

CUMULATIVE POCKET SUPPLEMENT

TO THE . . . CODE

OF FEDERAL

REGULATIONS

Title 25—Indians

**AS OF
JANUARY 1
1956**

**For changes on and after
January 1, 1956, see the daily issues of the Federal Register**

reversed by the Commissioner and the certificate is endorsed pursuant thereto. The decision of the Commissioner shall be final.

§ 62.52 *Clearing excluded areas.* Forest land described in a certificate issued

pursuant to § 62.51 shall be cleared under the supervision of the Forest Officer. All merchantable forest products removed from such land shall be disposed of as provided for in § 62.1. The funds derived therefrom shall be deposited to the credit of the "Menominee Four Per Cent Fund."

SUBCHAPTER I—GRAZING

Part 71—General Grazing Regulations

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- 71.4 Regulations; scope; exceptions. [Revised]
- 71.6 Establishment of range units. [Amended]
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- 71.16 Grazing permits; by whom issued. [Revised]
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- 71.19 Farm-pasture leases. [Revised]
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- 71.25 Nonconcurrence between the superintendent and the regional forester. [Revoked]
- 71.26 Definitions. [Revised]
- 71.27 Administration of Government lands. [Revised]

§ 71.4 *Regulations; scope; exceptions.* The grazing regulations of this part are hereby made effective as of the date of approval hereof for Indian lands under the jurisdiction of the Bureau of Indian Affairs, except as superseded by special written instructions from the Commissioner of Indian Affairs in particular instances, or by provisions of any tribal constitution, bylaws, or charter, heretofore or hereafter duly ratified, or by any tribal action authorized thereunder. All forms necessary to carry out the purpose of the regulations of this part shall be approved by the Commissioner of Indian Affairs.

[20 F. R. 1764, Mar. 24, 1955]

§ 71.6 *Establishment of range units.*

CODIFICATION: In §§ 71.6 and 71.8 the term "regional forester" was changed to "area director" wherever it appeared. 17 F. R. 1420, Feb. 14, 1952.

§ 71.8 *Record of grazing permits.* (See note to § 71.6)

§ 71.11 *Indian grazing privileges; allocations and competitive bidding.* (a) Indian families, as defined in § 71.26, who own livestock in numbers not exceeding 250 head of cattle or 1,250 head of sheep, or a combined equivalent thereof in these proportions, may obtain grazing permits without competitive bidding, pursuant to §§ 71.12 and 71.13. Such permits shall be issued to the head of the family.

(b) Indian families who own livestock in numbers exceeding those stipulated in paragraph (a) of this section will be required to enter the open competitive market for their entire holdings, except for those for which they may receive free grazing privileges pursuant to § 71.9: *Provided*, That on reservations where only Indian livestock are grazed, competitive bidding will not be required, but first consideration in the allocation of grazing privileges shall be given to those Indian families owning less than the numbers stipulated in paragraph (a) of this section: *Provided further*, That no family shall be denied a pro rata share of the grazing capacity of the reservation.

[20 F. R. 1764, Mar. 24, 1955]

§ 71.12 *Appraisal of grazing privileges.* The total appraised rates for an entire unit, whether charged to Indian families receiving allocations pursuant to § 71.11, or incorporated as a minimum in advertisements for competitive bidding

pursuant to § 71.14, shall not be less than the minimum rates authorized pursuant to § 71.10.

[20 F. R. 1764, Mar. 24, 1955]

§ 71.13 *Advertisement of grazing privileges; authority therefor.* Prior to the advertisement of grazing privileges for competitive bidding, pursuant to § 71.14, the Indians in General Council or their duly authorized representatives shall authorize for tribal lands, and may recommend for allotted lands, the following:

(a) The allocation of range units to Indian permittees eligible therefor pursuant to § 71.11;

(b) The kind or kinds of livestock which will be allowed to graze on each range unit;

(c) The rate per head to be charged for allocations authorized under paragraph (a) of this section and to be incorporated as the minimum in the advertisement, subject to the requirements of §§ 71.10 and 71.12;

(d) The number of years for which grazing privileges are to be authorized under both allocation and advertisement, subject to the maximum number of years prescribed by law and subject further to the limitation that all permits shall expire within the permit period established for the reservation;

(e) The number of livestock which may be grazed free of charge on range units comprised of Tribal lands or on the tribal lands in range units comprised of tribal and other lands operated by Indian families, subject to the limitations of § 71.9;

(f) Whether the existing permittee of a unit, whose occupancy has been satisfactory, shall be given the privilege of meeting the high bid thereon.

The matters thus determined will be entered in the official minutes of the meeting, and the action taken shall be final for the period concerned unless authority to modify such action is granted in writing by the Commissioner of Indian Affairs.

[20 F. R. 1764, Mar. 24, 1955]

Prior Amendments

1952: 17 F. R. 1420, Feb. 14.

§ 71.14 *Advertisement of grazing privileges.* The sale of grazing privileges shall be advertised for competitive bidding for a period of 30 days on an approved form and proposals shall be

received under sealed bids, unless otherwise authorized by the Commissioner of Indian Affairs. The minimum appraised rates to be incorporated in the advertisement shall not be less than determined pursuant to § 71.12. Proposals must be accompanied by a cashier's check, certified check, or draft, drawn upon a solvent bank, or money order, payable to the order of the Bureau of Indian Affairs, for not less than 10 percent of the amount of the grazing fees due for the first year at the rate bid. The advertisement shall be approved by the Area Director prior to issuance thereof by the Superintendent or other authorized person or persons.

[20 F. R. 1765, Mar. 24, 1955]

Prior Amendments

1952: 17 F. R. 1420, Feb. 14.

§ 71.15 *Grazing privileges; award thereof.* The Area Director or other authorized person or persons shall award grazing privileges to the highest satisfactory bidder, and notification thereof shall be given promptly to the superintendent. When pursuant to § 71.13, the privilege has been extended to the existing permittee to meet the high bid, such existing permittee shall be given ten days' written notice by the superintendent in which to meet the high bid. Thereafter, if the existing permittee does not so notify the superintendent that he will meet the high bid, the superintendent shall then notify the highest satisfactory bidder that his bid has been accepted.

[20 F. R. 1765, Mar. 24, 1955]

§ 71.16 *Grazing permits; by whom issued.* Grazing privileges on range units shall be on an approved revokable permit form, issued by the superintendent, or other person or persons authorized to sell grazing privileges pursuant to § 71.10. The superintendent shall approve permits issued by any other authorized person. All permits shall accord to the schedule of grazing privileges approved by the Area Director which includes allocations to Indian families pursuant to § 71.11 and awards made under competitive bids. All permits shall be subject to revocation by the Commissioner of Indian Affairs, in his discretion, after 30 days' written notice to the permittee.

[20 F. R. 1765, Mar. 24, 1955]

Prior Amendments

1952: 17 F. R. 1420, Feb. 14.

§ 71.17 *Bond requirements.* Permits must provide for the payment of grazing fees annually in advance.

(a) Full performance of all permits for periods exceeding one year shall be guaranteed by corporate surety bond of a company holding a certificate of authority from the Secretary of the Treasury or a satisfactory personal surety bond of not less than four solvent sureties in a penal sum of not less than the annual grazing fees. Each personal surety must own unencumbered real estate of a value equal to twice the amount of the bond and must furnish satisfactory evidence of ownership of such unencumbered real estate. If married, the spouse of the surety must also sign the bond and each signature must be witnessed by at least two individuals and their post office addresses must appear in the instrument. Attorneys-in-fact for corporate surety bonds must furnish satisfactory evidence of authority to execute bonds for and on behalf of the surety company.

(b) In lieu of furnishing a surety bond, a permittee may deposit at the time of the first payment of the grazing fees a sum equal to one-half of the annual grazing fees. This sum shall be held by the Area Director as a cash penal bond and may be applied to the grazing fees due for the last six months of the permit: *Provided*, That no breach of the permit has taken place. In all cases where a cash deposit is made in lieu of a surety bond, the permittee shall execute a proper power of attorney authorizing the Area Director to apply the cash deposit as liquidated damages in the event of any breach of the permit.

(c) Negotiable United States Treasury bonds or other negotiable Treasury obligations may be pledged in lieu of a cash penal or surety bond under the same conditions and stipulations for cash penal bonds. Such Government securities shall be forwarded to the Area Director for safekeeping deposit and must be accompanied with a proper power of attorney authorizing disposal thereof by the Area Director as liquidated damages in the event of any breach of the permit.

[20 F. R. 1765, Mar. 24, 1955]

§ 71.18 *Grazing permits; assignments and modifications.* Grazing permits shall not be assigned, sublet or transferred without the consent of the contracting parties, the surety and the issu-

ing officer: *Provided*, That any part of the unit covered by a permit may be withdrawn by the Commissioner of Indian Affairs in his discretion after 30 days' written notice to the interested parties.

[20 F. R. 1765, Mar. 24, 1955]

§ 71.19 *Farm-pasture leases.* Farm-pasture lands not suitable for inclusion in range units may be leased in accordance with the provisions of Part 171 of this chapter.

[20 F. R. 1765, Mar. 24, 1955]

Prior Amendments

1952: 17 F. R. 1420, Feb. 14.

§ 71.24 *Court action for collection of grazing fees and damages.* [Revoked]

CODIFICATION: § 71.24 was revoked, 20 F. R. 1765, Mar. 24, 1955.

Prior Amendments

1952: 17 F. R. 1420, Feb. 14.

§ 71.25 *Nonconcurrence between the superintendent and the regional forester.* [Revoked]

CODIFICATION: § 71.25 was revoked, 17 F. R. 1420, Feb. 14, 1952.

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

(a) "Area director" means the officer in charge of an area office of the Bureau of Indian Affairs, or his duly authorized representative. The term "area director" is substituted for the term "regional forester" wherever the latter term appears in this part.

(b) "Superintendent" means the officer in charge of an Indian agency or his duly authorized representative.

(c) "Organized tribe" means a tribe organized under the provisions of the Indian Reorganization Act (48 Stat. 984; 25 U. S. C. 461-479), and "unorganized tribe" means a tribe not so organized.

(d) "Family" comprises all persons occupying a single habitation, or living in a single domestic group, whatever the age or relationship of the persons may be: *Provided*, That the Indians in general council or their duly authorized representatives may determine in cases of doubt who are members of a given family: *Provided further*, That an appeal may be taken from such a determination by any aggrieved Indian to the Commissioner of Indian Affairs: *Provided further*, That the Indians in general council or their duly authorized

representatives, subject to the approval of the Commissioner of Indian Affairs, may establish a different definition of a family which must be generally applicable to all Indians of a reservation.

[17 F. R. 1420, Feb. 14, 1952]

§ 71.27 *Administration of Government lands.* Insofar as applicable the regulations of this part are hereby 1938, respectively (3 F. R. 161, 903) and by such supplemental orders that have been or may be issued subsequent thereto. Until otherwise provided grazing permits may be issued on these lands by the superintendent pursuant to the regulations of this part.

[20 F. R. 5777, Aug. 10, 1955]

Prior Amendments

1952: 17 F. R. 1420, Feb. 14.

Part 73—Grazing, Pine Ridge Aerial Gunnery Range

Sec.

73.3 Grazing permits. [Revised]

73.4 Preference in awarding permits. [Revised]

73.6 Grazing fees. [Revised]

73.7 Delinquent fees, their collection. [Revoked]

SOURCE: §§ 73.3 to 73.7, set forth in this Pocket Supplement, appear at 18 F. R. 4498, July 31, 1953.

§ 73.3 *Grazing permits.* Grazing privileges shall be granted through the medium of permits by the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, South Dakota. Range units on which permits are not renewed, pursuant to § 73.5, shall be advertised for competitive bidding for a 30-day period, unless the Superintendent determines that a shorter period of advertisement is warranted, and proposals shall be received by sealed bids. Proposals shall be accompanied by cashier's check, certified check or draft drawn on a solvent bank, or money order, payable to the Treasurer of the United States, for not less than 10 percent of the annual grazing fees due at the rate bid. The Superintendent shall post such advertisements at public places and the award of grazing privileges shall be made to the highest satis-

factory bidder but any bidder entitled to preference, in accordance with § 73.4, may exercise such preference and meet the high bid. Such preference may be exercised by filing with the Superintendent a written notice within 10 days after the high bid has been announced. Such notice shall be accompanied by a cashier's check, certified check, or draft ~~may by the permittee~~ without additional charge, provided that the hay cut is fed on the unit to the livestock grazed under the permit. The Superintendent may prescribe such other rules as may be necessary to govern the cutting of hay so as to obtain proper utilization of the range. No permit shall be issued for farming purposes.

§ 73.4 *Preference in awarding permits.* In awarding grazing privileges, preference in meeting the high bid shall be given in the following order to:

(a) Former fee title holders, former Indian trust owners, and livestock operators, who owned established ranch headquarters within or adjacent to the Gunnery Range and who were using a portion of the Gunnery Range for grazing purposes at the time of its acquisition by the Department of the Army. This preference shall be given only to the extent of the use of the Gunnery Range by such persons prior to its acquisition by the Department of the Army.

(b) Indian allottees whose former allotments were within the Gunnery Range but whose ranch headquarters were not within the Gunnery Range.

§ 73.6 *Grazing fees.* The minimum grazing fees charged for a permit renewed pursuant to § 73.5, or the minimum fee established for the issuance of a permit pursuant to § 73.3, shall be on a level with existing rates within the Pine Ridge Indian Reservation, less 20 percent to offset the risk assumed by the permittee in occupying the Gunnery Range subject to use for military purposes. All grazing fees shall be paid in advance to the Superintendent of the Pine Ridge Indian Agency.

§ 73.7 *Delinquent fees, their collection.* [Revoked]