(2) The whereabouts of the owner(s)
of the land or those with an interest
therein are unknown so long as the ma-
jority of owner(s) of interests whose
whereabouts are known, consent to the
grant;
(3) The heirs or devisees of a deceased
owner of the land or interest have not
been determined, and the Secretary
finds the grant will cause no substan-
tial injury to the land or any land
owner; or
(4) The owners of interests in the
land are so numerous that the Sec-
retary finds it would be impractical to
obtain the consent of the majority and
finds that such grant in total or an in-
terest therein will cause no substantial
injury to the land or the owner(s), that
cannot be adequately compensated for
by monetary damages.
(c) Nothing in this section shall pre-
clude acquisition of rights-of-way over
Indian lands, under 25 CFR part 169, or
conflict with provisions of that part.

§ 163.31 Insect and disease control.
(a) The Secretary is authorized to
protect and preserve Indian forest land
from disease or insects (Sept. 20, 1922,
Ch. 349, 42 Stat. 857). The Secretary
shall consult with the authorized tribal
representatives and beneficial owners
of Indian forest land concerning con-
trol actions.
(b) The Secretary is responsible for
controlling and mitigating harmful ef-
teffects of insects and diseases on Indian
forest land and will coordinate control
actions with the Secretary of Agri-
culture in accordance with 92 Stat. 365,

§ 163.32 Forest development.
Forest development pertains to for-
est land management activities under-
taken to improve the sustainable pro-
ductivity of commercial Indian forest
land. The program shall consist of re-
forestation, timber stand improvement
projects, and related investments to
enhance productivity of commercial
forest land and will coordinate control
actions with the Secretary of Agri-
culture in accordance with 92 Stat. 365,

§ 163.33 Administrative appeals.
Any challenge to action under 25
CFR part 163 taken by an approving of-
ficer or subordinate official exercising
delegated authority from the Secretary
shall be exclusively through adminis-
trative appeal or as provided in the In-
dian Self-Determination and Education
Assistance Act (Pub. L. 93–638, as
amended). Such appeal(s) shall be filed
in accordance with the provisions of 25
CFR part 2. Appeals from adminis-
trative actions, except that an appeal of
any action under part 163 of this title shall:
(a) Not stay any action unless other-
wise directed by the Secretary; and
(b) Define “interested party” for pur-
poses of bringing such an appeal or par-
ticipating in such an appeal as any per-
son whose own direct economic inter-
est is adversely affected by an action or
decision.

§ 163.34 Environmental compliance.
Actions taken by the Secretary
under the regulations in this part must
comply with the National Environ-
mental Policy Act of 1969, applicable
Council on Environmental Quality
Regulations, and tribal laws and regu-
lations.

§ 163.35 Indian forest land assistance
account.
(a) At the request of a tribe’s author-
zized representatives, the Secretary
may establish tribal-specific forest
land assistance accounts within the
trust fund system.
(b) Deposits shall be credited either
to forest transportation or to general
forest land management accounts.
(c) Deposits into the accounts may
include:
(1) Funds from non-federal sources
related to activities on or for the In-
dian forest land of such tribe’s reserva-
tion;
(2) Donations or contributions;
(3) Unobligated forestry appropria-
tions for the tribe;
(4) User fees; and