

**§ 212.45**

**§ 212.45 [Reserved]**

**§ 212.46 Inspection of premises, books, and accounts.**

The provisions of § 211.46 of this subchapter are applicable to leases under this part.

**§ 212.47 Diligence, drainage and prevention of waste.**

The provisions of § 211.47 of this subchapter are applicable to leases under this part.

**§ 212.48 Permission to start operations.**

The provisions of § 211.48 of this subchapter are applicable to leases under this part.

**§ 212.49 Restrictions on operations.**

The provisions of § 211.49 of this subchapter are applicable to leases under this part.

**§ 212.50 [Reserved]**

**§ 212.51 Surrender of leases.**

The provisions of § 211.51 of this subchapter are applicable to leases under this part.

**§ 212.52 Fees.**

The provisions of § 211.52 of this subchapter are applicable to leases under this part.

**§ 212.53 Assignments, overriding royalties, and operating agreements.**

The provisions of § 211.53 of this subchapter are applicable to leases under this part.

**§ 212.54 Lease or permit cancellation; Bureau of Indian Affairs notice of noncompliance.**

The provisions of § 211.54 of this subchapter are applicable to leases under this part.

**§ 212.55 Penalties.**

The provisions of § 211.55 of this subchapter are applicable to this part.

**§ 212.56 Geological and geophysical permits.**

(a) Permits to conduct geological and geophysical operations on Indian lands which do not conflict with any mineral

lease entered into pursuant to this part may be approved by the Secretary with the consent of the Indian owner under the following conditions:

(1) The permit must describe the area to be explored, the duration and the consideration to be paid the Indian owner;

(2) The permit may not grant the permittee any option or preference rights to a lease or other development contract, authorize the production of, or removal of oil and gas, or geothermal resources, or other minerals except samples for assay and experimental purposes, unless specifically so stated in the permit; and

(3) Copies of all data collected pursuant to operations conducted under the permit shall be forwarded to the Secretary and made available to the Indian mineral owner, unless otherwise provided in the permit. Data collected under a permit shall be held by the Secretary as privileged and proprietary information for the time prescribed in the permit. Where no time period is prescribed in the permit, the Secretary may, in the discretion of the Secretary, release such information after six (6) years.

(b) A permit may be granted by the Secretary without 100 percent consent of the individual mineral owners if:

(1) The minerals are owned by more than one person, and the owners of a majority of the interest therein consent to the permit;

(2) The whereabouts of one or more owners of the minerals or an interest therein is unknown, and all the remaining owners of the interests consent to the permit;

(3) The heirs or devisee of a deceased owner of the land or an interest therein have not been determined, and the Secretary finds that the permit activity will cause no substantial injury to the land or any owner thereof; or

(4) The owners of interests in the land are so numerous that the Secretary finds it would be impractical to obtain their consent, and also finds that the permit activity will cause no substantial injury to the land or any owner thereof.

(c) A lessee does not need a permit to conduct geological and geophysical operations on Indian lands, if provided for

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in the lessee's mineral lease, where the Indian mineral owner is also the surface land owner. In instances where the Indian mineral owner is not the surface owner, the lessee must obtain any additional necessary permits or rights of ingress or egress from the surface occupant.

### § 212.57 Forms.

The provisions of § 211.57 of this subchapter are applicable to leases under this part.

### § 212.58 Appeals.

The provisions of § 211.58 of this subchapter are applicable to leases under this part.

## PART 213—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

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AUTHORITY: Sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 777; 25 U.S.C. 356. Interpret or apply secs. 3, 11, 35 Stat. 313, 316, sec. 8, 47 Stat. 779, unless otherwise noted.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR part 221.

SOURCE: 22 FR 10599, Dec. 24, 1957, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

### § 213.1 Definitions.

*Area Director.* The term "Area Director" in this part refers to the officer in charge of the Five Civilized Tribes Indian Agency.

*Supervisor.* The term "supervisor" in this part refers to a representative of