

Resolution 84-47

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

- WHEREAS, Raymus Albert, Supervisor of the Reservation boundary fence construction and maintenance for the Fort Apache Indian Reservation has negotiated an agreement to assign responsibility for fence maintenance on the common boundary fence between the Fort Apache Indian Reservation and the Apache-Sitgreaves National Forest, a copy of which is attached to this resolution, and
- WHEREAS, the Apache Sitgreaves National Forest is willing to donate two to three thousand dollars to the White Mountain Apache Tribe to help defray the cost of maintenance of the tribal fence in those areas where the fence is a common boundary line between the reservation and the National Forest, and
- WHEREAS, Mr. Raymus Albert has exhibited a map which is to become part of the maintenance agreement which delineates the approximate division points between the fence maintenance responsibilities for the tribe and the National Forest, the tribal responsibility being shown in red and the forest service responsibility being shown in blue, and
- WHEREAS, the following reference points on the map will designate the respective maintenance responsibilities of the tribe and the National Forest:

On the eastern boundary of the reservation from the Black River to P.S. road 482 (tribal responsibility); from P.S. road 482 to northeast corner angle point #1 (forest service responsibility); from angle point 73 to mile post 24½ (tribal responsibility); from mile post 24½ to angle point 258 (forest service responsibility); from angle point 258 to highway 60 (tribal responsibility); from highway 60 to Decker road #146 (forest service responsibility); from Decker road 146 to northwest corner (tribal responsibility); and

WHEREAS, the White Mountain Apache Tribe does not recognize the accuracy of the northern boundary delineated on the map for the reservation from mile post 98 to the northwest corner because the northern boundary of the reservation at that point should be the southern edge of Black Mesa and the map designating the reservation is thus inaccurate; and

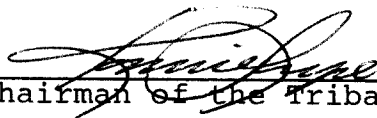
WHEREAS, the Tribal Council agrees to the memorandum of understanding between the U.S. Forest Service, Apache-Sitgreaves National Forest concerning fence maintenance along the boundaries described above but that the agreement shall not constitute a concession by the White Mountain Apache Tribe as to the accuracy of the boundary as delineated on the map from mile post 98 to the northwest corner.

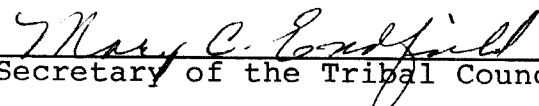
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to the Memorandum of Understanding between the U.S. Forest Service, Apache-Sitgreaves National Forest and the White Mountain Apache Tribe concerning fence maintenance along the common boundary, in the form attached to this resolution and incorporated by reference.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares that agreeing to the Memorandum of Understanding shall not be construed as a concession by the White Mountain Apache Tribe as to the accuracy of the northern boundary of the reservation delineated on the map from mile post 98 to the northwest corner of the reservation.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Tribal Chairman and Raymus Albert to execute the memorandum of understanding attached to this resolution.

The foregoing resolution was on February 2, 1984 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 (b, f, h, i, & j) 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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FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

RESOLUTION NO. 84-47

MEMORANDUM OF UNDERSTANDING

Between

U.S. FOREST SERVICE, APACHE-SITGREAVES NATIONAL FORESTS

and

FORT APACHE INDIAN TRIBE

CONCERNING FENCE ALONG COMMON BOUNDARY

The purpose of this agreement is to assign the responsibility for fence maintenance on the common boundary fence between the Fort Apache Indian Reservation and the Apache-Sitgreaves National Forests.

Whereas, it has been several years since the fence maintenance agreement for the common fence between the Fort Apache Indian Reservation, and the Apache-Sitgreaves National Forests has been revised, the following agreement is reached.

1. The attached map, which becomes a part of this agreement, by reference, delineates the approximate division points between the fence maintenance responsibilities for the Fort Apache Indian Reservation and the Apache-Sitgreaves National Forests. The Fort Apache Indian Reservation responsibility will be shown in red and the Forest Service responsibility in blue; specifically the reference points designating tribal and Forest Service responsibilities are as follows:

On the eastern boundary of the reservation from the Black River to P.S. road 482 (tribal responsibility); from P.S. road 482 to northeast corner angle point #1 (forest service responsibility) from angle point 73 to mile post 24½ (tribal responsibility); from mile post 24½ to angle point 258 (forest service responsibility); from angle point 258 to highway 60 (tribal responsibility); from highway 60 to Decker road #146 (forest service responsibility); from Decker road 146 to northwest corner (tribal responsibility); and

2. Further, an annual on-the-ground review of the common fence will be made by Raymus Albert representing the White Mountain Apache Tribe and District Rangers of Heber, Lakeside, and Springerville representing the Forest Service. This review will be made generally in the spring of each

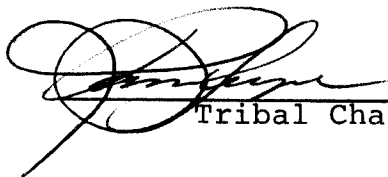
year. Repairs will be designated for immediate repair. This is necessary to keep range livestock from straying onto either side.

3. Maintenance will be done on an annual basis following this inspection for the designated area of fence responsibility. The annual maintenance amount is expected to range from 2,000 to 3,000 dollars. The White Mountain Apache Tribe will be considered for sole source since these fences cross intermingled Indian and Forest land. This would be handled through the Forest Service Procurement Procedures, on a year to year basis. On those years when funds are not available, maintenance will not be negotiated.

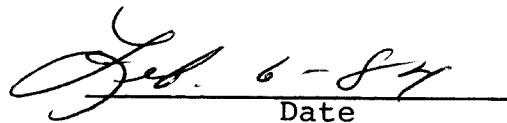
4. Nothing herein shall be construed as binding to the U.S.D.A. Forest Service or the White Mountain Apache Tribe for payment in excess of appropriations authorized by law or by the White Mountain Apache Tribe Officials. The Forest Permittee shall not provide maintenance or payments except as agreed in the annual permittee plan.

5. Nothing herein shall be construed as a concession by the White Mountain Apache Tribe that the map referred to accurately delineates the Northern Boundary of the Fort Apache Indian Reservation from M.P. 98 to the Northwest corner. The tribe's position is that the true Northern Boundary of the Reservation is the South edge of Black Mesa which is North of the inaccurate boundary line delineated on the map.

6. This agreement may be terminated by either party at any time with 30 days notice to the other party.



Tribal Chairman



Date

Raymus Albert

Date

Forest Supervisor

Date