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Title 25—Indians

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(d) Allotment number, date of trust patent, and name of the reservation where the applicant is allotted.

(e) If the applicant is unallotted, the names of all relatives who may have received allotments, their blood relationship to the applicant, and the name of the reservation where such relative may be allotted.

(f) The name and degree of Indian blood of each parent of the applicant; the name of the tribe or band with which each parent of the applicant is enrolled or affiliated; and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment.

(g) If the applicant has previously been enrolled on an approved roll of Indians of California or an earlier roll of the respective Bands, the number thereon of the applicant.

(h) If an applicant has been adopted into one of the Bands, the name of the band and the date and evidence of such adoption.

§ 54.5 *Persons to be enrolled.* The names of persons in any of the following categories shall be placed on the respective membership rolls of the Bands:

(a) Indians of the Bands, living on June 30, 1949, who have received allotments on the reservation of one of the Bands.

(b) Children, living on June 30, 1949, who were born of such allottees.

(c) Descendants, living on June 30, 1949, of such allottees who died prior to June 30, 1949.

(d) Indians, not included in the categories set out in paragraphs (a), (b), and (c) of this section, who have one-fourth or more degree of Indian blood and can establish that they have been affiliated with one of the Bands for a period of one year or more preceding June 30, 1949. If during the said period an Indian maintained a residence on the reservation, was a reasonably active participant in the tribal affairs of one of the Bands in which he or she applies for enrollment, and was recognized as a member of one of the Bands, such person shall be deemed to be entitled to enrollment.

(e) Children, living on June 30, 1949, who were born of an Indian parent, living on June 30, 1949, if such parent would otherwise be eligible for enrollment under paragraph (d) of this section.

(f) If an Indian, who applies for enrollment under the provisions of paragraph (d) or (e) of this section, has received in his or her own right an allotment with some other band or tribe and has not relinquished such allotment prior to June 30, 1949, such person shall not be enrolled. Ownership of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment in accordance with this part.

§ 54.6 *Enrollment Committee election.* A person whose name now appears on a roll of one of the bands which is maintained by the Director, or, if not so maintained, on a roll which is maintained by the respective Band, shall be entitled to vote, at a time and place and in a manner to be designated by the Director, to elect three persons whose names appear on such roll as members of the Enrollment Committee. The three persons receiving the highest number of votes shall constitute the Enrollment Committee of such band.

§ 54.7 *Review of applications by Enrollment Committee.* The Director shall refer duly filed applications for enrollment to the Enrollment Committee of the band in which the applicant seeks enrollment. The Enrollment Committee shall review each such application, and may require an applicant to furnish additional information in writing or in person to assist the Enrollment Committee to make a recommendation. The Enrollment Committee shall file with the Director a separate written report and recommendation with respect to each application thirty (30) days from the date of referral to it of an application. If the recommendation of the Enrollment Committee with respect to an application is not unanimous, the members of the Enrollment Committee shall file majority and minority reports thereon.

§ 54.8 *Determination of eligibility and enrollment by Director.* The Director shall review the reports and recommendations of the respective Enrollment Committees, and shall determine the applicants who are eligible for enrollment in accordance with the provisions of § 54.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who may have been determined by the Director to be eligible for enrollment, against the report and recommendation of any member of the Enrollment Committee, with a statement of the reasons for his determination.

§ 54.9 *Appeal.* If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 54.5, he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of the mailing of the notice to him to file with the Director an appeal, together with such data as the applicant may present in support of his application. The Director shall forward the appeal, any such supporting data, and his recommendation thereon, and the report and recommendation of the Enrollment Committee, to the Commissioner. After review, if the Commissioner determines that an applicant is not eligible for enrollment in accordance with the provisions of § 54.5, he shall cause the applicant to be notified in writing of his determination and the reasons therefor. The applicant shall then have thirty (30) days from the date of the mailing of the notice to him to take an appeal to the Secretary. The decision of the Secretary thereon shall be final.

§ 54.10 *Approved rolls.* Thereafter the Director shall prepare, in quadruplicate, a separate roll of members, alphabetically arranged, of each of the Bands and submit such rolls to the Secretary or his duly authorized representative for approval. When approved, three copies of each approved roll shall be returned to the Director, who shall make one copy available to the governing body of each of the Bands.

§ 54.11 *Certificate.* The Director shall affix a certificate to each approved roll, certifying that the roll, to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the respective Bands in accordance with the provisions of the act of August 25, 1950 (64 Stat. 470, Pub. Law 728, 81st Cong.).

§ 54.12 *Special instructions.* To facilitate the work of the Director, the Commissioner may issue special instructions to him not inconsistent with the regulations in this part.

SUBCHAPTER H—FORESTRY

Part 61—General Forest Regulations

Sec.
61.14 Advertisement of sales. [Revised]

§ 61.14 *Advertisement of sales.* Sales of timber shall be made only after advertisement; provided that permit sales may be made without advertisement for stumpage not exceeding $100 in value, pursuant to § 61.27, and that open-market sales to Indians may be made without advertisement for stumpage not exceeding $5,000 in value, pursuant to § 61.17. The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. If the estimated stumpage value of the timber offered does not exceed $1,000 the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the esti-

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mated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days. If no contract is executed after such advertisement, the officer approving the advertisement may, within one year from the last day on which bids were to be received as defined in the advertisement, sell such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraised value at the time of sale, whichever is greater. [17 F. R. 8380, Sept. 18, 1952]

Part 62—Sale of Timber Products and Use of Forest Lands for Nonforest Purposes, Menominee Indian Reservation [1]

Subpart A—Sale of Timber Products [Note]

Sec.
62.1–62.13.

Subpart B—Clearing and Use of Forest Land for Nonforest Purposes [Added]

Sec.
62.50 Menominee Indian Forest.
62.51 Exclusion of land for nonforest use.
62.52 Clearing excluded areas.

SUBPART A—SALE OF TIMBER PRODUCTS

CODIFICATION: §§ 62.1 to 62.13 were designated as Subpart A, 16 F. R. 10881, Oct. 26, 1951.

SUBPART B—CLEARING AND USE OF FOREST LAND FOR NONFOREST PURPOSES (ADDED)

AUTHORITY: §§ 62.50 to 62.52 issued under sec. 3, 35 Stat. 51, as amended.

SOURCE: §§ 62.50 to 62.52 appear at 16 F. R. 10881, Oct. 26, 1951.

§ 62.50 *Menominee Indian Forest.* (a) The entire area of the Menominee Indian Reservation, except the areas designated in this section is declared to be the Menominee Indian Forest. Excluded from the Forest are (1) areas used for the agency, Menominee Mills, and other administrative purposes; (2) areas now occupied and used individually by members of the Menominee Tribe; and (3) areas designated pursuant to § 62.51 for agricultural or other nonforest purposes. The Superintendent shall keep current records of all areas excluded from the Forest.

(b) Areas excluded from the Forest by reason of present occupancy and use by members of the Menominee Tribe that are not fully occupied and used by such members, and all other areas excluded from the Forest that are not used for nonforest purposes for at least three consecutive years, may, pursuant to resolution of the Menominee Advisory Council and approval of the Commissioner of Indian Affairs or his designated representative, be in whole or in part restored to the Forest or, subject to the requirements of § 62.51, assigned or reassigned to eligible Indians.

§ 62.51 *Exclusion of land for nonforest use.* Areas within the Menominee Indian Forest may be excluded therefrom for use for agricultural or other nonforest purposes. Exclusion shall be effective upon issuance by the Superintendent of the Reservation of a certificate, which shall clearly define the area and describe the purposes for which it is to be used. The certificate shall not be issued without endorsement as provided in this section. Upon receipt of a request for exclusion under this section, the Superintendent shall refer the proposed certificate to the Forest Officer. It shall be the duty of the Forest Officer to cause to be made a survey of each area dealt with in the certificate and thereafter to endorse the certificate if, in his opinion, the area is not more valuable as a part of the Menominee Indian Forest or the use of the area for other than forestry will not be detrimental to the Forest. Should the Forest Officer find the area to be more valuable as a part of the Menominee Indian Forest, or that its use for other than forestry purposes will be detrimental to the Forest, he shall notify the Superintendent in writing to that effect. Such land shall not be excluded from the Forest unless after review by the Commissioner of Indian Affairs the Forest Officer's findings are reversed by the Commissioner and the certificate is endorsed pursuant thereto. The decision of the Commissioner shall be final.

§ 62.52 *Clearing excluded areas.* Forest land described in a certificate issued pursuant to § 62.51 shall be cleared under the supervision of the Forest Officer. All merchantable forest products removed from such land shall be disposed of as provided for in § 62.1. The funds derived therefrom shall be deposited to the credit of the "Menominee Four Per Cent Fund."

[1] The headnote of Part 62 was amended to read as set forth above, 16 F. R. 10881, Oct. 26, 1951.

SUBCHAPTER I—GRAZING

Part 71—General Grazing Regulations

Sec.
71.6 Establishment of range units. [Amended]
71.8 Record of grazing permits. [Amended]
71.13 Authority for advertising grazing privileges. [Amended]
71.14 Advertisement of grazing privileges. [Amended]
71.16 Grazing permits for organized and unorganized tribes. [Amended]
71.19 Permits and leases issued without powers of attorney. [Amended]
71.24 Court action for collection of grazing fees and damages. [Amended]
71.25 Nonconcurrence between the superintendent and the regional forester. [Revoked]
71.26 Definitions. [Revised]
71.27 Administration of Government lands. [Amended]

§ 71.6 *Establishment of range units.*

CODIFICATION: In §§ 71.6, 71.8, 71.13, 71.14, 71.16, 71.19, 71.24, and 71.27 the term "regional forester" was changed to "area director" wherever it appeared, 17 F. R. 1420, Feb. 14, 1952.

§ 71.8 *Record of grazing permits.* (See note to § 71.6)

§ 71.13 *Authority for advertising grazing privileges.* (See note to § 71.6)

§ 71.14 *Advertisement of grazing privileges.* (See note to § 71.6)

§ 71.16 *Grazing permits for organized and unorganized tribes.* (See note to § 71.6)

§ 71.19 *Permits and leases issued without powers of attorney.* (See note to § 71.6)

§ 71.24 *Court action for collection of grazing fees and damages.* (See note to § 71.6)

§ 71.25 *Nonconcurrence between the superintendent and the regional forester.* [Revoked]

CODIFICATION: § 71.25 was revoked, 17 F. R. 1420, Feb. 14, 1952.

§ 71.26 *Definitions.* As used in this part:

(a) "Area director" means the officer in charge of an area office of the Bureau of Indian Affairs, or his duly authorized representative. The term "area director" is substituted for the term "regional forester" wherever the latter term appears in this part.

(b) "Superintendent" means the officer in charge of an Indian agency or his duly authorized representative.

(c) "Organized tribe" means a tribe organized under the provisions of the Indian Reorganization Act (48 Stat. 984; 25 U. S. C. 461–479), and "unorganized tribe" means a tribe not so organized.

(d) "Family" comprises all persons occupying a single habitation, or living in a single domestic group, whatever the age or relationship of the persons may be: *Provided*, That the Indians in general council or their duly authorized representatives may determine in cases of doubt who are members of a given family: *Provided further*, That an appeal may be taken from such a determination by any aggrieved Indian to the Commissioner of Indian Affairs: *Provided further*, That the Indians in general council or their duly authorized representatives, subject to the approval of the Commissioner of Indian Affairs, may establish a different definition of a family which must be generally applicable to all Indians of a reservation. [17 F. R. 1420, Feb. 14, 1952]

§ 71.27 *Administration of Government lands.* (See note to § 71.6)

SUBCHAPTER J—HEIRS AND WILLS

Part 81—Determination of Heirs and Approval of Wills, Except as to Members of the Five Civilized Tribes and Osage Indians

Sec.
81.17 Rehearing. [Amended]
81.19 Appeals. [Amended]
81.20 Presumption of death. [Revised]
81.29 Making, approval as to form, and revocation of wills. [Revised]

§ 81.17 *Rehearing.* (a) Any person aggrieved by the decision of the examiner of inheritance may, within 60 days after the date on which notice of the decision is mailed to the interested parties (or within such additional period as the