(4) Nothing shall be construed to pro-
hibit or in any way diminish the au-
thority of a tribe to prosecute individ-
uals under its criminal or civil trespass
laws where it has jurisdiction over
those individuals.

§ 163.30 Revocable road use and con-
struction permits for removal of
commercial forest products.

(a) In accordance with 25 U.S.C. 415
as amended, the Secretary may request
tribes and/or other beneficial owners to
sign revocable permits designating the
Secretary as agent for the landowner
and empowering him or her to issue
revocable road use and construction
permits to users for the purpose of re-
moving forest products.

(b) When a majority of trust interest
in a tract has consented, the Secretary
may issue revocable road use and con-
struction permits for removal of forest
products over and across such land. In
addition, the Secretary may act for in-
dividual owners when:

(1) One or more of the individual
owner(s) of the land or of an interest
therein is a minor or a person non
compos mentis, and the Secretary finds
that such grant, in total or for an in-
terest therein, will cause no substan-
tial injury to the land or the owner,
which cannot be adequately com-
pensated for by monetary damages;

(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-
cretary 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-
effects 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 with emphasis on accom-
plishing on-the-ground projects. Forest
development funds will be used to re-
establish, maintain, and/or improve
growth of commercial timber species
and control stocking levels on commer-
cial forest land. Forest development
activities will be planned and executed
using benefit-cost analyses as one of
the determinants in establishing prior-
ities for project funding.

§ 163.33 Administrative appeals.

Any challenge to action under 25
CFR part 163 taken by an approving of-
fficer 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