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CUMULATIVE POCKET SUPPLEMENT
TO THE . . . CODE
OF FEDERAL
REGULATIONS

Title 25—Indians

AS OF
JANUARY 1
1961

For changes on and after
January 1, 1961, see the daily issues of the Federal Register

submitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, for approval.

§ 130.12 *Issuance of trust patents.* With the request for approval of the allotment schedule, the Area Director shall also request the Secretary of the Interior to authorize the Director, Bureau of Land Management to issue trust patents for each of the selectors in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 2, 1917 (39 Stat. 969, 976).

§ 130.13 *Special instructions.* To facilitate the work of the Area Director the Commissioner, Bureau of Indian Affairs may issue special instructions consistent with the rules and regulations in this part.

SUBCHAPTER I--LEASING AND PERMITTING

Part 131--Leasing and Permitting

- Sec.
- 131.3 Applicability of regulations and reserved authority by the Secretary. [Revised]
- 131.8 Negotiation of individual leases and permits. [Revised]
- 131.9 Negotiation of tribal leases and permits. [Amended]
- 131.29 Palm Springs, California. [Revised]
- 131.30 Navajo Reservation. [Added]
- 131.31 Colorado River Reservation. [Added]
- § 131.3 Applicability of regulations and reserved authority by the Secretary.

The regulations in this part are of general application. Notwithstanding any limitations contained in the regulations of this part the Secretary retains the right to approve any lease or permit the terms of which meet statutory requirements when he finds that the lease or permit is in the best interest of the Indian owner.

[24 F.R. 762, Feb. 4, 1959]

Prior Amendments

1958: 23 F.R. 87, Jan. 4.

§ 131.8 *Negotiation of individual leases and permits.* (a) Adult Indians (other than those non compos mentis) may negotiate for themselves and for their minor children on forms approved by the Secretary or his duly authorized representative, leases or permits for the use of individual restricted lands, subject to the regulations of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessees or permittees to the adult Indian lessors or permitters for their lands. Rentals on minors' lands shall be paid to the superintendent except where under applicable statutes it is mandatory that such rentals be paid to the parents. Subject to the classes of leases hereinafter specified, negotiated leases shall not be approved at less than the appraised fair rental value.

(b) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government at less than the fair annual rental value. Such In-

dian may also lease lands without regard to the fair rental value to members of his or her immediate family. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers and sisters, lineal ancestors or descendants.

[23 F. R. 87, Jan. 4, 1958]

§ 131.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative and subject to the approval of the Secretary or his authorized representative, leases or permits with respect to tribal lands. Subject to the exception herein, negotiated leases shall not be approved at less than the appraised fair rental value. Leases for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government may be approved at less than the appraised fair rental value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

[Paragraph (a) amended, 23 F. R. 87, Jan. 4, 1958]

§ 131.29 Palm Springs, California.

(a) In addition to the authority for the negotiation of leases contained in § 131.8, leases and permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs Band of Mission Indians may be negotiated by guardians or conservators duly qualified as to authority and bond under the laws of California, to enter into transactions on behalf of the owner of the property. Such leases and permits shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Leases and permits so negotiated shall provide that rentals due may, in the discretion of the

Secretary, be paid to such guardians or conservators: *Provided, however*, That at any time during the term of the lease or permit the Secretary may, at his discretion and upon thirty days' notices to the lessee or permittee, require the remaining rentals to be paid to the Secretary.

(b) Notwithstanding the limitation contained in § 131.6(a) leases made on tribal or allotted lands of the Agua Caliente (Palm Springs) Reservation, California, may be made for terms up to 99 years, except grazing leases which may be for terms of not to exceed 10 years, but no lease shall be made for a term of years that is longer than the time needed, in the judgment of the approving officer, to obtain the most favorable terms for the Indian lessor.

[25 F.R. 7185, July 20, 1960]

§ 131.30 Navajo Reservation.

Notwithstanding the provisions of § 131.14(a) leases of land on the Navajo

Reservation for public, religious, educational, recreational, residential or business purposes may be made for a term of not to exceed ninety-nine years.

[25 F.R. 9470, Oct. 4, 1960]

§ 131.31 Colorado River Reservation.

(a) The Secretary may lease any unassigned lands located within Arizona on the Colorado River Reservation for such uses and terms as are authorized by these regulations. Lands heretofore assigned on this reservation may be leased by the holders of the assignments in accordance with these regulations.

(b) Income received from leases of unassigned lands may be expended or advanced by the Secretary for the benefit of the Colorado River Indian Tribes and their members. Income received from leases of assigned lands may be expended or advanced for the benefit of the assignee.

[25 F.R. 9470, Oct. 4, 1960]

SUBCHAPTER M--FORESTRY

PART 141--GENERAL FOREST REGULATIONS (REVISED)

Sec.	
141.1	Definitions.
141.2	Scope.
141.3	Objectives.
141.4	Sustained-yield management.
141.5	Cutting restrictions.
141.6	Indian operations.
141.7	Timber sales from unallotted and allotted lands.
141.8	Advertisement of sales.
141.9	Timber sales without advertisement.
141.10	Deposit with bid.
141.11	Acceptance and rejection of bids.
141.12	Contracts required.
141.13	Execution and approval of contracts.
141.14	Bonds required.
141.15	Payments for timber.
141.16	Advance payments for allotment timber.
141.17	Time for cutting timber.
141.18	Deductions for administrative expenses.
141.19	Timber cutting permits.
141.20	Free-use cutting without permit.
141.21	Fire protective measures.
141.22	Trespass.
141.23	Appeals under timber contracts.

Authority: §§ 141.1 to 141.23 issued under secs. 7, 8, 36 Stat. 867; 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 988; 25 U.S.C. 466; 47 Stat. 1417, 25 U.S.C. 413. § 141.23 issued under 5 U.S.C. 22, 25 U.S.C. 2.

Source: §§ 141.1 to 141.23 appear at 24 F.R. 7870, Sept. 30, 1959.

CROSS REFERENCES: For rights-of-way, see Part 161 of this chapter. For sale of timber products, Menominee Indian Reservation, see Part 143 of this chapter. For sale of forest products, Red Lake Indian Reservation, Minnesota, see Part 144 of this chapter. For sale of lumber and other forest products produced by Indian enterprises from other reservations, see Part 142 of this chapter. For wilderness and roadless areas, see Part 163 of this chapter. For law and order, see Part 11 of this chapter.

§ 141.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Indian forest lands" means lands held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are chiefly valuable for the production of forest crops; or such lands on which a forest cover should be main-

tained in order to protect watershed or other values.

(c) "Stumpage value" means the value of uncut timber as it stands in the woods.

(d) "Stumpage rate" means the stumpage value per thousand board feet or other unit of measure.

§ 141.2 Scope.

The regulations in this part are applicable to all Indian forest lands except as this part may be superseded by special legislation.

§ 141.3 Objectives.

The following objectives are to be sought in the management of Indian forest lands:

(a) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(c) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(d) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(e) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.