

**CODE  
OF FEDERAL  
REGULATIONS**



**TITLE 25**

**Revised as of January 1, 1958**

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**CONTAINING A CODIFICATION OF DOCUMENTS OF GENERAL APPLICABILITY AND  
FUTURE EFFECT AS OF JANUARY 1, 1958  
*With Ancillaries and Index***

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**Published by the Federal Register Division, National Archives and Records Service,  
General Services Administration, as a Special Edition of the Federal Register  
Pursuant to Section 1.1 of the Federal Register Act as Amended**

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years, further advance payments should be required. In the absence of specific instructions to the contrary from the Commissioner of Indian Affairs, such allotment contracts should provide for the payment of 10 percent of the estimated value of the timber within 30 days of approval, an additional 15 percent within three years thereafter, and a further additional 25 percent within 6 years of the date of approval. The advance payments so made will be credited against the allotted timber as such timber is cut and scaled.

§ 141.24 *Time for cutting and removal of timber.* The maximum periods which shall be allowed after the date of the contract for the cutting and removal of the timber purchased shall be as follows: For sales of \$1,000 stumpage value or less, 1 year; for sales of over \$1,000 but not exceeding \$10,000, the 3 years; for sales over \$10,000 but not exceeding \$100,000, 8 years; and for sales exceeding \$100,000, the number of years shall be fixed in the advertisement. However, the cutting and removal of any amount shall not be so distributed over the allowed period as to render the cost of supervision unreasonably high.

§ 141.25 *Deduction for administrative purposes.* In all sales of timber from either allotted or unallotted land a sufficient deduction will be made from the gross proceeds to cover the cost of examining, supervising, advertising, collecting, disbursing, accounting, marketing, scaling, caring for the slash, and protecting from fire the timber and young growth left standing on the land being logged or upon adjacent land. Unless special instructions have been given by the Commissioner of Indian Affairs as to the amount of the deduction or the manner in which it is to be made, 10 percent of the gross amount received for the timber sold under regular supervision from allotted or from unallotted land will be deducted by the Superintendent to cover administrative expenses as required by the act of February 14, 1920 (41 Stat. 415; 25 U. S. C. 413), as amended. When timber on either allotted or unallotted land is sold for a lump sum on an estimate in such a manner that no administration by the Indian Service subsequent to the sale is required, a deduction of 5 percent of the sale price will be made to cover the cost of estimating the timber and effecting the sale.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 141.26 *Distribution of payments.* When the ownership of funds is definitely known, official receipts issued for the proceeds of timber sales shall show separately the amount to be credited to the tribal fund, the amount to be credited to individual Indians, and the amount deducted to reimburse the United States for administrative expenses. When the ownership of funds is not definitely known the official receipt should show the funds placed in "special deposits." Subsequently, when it is determined by receipt of timber-scale reports how these funds should be distributed, a journal voucher will be prepared transferring such funds to the proper account. The entire proceeds from unallotted timber will be deposited in the treasury as "sundry receipts." The amounts deducted to cover administrative expenses will be credited to the United States as "miscellaneous receipts." The net proceeds from unallotted timber, after this deduction has been made, will take the title of "Indian moneys, proceeds of labor," or some other title required by special legislation applicable to the particular reservation from which the timber was removed. The proceeds from allotted timber, after deducting the administrative expenses, will be taken up on the superintendent's account as "individual Indian money." The amounts deducted to cover administrative expenses will be taken into the superintendent's accounts as "sundry receipts," will be deposited into the Treasury of the United States under that title, and will thereupon be credited to the United States as "miscellaneous receipts." For detailed explanation of this accounting, reference should be made to General Instructions for the Preparation of Timber Records, approved July 1, 1924.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 141.27 *Permits.* Superintendents will insist that all timber cutting, except cutting of allotted timber for the personal use of the allottee, be done under a formal contract as provided in § 141.18, shall be done under the regular permit Form 5-924. The permit form was de-

\*General Instructions for the Preparation of Timber Records, approved July 1, 1924, may be obtained from the Commissioner of Indian Affairs, Washington, D. C.

vised as a convenience in meeting the requirements of Indians and other persons for limited quantities of timber for domestic, agricultural, and grazing purposes. It must not be used as a substitute for the regular timber contracts. The maximum value of the stumpage which may be cut under permit in 1 year by any individual shall not exceed \$100. Permits for cutting on unallotted lands to individual Indian operators who need either dead or living timber for personal use may be made without stumpage charge, but all timber cut in this manner should be done under permit and the trees to be cut should be designated by a forest officer or other agency employee. All permits for unallotted timber must be approved by the duly authorized representatives of the tribe and all permits for allotted timber must be approved by the allottee or his legal representative.

§ 141.28 *Soil conservation.* (a) Soil erosion constitutes a serious menace on many of the Indian forest lands. Its prevention should receive primary consideration in the management of Indian forests. Heavy cuttings should generally not be permitted on areas especially susceptible to erosion, and such cuttings as may be conducted should be governed by a maximum degree of care in the protection of the forest and ground cover. Where gulleys have started they should be plugged with brush. In certain cases where the danger from erosion is especially severe, the brush should be scattered in such manner as to form a protection cover instead of disposing of it by the usual piling and burning.

(b) Logging roads, truck trails, chutes, landing grounds, and other improvements incident to the development of the timber should be located so as to cause the minimum concentration of run-off. Steep grades should be avoided in all country with an appreciable erosion hazard. Rights-of-way should be slashed no wider than necessary, deep side-cuts should be held to a minimum consistent with good location, and long tangents requiring a large amount of cutting and filling should be avoided. If, in spite of these precautions, serious erosion does threaten, then more elaborate steps to spread water and to check silt- ing will have to be undertaken. Conditions surrounding the erosion problem vary so widely on the different forested reservations that even generalities with

respect to prevention and control are difficult of formulation. Accordingly, the local officials on each reservation where erosion has developed should get such expert advice as may be available to help formulate plans for the protection of the soil from serious depletion.

Cross REFERENCES: For regulations pertaining to rights-of-way for logging roads, see Part 161 of this chapter.

§ 141.29 *Recreation.* In the making of timber sales careful consideration should be given as to whether it will be more beneficial for the Indians to have a specific area logged or reserved for recreational and scenic purposes. Cutting of timber along stocked streams should be carried out conservatively so as to disturb the environment of the fish as little as possible. A strip of timber should be reserved for at least 250 feet on the side of all highways in the ponderosa pine timber type and in the Lake States forests. In the large West Coast timber the reserved strip should be at least a quarter of a mile wide on either side of the road. In these strips no trees other than those which are dead or dying should be cut. Timber operations should never be permitted to interfere with Indian ceremonial sites.

§ 141.30 *Purchase of products of Indian industry in the administration of Indian affairs.* The purchase of products of Indian industry required in the administration of Indian affairs may be made in open market provided such products reasonably meet specifications and the price the cost does not exceed local prevailing prices for similar products by more than 10 percent.

(Sec. 23, 36 Stat. 801; 25 U. S. C. 47)

**Part 142—Sale of Lumber and Other Forest Products Produced by Indian Enterprises From the Forests on Indian Reservations**

Sec.	Definitions.
142.1	Definitions.
142.2	Purpose of regulations.
142.3	Applicability of regulations.
142.4	Sale in open market.
142.5	Advertisement in trade journals and newspapers.
142.6	Advertisement, general.
142.7	Proposals for purchase.
142.8	Proposals to Government departments.
142.9	Cash sales.
142.10	Payments, discounts, and credit sales.

- Sec. 142.11 Commission sales agents.
- 142.12 Deposits.
- 142.13 Statements.
- 142.14 Menominee and Red Lake Indian Reservations, excepted.
- 142.16 Subdelegation.

**AUTHORITY:** §§ 142.1 to 142.15 Issued under R. S. 181, 54 Stat. 604, as amended; 5 U. S. C. 22, 41 U. S. C. 60.

**SOURCE:** §§ 142.1 to 142.15 appear at 22 F. R. 10574, Dec. 24, 1957.

§ 142.1 **Definitions.** As used in this part:

- (a) "Secretary" means Secretary of the Interior.
- (b) "Commissioner" means Commissioner of Indian Affairs.
- (c) "Superintendent" means superintendent or other officer in charge of an Indian agency or unit under which the administration of an Indian reservation forest may be placed.
- (d) "District Director" means the official in charge of an office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

§ 142.2 **Purpose of regulations.** The regulations in this part prescribe the terms and conditions under which lumber and other forest products produced by Indian enterprises from the forests of Indian reservations may be sold without compliance with section 3709 of the Revised Statutes.

§ 142.3 **Applicability of the regulations.** The regulations in this part are intended to be generally applicable except that they shall not apply to the Menominee Indian Reservation in Wisconsin, or the Red Lake Indian Reservation in Minnesota.

§ 142.4 **Sale in open market.** The lumber, lath, shingles, crating, ties, poles, bolts, logs, bark, pulpwood, and other marketable materials obtained from the forests on Indian reservations by Indian enterprises may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 142.5 **Advertisement in trade journals and newspapers.** The Commissioner is hereby authorized to advertise for sale the forest products, obtained from Indian reservation forests by Indian enterprises, in lumber trade journals of general circulation among persons, com-

panies, or corporations interested in the buying and selling of lumber and other forest products, and in newspapers in cities that may afford a favorable market for such products.

§ 142.6 **Advertising, general.** Advertisement of products may also be made by circular letters and through personal interviews with the trade; *Provided*, That the travel expense incident thereto shall not be incurred without specific authority from the Commissioner.

§ 142.7 **Proposals for purchase.** Proposals for the purchase of products may be made to the Commissioner, and he is authorized to quote prices and consummate sales at such times and on such terms as are consistent with the regulations of this part.

§ 142.8 **Proposals to Government departments.** Proposals to sell may be made to municipalities, countries, states, of the United States and prices may be quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 142.9 **Cash sales.** All products of Indian forest enterprises shall be sold for cash f. o. b. mill or other point of delivery, except as provided in §§ 142.8 and 142.10. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices when, in the judgment of the Commissioner or his duly authorized representative, such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 142.10 **Payments, discounts, and credit sales.** Shipments of forest products on open account shall be made only to persons or companies of substantial net worth and first-class credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt by the buyer. A cash discount of 2 percent of mill value may be allowed when the shipment is paid for within 10 days of receipt by the consignee as evidenced by the original paid freight bill or other evidence acceptable to the Commissioner or his duly authorized representative.

§ 142.11 **Commission sales agents.** Sales may be made through commission sales agents, for which they may be paid

a commission on f. o. b. mill value of the shipment at rates approved by the Commissioner. Sales may be made to wholesalers on which a discount at rates approved by the Commissioner may be allowed.

§ 142.12 **Deposits.** On all agreements to purchase for future delivery a deposit may be required in the discretion of the Commissioner, to be forfeited if the purchaser does not comply with the terms of sale; and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the Commissioner.

§ 142.13 **Statements.** On or before the fifteenth of each month a report must be mailed to the Commissioner or his duly authorized representative giving a summary statement of all products sold during the preceding month and the average price received for each species or class of products.

§ 142.14 **Menominee and Red Lake Indian Reservations excepted.** The regulations prescribed in this part shall not apply to the Menominee Indian Reservation, Wis., or to the Red Lake Indian Reservation, Minn.

§ 142.15 **Subdelegation.** Any or all of the authority conferred upon the Commissioner by this part may be delegated by him to the assistant commissioners of Indian Affairs or his designated representatives, to district directors, or to superintendents. Any delegation of authority pursuant to this section shall provide for appeals to the Commissioner, and thereafter to the Secretary, from actions taken by district directors and superintendents.

**Part 143—Sale of Timber Products and Use of Forest Lands for Nonforest Purposes, Menominee Indian Reservation**

**Subpart A—Sale of Timber Products**

- Sec. 143.1 Sale in open market.
- 143.2 Advertisement in trade journals.
- 143.3 Contracts for advertising.
- 143.4 Advertising, general.
- 143.5 Proposals for purchase.
- 143.6 Proposals for special products.
- 143.7 Proposals to Government departments.
- 143.8 Cash sales.
- 143.9 Payments, discounts, and credit sales.
- 143.10 Traveling salesmen.

- Sec. 143.11 Commission sales agents.
- 143.12 Deposits.
- 143.13 Statements.

**Subpart B—Clearing and Use of Forest Land for Nonforest Purposes**

- 143.50 Menominee Indian Forest.
- 143.51 Exclusion of land for nonforest use.
- 143.52 Clearing excluded areas.

**AUTHORITY:** §§ 143.1 to 143.52 Issued under sec. 3, 35 Stat. 51, as amended.

**SOURCE:** §§ 143.1 to 143.52 appear at 22 F. R. 10574, Dec. 24, 1957.

**CROSS REFERENCES:** For general forest regulations, see Part 141 of this subchapter.

**SUBPART A—SALE OF TIMBER PRODUCTS**

§ 143.1 **Sale in open market.** The lumber, lath, shingles, crating, ties, poles, posts, bolts, logs, bark, pulpwood, and other marketable materials obtained from the forests on the Menominee Indian Reservation may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 143.2 **Advertisement in trade journals.** The manager and special disbursing agent of the Menominee Indian Mills, Neopit, Wisconsin, is authorized to keep constantly advertised for sale, the products of the timber operations on the Menominee Indian Reservation in one or more lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other timber products.

§ 143.3 **Contracts for advertising.** The contracts for advertising may be made at the discretion of the manager. Said contracts not to be made for more than 1 year's time, copy to be furnished the publications by the Menominee Indian Mills.

§ 143.4 **Advertising, general.** Advertisement of products may also be made by circular letters mailed or otherwise delivered to individuals, companies, or corporations engaged in buying or selling timber products for their own use, and by the visit of salesmen to such individuals, companies, or corporations and other users of, and dealers in, timber products.

§ 143.5 **Proposals for purchase.** Proposals for the purchase of products may be made to the Menominee Indian Mills, or the mills may quote prices to dealers