shall stipulate.*† [Sec. 15]

61.21 Bonds. In sales in which the stumpage value of the timber does not exceed $5,000 no bond will ordinarily be required, but the initial deposit will be held until the contract is completed; in sales in which the stumpage value exceeds $5,000 but is not over $10,000 a bond of approximately 20 percent of the value of the timber will be required; in sales in which the stumpage value exceeds $10,000 but is not over $100,000 a bond in an amount of approximately 10 percent of the estimated value of the timber will be required; and in sales in which the stumpage value exceeds $100,000 a bond will be required in an amount to be fixed by the Secretary of the Interior.*† [Sec. 16]

61.22 Payments for timber. Payments for timber will be required in advance of cutting, either as a single payment or in the form of installments. In sales of a stumpage value not greater than $1,000, the number of installments shall not exceed five; in sales of a stumpage value greater than $1,000 but not over $10,000, the number of installments shall not exceed 10; and in sales of a stumpage value greater than $10,000 but not over $100,000, the number of installments shall not exceed 20. In sales in which the stumpage value is greater than $100,000, the number of the installments shall be determined at the time such sales are authorized, Provided, That the amount of installments so fixed shall not be less than $5,000 each.*† [Sec. 17, par. 1]

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[5] See footnote on page 27.

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61.23 Installment payments. The advance installments or deposits above stipulated are required for the purpose of providing a flexible working balance against which scale reports covering both unallotted and allotted timber may be credited as the timber is cut. No further cash advances are required in connection with the sale of unallotted timber. However, allotment contracts should provide for advance payments to each allottee, and the advances so received should be taken into the Superintendent's accounts as "individual Indian money." In allotment sales of 3 years' duration or less an advance payment of 10 percent of the estimated value of the timber, in addition to the regular advance deposits, should be stipulated. In sales extending for a period in excess of 3 years, further advance payments should be required. In the absence of specific instructions to the contrary from the Commissioner of Indian Affairs, such allotment contracts should provide for the payment of 10 percent of the estimated value of the timber within 30 days of approval, an additional 15 percent within three years thereafter, and a further additional 25 percent within 6 years of the date of approval. The advance payments so made will be credited against the allotted timber as such timber is cut and scaled.*† [Sec. 17, par. 2]

61.24 Time for cutting and removal of timber. The maximum periods which shall be allowed after the date of the contract for the cutting and removal of the timber purchased shall be as follows: For sales of $1,000 stumpage value or less, 1 year; for sales of over $1,000 but not exceeding $10,000, the 3 years; for sales over $10,000 but not exceeding $100,000, 8 years; and for sales exceeding $100,000, the number of years shall be fixed in the advertisement. However, the cutting and removal of any amount shall not be so distributed over the allowed period as to render the cost of supervision unreasonably high.*† [Sec. 18]

61.25 Deduction for administrative purposes. In all sales of timber from either allotted or unallotted land a sufficient deduction will be made from the gross proceeds to cover the cost of examining, supervising, advertising, collecting, disbursing, accounting, marketing, scaling, caring for the slash, and protecting from fire the timber and young growth left standing on the land being logged or upon adjacent land. Unless special instructions have been given by the Commissioner of Indian Affairs as to the amount of the deduction or the manner in which it is to be made, 8 percent of the gross amount received for the timber sold under regular supervision from allotted or from unallotted land will be deducted by the Superintendent to cover administrative expenses as required by the Act of February 14, 1920 (41 Stat. 415; 25 U.S.C. 413). When timber on either allotted or unallotted land is sold for a lump sum on an estimate in such a manner that no administration by the Indian Service subsequent to the sale is required, a deduction of 3 percent of the sale price will be made to cover the cost of estimating the timber and effecting the sale.*† (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413) [Sec. 19, par. 1]

61.26 Distribution of payments. When the ownership of funds is definitely known, official receipts issued for the proceeds of timber

*†For statutory and source citations, see note to § 61.1.

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sales shall show separately the amount to be credited to the tribal fund, the amount to be credited to individual Indians, and the amount deducted to reimburse the United States for administrative expenses. When the ownership of funds is not definitely known the official receipt should show the funds placed in "special deposits." Subsequently, when it is determined by receipt of timber-scale reports how these funds should be distributed, a journal voucher will be prepared transferring such funds to the proper account. The entire proceeds from unallotted timber will be deposited in the treasury as "sundry receipts." The amounts deducted to cover administrative expenses will be credited to the United States as "miscellaneous receipts." The net proceeds from unallotted timber, after this deduction has been made, will take the title of "Indian moneys, proceeds of labor," or some other title required by special legislation applicable to the particular reservation from which the timber was removed. The proceeds from allotted timber, after deducting the administrative expenses, will be taken up on the Superintendent's account as "individual Indian money." The amounts deducted to cover administrative expenses will be taken into the Superintendent's accounts as "sundry receipts," will be deposited into the Treasury of the United States under that title, and will thereupon be credited to the United States as "miscellaneous receipts." For detailed explanation of this accounting, reference should be made to General Instructions for the Preparation of Timber Records, approved July 1, 1924.[7]*† (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413)

61.27 Permits. Superintendents will insist that all timber cutting, except cutting of allotted timber for the personal use of the allottee, not done under a formal contract as provided in § 61.18, shall be done under the regular permit Form 5–924.[5] The permit form was devised as a convenience in meeting the requirements of Indians and other persons for limited quantities of timber for domestic, agricultural, and grazing purposes. It must not be used as a substitute for the regular timber contracts. The maximum value of the stumpage which may be cut under permit in 1 year by any individual shall not exceed $100. Permits for cutting on unallotted lands to individual Indian operators who need either dead or living timber for personal use may be made without stumpage charge, but all timber cut in this manner should be done under permit and the trees to be cut should be designated by a forest officer or other agency employee. All permits for unallotted timber must be approved by the duly authorized representatives of the tribe and all permits for allotted timber must be approved by the allottee or his legal representative.*† [Sec. 20]

CROSS REFERENCE: For regulations pertaining to permits to cut timber on the Annette Islands Reserve, Alaska, see § 1.67.

61.28 Soil conservation. Soil erosion constitutes a serious menace on many of the Indian forest lands. Its prevention should receive

[5] See footnote on page 27.

[7] General Instructions for the Preparation of Timber Records, approved July 1, 1924, may be obtained from the Commissioner of Indian Affairs, Washington, D. C.

*†For statutory and source citations, see note to § 61.1.

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primary consideration in the management of Indian forests. Heavy cuttings should generally not be permitted on areas especially susceptible to erosion, and such cuttings as may be conducted should be governed by a maximum degree of care in the protection of the forest and ground cover. Where gulleys have started they should be plugged with brush. In certain cases where the danger from erosion is especially severe, the brush should be scattered in such manner as to form a protection cover instead of disposing of it by the usual piling and burning.

Logging roads, truck trails, chutes, landing grounds, and other improvements incident to the development of the timber should be located so as to cause the minimum concentration of run-off. Steep grades should be avoided in all country with an appreciable erosion hazard. Rights-of-way should be slashed no wider than necessary, deep side cuts should be held to a minimum consistent with good location, and long tangents requiring a large amount of cutting and filling should be avoided. If in spite of these precautions, serious erosion does threaten, then more elaborate steps to spread water and to check silting will have to be undertaken. Conditions surrounding the erosion problem vary so widely on the different forested reservations that even generalities with respect to prevention and control are difficult of formulation. Accordingly, the local officials on each reservation where erosion has developed should get such expert advice as may be available to help formulate plans for the protection of the soil from serious depletion.*† [Sec. 21]

CROSS REFERENCE: For regulations pertaining to rights-of-way for logging roads, see Part 256.

61.29 Recreation. In the making of timber sales careful consideration should be given as to whether it will be more beneficial for the Indians to have a specific area logged or reserved for recreational and scenic purposes. Cutting of timber along stocked streams should be carried out conservatively so as to disturb the environment of the fish as little as possible. A strip of timber should be reserved for at least 250 feet on the side of all highways in the ponderosa pine timber type and in the Lake States forests. In the large West Coast timber the reserved strip should be at least a quarter of a mile wide on either side of the road. In these strips no trees other than those which are dead or dying should be cut. Timber operations should never be permitted to interfere with Indian ceremonial sites.*† [Sec. 22]

PART 62—SALE OF TIMBER PRODUCTS, MENOMINEE INDIAN RESERVATION

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*†For statutory and source citations, see note to § 61.1.

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