

code of federal regulations

Indians

25

Revised as of April 1, 1982

**CONTAINING
A CODIFICATION OF DOCUMENTS
OF GENERAL APPLICABILITY
AND FUTURE EFFECT**

AS OF APRIL 1, 1982

With Ancillaries

Published by
the Office of the Federal Register
National Archives and Records Service
General Services Administration

as a Special Edition of
the Federal Register



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. 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 Office of the Solicitor of the Department of the Interior. Any timber sold under this § 163.22 may be disposed of under the provisions of this Part 163 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. The Secretary may also accept a recommended settlement per Solicitor's Regulations Manual I.4.1 when exercised

in accordance with regulations contained in 344 DM 3.

All other matters relating to the collection of debts under this section will be in accordance with Departmental Manual, Part 344.

(25 U.S.C. 9)

[42 FR 40194, Aug. 9, 1977. Redesignated at 47 FR 13327, Mar. 30, 1982]

§ 163.23 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.

[24 FR 7872, Sept. 30, 1959. Redesignated at 47 FR 13327, Mar. 30, 1982]

PART 164—SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS

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- 164.11 Commission sales agents.
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AUTHORITY: 54 Stat. 504, as amended; 5 U.S.C. 301, 41 U.S.C. 6b.

SOURCE: 27 FR 12929, Dec. 29, 1962, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 164.1 Definitions.

As used in this part:

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

(b) "Forest products" means lumber, lath, shingles, crating, ties, bolts, logs, bark, pulpwood, or other marketable materials obtained from forests and authorized for removal by the Indian enterprises.

§ 164.2 Purpose of regulations.

The regulations in this Part 164 prescribe the terms and conditions under which forest products produced by Indian tribal enterprises from the forests of Indian reservations may be sold without compliance with section 3709 of the Revised Statutes.

§ 164.3 Applicability of regulations.

The regulations in this Part 164 are intended to be generally applicable except that they shall not apply to the Red Lake Reservation in Minnesota; or, as may be determined by the Secretary, to Indian enterprises that have entered into approved agreements for the use of tribal or allotted timber pursuant to § 163.6 of this chapter.

§ 164.4 Sale in open market.

The forest products 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 164.

§ 164.5 Advertisement in trade journals and newspapers.

Forest products obtained from Indian reservation forests by Indian enterprises, may be advertised for sale in lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of forest products, and in newspapers in cities that may afford a favorable market for such forest products.

§ 164.6 Advertising, general.

Advertisement of forest 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 Secretary.

§ 164.7 Proposals for purchase.

Proposals for the purchase of forest products may be made to the Secretary, and he is authorized to quote prices and consummate sales at such times and/or such terms as are consistent with the regulations of this Part 164.

§ 164.8 Proposals to government departments.

Proposals to sell may be made to municipalities, counties, states, or 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.

§ 164.9 Cash sales.

All forest products of Indian forest enterprises shall be sold for cash f.o.b. mill or other point of delivery, except as provided in §§ 164.8 and 164.10. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices when such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 164.10 Payments, discounts, and credit sales.

Shipments of forest products on open account shall be made only to persons or companies who have an acceptable 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 in accordance with general trade practice and usually not exceeding two percent of mill value, may be allowed when the shipment is paid for within ten days of receipt by the consignee as evidenced by the original paid freight bill or other acceptable evidence.

§ 164.11 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 approved rates. Sales may be made to wholesalers on which a discount at approved rates may be allowed.

§ 164.12 Deposits.

On all agreements to purchase for future delivery a deposit may be required. Such a deposit may be forfeited if the purchaser does not comply with the terms of sale. No agreement for sale and future delivery shall be made for a longer period than 90 days, except with the approval of the Secretary.

PART 165—SALE OF FOREST PRODUCTS, RED LAKE INDIAN RESERVATION, MINN.

Sec.

- 165.1 Definitions.
- 165.2 Purpose of regulations.
- 165.3 Applicability of regulations.
- 165.4 Sale in open market.
- 165.5 Advertisement in trade journals and newspapers.
- 165.6 Advertising contracts.
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- 165.8 Proposals for purchase.
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- 165.10 Cash sales.
- 165.11 Payments, discounts, and credit sales.
- 165.12 Commission sales agents.
- 165.13 Deposits.
- 165.14 Purchase of timber by the Red Lake Indian Mills.
- 165.15 Appeals.

AUTHORITY: Sec. 9, 39 Stat. 137, as amended; 5 U.S.C. 301, 41 U.S.C. 6b.

SOURCE: 29 FR 4797, Apr. 4, 1964, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

CROSS REFERENCE: For General Forest Regulations, see Part 163 of this chapter.

§ 165.1 Definitions.

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

(b) "Red Lake Indian Mills" means the tribal enterprise, established under section 9 of the act of May 18, 1916 (39 Stat. 137), as amended, for

the purpose of producing forest products.

(c) "Forest Products" means lumber, lath, shingles, crating, ties, bolts, logs, bark, pulpwood, or other marketable materials manufactured or produced by the Red Lake Indian Mills.

(d) "Red Lake Indian Reservation, Minnesota" means the Red Lake Indian Forest and all other forest lands held in trust for the Red Lake Band of Chippewa Indians.

§ 165.2 Purpose of regulations.

The regulations in this Part 165 prescribe the terms and conditions under which forest products produced by the Red Lake Indian Mills may be sold without compliance with section 3709 of the Revised Statutes.

§ 165.3 Applicability of regulations.

The regulations in this Part 165 apply only to the Red Lake Indian Mills.

§ 165.4 Sale in open market.

The forest products produced by the Red Lake Indian Mills may be sold in the open market at such prices as may be realized through the methods in this Part 165.

§ 165.5 Advertisement in trade journals and newspapers.

The Secretary may advertise forest products of the Red Lake Indian Mills for sale in trade journals of general circulation among persons, companies, or corporations interested in buying and selling of forest products, and in newspapers in cities that may afford a favorable market for such forest products.

§ 165.6 Advertising contracts.

The Secretary may, as he determines, make advertising contracts, provided that such contracts shall not be executed for periods of more than one year.

§ 165.7 General advertisement.

Advertisement of forest products may also be made by direct and circular letters and through personal interviews with the trade: *Provided*, That travel expense incident thereto shall