

Great Lakes Agency
Ashland, Wisconsin

May 12, 1960

Mr. Julius Danforth, Chairman
Oneida Executive Committee
Route 1
Oneida, Wisconsin

Dear Mr. Danforth:

We note in the minutes of the meeting of the Oneida Executive Council held on April 4, 1960, that a motion was passed giving Leslie Danforth permission to cut wood off his land as he sees fit.

The Code of Federal Regulations, Title 25, Indians, specifies that all timber or forest products, cut off Indian trust land must be cut under regulations and authorization as provided or approved by the Secretary of Interior or his representatives. Any timber or forest products cut off any Indian land must be cut under cutting permits or contracts issued by the Superintendent or the Area Director, depending on the value of the timber to be cut. The only exception to this is that certain products, such as fuelwood, fence posts, etc., may be cut by an Indian off of tribal land for his own personal use with the consent of the authorized tribal representatives. However, such products cut must be for the Indians personal use and may not be sold or exchanged for other goods or services.

In accordance with these regulations, if the wood to be cut by Leslie Danforth is for his own personal use and is not to be sold or exchanged for other goods or services the Council is within its authority in permitting him to cut the wood. However, if Mr. Danforth intended to sell the wood or forest products, or intended to cut it for some other purpose other than his own personal use, then the Council would not have the authority to permit this. Instead they should forward his request or application to this office where it would either be approved and a cutting permit issued, or disapproved, depending on the amount, value and conditions of the timber to be cut. In forwarding the application or request, the Council should also signify whether or not they wished the Superintendent to approve the request.

Will you please advise us further as to the use which Mr. Danforth wishes to make of the wood he wants to cut. We are sending a copy of this letter to Mr. Danforth so that he will understand that if he wished to cut the wood-fuelwood, fence posts, etc., for his own personal

was he has the consent of the Council to do so and may proceed with his cutting. However, if he did not intend the cut material for his own use, he has no authority to do any cutting whatsoever and would be guilty of trespass and liable to court action until he secures a cutting permit from this office.

For your information, quoted below is that portion of the Code of Federal Regulations, Title 25, Indians, that applies:

Paragraph 141.19 Timber cutting permits.

Except as provided in paragraph 141.20, all timber cutting that is not done under formal contract, pursuant to paragraph 141.18, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in paragraphs 141.13 (b) and 141.13 (c). The stumpage value which may be cut in 1 year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed \$200, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

(a) Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of forest products by persons authorized under Paragraph 141.13 to execute timber contracts. Timber cut under this authority may be limited as to sale or exchange for other goods or services.

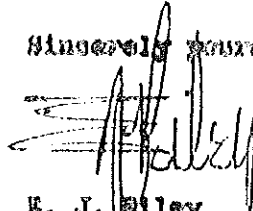
(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to paragraph 141.18. The permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests.

Paragraph 141.20 Free-use cutting without permits.

(a) Timber may be cut by an Indian for his personal use from an allotment in which he holds the sole beneficial interest without a permit or contract; but timber cut under this authority shall not be sold, or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by paragraph 141.4.

(b) With the consent of the authorized tribal representatives and the Secretary, Indians may cut designated types of forest products from unallotted lands without a permit or contract, and without charge. Timber cut under this authority shall be for the Indian's personal use, and shall not be sold or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by paragraph 141.4.

Sincerely yours,



E. J. Riley
Superintendent

cc: Mr. Leslie Danforth
Route 1
Onsida, Wisconsin

cc: Mrs. Eva Danforth, Secretary
Onsida Executive Council
Route 2
West De Pere, Wisconsin