

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

WHEREAS, the Tribal Attorney advises the Tribal Council that the White Mountain Apache Recreation Enterprise has recommended certain amendments to Ordinance No. 130; otherwise known as the White Mountain Apache Game and Fish Code; and

WHEREAS, the Tribal Attorney has gone over each amendment to each section attached and incorporated by reference hereto of the Game and Fish Code and has explained the reasons for the changes, and

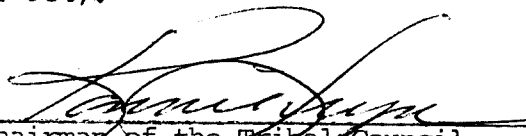
WHEREAS, in addition to the changes presented by the Tribal Attorney, the Tribal Council wishes to amend Ordinance No. 130 further in the following respects:

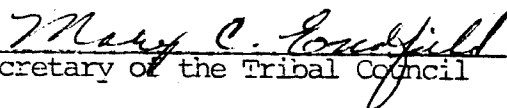
1. Section 5.13 E. shall provide that "any employee or his agent of the Recreation Enterprise who sells any part from any animal killed on the reservation shall promptly make a record of the monies received and transfer the monies immediately to the Tribal Business Office."
2. Section 7.2 (13) shall be amended as follows: "provided, however, that tribal members may cut green trees, green juniper and green scrub oak for the purposes of building remadas, for ceremonial or religious purposes and for fire wood", and

WHEREAS, the Tribal Council concludes that said proposed amendments as attached should be posted for a period of ten (10) days for public comment as required by the Tribal Constitution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the proposed amendments to the Game and Fish Code attached hereto and incorporated by reference shall be posted for a period of ten (10) days for public comment as required by the Tribal Constitution.

The foregoing resolution was on August 03, 1983 duly adopted by a vote of 10 and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f,h,i) of the Amended Constitution and By-Laws 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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AUG 11 1983

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

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

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe regularly assembled on the 7th day of SEPTEMBER, 1983, that the WHITE MOUNTAIN APACHE GAME AND FISH CODE ORDINANCE NO. 130, is hereby amended as follows:

Page 1, Heading at top of page: WHITE MOUNTAIN APACHE
GAME AND FISH CODE

Section 1.1

Pursuant to the power vested in it by Article V, Section 1 (f), (h), (i), and (q) of the Constitution...
...hereby enacts this Game and Fish Code to ensure...

Section 3.14A

. . . is so excessive in a particular case as to be punitive, or so inadequate in a particular case as to result in a gross deprivation of adequate restitution. In any case in which the presumption is successfully rebutted, the parties may introduce evidence to prove the actual damages as in any other civil case.

Section 3.15A

. . . violation of the Game and Fish Code wherein ...

Section 4.2A

. . . if the officer has probable cause to believe that wildlife or plants or parts thereof taken...

Section 4.2C

. . . may inspect all wildlife or plants or parts thereof taken, possessed...

Section 4.7E

. . .and as to Indians charged criminally will result in the...

Section 5.12 HAZARDOUS OR NUISANCE ANIMALS IN CAMPGROUNDS, ETC.:
REPORT: ABATEMENT PLAN; PROTECTION OF PERSONS.

F. ...pursuant to the provisions of Section 5.13 B and C, and except as provided in those sections, no person shall retain any part of such animal.

- H. Any person may use whatever means are necessary, including killing an animal, in order to protect a person who is in immediate danger of being injured by such animal. Any person who kills an animal pursuant to this section shall leave the animal where it falls and shall, within three hours of such killing, report the incident to the White Mountain Recreation Enterprise, Department of Game and Fish.

Section 5.13E

Any employee or his agent of the Recreation Enterprise who sells any part from any animal killed on the reservation shall promptly make a record of the monies received and transfer the monies immediately to the Tribal Business Office.

Section 6.4

- A. Permit Agreements shall be printed on all permits...
1. . . .
 2. I consent to the jurisdiction of the White Mountain Apache Tribal Court as the forum for the resolution of any civil disputes which arise from my presence on the...

Section 6.71(1)

In addition to pursuing any other remedies provided by this Code for its violation, the General Manager or Assistant Manager, after notice ...
. . . Before any such suspension or revocation the General Manager or Assistant Manager shall notify. . .
. . . The decision of the General Manager or Assistant Manager may be appealed . . .

Section 6/71(2)

The General Manager or Assistant Manager shall furnish . . .

Section 6.10

A. In addition to pursuing the other remedies provided by this Code, the General Manager or Assistant Manager, after notice and an administrative hearing, may suspend or revoke, for a period not to exceed five years, the permit and privilege to take wildlife of any person who has been found by the Tribal Court to be liable to the Tribe for:

1. Unlawfully taking or possessing wildlife;

2. Carelessly using a firearm or other weapon;
3. Destroying, injuring, or molesting livestock, or damaging or destroying crops, personal property,...

B. Before any such suspension or revocation, the General Manager or Assistant Manager shall notify the person...

...The decision of the General Manager or Assistant Manager may be appealed to the Tribal Court...

Section 7.2

- (11) Allow any edible portion of game fish to go to waste;
- (13) ...without written tribal authorization; provided, however, that tribal members may cut green trees, green juniper and green scrub oak for the purposes of building ramadas, for ceremonial or religious purposes and for firewood.
- (21) Allow any edible portion of small game to go to waste;
- (28) Allow any edible portion of big game to go to waste;
- (30) Delete entire section and replace as follows:
- (30) Use a dog or dogs to take Big Game other than bear or Mountain Lion.
- (41) Camp on the Reservation without a camping permit;
- (45) Camp within one quarter mile of a wildlife or livestock water hole;
- (52) Disobey a lawful order of any authorized Tribal Officer;
- (55) Picnic in other than a designated campground or picnic area.
- (56) Cross-country ski, snowmobile, sled, tube, or toboggan in an undesignated area.
- (57) Cross country ski, snowmobile, sled, tube or toboggan without a permit.

The foregoing ORDINANCE NO. 137 was on September 07, 1983 duly enacted 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 V, Section 1 (f,h,i & q) of the Amended Constitution and By-Laws 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