CUMULATIVE POCKET SUPPLEMENT

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Title 25—Indians

AS OF JANUARY 1 1959

For changes on and after January 1, 1959, see the daily issues of the Federal Register

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

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

Sec.
163.1 Roadless 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 nonforested country. The following are established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Rainbow Bridge	Navajo	1,590,000
Black Mesa	Navajo	820,000
Grand Canyon	Hualapai	330,000
Painted Desert	Navajo	525,000
Black River	San Carlos-Ft. Apache	325,000
Wind River Mountains	Shoshone	220,000
Columbia-San Poil Divide	Colville	155,000
Mt. Thomas	Ft. Apache	130,000
Mission Range	Flathead	125,000
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]

[23 F. R. 6499, Aug. 22, 1958]

SUBCHAPTERS P–Q—LANDS, SUBSURFACE ESTATES AND RESOURCES

SUBCHAPTER P—MINING

Part 171—Leasing of Tribal Lands for Mining

HOW TO ACQUIRE LEASES

Sec.
171.2 Leases to be made by tribes. [Revised]

RENTS AND ROYALTIES

171.26 Assignments and overriding royalties. [Amended]
171.3 Sale of oil and gas leases. [Amended]

HOW TO ACQUIRE LEASES

§ 171.2 *Leases to be made by tribes.* Indian tribes, bands or groups may, with the approval of the Secretary of the Interior or his authorized representative, lease their land for mining purposes. No oil and gas lease shall be approved unless it has first been offered at an advertised sale in accordance with § 171.3. Leases for minerals other than oil and gas shall be advertised for bids as prescribed in § 171.3 unless the Commissioner grants to the Indian owners written permission to negotiate for a lease. Negotiated leases, accompanied by proper bond and other supporting papers, shall be filed with the Superintendent of the appropriate Indian Agency within 30 days after such permission shall have been granted by the Commissioner to negotiate the lease. The appropriate Area Director is authorized in proper cases to grant a reasonable extension of this period prior to its expiration. The right is reserved to the Secretary of the Interior to direct that negotiated leases be rejected and that they be advertised for bids. All leases shall be approved by the Secretary of the Interior or his duly authorized representative.

[23 F. R. 9393, Dec. 4, 1958]

§ 171.3 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, after being authorized by the tribal council or other authorized representative of the tribe, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of moneys due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

[Paragraph (a) amended, 23 F. R. 7068, Sept. 12, 1958]

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RENTS AND ROYALTIES

§ 171.26 *Assignments and overriding royalties.* * * *

(d) Agreements creating overriding royalties or payments out of production on oil and gas leases shall not be considered as interests in the leases as such term is used in this section. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operation, protection against drainage, compliance with oil and gas operating regulations (30 CFR Part 221), and the requirement for departmental approval before abandonment of any well. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of agreements creating overriding royalties or payments out of production, whether or not actually paid, shall not be considered as justification for the approval of abandonment of any well. Nothing in this paragraph revokes the requirement for approval of assignments and other instruments which is required in this section, but any overriding royalties or payments out of production created by the terms of such assignments or instruments shall be subject to the condition stated above. Agreements creating overriding royalties or payments out of production need not be filed with the Superintendent unless incorporated in assignments or instruments required to be filed pursuant to this section.

Codification: In § 171.26 the headnote was amended to read as set forth above, and paragraph (d) was added, 23 F. R. 9758, Dec. 18, 1958.

Part 172—Leasing of Allotted Lands for Mining

Sec.
172.22 Assignments and overriding royalties. [Amended]

§ 172.22 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

Codification: In § 172.22, the headnote was amended to read as set forth above, and paragraph (d) was added, 23 F. R. 9758, Dec. 18, 1958.

Part 173—Leasing of Lands in Crow Indian Reservation, Montana, for Mining

Sec.
173.21 Assignments and overriding royalties. [Amended]

§ 173.21 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

Codification: In § 173.21, the headnote was amended to read as set forth above, and paragraph (d) was added, 23 F. R. 9758, Dec. 18, 1958.

[1] The appendix to this part appears at 3 F. R. 709–711, Mar. 22, 1938.