

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

- WHEREAS, the Tribal Council by resolution adopted subsequent to a recent working meeting with the Bureau of Indian Affairs Forestry officials, negotiated certain modifications to the Limestone Timber Sale proposed by the Bureau of Indian Affairs; and
- WHEREAS, the purpose of the working meeting was to draft conditions to the sale so that greatly needed logs could be delivered to the Cibecue Mill without agreeing to cutting the Limestone Timber Sale area as proposed by the Bureau of Indian Affairs or condoning past management practices of the Bureau of Indian Affairs or in effect, endorsing the BIA's 1985 Forest Management Plan for the Fort Apache Indian Reservation which the Tribal Council adamantly opposes; and
- WHEREAS, a recent Court of Claims decision involving the Navajo Tribe warns that whenever an Indian Tribe is either coerced or misled by the Bureau to agree to Bureau of Indian Affairs practices in forestry or otherwise, said agreement will later be used against the tribe as evidence that the tribe agreed to the Bureau of Indian Affairs practices no matter how egregious; and
- WHEREAS, the Tribal Council has continually expressed a strong interest in taking over the management of its forest pursuant to a 638 contract and implement its own forest management plan; and
- WHEREAS, the Bureau of Indian Affairs proposed Limestone Timber Sale is contrary to the advice and recommendations made by the Tribe's forestry consultants who having extensively studied the tribal forest are presently preparing a Tribal Forest Management Plan; and
- WHEREAS, the Tribal Council concludes that based on the foregoing it must rescind any prior resolution which came out of the recent working meeting with the Bureau in respect to the Limestone Timber Sale and that an interim cutting plan should be substituted for the Limestone Timber Sale pending approval of a 638 contract in which the tribe would take over the management of its own forest.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds the Tribal Council resolution passed at a recent working meeting with the Bureau of Indian Affairs; whereby, the Bureau agreed to certain modifications of the Limestone Timber Sale Contract.

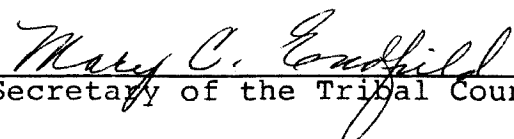
BE IT FURTHER RESOLVED by the Tribal Council that pending a formal approval of a 638 Forest Management Contract, an interim cutting plan should be formulated with the Bureau of Indian Affairs which would allow the tribe to liquidate those high mortality trees in order to provide sufficient logs to the Cibecue mill pending implementation of the tribe's own forest management plan.

BE IT FURTHER RESOLVED by the Tribal Council that it has never knowingly and informedly condoned or agreed to the prior cutting practices of the Bureau of Indian Affairs on the Fort Apache Indian Reservation and that any resolutions approving any prior sales prepared by the Bureau of Indian Affairs were adopted on the basis of representations made by the Bureau of Indian Affairs to the Tribal Council that said Agency was acting in accordance with its fiduciary duty to the White Mountain Apache Tribe.

The foregoing resolution was on February 6, 1986, duly adopted by a vote of 9 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 (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