

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

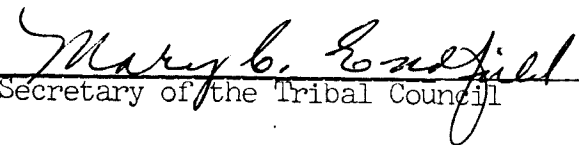
- WHEREAS, the Sunrise Ski Park is dependent upon revenue generated from the sale of ski passes and the sale of other services offered by the ski area to patrons of the ski area who travel, generally, from Phoenix and Tucson and other urban areas; and
- WHEREAS, it is absolutely critical to the financial success of the ski area that skiers be permitted to travel unencumbered and without obstruction to the ski area; and
- WHEREAS, on two recent occasions the Arizona Department of Transportation and the Department of Public Safety have erected roadblocks at the junction of Route 73 and Route 260 commonly known as Hondah during periods of snowfall and have prohibited skiers from traveling the distance to the Sunrise Ski Park unless they have four-wheel drive vehicles or tire chains; and
- WHEREAS, DPS has prohibited persons with front-wheel drive vehicles equipped with radials or snow tires and vehicles equipped with snow tires from proceeding to the Sunrise Ski Area from Hondah; and
- WHEREAS, during said roadblocks, local citizens or citizens who are known by DPS are permitted to travel, even with street tires, to the Sunrise Ski Area; and
- WHEREAS, on two recent occasions snow was not drifting across the highway, the highways had been recently plowed and had bare spots between Hondah and Sunrise Ski Park and further had cinders spread upon said roads and still DPS insisted upon four-wheel drive or tire chains before skiers were permitted to travel to Sunrise Ski Area; and
- WHEREAS, said arbitrary roadblocks only continued for a period of three hours during the time when skiers predominately travel to Sunrise Ski Area and that is between the hours of 7:30 and 11:30 a.m.; and
- WHEREAS, the roadblocks reduced the number of skiers from an average of 4,200 skiers per day to 2,700 skiers on the Thursday preceeding New Year's Eve, which resulted in a loss of approximately \$40,000.00 to the ski area; and
- WHEREAS, said roadblocks have no statutory basis or authority and constitute and arbitrary and capricious interference with the economy of the White Mountain Apache Tribe on tribal land.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby condemns as arbitrary and capricious the irresponsible and economically injurious conduct of the Arizona Department of Transportation and the Arizona Department of Public Safety resulting from the unnecessary roadblocks initiated and carried out by ADOT and DPS.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that a copy of this resolution be delivered to the Director of DPS and Arizona DOT and the governor's office and that a request be made that a high level meeting be set up immediately to terminate the continuation of this arbitrary and capricious exercise of roadblocks which has caused serious economic injury to the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to explore any and all legal remedies including restitution against the Arizona Department of Transportation and the Department of Public Safety in order to enjoin future roadblocks of the type conducted on December 30, 1982 and on a previous occasion this 1982 ski season.

The foregoing resolution was on January 5, 1983 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a & i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

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FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ