

**CODE
OF FEDERAL
REGULATIONS**



TITLE 25

Revised as of January 1, 1958

**CONTAINING A CODIFICATION OF DOCUMENTS OF GENERAL APPLICABILITY AND
FUTURE EFFECT AS OF JANUARY 1, 1958
*With Ancillaries and Index***

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in timber products and sales may be made at such times and on such terms as may seem to the sales manager and manager to be advantageous to the Menominee Indians, subject to the limitations stated below. All sales shall be subject to review and approval or disapproval by the manager.

§ 143.6 *Proposals for special products.* Proposals may be received and accepted providing for the manufacture of lumber or timber into special dimensions or for the manufacture or sale of any special product, including logs, on which more can be realized in the judgment of the manager, by sale in the log than by any other process of manufacture; but no plan or policy for the sale of any product not subjected to manufacture at the mill at Neopit, or any other mill on the reservation, shall be adopted without the written approval of the manager. Agreements for the sale of unmanufactured products, or of specially manufactured stock, involving a value of more than \$5,000 and sales of any character involving any stock having a value of more than \$25,000, will become effective only when approved and signed by both the sales manager and the manager.

§ 143.7 *Proposals to Government departments.* Proposals to sell may be made by the mills to any State or United States department, and prices quoted to any of these departments in the market for any of the products of the reservation, and payment may be received therefor in accordance with the usual practice of such department.

§ 143.8 *Cash sales.* All products of the Menominee Indian Mills shall be sold for cash f. o. b. car, or at the point of delivery, freight prepaid by the Menominee Indian Mills, except as provided in § 143.9. Adjustment as to quantity or quality of products sold will be made after shipment only after a clear demonstration that an error has been made, and after filing of written data or reports supporting such conclusions.

§ 143.9 *Payments, discounts, and credit sales.* Payments in full for all material sold must be made before shipment, except that on all cash payments a discount of 2 percent of the selling price may be allowed in the discretion of the manager and the sales manager; and those purchasers whose names shall be placed on an approved credit list, to be established by the manager and special

dispensing agent, may have shipments go forward without payment in advance on condition that payment for the material included in such shipments must be made within 10 days from the date of arrival of shipments, unless specific arrangement for a longer time has been made. Such credit shipments must be made with the understanding that the purchase price is due and payable when the shipment is made and that the material sold is forwarded at the risk of the purchaser. Credit of this nature may be extended for 30 days from date of shipment, and in special cases, when advantageous to the Menominee Indian Mills through the elimination of rehandling charges or for other satisfactory reasons, may be extended for 60 days from date of shipment. The 2 percent discount may be allowed when purchasers on the approved credit list pay within 10 days from the date of arrival of shipment, but no discount shall be allowed on payments made after the expiration of the said 10 days. Shipments in advance of full payment may be sent forward consigned to the order of the Menominee Indian Mills, and the invoice and a draft for the value of the material shipped may be sent through reliable banks for collection, with collection fees payable by the purchaser. In the event that such a draft is not promptly paid, the Menominee Indian Mills may cancel the sale and sell the materials shipped in the open market, the original purchaser being responsible and held liable for any loss that results from his default. All payments for products of the operation must be made direct to the Menominee Indian Mills.

§ 143.10 *Traveling salesman.* Traveling salesmen may be employed only with the approval of the Commissioner of Indian Affairs. The traveling expenses of such salesmen shall be paid from the fund applicable to the conducting of timber operations under the acts of Congress authorizing the Menominee project. No agreement of sale by such a salesman shall be effective until a memorandum of such sale, signed by the salesman and the purchaser, shall have been transmitted to the Menominee Indian Mills and accepted by the sales manager or manager.

§ 143.11 *Commission sales agents.* Sales may be made through commission sales agent, and a reasonable and usual commission of not to exceed 5 percent

of the f. o. b. mill value, or when 5 percent does not equal 75 per thousand feet board measure, a maximum of 75 per thousand feet board measure may be allowed, on the receipt of payment by the mills for the product sold. In case an offer from a commission sales agent is considered in competition with other offers, the net price after deducting the commission shall be regarded as the amount of the offer made through such commission sales agents. 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.

§ 143.12 *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 exacted in the discretion of the manager or the sales manager, to be forfeited if for any reason the purchaser does not comply with the terms of the sale, and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the written approval of the manager.

§ 143.13 *Statements.* On or before the fifteenth of each month, a report must 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 species or class of products.

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

§ 143.50 *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 § 143.51 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 § 143.51, assigned or reassigned to eligible Indians.

§ 143.51 *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.

§ 143.52 *Clearing excluded areas.* Forest land described in a certificate issued pursuant to § 143.51 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 § 143.1. The funds derived therefrom shall be deposited to the credit of the "Menominee Four Per Cent Fund."

Part 144—Sale of Forest Products, Red Lake Indian Reservation, Minn.

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AUTHORITY: §§ 144.1 to 144.12 issued under sec. 9, 39 Stat. 137.

SOURCE: §§ 144.1 to 144.12 appear at 22 F. R. 10676, Dec. 24, 1957.

CROSS REFERENCE: For general forest regulations, see Part 141 of this subchapter.

§ 144.1 *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 provided in this part.

§ 144.2 *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.

§ 144.3 *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.

§ 144.4 *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.

§ 144.5 *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 \$40,000 shall not be effected except with the approval of the superintendent.

§ 144.6 *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.

§ 144.7 *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 §§ 144.6 and 144.8. 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.

§ 144.8 *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.

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

§ 144.10 *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 com-

missions 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.

§ 144.11 *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.

§ 144.12 *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.

SUBCHAPTER N—GRAZING

Part 151—General Grazing Regulations

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AUTHORITY: §§ 151.1 to 151.27 issued under R.S. 161, sec. 5, 48 Stat. 986; 5 U. S. C. 22, 25 U. S. C. 466. Statutory provisions interpreted or applied are cited to text in parentheses.

SOURCE: §§ 151.1 to 151.27 appear at 22 F. R. 10676, Dec. 24, 1957.

CROSS REFERENCES: For Navajo grazing, reservations, see Part 162 of this chapter. For leasing and permitting of restricted Indian lands for farming, farm pasture, and business, see Part 131 of this chapter.

§ 151.1 *General authority.* It is within the authority of the Secretary of the

Interior to protect Indian tribal lands against 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.

§ 151.2 *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.

§ 151.3 *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, forage, land, and 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 in a manner which will yield the highest return consistent with undiminished future use.

§ 151.4 *Regulations; scope; exceptions.* The grazing regulations of this part are hereby made effective as of the date of approval hereof for Indian lands under the jurisdiction of the Bureau of Indian Affairs, except as superseded by special written instructions from the Commissioner of Indian Affairs in particular instances, or by provisions of any