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TO THE . . . CODE
OF FEDERAL
REGULATIONS

Title 25—Indians

AS OF
JANUARY 1
1960

For changes on and after
January 1, 1960, see the daily issues of the Federal Register

of time when allotment selections will be accepted. In addition, copies of the rules and regulations in this part, together with copies of the Area Director's letter, shall be posted at several conspicuous places on and in the vicinity of the reservation.

§ 130.7 *Priority of owners of improvements.* Priority in the selection of land, upon which there are improvements, will be given to those members who own the improvements, provided such improvements were placed thereon prior to July 1, 1954. The lands classed as improved tracts will be designated on the map used for allotting purposes by the Area Director. The owner of the improvements on the land shall file on such land for allotment selection within a period of 15 days from the date of the "Notice of Allotment". Failure of such member to take the required action within the specified time will constitute a forfeiture of this priority right.

§ 130.8 *Priority of previous selectees.* Priority in the selection of subjugated or unsubjugated land which has not been selected in accordance with § 130.7 will be given to those members who submit documentary evidence to show that a bona fide selection was made prior to August 25, 1950, the date of the act above cited. Acceptable proof must be in the form of an official letter or other document of acknowledgment from the Bureau of Indian Affairs. Members claiming priority rights as previous selectees will be given from the 15th day to the 45th day from the date of the "Notice of Allotment" for filing acceptable proof and 15 days following this to make selections. Priority of selection shall be based upon the order in which the previous selectees had filed their unapproved selections with the Bureau. Failure of a member to take the required action within the specified time will constitute a forfeiture of this priority right.

§ 130.9 *Priority of selecting remaining lands available for allotment.* Upon the expiration of the 60-day period, as outlined in §§ 130.7 and 130.8, the order of preference for the members who have not yet made selections for the remaining lands will be determined by a drawing of numbers conducted by the Area Director, or his authorized representative. Notice of drawing for order number shall be sent to members by registered mail ten days in advance of the

date set out for the drawing. There shall be only one drawing of numbers for all members. Members who are minors and others who are under legal disability shall have a number drawn for them by a parent or the Area Director's authorized representative. Members who are unable to appear personally may appoint a representative in accordance with the procedure for such appointment contained in § 130.5 Method of selection. All numbers shall be taken and the drawing closed on the date selected for same. If members eligible to draw a number either for themselves or for a minor shall fail to appear on the date set for the drawing, the representative of the Area Director is authorized to make the drawing for such persons. The selection of land shall be made in the order established by the drawing. The person entitled to make the first selection by reason of drawing the number "1" will be allowed five days from the date of notification within which to appear at the allotting office and make his selection. Following the completion of the allotment selection by the person holding the number "1" or the expiration of the 5-day period, whichever comes first, the holder of number "2" will be notified in writing to appear at the allotting office as soon as possible and not later than five days from the date of the notice for the purpose of making his selection. The holders of each of the next consecutive numbers drawn will be mailed a similar notice as the selection by the holder of the preceding number is completed or at the expiration of the 5-day period for making the selection. The selection of each selectee shall be made within five days from the date of his notification. Otherwise the order of preference obtained in the drawing will be forfeited and his selection may not be made prior to the selection of the holder of the next highest number in the drawing, unless, due to circumstances beyond his control, he is unable to appear. If his selection is not made before the holder of the second highest number to his has made his selection, then his number shall be placed next in line. In the event he again fails to make a selection for himself or a member of his family, the Area Director or his authorized representative shall make such selections as may be necessary in order that the selection process may not be unduly delayed and that the schedule of allotments may be closed.

§ 130.10 *Disposition of improvements.* Any member owning improvements on land selected properly by another member may remove, or otherwise dispose of the improvements, within a 60-day period from the date of notification by the Area Director to such member to dispose of such improvements. If in any case the whereabouts of the owner of the improvements is not immediately known, an additional reasonable time may be allowed by the Area Director in which to locate the owner so that he, or his duly appointed representative, may have an opportunity to remove or dispose of such improvements.

§ 130.11 *Submittal of allotment schedule.* Upon the completion of the allotment selections, a certified allotment schedule containing the names of the allottees, the legal descriptions of their selections and other pertinent informa-

tion, shall be prepared by the Area Director. The allotment schedule shall be submitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, for approval.

§ 130.12 *Issuance of trust patents.* With the request for approval of the allotment schedule, the Area Director shall also request the Secretary of the Interior to authorize the Director, Bureau of Land Management to issue trust patents for each of the selections in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 2, 1917 (39 Stat. 989, 976).

§ 130.13 *Special instructions.* To facilitate the work of the Area Director the Commissioner, Bureau of Indian Affairs may issue special instructions consistent with the rules and regulations in this part.

SUBCHAPTER L--LEASING AND PERMITTING

Part 131--Leasing and Permitting

- Sec.
- 131.3 Applicability of regulations and reserved authority by the Secretary. [Revised]
- 131.8 Negotiation of individual leases and permits. [Revised]
- 131.9 Negotiation of tribal leases and permits. [Amended]

§ 131.3 *Applicability of regulations and reserved authority by the Secretary.*

The regulations in this part are of general application. Notwithstanding any limitations contained in the regulations of this part the Secretary retains the right to approve any lease or permit the terms of which meet statutory requirements when he finds that the lease or permit is in the best interest of the Indian owner.

[24 F.R. 762, Feb. 4, 1959]

Prior Amendments

1958: 23 F.R. 87, Jan. 4.

§ 131.8 *Negotiation of individual leases and permits.* (a) Adult Indians other than those non compos mentis may negotiate for themselves and for their minor children on forms approved by the Secretary or his duly authorized

representative, leases or permits for the use of individual restricted lands, subject to the regulations of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessees or permittees to the adult Indian lessors or permittees for their lands. Rentals on minors' lands shall be paid to the superintendent except where under applicable statutes it is mandatory that such rentals be paid to the parents. Subject to the classes of leases hereinafter specified, negotiated leases shall not be approved at less than the appraised fair rental value.

(b) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational, or other public purposes to religious organizations or to agencies of the Federal, State or local government at less than the fair annual rental value. Such Indian may also lease lands without regard to the fair rental value to members of his or her immediate family. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers and sisters, lineal ancestors or descendants.

[23 F.R. 87, Jan. 4, 1958]

§ 131.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative and subject to the approval of the Secretary or his authorized representative, leases or permits with respect to tribal lands. Subject to the exception herein, negotiated leases shall not be approved at less than the appraised fair rental value. Leases for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal,

State or local government may be approved at less than the appraised fair rental value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

[Paragraph (a) amended, 23 F. R. 87, Jan. 4, 1958]

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS (REVISED)

- Sec. 141.1 Definitions.
- 141.2 Scope.
- 141.3 Objectives.
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- 141.15 Payments for timber.
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- 141.17 Time for cutting timber.
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- 141.19 Timber cutting permits.
- 141.20 Free-use cutting without permit.
- 141.21 Fire protective measures.
- 141.22 Trespass.
- 141.23 Appeals under timber contracts.

AUTHORITY: §§ 141.1 to 141.23 issued under secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 25 U.S.C. 466; 47 Stat. 1417; 25 U.S.C. 413. § 141.23 issued under 5 U.S.C. 22, 25 U.S.C. 2.

SOURCE: §§ 141.1 to 141.23 appear at 24 F.R. 7870, Sept. 30, 1959.

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

sale of lumber and other forest products produced by Indian enterprises from other reservations, see Part 142 of this chapter. For wilderness and roadless areas, see Part 163 of this chapter. For law and order, see Part 14 of this chapter.

§ 141.1 Definitions.

As used in this part:

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

(b) "Indian forest lands" means lands held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are chiefly valuable for the production of forest crops; or such lands on which a forest cover should be maintained in order to protect watershed or other values.

(c) "Stumpage value" means the value of uncut timber as it stands in the woods.

(d) "Stumpage rate" means the stumpage value per thousand board feet or other unit of measure.

§ 141.2 Scope.

The regulations in this part are applicable to all Indian forest lands except as this part may be superseded by special legislation.

§ 141.3 Objectives.

The following objectives are to be sought in the management of Indian forest lands:

(a) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in harvesting 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 communities, to the end that the Indians may receive from their own property not only the stumpage value, 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 in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(e) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(g) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

§ 141.4 Sustained-yield management.

In accordance with the objectives set forth in § 141.3, the harvest of timber from Indian forest lands will not be authorized until there have been prescribed practical methods of cutting, based on sound silvicultural principles. Cutting schedules shall be directed toward the salvage of timber that is deteriorating as a result of fire damage, insect infestation, disease, over-maturity or other cause; and toward achieving an approximate balance between maximum net growth and harvest during each cutting cycle. For all Indian reservations of

major importance from an industrial forestry standpoint, management plans for the forest resource shall be prepared by the Bureau of Indian Affairs, and revised as needed. The plans shall contain a statement of the manner in which the policies of the Bureau of Indian Affairs are to be applied on the forest, with a definite plan of silvicultural management and a program of action, including a cutting schedule, for a specified period in the future.

§ 141.5 Cutting restrictions.

Clearcutting of large contiguous areas will be permitted only on lands that, when cleared, will be devoted to a more beneficial use than the growing of timber crops; but this restriction shall not prohibit clearcutting, by staggered settings or otherwise, when it is silviculturally good practice to harvest a particular stand of timber by such methods, or when it is not practicable to harvest such timber stand by methods other than clearcutting.

§ 141.6 Indian operations.

Indian tribal logging or sawmill enterprises may be organized and initiated, subject to consent of the authorized tribal representatives, where applicable, and approval by the Secretary.

§ 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding \$200 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber, the timber shall be appraised and sold at not less than its appraised value.