

U.S. 26

C664 CUMULATIVE POCKET SUPPLEMENT

1949

v. 25

P.P. 11960

TO THE . . . CODE
OF FEDERAL
REGULATIONS

Title 25—Indians

AS OF
JANUARY 1
1960

For changes on and after
January 1, 1960, see the daily issues of the Federal Register

reason to believe was unlawfully cut from restricted or trust Indian lands, mark the same and forbid its removal from the land or direct its removal to a point of safe keeping. When any such timber is found to be removed to land not under Government supervision the owner of the land should be notified that such timber is Indian trust property. The Secretary may accept payment of damages in full in settlement of civil trespass cases without resort to court action.

§ 141.23 Appeals under timber contracts.

Any action taken by an approving officer exercising delegated authority from

the Secretary of the Interior or by a subordinate official of the Department of the Interior exercising an authority by the terms of the contract may be appealed to the Secretary of the Interior. Such appeal shall not stay any action under the contract unless otherwise directed by the Secretary of the Interior. Appeals will be filed in accordance with any applicable general regulations covering appeals. The Secretary shall notify the appropriate Indian tribal representatives upon receipt of an appeal by the purchaser, and shall notify the purchaser upon receipt of an appeal by the seller.

SUBCHAPTER N—GRAZING

PART 152—NAVAJO GRAZING REGULATIONS

Sec. 152.13 Trespass [Amended]

§ 152.13 Trespass.

(b) All persons running livestock in excess of their permitted number must by April 25, 1959, either obtain permits to cover their total livestock numbers or

reduce to their permitted number, or be in trespass. Additional time may be granted in unusual individual cases as determined and approved by the District Grazing Committee, General Grazing Committee, and the Superintendent or his authorized representative.

[Paragraph (b) amended, 24 F.R. 1178, Feb. 17, 1959]

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

Sec. 161.4 Permission to survey. [Revised]
161.5 Permission to commence construction. [Revised]

§ 161.4 Permission to survey.

Anyone desiring to obtain permission to survey a right-of-way upon and across restricted lands must file a written application therefor with the Superintendent. The application shall adequately describe the proposed project, and it shall be accompanied by the written consent of the landowners as required by § 161.3, by satisfactory evidence of the good faith and financial responsibility of the applicant, and by a check or money order of sufficient amount to cover double the estimated damages which

may be sustained as a result of the survey. With the approval of the Superintendent, a surety bond may be substituted in lieu of a check or money order accompanying an application. Such bond may serve as surety to accompany other applications by the same applicant made under this section, if adequate in amount. An application filed by a corporation must be accompanied by proof of corporate existence and of compliance with State laws entitling the applicant to operate in the State in which the restricted land is situated. An application filed by an unincorporated partnership or association must be accompanied by a certified copy of the articles of partnership or association, or if there be none, this fact must be stated over the signature of each member of the partnership or association. If

the applicant has previously filed with the Department an application accompanied by the evidence required in this section, a reference to the date and place of such filing, accompanied by proof of current financial responsibility and good faith, will be sufficient. Upon receipt of an application made in compliance with the regulations of this part, the Superintendent may grant the applicant written permission to survey.

[24 F.R. 10676, Dec. 24, 1959]

§ 161.5 Permission to commence construction.

Subject to the provisions of § 161.3, permission to proceed with construction work on a right-of-way may be granted by the Superintendent at the same time or after permit to survey is issued and before full compliance is made with the regulations in this part, provided the applicant deposits with the Superintendent in advance such amount, in addition to that deposited in accordance with § 161.4, or increases the surety bond in such amount, as will be sufficient to equal twice the estimated damages which may result from the survey and construction, and agrees in writing to comply promptly with the regulations in this part. The amount of the deposit, if the applicant is an agency of the Federal or of a State Government, will be a sum to cover only the estimated damages whenever it be shown to the satisfaction of the Superintendent that the funds of the applicant are not available for the deposit of the greater amount. Each deposit shall be held in a "special deposit" account until the actual damages have been determined and the application for the right-of-way has been approved.

[24 F.R. 10676, Dec. 24, 1959]

Part 163—Establishment of Roadless and Wild Areas on Indian Reservations

Sec. 163.1 Roadless areas. [Revised]
163.2 Definition of wild areas. [Revised]

§ 163.1 Roadless areas.

A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in non-forested country. The following are established as roadless areas on Indian reservations:

| Name of area | Reservation | Approximate acreage |
|----------------------|------------------|---------------------|
| Wind River Mountains | Shoshone | 220,000 |
| Mt. Thomas | Ft. Apache | 130,000 |
| Mesa Verde | Consolidated Ute | 115,000 |
| Goat Rocks | Yakima | 105,000 |

The boundaries of these areas are described in the appendix to this part.¹

[24 F.R. 8257, Oct. 10, 1959]

Prior Amendments

1958: 23 F.R. 6495, Aug. 22.
1959: 24 F.R. 261, Jan. 10; 24 F.R. 2560, Apr. 2;
24 F.R. 4030, May 19.

§ 163.2 Definition of wild areas.

There are certain areas, not large enough to be designated by the term roadless, from which it is nevertheless desirable to exclude provision for the passage of motorized transportation. Such tracts have been designated as wild areas. The Secretary of the Interior ordered that the following be established as wild areas on Indian reservations:

| Name of area | Reservation | Approximate acreage |
|--------------|-------------|---------------------|
| Mount Adams | Yakima | 48,000 |

The boundaries of this area are indicated in the appendix to this part.¹

[24 F.R. 8267, Oct. 10, 1959]

¹ The appendix to this part is not codified. It appears, however, at 3 F.R. 709-711, Mar. 22, 1938.