



FEDERAL REGISTER

VOLUME 22

NUMBER 248

Washington, Tuesday, December 24, 1957.

TITLE 25—INDIANS

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

REPUBLICATION OF REGULATIONS

Chapter I of Title 25 is republished to read as set forth below. Since its original codification, there have been numerous amendments and additions to the chapter. To facilitate the use of this material, the various amendments and additions are brought together in their entirety and the chapter has been arranged on a functional rather than alphabetical basis.

The numbers of the parts in this chapter have been adjusted to conform with its revised arrangement. The effective date of these numbers shall be the date of this republication. Existing delegations of authority, forms and other legal or administrative documents which refer to former part numbers of Chapter I are continued in effect and shall be construed to refer to the new part numbers until modified or revoked. A listing of the respective new and former part numbers is set forth below.

It is the intent of the Department in preparing this republication to make no substantive changes in the regulations and this republication is approved accordingly.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 6, 1957.

The following table lists the former part numbers and headings and indicates their position in reorganized Chapter I:

Former Part No.		New Part No.	Former Part No.		New Part No.
42	Care of Indian children in contract schools.....	22	128	Granting of concessions on reservoir sites, canal reserves, flowage areas, and other withdrawn and acquired lands in connection with Indian irrigation projects and the leasing of such lands for agricultural, grazing, and other purposes.....	203
43	Administration of educational loans, grants and other assistance for higher education.....	32	129	Pueblo Indian lands benefited by irrigation and drainage works of Middle Rio Grande conservancy district, New Mexico.....	202
44	Enrollment of Indians in public schools.....	33	130	Operation and maintenance charges.....	221
49	Administration of a program of vocational training for adult Indians.....	34	131	Electric power system, Flathead Indian irrigation project, Montana.....	232
52	Reallotment of lands to unallotted Indian children.....	125	132	Electric power system, Colorado River irrigation project, Arizona.....	231
54	Enrollment of Indians of the Cabazon, Augustine, and Torres-Martinez Bands of Mission Indians in California.....	43	133	Electric power system, San Carlos irrigation project, Arizona.....	233
55	Enrollment appeals.....	42	141	Partial payment construction charges on Indian irrigation projects.....	211
56	Preparation of rolls for the distribution of the funds awarded certain Indian tribes or bands of Oregon.....	44	144	Reimbursement of construction costs, Lummi Indian diking project, Washington.....	214
61	General forest regulations.....	141	147	Reimbursement of construction costs, San Carlos Indian irrigation project, Arizona.....	215
62	Sale of timber products and use of forest lands for nonforest purposes, Menominee Indian Reservation.....	143	148	Construction assessments, Crow Indian irrigation project.....	212
63	Sale of forest products, Red Lake Indian Reservation, Minn.....	144	149	Reimbursement of construction costs, Fort Hall Unit, Fort Hall Indian irrigation project, Idaho.....	213
64	Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservations.....	142	150	Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington.....	216
71	General grazing regulations.....	151	151	Inclusions of liens in all patents and instruments executed.....	129
72	Navajo grazing regulations.....	152	154	Sale of irrigable lands, special water contract requirements.....	128
73	Grazing, Pine Ridge Aerial Gun- nery Range.....	153	161	Law and order on Indian reser- vations.....	11
81	Determination of heirs and ap- proval of wills, except as to members of the Five Civilized Tribes and Osage Indians.....	15	170	Allotment of lands on the Caba- zon, and Augustine Indian Res- ervations, Riverside County, California.....	126
82	Determination of heirs and pro- bate of the estates of deceased Indians of the Five Civilized Tribes.....	16	171	Leasing and permitting.....	131
83	Actions on wills of Osage Indians.....	17	180	Leasing of Osage reservation lands for oil and gas mining.....	183
88	Commitment to St. Elizabeths Hospital.....	253	183	Leasing of restricted lands of mem- bers of Five Civilized Tribes, Oklahoma, for mining.....	174
91	Blackfoot irrigation project, Montana.....	191	186	Leasing of tribal lands for mining.....	171
94	Crow irrigation project, Montana.....	193	189	Leasing of certain restricted al- lotted Indian lands for mining.....	172
95	Colville irrigation project, Wash- ington.....	192	192	Leasing of certain lands in Wind River Indian Reservation, Wyo., for oil and gas mining.....	184
97	Flathead irrigation project, Montana.....	194	195	Leasing of lands in Crow Indian Reservation, Mont., for mining.....	173
100	Flathead, Mission, and Jocko Val- ley irrigation districts, Montana.....	195	201	Lead and zinc mining operations and leases, Quapaw Agency.....	176
103	Fort Belknap irrigation project, Montana.....	196			
106	Fort Hall irrigation project, Idaho.....	197			
110	Fort Peck Indian irrigation pro- ject, Montana.....	198			
121	Utah irrigation project, Utah.....	199			
124	Wapato irrigation project, Wash- ington.....	200			
127	Wind River irrigation project, Wyoming.....	201			
2	Reindeer in Alaska.....	90			
3	Operation of the U. S. M. S. North Star between Seattle, Wash., and stations of the Bureau of Indian Affairs and other Gov- ernment agencies, Alaska.....	254			
11	Preservation of antiquities.....	132			
14	Recognition of attorneys and agents to represent claimants.....	71			
15	Attorney contracts with Indian tribes.....	72			
18	Regulations governing the elec- tion of officers of the Osage Tribe.....	73			
21	General credit to Indians.....	91			
23	Revolving cattle pool.....	92			
28	Klamath tribal loan fund.....	93			
41	Federal schools for Indians.....	31			

10513

RULES AND REGULATIONS

Former Part No.	New Part No.	SUBCHAPTERS F-H—TRIBAL GOVERNMENT AND ENTERPRISES	Part
204		Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas.	126
221	175	Indian money accounts.	127
222	104	Deposit and expenditure of individual funds of members of the Osage Tribe of Indians who do not have certificates of competency.	128
223	108	Judgment and payments in lieu of allotment funds.	129
224	109	Annuity and other per capita payments.	
227	101	Creation of trusts for restricted property of Indians, Five Civilized Tribes, Oklahoma.	
230	107	Deposit of Indian funds in banks.	
233	105	Regulations for pro rata shares of tribal funds.	
241	102	Issuance of patents in fee, certificates of competency, sale of certain Indian lands, and reinvestment of proceeds.	
242	121	Osage roll, certificates of competency, and Osage lands:	
	123	Subpart A.	
	127	Subpart B.	
243	122	Determination of competency; Crow Indians.	
262	21	Arrangement with States, Territories, or other agencies for relief of distress and social welfare of Indians.	
266	161	Rights-of-way over Indian lands.	
261	162	Roads of the Bureau of Indian Affairs.	
276	251	Licensed Indian traders.	
227	252	Traders on Navajo, Zuni, and Hopi Reservations.	
281	163	Establishment of roadless and wild areas on Indian reservations.	
291	89	Commercial fishing on Red Lake Indian Reservation.	
296	3	List of forms.	
		SUBCHAPTER A—PROCEDURES; PRACTICE	
		SUBCHAPTER A—PROCEDURES; PRACTICE	
Part			
1		Rules of the Bureau of Indian Affairs. [Reserved.]	
2		Appeals. [Reserved.]	
3		List of forms.	
		SUBCHAPTERS B-E—FEDERAL SERVICES; INDIVIDUAL INDIANS	
		SUBCHAPTER B—LAW AND ORDER	
11		Law and order on Indian reservations.	
		SUBCHAPTER C—PROBATE	
15		Determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians.	
16		Determination of heirs and probate of the estate of deceased Indians of the Five Civilized Tribes.	
17		Actions on wills of Osage Indians.	
		SUBCHAPTER D—SOCIAL WELFARE	
21		Arrangement with States, Territories or other agencies for relief of distress and social welfare of Indians.	
22		Care of Indian children in contract schools.	
		SUBCHAPTER E—EDUCATION	
31		Federal schools for Indians.	
32		Administration of educational loans, grants and other assistance for higher education.	
33		Enrollment of Indians in public schools.	
34		Administration of a program of vocational training for adult Indians.	
		SUBCHAPTERS F-H—TRIBAL GOVERNMENT AND ENTERPRISES	
		SUBCHAPTER F—ENROLLMENT	
Part			
41		Membership and enrollment of Indians. [Reserved.]	
42		Enrollment appeals.	
43		Enrollment of Indians of the Cabazon, Augustine and Torres-Martinez Bands of Mission Indians in California.	
44		Preparation of rolls for the distribution of the funds awarded certain Indian tribes or bands of Oregon.	
		SUBCHAPTER G—TRIBAL GOVERNMENT	
51		Indian organizations exclusive of the Indian Reorganization Act. [Reserved.]	
52		Tribes organized under sec. 16 of the Indian Reorganization Act. [Reserved.]	
53		Alaskan native groups organized under sec. 16 of the Indian Reorganization Act, and the Alaskan Act, as amended. [Reserved.]	
54		Tribes organized under the Oklahoma Indian Welfare Act. [Reserved.]	
71		Recognition of attorneys and agents to represent claimants.	
72		Attorney contracts with Indian tribes.	
73		Regulations governing the election of officers of the Osage Tribe.	
		SUBCHAPTER H—ECONOMIC ENTERPRISES	
81		Indian business corporations under sec. 17 of the Indian Reorganization Act. [Reserved.]	
82		Alaskan native business corporations organized under sec. 17 of the Indian Reorganization Act or the Alaska Act. [Reserved.]	
83		Indian Business Corporations under the Oklahoma Indian Welfare Act. [Reserved.]	
89		Commercial fishing on Red Lake Indian Reservations.	
90		Reindeer in Alaska.	
		SUBCHAPTER I—CREDIT ACTIVITIES	
		SUBCHAPTER I—CREDIT ACTIVITIES	
91		General credit to Indians.	
92		Revolving cattle pool.	
93		Klamath tribal loan fund.	
		SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS	
		SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS	
101		Annuity and other per capita payments.	
102		Regulations for pro rata shares of tribal funds.	
104		Indian money accounts.	
105		Deposit of Indian funds in banks.	
107		Creation of trusts for restricted property of Indians, Five Civilized Tribes, Oklahoma.	
108		Deposit and expenditure of individual funds of members of the Osage Tribe of Indians who do not have Certificates of Competency.	
109		Judgment funds, Shoshone Tribe of the Wind River Reservation, Wyoming.	
111		Service charges against Indians. [Reserved.]	
		SUBCHAPTERS K-O—LANDS; SURFACE ESTATES AND RESOURCES	
		SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES	
121		Issuance of Patents in Fee, Certificates of Competency, sale of certain Indian lands, and reinvestment of proceeds.	
122		Determination of competency: Crow Indians.	
123		Osage Roll, Certificates of Competency.	
125		Reallotment of lands to unallotted Indian children.	
		SUBCHAPTER L—LEASING AND PERMITTING	
131		Leasing and permitting.	
132		Preservation of antiquities.	
		SUBCHAPTER M—FORESTRY	
141		General forest regulations.	
142		Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservations.	
143		Sale of timber products and use of forest lands for nonforest purposes, Menominee Indian Reservation.	
144		Sale of forest products, Red Lake Indian Reservation, Minn.	
		SUBCHAPTER N—GRAZING	
151		General grazing regulations.	
152		Navajo grazing regulations.	
153		Grazing, Pine Ridge Aerial Gunnery Range.	
		SUBCHAPTER O—RIGHTS-OF-WAY—ROADS	
161		Rights-of-way over Indian lands.	
162		Roads of the Bureau of Indian Affairs.	
163		Establishment of roadless and wild areas on Indian Reservations.	
		SUBCHAPTERS P-Q—LANDS; SUBSURFACE ESTATES AND RESOURCES	
		SUBCHAPTER P—MINING	
171		Leasing of tribal lands for mining.	
172		Leasing of allotted lands for mining.	
173		Leasing of lands in Crow Indian Reservation, Mont., for mining.	
174		Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma for mining.	
175		Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas.	
176		Lead and zinc mining operations and leases, Quapaw Agency.	
		SUBCHAPTER Q—OIL AND GAS	
181		Oil and gas leases and operations on tribal lands. [Reserved.]	
182		Oil and gas leases and operations on allotted lands. [Reserved.]	
183		Leasing of Osage Reservation lands for oil and gas mining.	
184		Leasing of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.	
		SUBCHAPTERS R-U—WATER AND POWER RESOURCES	
		SUBCHAPTER R—IRRIGATION PROJECTS	
191		Blackfeet irrigation project, Montana.	
192		Colville irrigation project, Washington.	
193		Crow irrigation project, Montana.	
194		Flathead irrigation project, Montana.	
195		Flathead, Mission, and Jocko Valley Irrigation districts, Montana.	
196		Fort Belknap irrigation project, Montana.	
197		Fort Hall irrigation project, Idaho.	
198		Fort Peck Indian irrigation project, Montana.	
199		Utah irrigation project, Utah.	
200		Wapato irrigation project, Washington.	
201		Wind River irrigation project, Wyoming.	
202		Pueblo Indian lands benefited by irrigation and drainage works of Middle Rio Grande Conservancy District, New Mexico.	

Part 203 Concessions, permits and leases on lands withdrawn or acquired in connection with Indian irrigation projects.

SUBCHAPTER 5—CONSTRUCTION

211 Partial payment construction charges on Indian irrigation projects.

212 Construction assessments, Crow Indian irrigation project.

213 Fort Hall Indian irrigation project, Idaho.

214 Reimbursement of construction costs, Lummi Indian diking project, Washington.

215 Irrigation project, Arizona.

216 Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington.

SUBCHAPTER 7—OPERATION AND MAINTENANCE

221 Operation and maintenance charges.

SUBCHAPTER 9—ELECTRIC POWER SYSTEM

231 Colorado River irrigation project, Arizona.

232 Flathead Indian irrigation project, Montana.

233 San Carlos irrigation project, Arizona.

SUBCHAPTER V [RESERVED]

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

251 Licensed Indian traders.

252 Traders on Navajo, Zuni and Hopi Reservations.

253 Commitment to St. Elizabeths Hospital.

254 Operation of the U. S. M. S. "North Star" (between Seattle, Wash., and stations of the Bureau of Indian Affairs and other Government agencies, Alaska).

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Subchapter A—Procedures; Practice

Subchapter A—Procedures; Practice

PART 1—RULES OF THE BUREAU OF INDIAN AFFAIRS [RESERVED]

PART 2—APPEALS [RESERVED]

PART 3—LIST OF FORMS

§ 3.1 Availability of forms. Forms upon which applications and related documents may be filed and upon which rights and privileges may be granted may be inspected and procured at the Bureau of Indian Affairs, Washington 25, D. C., and at the office of any Area Director or Agency Superintendent. (R. S. 161; 5 U. S. C. 22)

Subchapters B—E—Federal Services; Individual Indians

Subchapter B—Law and Order

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

APPLICATION; JURISDICTION

Sec. 11.1 Application of regulations.

11.2 Jurisdiction.

COURTS OF INDIAN OFFENSES

11.2CA Jurisdiction.

11.3 Judges.

11.3CA Judges.

11.4 Removal of judges.

11.5 Court procedure.

11.5CA Court proceedings.

11.6 Appellate proceedings.

11.6C Appellate proceedings.

11.6CA Appellate proceedings.

Sec. 11.7

11.7C

11.8

11.8CA

11.9

11.9CA

11.10

11.11

11.12

11.13

11.14

11.15

11.16

11.17

11.18

11.19

11.20

11.20C

11.21

11.22

11.22C

11.22CA

11.23

11.24

11.24C

11.24CA

11.25

11.25CA

11.26

11.26C

11.27

11.28

11.28CA

11.29

11.29C

11.30

11.30CA

11.31

11.31C

11.31CA

11.32

11.32C

11.33

11.33CA

11.34

11.34C

11.35

11.36

11.36C

11.37

11.37CA

CIVIL ACTIONS

Jurisdiction.

Jurisdiction.

Jurisdiction.

Law applicable in civil actions.

Judgments in civil actions.

Judgments in civil actions.

Judgments in civil actions.

Costs in civil actions.

Costs in civil actions.

Payment of judgments from individual Indian moneys.

Payment of judgments from individual Indian moneys.

DOMESTIC RELATIONS

Recording of marriages and divorces.

Tribal custom marriage and divorce.

Marriages, divorces, and adoptions.

Tribal custom adoption.

Adoption.

Determination of paternity and support.

Determination of paternity and support.

Determination of heirs.

Determination of heirs.

Determination of heirs.

Approval of wills.

Approval of wills.

SENTENCES

Nature of sentences.

Nature of sentences.

Probation.

Probation.

Parole.

Juvenile delinquency.

Juvenile delinquency.

Disposition of fines.

Deposit and disposition of fines.

CODE OF INDIAN TRIBAL OFFENSES

11.38 Assault.

11.39 Assault and battery.

11.40 Carrying concealed weapons.

11.41 Abduction.

11.42 Theft.

11.43 Embezzlement.

11.44 Fraud.

11.45 Forgery.

11.46 Misbranding.

11.47 Receiving stolen property.

11.48 Extortion.

11.49 Disorderly conduct.

11.49CA Disorderly conduct.

11.50 Reckless driving.

11.50C Reckless driving.

11.51 Malicious mischief.

11.52 Trespass.

11.52CA Trespass.

11.53 Injury to public property.

11.53CA Injury to public property.

11.54 Maintaining a public nuisance.

11.55 Liquor violations.

11.56 Cruelty to animals.

11.57 Game violations.

Sec. 11.58

11.59

11.60C

11.61

11.62

11.63

11.63C

11.63CA

11.64

11.64C

11.65

11.66

11.67

11.68

11.69

11.70

11.71

11.72

11.73

11.74

11.75C

11.75CA

11.76CA

11.76NH

11.77NH

11.78NH

11.79NH

11.80NH

11.81NH

11.82NH

11.83NH

11.84NH

11.85NH

11.86NH

11.87NH

THE INDIAN POLICE

11.301 Superintendent in command.

11.302 Police commissioners.

11.303 Police training.

11.304 Indian policemen.

11.305 Dismissal.

11.306 Return of equipment.

AUTHORITY: §§ 11.1 to 11.306 issued under R. S. 463; 25 U. S. C. 2. Interpret or apply sec. 1, 38 Stat. 586; 25 U. S. C. 200.

NOTE: The regulations in this part are applicable on Indian reservations subject to the provisions of § 11.1, and the following exceptions:

§§ 11.6, 11.7, 11.20, 11.22, 11.24, 11.26, 11.28, 11.29, 11.31, 11.32, 11.34, 11.36, 11.50, 11.63, and 11.64, not applicable to Crow Indians.

§§ 11.6C, 11.7C, 11.20C, 11.22C, 11.24C, 11.26C, 11.29C, 11.31C, 11.32C, 11.34C, 11.36C, 11.50C, 11.60C, 11.63C, 11.64C, and 11.75C, applicable only to Crow Indians.

§§ 11.76NH to 11.87NH, inclusive, applicable only to Navajo and Hopi Indians.

§§ 11.1, 11.2, 11.3, 11.5, 11.6, 11.6C, 11.7, 11.7C, 11.8, 11.9, 11.20C, 11.22, 11.22C, 11.24, 11.24C, 11.25, 11.26C, 11.28, 11.29, 11.29C, 11.30, 11.31, 11.31C, 11.32, 11.32C, 11.33, 11.34C, 11.36C, 11.37, 11.49, 11.50C, 11.52, 11.53, 11.57, 11.58, 11.60C, 11.63C, 11.63C, 11.64C, 11.74, 11.75C, and 11.76NH—11.87NH, inclusive, are not applicable to Coeur d'Alene Indians.

All sections which follow bearing the symbol "CA" at the end of the number are applicable only to the Coeur d'Alene Indians.

All sections in Part 11 not heretofore mentioned in this note are applicable to the Coeur d'Alene Indians.

ated tribal funds, the fees shall be credited to such funds.

§ 131.29 *Palm Springs, California.* In addition to the authority for the negotiation of leases contained in § 171.8, leases or 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 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 shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Leases so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians, providing, however, that at any time during the term of the lease, the Secretary may, at his discretion and upon thirty days' notice to the lessee, require the remaining rentals to be paid to the Secretary.

PART 132—PRESERVATION OF ANTIQUITIES

Sec.	
132.1	Penalty.
132.2	Permits.
132.3	Supervision.
132.4	Lapse of permits.
132.5	Restoration of land after work completed.
132.6	Superintendents authorized to confiscate antiquities illegally obtained or possessed.
132.7	Notice to public.
132.8	Report of violations.
132.9	Report on objects of antiquity.

CROSS REFERENCE: For uniform regulations issued by the Secretaries of the Interior, Agriculture, and War pertaining to the preservation of antiquities, see Public Lands: Interior, 43 CFR Part 3.

AUTHORITY: §§ 132.1 to 132.9 issued under secs. 3, 4, 34 Stat. 225, as amended; 16 U. S. C. 432.

§ 132.1 *Penalty.* The appropriation, excavation, injury, or destruction of any historic or prehistoric ruin or monument, or any object of antiquity situated on lands owned or controlled by the Government of the United States, by any person or persons, without the permission of the Secretary of the department having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, subject such person or persons to be fined not to exceed \$500 or imprisoned for not to exceed 90 days, or both.

§ 132.2 *Permits.* Permits for the excavation of ruins and archaeological sites and the gathering of objects of antiquity on Indian reservations will be granted by the Secretary of the Interior to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or their duly authorized agents, on proper application. Superintendents should not permit any excavations or explorations except as to those persons holding such permits.

§ 132.3 *Supervision.* Superintendents may at all times examine the permit of any person or institution claiming the privileges referred to, and may fully examine all work done under such permit.

§ 132.4 *Lapse of permits.* Failure to begin work under a permit within 6 months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void, and superintendents are instructed to report to the office all such failures to begin within the stated time or the failure to diligently pursue the excavation or explorations.

§ 132.5 *Restoration of land after work completed.* Permittees are required to restore the lands on which they have worked to their customary condition, to the satisfaction of the superintendent. Failure to do this should be brought to the attention of the office.

§ 132.6 *Superintendents authorized to confiscate antiquities illegally obtained or possessed.* Superintendents or others in administrative charge of reservations are hereby directed and authorized to confiscate any antiquities that may have been illegally obtained or that may now be illegally in the possession of licensed Indian traders or others and to submit a report and description of the articles confiscated and request instructions as to their disposition.

NOTE: This section prescribed to carry out provisions of 43 CFR 3.16.

§ 132.7 *Notice to public.* Copies of the act of June 8, 1906 (34 Stat. 225), and the interdepartmental regulations of December 28, 1906 (43 CFR Part 3), shall be posted conspicuously at all agency offices where the need is justified, and warning notices posted on the reservations and at or near the ruins or other articles to be protected. All licensed traders shall be notified immediately that failure to cease traffic in antiquities will result in a revocation of their license.

NOTE: This section prescribed to carry out provisions of 43 CFR 3.16.

§ 132.8 *Report of violations.* Any and all violations of the regulations in this part should be reported to the Bureau of Indian Affairs immediately.

NOTE: This section prescribed to carry out provisions of 43 CFR 3.16.

§ 132.9 *Report on objects of antiquity.* Superintendents shall from time to time inquire and report as to the existence, on or near their reservations, of ruins, and archaeological sites, historic or prehistoric ruins, or monument, historic landmarks and prehistoric structures, and other objects of antiquity.

Subchapter M—Forestry

PART 141—GENERAL FOREST REGULATIONS

Sec.	
141.1	Objectives.
141.2	Development restricted.
141.3	Cutting restrictions.
141.4	Inferior species reserved.
141.5	Objectives to be expressed.
141.6	Effective date.
141.7	Trespass procedure.
141.8	Trespass reports.
141.9	Fire protective measures.
141.10	Slash disposal.
141.11	Sustained yield management.
141.12	Indian operations.
141.13	Timber sales from unallotted and allotted lands.
141.14	Advertisement of sales.

Sec.	
141.15	Deposit with bids.
141.16	Acceptance and rejection of bids.
141.17	Sales to Indians without advertisement.
141.18	Contracts required.
141.19	Execution of contracts.
141.20	Approval of contracts.
141.21	Bonds.
141.22	Payments for timber.
141.23	Installment payments.
141.24	Time for cutting and removal of timber.
141.25	Deduction for administrative purposes.
141.26	Distribution of payments.
141.27	Permits.
141.28	Soil conservation.
141.29	Recreation.
141.30	Purchase of products of Indian industry in the administration of Indian affairs.

AUTHORITY: §§ 141.1 to 141.30 issued under secs. 7, 8, 36 Stat. 857; 25 U. S. C. 406, 407. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For rights-of-way for logging roads, see Part 161 of this chapter. For sale of forest products, Red Lake Indian reservation, Minnesota, see Part 144 of this chapter. For sale of timber products, Menominee Indian reservation, see Part 143 of this chapter.

§ 141.1 *Objectives.* The following objectives are to be sought in the management of Indian forests:

(a) The preservation of Indian forest lands in a perpetually productive state by providing effective protection, preventing clear cutting of large contiguous areas, and making adequate provision for new forest growth when the mature timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in the harvesting of 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 Indian communities, to the end that the Indians may receive from their own property not only stumpage, 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 on reservations where the volume produced by the forest annually is in excess of that which is practicable of development by the Indians, or where fire damage, insect infestation, disease, overmaturity, or other causes require extensive and rapid harvesting of the timber in order to prevent loss.

(e) The preservation of the forest for scenic purposes along public highways, in the vicinity of Indian or white communities, and wherever the recreational or aesthetic value of the forest seems to exceed its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effect in regulating runoff and minimizing erosion.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.2 *Development restricted.* Proceeding in accordance with this general

policy, the development of reservation timber will not be authorized until practical methods of cutting are prescribed which will assure the perpetuation of the forest, prevent unnecessary waste, and make possible effective protection against destructive agencies. Cutting will be given priority in those stands of timber which are deteriorating as the result of fire damage, disease, insect infestation, overmaturity, or other causes. Whenever practicable, from 25 to 60 percent of the merchantable timber volume will be left standing in order to protect the site, provide seed for a new stand, and make possible a second cut before the reproduction matures.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.3 *Cutting restrictions.* Clear cutting of large contiguous areas will not be permitted, except on lands which will be used for agricultural development. It is the policy of the Bureau to promote the use of logging methods which will insure a reasonable degree of protection for reserve stands and to limit the use of donkey engines and other high power machinery to areas upon which the use of animal or tractor logging is not feasible. Wherever circumstances necessitate the use of high power machinery which results in destructive logging, cuttings will be so broken up by stands of green timber as to secure adequate protection against fire and ample provision for re-seeding the cut-over area.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.4 *Inferior species reserved.* Inferior species of low commercial values should generally be withheld from cutting until a reasonable consumer demand develops. Species of this character are ordinarily most valuable when left standing in the forest because they protect the ground, provide seed, and do not lower the general value of the stumpage to be harvested. Accordingly such species should generally be reserved for utilization at a later date, when they will have a positive value, and only those trees marked for cutting which if left standing would be injurious to the future development of the forest. Areas containing large volumes of inferior species should be excluded from sales wherever possible.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.5 *Objectives to be expressed.* The Bureau is definitely committed to a policy of sustained yield forest management. This policy will be given practical expression through the medium of forest working plans for all reservations of major importance from an industrial forestry standpoint. Such working plans should contain a statement of how the policies of the Bureau are to be applied on a given Indian forest, with a definite program of action for a specified period in the future. These plans will express objectives to be attained in timber management, thus giving the necessary basis for consistent action over the long period necessary to grow a timber crop.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.6 *Effective date.* The regulations in this part are hereby made effective as of May 18, 1936, for all Indian lands under the jurisdiction of the Bu-

reau of Indian Affairs, except as this part may be superseded by special instructions to particular reservations or by provisions of special laws, tribal constitutions, bylaws or charters, heretofore or hereafter ratified, or any tribal action authorized thereunder.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.7 *Trespass procedure.* All forest officers or other employees shall report promptly in writing any violation of the trespass law. Superintendents shall seize all timber unlawfully cut from Indian land, mark the same, forbid its removal, and promptly report to the Commissioner of Indian Affairs the name and post office address of the trespasser, the names and post office addresses of all witnesses of such depredations, and if possible furnish affidavits by such witnesses as to their knowledge of the facts, so that if necessary the case may be reported to the Department of Justice for the institution of a civil action for the recovery of damages, a criminal prosecution under the provisions of section 50 of the act of March 9, 1909, as amended by section 6 of the act of June 25, 1910 (36 Stat. 857; 18 U. S. C. 104), or the commencement of both civil and criminal actions. If a civil trespass action involves timber with a stumpage value of \$500 or less, the superintendent should ascertain what terms of settlement may be made; and if he deems it desirable to the welfare of the Indians he may settle the case without going into court.

§ 141.8 *Trespass reports.* Violations of section 6 of the act of June 25, 1910 (36 Stat. 857; 18 U. S. C. 104), should be promptly investigated, affidavits and other information obtained, and a suitable report made to the Commissioner of Indian Affairs so that if necessary the case may be submitted to the Department of Justice for action.

§ 141.9 *Fire protective measures.* Forest officers must make every possible effort to extinguish immediately any fire of which they have knowledge. Every superintendent is authorized to hire temporary men, purchase tools and supplies, and pay for their transportation from place to place to extinguish a fire. No expense for fighting a fire outside a reservation must be incurred unless the fire threatens the reservation, and special authority must be obtained for any expenditure in excess of \$1,000. Fire fighters should be paid by the hour, actual working time, at the current local rates. The time consumed in going to and from the fire will ordinarily be included. When subsistence is furnished, the rate of pay should be reduced accordingly. A report on Form 5-493¹ should be made immediately after the extinguishment of any fire and filed in the agency office.

(42 Stat. 208, 857; 25 U. S. C. 13, 16 U. S. C. 594)

§ 141.10 *Slash disposal.* Measures designed to reduce the fire danger from slash created by the cutting of timber

¹Forms mentioned in this part may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

are a necessary insurance against the loss of those trees left standing and the new trees which may germinate. An effective method of slash disposal is therefore an essential feature of any timber sale contract or timber cutting permit. On areas where selective logging or partial cutting is employed, the standard brush disposal method is by lopping, piling, and burning the brush. It is of major importance that the piles should be so located that they may be burned without injury to the reproduction or the reserved trees. Broadcast burning may only be employed on the restricted clear cut areas and should always be controlled by fire lines or other effective barriers.

§ 141.11 *Sustained yield management.* No Indian timber may be developed either by Indians or by non-Indians, unless it is operated on a sustained yield basis.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.12 *Indian operations.* It is the policy of the Bureau to encourage the development of Indian timber by the Indian people for the purpose of promoting self-sustaining Indian communities, and in conformity thereto the conducting of Indian logging operations and Indian sawmill operations is hereby authorized. Such operations may be organized and initiated, subject to the consent of the Indians in general council, whenever general appropriations for industrial development, special appropriations for sawmill development, reimbursable loan funds or Indian tribal funds may be made available.

§ 141.13 *Timber sales from unallotted and allotted lands.* On reservations where the volume produced by the forest annually is in excess of that which is practicable of development by the Indians, or where the stand is rapidly deteriorating as a result of fire damage, insect infestation, disease, over-maturity, or other causes, the sale of Indian timber in open competitive markets will be authorized, provided consent is given by the Indians in general council or by their duly authorized representatives for tribal, and by the allottees for allotted timber. Sales from unallotted lands, allotted lands or a combination of these two ownerships, having a stumpage value of over \$100, will not be authorized until an examination of the timber to be sold has been made by a qualified forest officer and a complete report setting forth all pertinent information has been submitted to the officer or officers authorized to approve the contract as provided in § 141.20.

§ 141.14 *Advertisement of sales.* (a) (1) Sales of timber shall be made only after advertisement except as provided for in §§ 141.17 and 141.27, and paragraph (b) of this section. 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. 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 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.

(2) The officer approving the advertisement 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 to advertise for the specified periods.

(3) If no contract is executed after such advertisement, the officer approving the advertisement may, within one year from the last day on which bids were to be received as defined in the advertisement, sell such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraisal value at the time of sale, whichever is greater.

(b) Timber sales up to \$2,000 in value may be negotiated with the approval of the Commissioner of Indian Affairs when the serious condition of the timber or other exigency or emergency requires the immediate sale and removal of the timber or it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations. In the case of such negotiated transaction it shall be the responsibility of the negotiating officer to establish the documented record of the transaction. He shall prepare 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 paragraph (a) of this section, a record of 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 was based and including a determination as to the reasonability of the price accepted.

§ 141.15 *Deposits with bids.* A cash deposit shall be submitted with each proposal for the purchase of Indian timber, either allotted or unallotted. Such deposit shall be at least 20 percent of any estimated stumpage value which is less than \$1,000; at least 10 percent of any estimated stumpage value between \$1,000 and \$10,000; at least 5 percent of any estimated stumpage value between \$10,000 and \$100,000; and at least 3 percent on any estimated stumpage value exceeding \$100,000. Every deposit in excess of \$500 must be in the form of a duly certified check on a solvent national bank, drawn payable to the order of the superintendent having jurisdiction over the timber. Smaller deposits may be in cash, or by a duly certified check. All of these deposits are required as a guaranty of good faith, and when a bond is not executed the deposit of the successful

bidder will be retained until the contract is completed. In the final settlement the deposit will be credited as a portion of the whole amount due for the timber purchased and any balance returned, provided the purchaser has faithfully performed the terms of the contract. If a bond is furnished and accepted, the deposit will be credited as a first installment in payment for the timber. The cash or certified check deposited will be returned to depositors whose proposals are not accepted.

§ 141.16 *Acceptance and rejection of bids.* In ordinary circumstances the high bid received in connection with any advertisement issued under authority of this part shall be accepted. However, the officer authorized to approve the contract shall have the right to reject the high bid and readvertise if he considers the high bidder to be unqualified to fulfill the contractual requirements of the advertisements. The right is also reserved by the approving officer to waive minor technical defects in advertisements and proposals.

§ 141.17 *Sales to Indians without advertisement.* Open-market sales to Indians without advertising may be made for stumpage not exceeding \$5,000 in value: *Provided*, That in the case of stumpage on tribal lands the Indians in general council or their representatives to whom they specifically delegate this authority shall consent, and the allottees shall consent in the case of stumpage on Indian allotments. The stumpage prices in connection with such open-market sales shall be established by the approving officer after due appraisal procedure; provided, that the timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.18, and carry the bond requirements stipulated under § 141.21.

§ 141.18 *Contracts required.* For sales of timber of a stumpage value greater than \$100 the regular contract forms must be used unless a special form for a particular sale is approved by the Commissioner of Indian Affairs or the Secretary of the Interior. The regular forms provide for a certain flexibility to meet variable conditions, but no essential departure from the fundamental requirements of such contracts may be authorized by a superintendent or other field officer. When stumpage is purchased from unallotted lands by Indians or others, Form 5-487 should be used, and when stumpage is purchased from allotted lands, Form 5-489 should be used. Form 5-481 should be used where logging operations are conducted by an Indian, either on his own allotment or on tribal lands, and the products sold in the form of logs, bolts or cordwood either on the land after severance or delivered to some other point in such form. When timber is cut from unallotted land or from an allotment held under a trust patent or other patent containing restrictions on alienation the contract should require that the proceeds be paid into the hands of the superintendent and an accounting be made therefor.

§ 141.19 *Execution of contracts.* All contracts should be executed in sextuplet by the duly authorized representatives of the tribe or by the individual allottees concerned and by the purchaser. If a contract is approved by the superintendent, or by the superintendent and concurred in by the regional forester, the original copy should be forwarded to the General Accounting Office, and one copy each mailed promptly to the Bureau and to the regional forester. If the contract requires the approval of the Commissioner of Indian Affairs or the Secretary of the Interior, all copies must be forwarded promptly to the Bureau. Copies for agency and regional forestry files, for purchaser, and for allottee will be returned if the contract is approved.

§ 141.20 *Approval of contracts.* Contracts covering sales of timber having a stumpage value not exceeding \$500 may be approved by the superintendent. Contracts covering sales of timber having a stumpage value between \$500 and \$10,000 should be approved by the superintendent and concurred in by the regional forester. In case of nonconcurrence, final decision shall be made by the Commissioner of Indian Affairs. Contracts covering sales of timber having a stumpage value between \$10,000 and \$100,000 should be approved by the Commissioner of Indian Affairs. Contracts covering sales in which the stumpage value exceeds \$100,000 shall be made only with the express approval of the Secretary of the Interior. Contracts covering individual allotments executed under authority of an approved general contract will be approved by the superintendent on Form 5-489 with such provisions incorporated therein as the approving officer or officers of the general contract shall stipulate.

§ 141.21 *Bonds.* In sales in which the stumpage value of the timber does not exceed \$5,000 no bond will ordinarily be required, but the initial deposit will be held until the contract is completed; in sales in which the stumpage value exceeds \$5,000 but is not over \$10,000 a bond of approximately 20 percent of the value of the timber will be required; in sales in which the stumpage value exceeds \$10,000 but is not over \$100,000 a bond in an amount of approximately 10 percent of the estimated value of the timber will be required; and in sales in which the stumpage value exceeds \$100,000 a bond will be required in an amount to be fixed by the Secretary of the Interior.

§ 141.22 *Payments for timber.* Payments for timber will be required in advance of cutting, either as a single payment or in the form of installments. In sales of a stumpage value not greater than \$1,000, the number of installments shall not exceed five; in sales of a stumpage value greater than \$1,000 but not over \$10,000, the number of installments shall not exceed 10; and in sales of a stumpage value greater than \$10,000 but not over \$100,000, the number of installments shall not exceed 20. In sales in which the stumpage value is greater than \$100,000, the number of the installments shall be determined at the time such sales are authorized: *Provided*, That the

amount of installments so fixed shall not be less than \$5,000 each.

§ 141.23 *Installment payments.* The advance installments or deposits above stipulated are required for the purpose of providing a flexible working balance against which scale reports covering both unallotted and allotted timber may be credited as the timber is cut. No further cash advances are required in connection with the sale of unallotted timber. However, allotment contracts should provide for advance payments to each allottee, and the advances so received should be taken into the superintendent's accounts as "individual Indian money." In allotment sales of 3 years' duration or less an advance payment of 10 percent of the estimated value of the timber, in addition to the regular advance deposits, should be stipulated. In sales extending for a period in excess of 3 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, 1924.²

(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, not done under a formal contract as provided in § 141.18, shall be done under the regular permit Form 5-924. The permit form was devised 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

² General Instructions for the Preparation of Timber Records, approved July 1, 1924, may be obtained from the Commissioner of Indian Affairs, Washington, D. C.

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 silting 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 thereof does not exceed local prevailing prices for similar products by more than 10 percent.

(Sec. 23, 36 Stat. 861; 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.	
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	Advertising, general.
142.7	Proposals for purchase.
142.8	Proposals to Government departments.
142.9	Cash sales.
142.10	Payments, discounts, and credit sales.
142.11	Commission sales agents.
142.12	Deposits.
142.13	Statements.
142.14	Menominee and Red Lake Indian Reservations excepted.
142.15	Subdelegation.

AUTHORITY: §§ 142.1 to 142.15 issued under R. S. 161, 54 Stat. 504, as amended; 5 U. S. C. 22, 41 U. S. C. 6b.

§ 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, companies, 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 pur-

chaser 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 NON-FOREST 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.
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.

CROSS REFERENCE: 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, piles, 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