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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 1411]

GENERAL FOREST REGULATIONS

Trespass

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to amend § 141.22 of Title 25, Code of Federal Regulations, as set forth below.

The purpose of this amendment is to clarify the authority for disposing of timber cut in trespass which is still on land under the direct control of the Government and timber cut in trespass which has been moved to land not under the direct control of the Government.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 141.22 is amended to read as follows:

§ 141.22 Trespass.

(a) Federal statutes provide that:

(1) 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.

(2) 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.

(3) 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 one year, or both.

(4) 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.

(b) The Secretary may mark and forbid the removal of timber from restricted or trust Indian lands or direct its removal to a point of safekeeping when he

has reason to believe that such timber was unlawfully cut. Any such timber that can be positively identified as Indian trust property should be sold to prevent its deterioration and to mitigate the damage and lessen the liability of the trespasser. When any timber cut in trespass 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 and any further action should be upon advice of the Solicitor of the Department of the Interior. Any timber sold under this § 141.22 may be disposed of under the provisions of this Part 141 insofar as they are applicable. The Secretary may accept payment of damages in full in the settlement of civil trespass cases without resort to court action.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 31, 1963.

[F.R. Doc. 63-5948; Filed, June 5, 1963;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 7301]

RICE

Establishment of Acreage Allotments on a Producer Basis in South Carolina

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Department proposes to amend certain sections of the regulations for the determination of rice acreage allotments for the 1959 and subsequent crops of rice (23 F.R. 8528), as amended. The purpose of these amendments is to change the method for establishing rice acreage allotments from a "farm" basis to a "producer" basis in the State of South Carolina, effective for the 1964 crop year.

For the past several years the rice acreage required to be allotted to counties in South Carolina has not been planted. The reason for failure to plant has been largely because the farms to which the allotments have been made under existing regulations do not have the developed rice land necessary to rotate and produce the crop profitably. Under the proposed amendment, rice allotments would be established for eligible producers, taking into consideration certain factors, on the basis of the past production of rice by the producers on the farm instead of the past production of rice on the farms as has been the case during the 1955-63 period. Such a change will make it possible under cer-

tain conditions for the rice acreages allotted to producers in the State to be planted on farms in the State on which there is sufficient land suitable for the production of rice under a rotation system that is necessary to produce the crop profitably.

It is proposed that the following paragraphs be amended: Paragraph (a) of § 730.1010, paragraphs (l) and (m) of § 730.1011, paragraphs (c) and (g) of § 730.1016, paragraph (a) of § 730.1024, and paragraph (a) of § 730.1033. A new paragraph (h) would be added to § 730.1016. The proposed changes follows:

1. Paragraph (a) of § 730.1010 would be amended by deleting the language "South Carolina," where it appears in the second sentence immediately following the State of "Oklahoma" and adding the language "South Carolina," in the same sentence immediately following the State of "Florida."

2. Paragraph (l) of § 730.1011 would be amended by adding the language "South Carolina," immediately following the language "Florida,".

3. Paragraph (m) of § 730.1011 would be amended by deleting the language "South Carolina," where it appears immediately following the language "Oklahoma,".

4. Paragraph (c) of § 730.1016 would be amended by adding at the end thereof the following new subparagraph (3):

(3) In the State of South Carolina, the acreage planted or considered planted to rice as determined under paragraph (b) of this section for any farm for the years 1959 through 1963 shall be divided among the producers who shared in the rice crop produced on such farm in such year by virtue of furnishing land, labor, water, or equipment in the proportion in which such producers shared in such rice crop.

5. Paragraph (g) of § 730.1016 would be amended by adding in the last line thereof the reference to the new paragraph (h) of this section.

6. § 730.1016 would be further amended by adding at the end thereof the following new paragraph (h):

(h) *Recommended producer base acreage in the State of South Carolina.*

(1) In the State of South Carolina, if the county committee finds for any old producer that the historical average acreage as determined in accordance with subdivision (i) of subparagraph (2) of this paragraph for such producer adequately reflects the factors referred to in paragraph (a) of this section, such acreage shall be the recommended base acreage for the producer for the current year. In making such finding, the county committee shall take into consideration the factors referred to in subdivision (ii) of subparagraph (2) of this paragraph.

(2) If the county committee finds that the historical average acreage for such