



8. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 59-8180; Filed, Sept. 29, 1959;  
8:51 a.m.]

[Docket No. 9884 et al.; Order No. 14484]

**PART 294—CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT**

**Applications for Exemption To Perform Service Under Military Contracts**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of September 1959.

The Board has, since 1957, granted air carriers engaged in military charter operations, pursuant to contracts with the Military Establishment, individual exemptions<sup>1</sup> from the tariff filing requirements of section 403 and from the anti-discrimination provisions of section 404. These latter exemptions we found to be necessary since tariffs embodying rates set out in bids to the Military could not meet the requirements of the Act or of the Board's Regulations.

In recent years, the Board has devoted substantial time and effort to reconcile the Military's competitive bid system with the tariff filing requirements of the Act, including representation on a joint CAB-Defense Department working group established in 1958. No satisfactory solution to this problem was developed. The Board therefore published a proposed policy statement entitled "Rates for Military Traffic" (24 F.R. 1866), containing minimum rates considered economical for the movement of both plane-load and individual military traffic.<sup>2</sup> In view of the nonconcurrency of the Defense Department and the strong division of interest among the air carriers as to this problem, the Board decided not to adopt the proposed policy statement,<sup>3</sup> but to continue to make available Title IV exemptions to air carriers who are successful bidders on MATS augmentation contracts. This order implements that decision.

Applications for exemptions from sections 403 and 404 of the Act have been received from the carriers who have been awarded MATS contracts for the coming contract period. The Board has obtained economic data from the successful carrier bidders for MATS long term fixed contracts. Such data do not per-

mit a conclusion that the contract prices are uneconomic. In this connection, it should be noted that the Board is without statutory power—a power which it has requested repeatedly from the Congress—to fix and determine reasonable rates for air transportation between the United States and other countries.

The Board finds that if the exemption authority were not granted herein it would create economic hardships for the air carriers; that the exemption authority is necessary in the interest of national defense; that the circumstances which warranted earlier grants of similar exemptions continue to exist. The Board, in granting this exemption, also has taken into account the various pertinent considerations and findings contained in our concurrent order granting exemption from section 401 of the Act with respect to military charter operations (Order No. E-14485).

Part 294 grants exemptions from sections 401, 403, 404, and 405 of the Act and specific Board regulations to air carriers engaged in charter operations pursuant to contracts with the Military, but contains in § 294.1(b) (1) and (2) thereof, the requirements that the charter must provide for a minimum average of 24 one-way schedules to and from the same point per 30-day period, and must provide for a definite schedule pattern.

Since the promulgation of Part 294, there has been a revision in the form of the military contract which has raised a question as to the technical applicability of Part 294. In order to resolve this question, we are here providing for certain exemptions from requirements currently contained in the regulation. In prior years such provision was made by individual exemption order issued to all classes of carriers. In order to alleviate the administrative burden on the carriers and to the Board of acting upon individual applications for exemptions from sections 403 and 404, we have determined that it would be more appropriate to issue an order providing for exemption from the requirements contained in § 294.1(b) (1) and (2) of Part 294.

Accordingly, we conclude that the enforcement of the provisions now contained in § 294.1(b) (1) and (2) of Part 294 of our regulations places an undue burden on the air carriers by reason of the limited extent of and unusual circumstances affecting the operations of such air carriers and is not in the public interest.<sup>4</sup>

Therefore, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958: *It is ordered*, That:-

Air carriers who otherwise meet the requirements of Part 294 of the Board's Economic Regulations (14 CFR Part 294), are hereby exempt, for the period October 1, 1959 through September 30,

<sup>4</sup> In taking this action the Board has reviewed the applications of Overseas National Airways, Inc. in Docket No. 8833, as well as the objection thereto by Seaboard & Western, and also the application of Alaska Airlines, Inc. in Docket No. 10871. Our action herein effectively disposes of these various filings.

1960, from the provisions contained in § 294.1(b) (1) and (2) thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 59-8182; Filed, Sept. 29, 1959;  
8:51 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER M—FORESTRY

### PART 141—GENERAL FOREST REGULATIONS

#### Revision

There was published in the FEDERAL REGISTER on November 27, 1958 (23 F.R. 9188) notice of intention to revise 25 CFR Part 141. In addition to minor changes, the revised regulations include an appeals procedure in timber sale contracts, greater flexibility in small sales of timber, a revised formula for computing reimbursement to the Bureau of expenses of timber management out of timber revenues, a new definition of forest lands required to be managed under sustained yield practices, a more logical definition of annual timber harvest, greater flexibility in the preservation of scenic strips, and new provisions for preservation of wildlife, grazing and other values.

Interested persons were given an opportunity to submit their views, data, or arguments in writing on the proposed revision to the Commissioner of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Several suggestions as to content and arrangement were received, and as a result several changes have been made, including the following:

In § 141.1 the definition of "stumpage" has been changed to "stumpage value," and a definition of "stumpage rates" has been added. Appropriate changes have been made throughout the text to conform with these changes in definitions. Section 141.3(e) has been expanded to provide for concurrence by authorized Indian representatives when forest areas are to be preserved in their natural state. Section 141.5 has been expanded to authorize clear-cutting when other methods of harvest are not practicable. Section 141.8(b) has been eliminated and its provisions with respect to sale of timber without advertisement now appear as a part of § 141.9. Section 141.14 has been revised with respect to the posting of cash bond. Section 141.19(b) has been expanded to permit a limitation on the use of timber cut under free-use permits. Section 141.21 has been expanded to eliminate its application to actions taken under the act of May 27, 1955. The last sentence of § 141.22 has been changed to cover more properly the Secretary's authority in settlement of civil trespass cases. Section 141.23 has been expanded to provide that in case of an appeal to the Secretary by one party to a

<sup>1</sup> See also Order No. E-13040, September 30, 1958.

<sup>2</sup> The Board lacks the statutory authority to prescribe just and reasonable rates in foreign air transportation; therefore, it could only state what it considered economical rates for the movement of military traffic.

<sup>3</sup> CAB Release 59-21, June 11, 1959.

timber sale contract, the other party is to be notified of such appeal.

The revision of 25 CFR Part 141 set forth below is hereby adopted and becomes effective on the date of this publication.

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

**AUTHORITY:** §§ 141.1 to 141.22 issued under secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 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.

**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 maintained 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.

(g) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

#### § 141.4 Sustained-yield management.

In accordance with the objectives set forth in § 141.3, the harvest of timber from Indian forest lands will not be authorized until there have been prescribed practical methods of cutting, based on sound silvicultural principles. Cutting schedules shall be directed toward the salvage of timber that is deteriorating as a result of fire damage, insect infestation, disease, over-maturity or other cause; and toward achieving an approximate balance between maximum net growth and harvest during each cutting cycle. For all Indian reservations of major importance from an industrial forestry standpoint, management plans for the forest resource shall be prepared by the Bureau of Indian Affairs, and revised as needed. The plans shall contain a statement of the manner in which the policies of the Bureau of Indian Affairs are to be applied on the forest, with a definite plan of silvicultural management and a program of action, including a cutting schedule, for a specified period in the future.

#### § 141.5 Cutting restrictions.

Clearcutting of large contiguous areas will be permitted only on lands that, when cleared, will be devoted to a more beneficial use than the growing of timber crops; but this restriction shall not prohibit clearcutting, by staggered settings or otherwise, when it is silviculturally good practice to harvest a particular stand of timber by such methods, or when it is not practicable to harvest

such timber stand by methods other than clearcutting.

#### § 141.6 Indian operations.

Indian tribal logging or sawmill enterprises may be organized and initiated, subject to consent of the authorized tribal representatives, where applicable, and approval by the Secretary.

#### § 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding \$200 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber, the timber shall be appraised and sold at not less than its appraised value.

#### § 141.8 Advertisement of sales.

Sales of timber shall be made only after advertisement except as provided in §§ 141.9 and 141.19.

(a) The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. The advertisement may limit sales of Indian timber to members of the tribe, or may grant to members of the tribe who submitted bids the right to meet the higher bid of a non-Indian. If the estimated stumpage value of the timber offered does not exceed \$1,000, the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds \$1,000, the advertisement shall also be made in at least one edition of a newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed \$10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds \$10,000 but not \$100,000, for not less than 30 days; and if the estimated stumpage value exceeds \$100,000, for not less than 60 days.

(b) The approving officer may reduce the advertising period because of emergencies such as fire, beetle attack, blowdown, limitation of time, or when there would be no practical advantage in advertising for the prescribed periods.

(c) If no contract is executed after such advertisement, the approving officer may, within 1 year from the last day on which bids were to be received as defined in the advertisement, permit the sale of such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised

value or the appraised value at the time of sale, whichever is greater.

**§ 141.9 Timber sales without advertisement.**

With the consent of the tribal or individual Indian owners of the timber, and the approval of the Secretary, sales without advertisement may be made:

(a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding \$5,000. Such contracts shall not be made for a longer term than 2 years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

**§ 141.10 Deposit with bid.**

(a) A deposit shall be made with each proposal for the purchase of either allotted or unallotted Indian timber. Such deposits shall be at least 20 percent if the appraised stumpage value is less than \$10,000; at least 10 percent if the appraised stumpage value is between \$10,000 and \$100,000, but in any event not less than \$2,000; at least 5 percent if the appraised stumpage value is between \$100,000 and \$250,000, but in any event not less than \$10,000; and at least 3 percent if the appraised stumpage value exceeds \$250,000, but in any event not less than \$12,500.

(b) Deposits shall be in the form of either a certified check, cashier's check, bank draft, or postal money order, drawn payable to the order of the Bureau of Indian Affairs, or in cash.

(c) The deposit of the apparent high bidder, and of others who submit written requests to have their bids considered for acceptance, will be retained pending acceptance or rejection of the bids. All other deposits will be returned promptly following the opening and posting of bids.

(d) The deposit of the successful bidder will be retained as liquidated

damages if the bidder does not execute the contract, and furnish the performance bond required by § 141.14, within the time stipulated in the advertisement of timber sale.

**§ 141.11 Acceptance and rejection of bids.**

(a) Applicants or bidders may be individuals, associations of individuals, or corporations. In ordinary circumstances the high bid received in connection with any advertisement issued under authority of this part shall be accepted. However, the approving officer, having set forth his reasons in writing shall have the right to reject the high bid:

(1) If he considers the high bidder to be unqualified to fulfill the contractual requirement of the advertisement, or

(2) If he has reasonable grounds to consider it in the interest of the Indians to reject the high bid.

(b) If the high bid is rejected, the approving officer may authorize:

(1) Rejection of all bids, or

(2) Acceptance of the offer of another bidder who, at the time of opening of bids, makes formal request that his bid be so considered.

(c) The officer authorized to accept the bid is also authorized in his discretion to waive minor technical defects in advertisements and proposals.

**§ 141.12 Contracts required.**

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding \$200 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

**§ 141.13 Execution and approval of contracts.**

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or by an authorized official of the Bureau of Indian Affairs act-

ing pursuant to a power of attorney from the Indian owner. Contracts to be valid must be approved by the Secretary.

(c) *Execution of contracts for incompetents.* The Superintendent shall execute contracts on behalf of Indian owners who are incompetent by reason of mental incapacity or minority. Contracts to be valid must be approved by the Secretary.

**§ 141.14 Bonds required.**

Performance bonds will be required in connection with all contracts for the sale of Indian timber, but in the discretion of the approving officer may not be required in connection with timber cutting permits issued pursuant to § 141.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed \$10,000 the bond shall be approximately 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds \$10,000 but is not over \$100,000, the bond shall be approximately 15 percent of the estimated stumpage value but not less than \$2,000; in sales in which the estimated stumpage value exceeds \$100,000 but is not over \$250,000, the bond shall be approximately 10 percent of the estimated stumpage value but not less than \$15,000; and in sales in which the estimated stumpage value exceeds \$250,000, the bond shall be approximately 5 percent of the estimated stumpage value but not less than \$25,000. Bonds may be in the form of a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government bonds supported by appropriate power of attorney and performance bond.

**§ 141.15 Payments for timber.**

The basis of volume determination for timber sold shall be the Scribner Decimal C, International ¼ inch, or International Decimal ¼ inch log rules, cubic volume, weight, or such other form of measurement as the Secretary shall designate for each sale. Payments for timber will be required in advance of cutting, either as a single lump sum payment, or in the form of advance deposits, or as advance payments pursuant to § 141.16. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided*, That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately 3 months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust allotted timber, pursuant to § 141.16, shall not operate to reduce the size of advance deposits required by this section, but may postpone the necessity of requiring such deposits until the advance payments on the particular allotments being cut have been exhausted.

**§ 141.16 Advance payments for allotment timber.**

Unless otherwise authorized by the Secretary, and except in the case of lump sum sales, contracts for the sale of timber from trust allotments shall provide for the payment of 15 percent of the stumpage value, calculated at the bid price, within 30 days of contract approval, and for additional payments of 15 percent and 20 percent of the same total value within 3 years and 6 years respectively of approval if the contract extends beyond those periods; except, that no advance payment will be required that would make the sum of such payment and of advance deposits and advance payments previously applied against timber cut from the allotment exceed 50 percent of the bid stumpage value. The advance payments shall be credited against the allotment timber as it is cut and scaled, at the stumpage rates governing at the time of scaling.

**§ 141.17 Time for cutting timber.**

Unless otherwise authorized by the Secretary, the maximum period which shall be allowed, after the effective date of a timber contract, for cutting of the estimated volume of timber purchased shall be 5 years.

**§ 141.18 Deductions for administrative expenses.**

In sales of timber from either allotted or unallotted lands a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required.

**§ 141.19 Timber cutting permits.**

Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in §§ 141.13(b) and 141.13(c). The stumpage value which may be cut in 1 year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed \$200, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

(a) Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of

forest products by persons authorized under § 141.13 to execute timber contracts. Timber cut under this authority may be limited as to sale or exchange for other goods or services.

(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 141.18. The permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests.

**§ 141.20 Free-use cutting without permits.**

(a) Timber may be cut by an Indian for his personal use from an allotment in which he holds the sole beneficial interest, without a permit or contract; but timber cut under this authority shall not be sold, or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by § 141.4.

(b) With the consent of the authorized tribal representatives and the Secretary, Indians may cut designated types of forest products from unallotted lands without a permit or contract, and without charge. Timber cut under this authority shall be for the Indian's personal use, and shall not be sold or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by § 141.4.

**§ 141.21 Fire protective measures.**

The Secretary is authorized to hire temporary labor, rent fire fighting equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires. No expense for fighting a fire outside a reservation may be incurred unless the fire threatens the reservation, or unless such expense is incurred pursuant to an approved cooperative agreement with another forest protection agency. The rates of pay for fire fighters and for equipment rental shall be the rates for such fire fighting services that are currently in use by public and private forest fire protection agencies adjacent to Indian reservations on which a fire occurs, unless there are in effect at the time different rates that have been approved by the Secretary. The Secretary may enter into reciprocal agreements with any fire organizations, maintaining fire protection facilities in the vicinity of Indian reservations, for mutual aid in fire protection. This section does not apply to

the rendering of emergency aid, or agreements for mutual aid, in fire protection pursuant to the act of May 27, 1955 (69 Stat. 66).

**§ 141.22 Trespass.**

Federal statutes provide that: (a) Willful and unauthorized setting fire to timber, underbrush, or grass or other inflammable material upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, is punishable by fine of not more than \$5,000 or imprisonment of not more than 5 years, or both; (b) whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material on such lands, leaves said fire without totally extinguishing it, or permits such fire to spread beyond his control, or leaves such fire unattended, shall be fined not more than \$500 or imprisoned not more than 6 months, or both; (c) the unlawful cutting or wanton injury or destruction of trees standing, growing, or being upon such lands is punishable by fine of not more than \$1,000 or imprisonment of not more than 1 year, or both; (d) section 1 of the act of June 25, 1948 (62 Stat. 787; 18 U.S.C. 1853) provides penalties for the unlawful cutting of timber on Government lands and on Indian lands under Government supervision. The Secretary may seize timber which he has 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.

ELMER F. BENNETT,  
*Acting Secretary of the Interior.*

SEPTEMBER 23, 1959.

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