Indian Affairs - Office of Public Affairs

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Acting Secretary of the Interior Elmer F. Bennett today announced the Code of Federal Regulations has been amended to guarantee that Indian tribes will receive adequate offers for mineral leases on their lands.

The amendment provides greater uniformity in regulating the leasing of Indian lands for the mining of minerals other than oil and gas. It also furnishes a safeguard patterned after that which applies to oil and gas leases. The latter are required by law to be advertised, not negotiated.

The amendment, to Section 171.2 of Title 25 CFR, was first published in the Federal Register on July 10, 1958. It now becomes effective upon republication.

The old regulation permitted tribes to negotiate leases of tribal lands for mining of minerals other than gas and oil, without advertising for bids. The new regulation specifies advertising must precede issuance of such a lease, except under unusual conditions which are covered by a provision authorizing the Commissioner of Indian Affairs to grant written permission to negotiate a lease.

The amendment will protect tribes from inadvertently letting their land be leased via negotiation for much less than it could bring after advertising.

The regulations permit the granting of prospecting permits with preferential right to a lease. This protects a prospective miner who otherwise} after expensive exploration of Indian tribal land, would then be forced to compete for a development lease against others who might capitalize on his exploration investment.

The change brings the regulation into conformity with another which controls mineral leases of land owned ,not by tribes, but by individual Indians under Government supervision.