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TITLE 25

- Sec. 63.8 Credit sales.
- 63.9 Traveling salesmen.
- 63.10 Commission sales agents.
- 63.11 Deposits.
- 63.12 Statements.

AUTHORITY: §§ 63.1 to 63.12 issued under sec. 9, 39 Stat. 197.

SOURCE: §§ 63.1 to 63.12 contained in regulations for the sale of forest products, Red Lake Indian Reservation, Minnesota, Feb. 11, 1938.

CROSS REFERENCE: For general forest regulations, see Part 61 of this subchapter.

§ 63.1 *Sale in open market.* The lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulpwood, and other marketable products obtained from the forests of the Red Lake Indian Reservation, Minn., may be sold in open competitive markets at such prices as may be realized through the procedure hereinafter provided.

§ 63.2 *Advertisement in trade journals.* The superintendent of the Red Lake Agency is hereby authorized to keep constantly advertised for sale the products of the timber operations on the Red Lake Indian Reservation in one or more lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other forest products, and in newspapers in cities that may afford a favorable market for such forest products.

§ 63.3 *Advertising contracts.* Contracts for advertising may be made in the discretion of the superintendent of the Red Lake Indian Agency, provided that such contracts shall not be executed for a period of over one year.

§ 63.4 *Advertisement, general.* Advertisement of products may also be made by circular letters and through personal contacts with the trade: *Provided,* That the travel expense incident thereto shall not be incurred without specific authority from the superintendent of the Red Lake Indian Agency.

§ 63.5 *Purchase proposals.* Proposals for the purchase of products may be made to the manager of the Red Lake Indian Sawmill, and that official is authorized to quote prices and consummate sales at such times and on such terms as are consistent with the regulations in this part: *Provided,* That sales in excess of \$10,000 shall not be effected except with the approval of the superintendent.

§ 63.6 *Proposals to Government departments.* Proposals to sell may be made to municipalities, counties, States, or the United States and prices quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 63.7 *Cash sales.* All products of the Red Lake Indian Sawmill may be sold for cash f. o. b. mill or at the point of delivery, freight prepaid by the Red Lake Indian Sawmill, except as provided in §§ 63.8 and 63.8. Adjustments and allowances on shipments of forest products after delivery to buyer are authorized in accordance with generally accepted trade practices, when in the judgment of the superintendent of the Red Lake Indian Agency and the manager of the Red Lake Indian Sawmill such adjustments are essential by reason of off-grade shipments or errors in volume: *Provided,* That a written report setting forth the details of each case shall be filed by the manager and approved by the superintendent before such adjustments are authorized.

§ 63.8 *Credit sales.* Shipments of forest products on open account shall be made only to persons or companies of substantial net worth and first-class credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt of car by buyer. A cash discount of 2 percent of mill value may be allowed when the shipment is paid for within 10 days of receipt of car by consignee as evidenced by the original paid freight bill.

§ 63.9 *Traveling salesmen.* Traveling salesmen other than the mill manager may be employed only with prior approval by the Commissioner of Indian Affairs.

§ 63.10 *Commission sales agents.* Sales may be made through commission sales agents for which they may be paid a 5 percent commission on the f. o. b. mill value of the shipment; or when 5 percent does not equal 75 cents per thousand feet board measure a maximum commission of 75 cents per thousand board feet may be allowed the salesman. All such commissions shall be paid only after the mill has been paid in full for the products sold. Sales may be made to wholesalers on which a discount of not more than 8

percent of the f. o. b. mill value may be allowed.

§ 63.11 *Deposits.* On all agreements to purchase for future delivery a deposit of not less than 10 percent of the estimated amount of the purchase may be required in the discretion of the manager, to be forfeited if the purchaser does not comply with the terms of sale; and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the superintendent.

§ 63.12 *Statements.* A monthly statement will be mailed to the Commissioner of Indian Affairs giving a summary statement of all products sold during the preceding month and the average price received for each main class of material.

Part 64—Sale of Lumber and Other Forest Products Produced by Indian Enterprises From the Forests on Indian Reservations

- Sec. 64.1 Definitions.
- 64.2 Purpose of regulations.
- 64.3 Applicability of regulations.
- 64.4 Sale in open market.
- 64.5 Advertisement in trade journals and newspapers.
- 64.6 Advertising, general.
- 64.7 Proposals for purchase.
- 64.8 Proposals to Government departments.
- 64.9 Cash sales.
- 64.10 Payments, discounts, and credit sales.
- 64.11 Commission sales agents.
- 64.12 Deposits.
- 64.13 Statements.
- 64.14 Menominee and Red Lake Indian Reservations excepted.
- 64.15 Subdelegation.

AUTHORITY: §§ 64.1 to 64.15 issued under R. S. 161, 54 Stat. 504, as amended; 5 U. S. C. 22, 41 U. S. C. 6b.

SOURCE: §§ 64.1 to 64.15 appear at 13 F. R. 3184.

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

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Superintendent" means superintendent or other officer in charge of an Indian agency or unit under which the administration of an Indian reservation forest may be placed.

(d) "District Director" means the official in charge of an office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

§ 64.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which lumber and other forest products produced by Indian enterprises from the forests of Indian reservations may be sold without compliance with section 3709 of the Revised Statutes.

§ 64.3 *Applicability of the regulations.* The regulations in this part are intended to be generally applicable except that they shall not apply to the Menominee Indian Reservation in Wisconsin, or the Red Lake Indian Reservation in Minnesota.

§ 64.4 *Sale in open market.* The lumber, lath, shingles, crating, ties, poles, bolts, logs, bark, pulpwood, and other marketable material obtained from the forests on Indian reservations by Indian enterprises may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 64.5 *Advertisement in trade journals and newspapers.* The Commissioner is hereby authorized to advertise for sale the forest products, obtained from Indian reservation forests by Indian enterprises, in lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other forest products, and in newspapers in cities that may afford a favorable market for such products.

§ 64.6 *Advertising, general.* Advertisement of products may also be made by circular letters and through personal interviews with the trade: *Provided,* That the travel expense incident thereto shall not be incurred without specific authority from the Commissioner.

§ 64.7 *Proposals for purchase.* Proposals for the purchase of products may be made to the Commissioner, and he is authorized to quote prices and consummate sales at such times and on such terms as are consistent with the regulations of this part.

§ 64.8 *Proposals to Government departments.* Proposals to sell may be made to municipalities, counties, states, or the United States and prices may be

quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 64.9 *Cash sales.* All products of Indian forest enterprises shall be sold for cash f. o. b. mill or other point of delivery, except as provided in §§ 64.8 and 64.10. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices when, in the judgment of the Commissioner or his duly authorized representative, such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 64.10 *Payments, discounts, and credit sales.* Shipments of forest products on open account shall be made only to persons or companies of substantial net worth and first-class credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt by the buyer. A cash discount of 2 percent of mill value may be allowed when the shipment is paid for within 10 days of receipt by the consignee as evidenced by the original paid freight bill or other evidence acceptable to the Commissioner or his duly authorized representative.

§ 64.11 *Commission sales agents.* Sales may be made through commission sales agents for which they may be paid a commission on f. o. b. mill value of the shipment at rates approved by the Commissioner. Sales may be made to whole-

salers on which a discount at rates approved by the Commissioner may be allowed.

§ 64.12 *Deposits.* On all agreements to purchase for future delivery a deposit may be required in the discretion of the Commissioner, to be forfeited if the purchaser does not comply with the terms of sale; and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the Commissioner.

§ 64.13 *Statements.* Prior to the fifteenth of each month a report must be mailed to the Commissioner or his duly authorized representative giving a summary statement of all products sold during the preceding month and the average price received for each species or class of products.

§ 64.14 *Menominee and Red Lake Indian Reservations excepted.* The regulations prescribed in this part shall not apply to the Menominee Indian Reservation, Wis., or to the Red Lake Indian Reservation, Minn.

§ 64.15 *Subdelegation.* Any or all of the authority conferred upon the Commissioner by this part may be delegated by him to the assistant commissioners of Indian Affairs or his designated representatives, to district directors, or to superintendents. Any delegation of authority pursuant to this section shall provide for appeals to the Commissioner, and thereafter to the Secretary, from actions taken by district directors and superintendents.

SUBCHAPTER I—GRAZING

Cross Reference: For list of grazing forms, see § 296.3 of this chapter.

Part 71—General Grazing Regulations

Sec.		Sec.	
71.1	General authority.	71.13	Authority for advertising grazing privileges.
71.2	Act of June 18, 1934.	71.14	Advertisement of grazing privileges.
71.3	Objectives.	71.15	Grazing permits; how prepared.
71.4	Regulations: scope; exceptions.	71.16	Grazing permits for organized and unorganized tribes.
71.5	Carrying capacity of reservation.	71.17	Bond requirements.
71.6	Establishment of range units.	71.18	Assignment or modification of grazing permits.
71.7	Carrying capacities of range units and grazing seasons.	71.19	Permits and leases issued without powers of attorney.
71.8	Record of grazing permits.	71.20	On-and-off grazing permits.
71.9	Free grazing privileges.	71.21	Trespass.
71.10	Authority to sell grazing privileges on tribal and allotted land.	71.22	Control of livestock diseases.
71.11	Indian competitive bidding.	71.23	Fees for execution of grazing permits.
71.12	Appraisal of grazing privileges.	71.24	Court action for collection of grazing fees and damages.

- Sec. 71.25 Nonconcurrence between the superintendent and the regional forester.
- 71.26 Definitions of terms.
- 71.27 Administration of Government lands.

Authority: §§ 71.1 to 71.27 issued under E. S. 161, sec. 6, 48 Stat. 286; 5 U. S. C. 22, 25 U. S. C. 466.

Source: §§ 71.1 to 71.27 contain general grazing regulations, Dec. 20, 1905, except as noted following sections affected.

Cross References: For agriculture and grazing leases, Osage Nation, Okla., see Part 177 of this chapter. For grazing, Navajo and Hopi Reservations, see Part 72 of this chapter. For leasing of Indian allotted and tribal lands for farming, farm pasture, and business, see Part 171 of this chapter.

§ 71.1 *General authority.* It is within the authority of the Secretary of the Interior to protect Indian tribal lands from waste. Overgrazing, which threatens destruction of the soil, is properly considered waste. Subject to regulations authorized by law, the right exists for Indian tribes and individual Indians to lease or grant permits upon their own tribal land or individual allotments.

§ 71.2 *Act of June 18, 1934.* With respect to reservations upon which the act of June 18, 1934, is applicable, the action of the Secretary must follow the directions laid down in section 6 of that act.

§ 71.3 *Objectives.* It is the purpose of the regulations in this part to aid the Indians in the achievement of the following objectives:

(a) The preservation through proper grazing practice of the forest, the forage, the land, and the water resources on the Indian reservations, and the building up of these resources where they have deteriorated.

(b) The utilization of these resources for the purpose of giving the Indians an opportunity to earn a living through the grazing of their own livestock.

(c) The granting of grazing privileges on surplus range lands not needed by the Indians in a manner which will yield the highest return consistent with undiminished future use.

(d) The protection of the interests of the Indians from the encroachment of untidily aggressive and anti-social individuals.

§ 71.4 *Regulations: scope; exceptions.* The grazing regulations in this part are

hereby made effective as of the date of approval hereof (Dec. 28, 1936), for all Indian lands under the jurisdiction of the Bureau of Indian Affairs, except as the regulations in this part may be superseded by special instructions to particular reservations or by provisions of any tribal constitution, bylaws, charter, heretofore or hereafter ratified, or any tribal action authorized thereunder.

§ 71.5 *Carrying capacity of reservation.* The Commissioner of Indian Affairs will prescribe the maximum number of stock to be grazed on all Indian range lands. The number of stock authorized for each reservation will be based upon the most reliable estimate of the total carrying capacity which may be allowed without risking range deterioration. Any allotment may be used by the allottee for grazing or other purposes independently of the foregoing, but in case the use made thereof may threaten trespass upon or deterioration of adjacent Indian range lands that fact shall be submitted promptly by the superintendent of the reservation for consideration and action by the Secretary of the Interior.

§ 71.6 *Establishment of range units.* The conservation and effective utilization of grazing resources require a suitable division of the range area into range units. Such division shall be effected under the direction of the superintendent and the regional forester, after consultation with the Indians, in accordance with the requirements of range management, land status, and Indian needs.

§ 71.7 *Carrying capacities of range units and grazing seasons.* The total carrying capacity of each range unit will be expressed in terms of animal months, and such figures will be equivalent to the number of animals which may safely graze on a unit without risking deterioration multiplied by the average number of months of the season. In determining the carrying capacity of range units, alienated lands of any character, areas closed to grazing, allotted lands for the use of which the allottee has not given his consent, and fenced allotments excluded from range units should not be considered, except where arrangements have been made with the owners of alienated lands for a joint use. All livestock, regardless of ownership and inclusive of wild horses and burros, will be counted against the total number of