

RESOLUTION OF THE  
 WHITE MOUNTAIN APACHE TRIBE OF THE  
 FORT APACHE INDIAN RESERVATION

BE IT RESOLVED by the Council of the White Mountain Apache Tribe that  
 the attached plan of operation for the White Mountain  
 Tribal Herd is hereby adopted and approved to be  
 effective on July 1, 1954.

The foregoing Resolution was on June 2, 1954 duly adopted by a  
 vote of 7 for and 0 against, by the Tribal Council of the White  
 Mountain Apache Tribe pursuant to authority vested in it by Article VI,  
 Section 1 (n) of the Constitution and By-Laws of the Tribe, ratified  
 by the Tribe on August 15, 1938 and approved by the Secretary of the  
 Interior on August 26, 1938 pursuant to Section 16 of the Act of June 18,  
 1934 (48 Stat. 984).

Lester Oliver  
 Chairman of the Tribal Council

Approved JUN 4 1954  
John O. Crow  
 John O. Crow,  
 Superintendent

Mary E. Lundfield  
 Secretary of the Tribal Council

PLAN OF OPERATION  
Of The  
WHITE MOUNTAIN TRIBAL HERD

Section A - Identity

1. Name - The official name of this enterprise of the White Mountain Apache Indian Tribe shall be the "White Mountain Tribal Herd" hereinafter referred to as the Enterprise.

2. Place of Business - The principal place of business of this Enterprise shall be on the Fort Apache Indian Reservation at the "I.D. Ranch" which is located east of the lower Bonito Creek Bridge some 25 miles Southeast of Whiteriver, Arizona, the nearest post office. The "I.D. Ranch" is the center of activities for the Enterprise and consists of headquarters buildings and farm and grazing units.

3. History of the Enterprise - On August 1, 1939, the Tribal Council adopted a resolution consolidating what was known as the "I.D. Tribal Herd" and the "Old Folks Herd" into one herd to be operated as the "Old Folks Tribal Herd."

Mr. S. M. Dodd's letter of June 12, 1937 to former Superintendent William Donner advised that " \* \* \* this information bears out the tribal ownership of the herd; therefore, the proceeds of the herd must be deposited to the credit of the tribe as 'Indian Moneys, Proceeds of Labor, Fort Apache Indians,' \* \* \* The tribal herd has been operated as a tribal enterprise, and in fact, is a tribal activity; \* \* \*. Congress appropriates annually around \$50,000 from the tribal funds of the Fort Apache Indians. All or part of the expenses of operating the herd are taken from this appropriation. \* \* \*"

4. History of the Tribal Herd 1/ - Many years ago, the White Mountain Apaches faced a choice as to whether each stock association should assess its members to buy bulls and purchase them independently of one another or whether there should be concerted action. At that time the tribe had funds that could be used for this purpose, thereby obviating the necessity for making special assessments, and it was decided that the tribe should furnish all the bulls used on the Indian owned cattle. When that decision was made, there were comparatively few Indian owned cattle for fully three-fourths of the reservation was under permit to white ranchmen. As more and more of our range has been taken over for Indian use, the number of Indian owned cattle has increased and the cost and difficulty of purchasing bulls of the right type from outside sources had long ago become so burdensome that the tribe attempted to produce at least a part of its bulls.

2/From records of the Phoenix Area Office

The original tribal herd was obtained by adding 500 heifers of mixed Hereford and Shorthorn breeding that had been purchased from John Degnan of El Paso, Texas in 1917 to an already existing herd which had been used to produce beef. It was thought that by purchasing good, registered bulls and by careful selection of heifers to be retained for replacements, the quality of this herd could be raised to such an extent that the bull calves would be suitable for issue on the reservation. In this the tribe seems not to have been too successful for, in a report made in 1928, ten years later Superintendent Donner described the cattle in this herd as of inferior quality. Nevertheless, bulls were even then being issued from the herd.

In 1934 the tribe was offered 450 registered heifers and 167 registered bulls by the Emergency Relief Administration under an agreement to repay the cattle in kind. These heifers and some of the best bulls were used as foundation stock for a purebred herd - the size of the old grade herd being reduced in order to make range available for this registered herd. These were repaid in full during 1939.

An enthusiasm for the plan of producing all the bulls that the reservation would need grew, and it was decided that a herd of 1,000 breeding cows would be necessary to meet normal requirements after allowing for the culling of calves of undesirable type. With this objective in mind, 370 more purebred heifers were purchased in the fall of 1937, bringing the number of females up to 820. The yearling steers were sold each year.

In 1938 some readjustments were felt desirable and it was decided to improve the tribal herd to a point where it would produce bulls for range use and surplus heifers for sale to individual Indians to replace inferior animals they then owned. Many problems in management in the development of this herd were met and overcome by the diligent efforts of the tribe and the Indian Service Extension staff through the years.

Due to the ineligibility of Indians for Social Security benefits from the State of Arizona, \$40,000 of tribal appropriated funds were used in 1938 to purchase registered bulls and heifers, building materials, and feed for the establishment of an old folks herd.

On August 1, 1939, the tribe requested that the tribal cattle known as the I.D. Tribal Herd and the Old Folks Herd be consolidated and in the future operated as the Old Folks Tribal Herd. In forwarding this request, the Superintendent advised the Commissioner that we now had approximately 1,000 head or better of the registered cattle and select offspring therefrom and the plan was to cull from the registered cattle into the grade cattle and from there issue the best heifers to

Indians on the reimbursable plan, issue the best of the bulls to the individual Indian herds on various sections of the reservation, and sell all steers, old cows and other less desirable stock. Proceeds from all these sources to be used to pay for the management of the herd and the necessary relief to people in whose interest the herd was established, namely, old folks or indigent of the reservation.

5. Definitions - Wherever used in this plan of operation the following definitions shall be applicable:

- (a) Secretary - Secretary of the Interior
- (b) Commissioner - Commissioner, Bureau of Indian Affairs
- (c) Area Director - Officer-in-Charge, Phoenix Area Office, Bureau of Indian Affairs
- (d) Superintendent - Officer-in-Charge, Fort Apache Agency
- (e) Tribe - White Mountain Apache Tribe
- (f) Council - White Mountain Apache Tribal Council
- (g) Board - White Mountain Tribal Herd Board
- (h) Enterprise - White Mountain Tribal Herd
- (i) Manager - White Mountain Tribal Herd Manager or Foreman

6. Purpose - To promote the economic development of the White Mountain Apache Tribe and its members.

7. Nature of Business - In accordance with accepted conservation and range management plans formulated in accordance with 25 CFR 71, and within any and all limitations of available range resources, the general nature of the business to be carried on by the Enterprise shall be to:

- (a) Produce high quality purebred bulls for use among Indian owned cattle on the Fort Apache Reservation.
- (b) Produce high quality female stock for sale or issue on a repayment in kind basis to members of the Tribe needing high class foundation stock.
- (c) Produce income for the Tribe through the sale of steers, old stock, and less desirable stock.
- (d) Produce feed or forage for Enterprise use. Any surplus of feed may be sold.
- (e) Perform minor custom work for members of the Tribe as may be deemed advisable at rates as may be determined by the Board.

## Section B - Management

1. (a) Board - The Tribal Council shall elect a three member board to be known as the Tribal Herd Board. This Board shall be the policy determining, planning board, and general supervisory authority in all of the Enterprise business and activities, except that it shall not exceed the powers granted to the White Mountain Apache Tribe by its Constitution and By-Laws. The Board members shall be members of the Tribe and may or may not be members of the Council. At the first election of members to the Board by the Council, one member shall be elected for one year; one member for two years; and one member for three years. Thereafter, one member shall be elected annually for a three year term at the first regular January meeting of the Council. The Council by a three-fourth majority of a quorum present at any meeting of the Council, may declare the position of any Board member vacant. If a vacancy on the Board should occur for any reason, the Council at its next regular meeting after such a vacancy may occur, shall elect a member to complete the unexpired term of the vacancy. The Board shall select one member thereof as Chairman. The Board shall be responsible to the Council.

(b) Board Meetings - The Board shall meet with the Superintendent or his authorized representative on the day following the regular Council meeting each May, to consider and recommend a budget for the Enterprise for the following fiscal year beginning July 1. The general policies and procedures to be followed for the Enterprise for the fiscal year shall also be determined at this meeting. The Board shall hold meetings at least every six months and shall record its proceedings. Other meetings shall be called when deemed necessary by the Chairman of the Board. Two members of the Board shall constitute a quorum.

(c) Compensation - Members of the Board shall be reimbursed by the Council for time spent in connection with the Enterprise business at a rate as may be determined by the Council. All Board compensation and expense shall be an operating expense of the Enterprise.

2. Personnel - A manager-stockman shall be employed subject to the approval of the Board. He must have had the educational qualifications of at least a high school graduate and must have had broad experience with ranch operations and supervision of men. College trained men with a background of ranch experience shall be given preference. His duties shall be to supervise directly the work of other employees, to keep necessary records, and to accomplish such work as is necessary for the successful operation of the Enterprise. He shall be responsible to the Board for the operation of the Enterprise and for the carrying out of the policies and procedures set up by the Board for the operation of the Enterprise. The manager-stockman shall comply with the requirements of range management plans formulated according to 25 CFR 71, and shall cooperate with all Indian Service and other Federal employees in the carrying out of accepted conservation and range management practices.

The manager-stockman shall be responsible for employing, directing, training, and discharging all employees and laborers. In hiring he shall give preference to qualified members of the Tribe. Wages of employees shall be in accordance with the better rates customary for similar work on the reservation association ranges and that paid by neighboring ranchers. He may employ any clerical assistance necessary for the performance of all phases of the work required for the best interests of the Enterprise.

### Section C - Capital

1. Source of Funds - The capital of the Enterprise shall be composed of:

(a) Assets and liabilities for the existing Tribal Herd Enterprise and I. D. Ranch.

(b) Such other funds and property as may be advanced, given or loaned by the tribe (which is the legal owner of the Enterprise), or from other sources.

(c) The accumulated savings and losses of the Enterprise operations.

2. Tribal Funds - Existing investments of tribal funds in the Enterprise shall be considered as capital investments, shall be shown on the accounting records as such, and shall not bear interest or provide for a repayment schedule. After a cash Reserve for Contingencies totaling \$75,000 and the initial year's operating budget has been provided for from existing available cash funds of the Enterprise, all cash funds not needed shall be transferred to the tribe as provided for in Section C (5), and the capital investment shall be reduced correspondingly on the accounting records.

Further advances or loans of tribal funds may or may not bear interest and provide for a repayment schedule, as determined by the tribal council at the time of making the advance or loan. Earnings of the Enterprise retained in the Enterprise shall be identified as "White Mountain Tribal Herd Funds."

3. Annual Budgets - Annual budgets for the Enterprise shall be prepared and approved prior to the beginning of the Enterprise's fiscal year. Funds for the annual budget shall be set aside prior to any transfer of funds to the tribe. The Enterprise budgets shall be approved by the Tribal Council.

4. Distribution of Savings - The annual net savings shall be distributed as follows:

First: Twenty-five percent of the remaining net savings, after providing for the next year's budget, shall be transferred to a cash reserve for contingencies until such reserve totals \$75,000. The cash reserve may be invested in interest bearing bonds or other securities subject to approval of the Commissioner.

Second: The balance of any net savings, or the total of any net loss, shall be transferred to the Enterprise Surplus account.

Third: No funds of the Enterprise will be expended by it for any purpose not directly connected therewith. No per capita payments may be made by the Enterprise.

5. Transfer of Surplus Funds - Any surplus cash funds of the Enterprise not needed for the annual budget and reserve account shall be transferred to the tribe annually.

#### Section D - Method of Business

1. Depository - Under provisions of the Tribal Constitution and By-Laws, all funds of the Enterprise shall be deposited in an Indian Money account of the Fort Apache Agency.

2. Records and Accounts - (a) The manager-stockman shall be directly responsible for the keeping of the herd book, registration papers, and other necessary data in connection with the operation of the Enterprise. Adequate filing cases, cabinets, and other equipment shall be provided for from Enterprise funds.

(b) Annual financial statements shall be made by the manager-stockman, a copy of which shall be furnished the Board, Council, Superintendent, Area Director, and the Commissioner.

(c) Unless waived in writing by the Council, Superintendent, and Area Director, an audit of the operations and conditions of the Enterprise shall be made as of the close of each fiscal year at the expense of the Enterprise. The Board shall arrange for the audits. Audits of accounts and inventories may also be required by the Board, Council, Superintendent or Area Director at other times when deemed necessary.

3. Sales - The assets of the Enterprise may be sold in the open market in accordance with generally accepted trade practices. Advertising is not required but may be done when advisable. All sales by the Enterprise shall be cash f.o.b. the reservation or other points of delivery, except as follows:

(a) Sales to Federal, State, and Municipal agencies may be made in accordance with the general practice of such agencies.

(b) Shipment of Enterprise assets to central livestock markets or other public or auction sales.

(c) Sales to members of the tribe.

4. Insurance - The manager-stockman shall arrange for all insurance. All insurance coverage shall be satisfactory to the Board and Council. All Enterprise insurance premiums are to be an operating expense of the Enterprise. All insurance policies shall be deposited with the Superintendent for safe-keeping.

5. Laws and Regulations - The Enterprise shall comply with all Federal, and State Laws or regulations as are applicable to it.

6. Title to Property - Hereafter, title to all property purchased or acquired by or for the Enterprise shall be taken unrestricted in the name of the White Mountain Apache Tribe. A request can and may be made to release the restrictions on any or all property now in possession of the Enterprise. The removal of such restrictions is subject to approval of the Superintendent and Area Director.

7. Physical Inventories - Physical inventories shall be made as of the last day of business of the fiscal year of the Enterprise and at such other times as may be directed by the Board, Council, Superintendent or Area Director.

8. Fiscal Year - The fiscal year of the Enterprise shall be from July 1 to June 30, inclusive.

#### Section E - Approval

1. This plan of operation shall become effective upon ratification of the Tribal Council, and approval of the Area Director and Commissioner of Indian Affairs.

2. Amendments to this plan of operation may be made by the Tribal Council of the White Mountain Apache Tribe. All amendments will become effective immediately upon approval of the Area Director, provided that higher approval is not required by the Tribe's Constitution and By-laws.

#### Section F - General

As the range resource is the primary asset of the White Mountain Apache Tribe, the conservation and protection of the range resource shall have priority over the sustenance of a tribal herd. The tribal herd shall be operated in accordance with approved range management plans which shall be reviewed and modified from time to time as conditions warrant. Range management plans shall be in accordance with the provisions of 25 CFR 71 and shall follow accepted conservation and range management practices. Definite range units shall be designated by the Council for the use of the Tribal Herd.