

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

WHEREAS, Ted Wilbert doing business as Wilbert Associates, Inc. has substantial expertise in the domestic and international pulp and paper industry, as well as extensive experience in promoting and developing paper mills; and

WHEREAS, the White Mountain Apache Tribe possesses extensive wood, water and human resources, and has expressed an interest in the development of a paper mill located on the Fort Apache Indian Reservation at McNary; and

WHEREAS, the Tribe wishes to enable and otherwise authorize Wilbert Associates, Inc. to research the feasibility of constructing a proposed pulp and/or paper mill which would utilize the Tribe's wood, water and human resources, provide employment for members of the Tribe, and produce revenue for essential tribal governmental functions and services; and

WHEREAS, the promotion, research and market feasibility of promoting such a sawmill will be enhanced if Wilbert Associates, Inc. is authorized by the Tribe to act in its name to contact financial institutions, members of the Congressional Delegation and officials in the Bureau of Indian Affairs in order to determine the necessary facts so that the Tribal Council may ultimately decide the feasibility of such a project.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Ted Wilbert of Wilbert Associates, Inc. to act in the name of the White Mountain Apache Tribe for the purpose of researching the economic and physical feasibility of developing a paper or pulp mill project on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes Wilbert Associates, Inc. to use its best efforts to determine the feasibility of the mill project and to develop the mill project in respect to:

1. Coordinating the completion of feasibility studies to aid in determining the optimum size and cost of the mill project;
2. Arranging for the construction of the mill project by a qualified engineer;

3. Arranging for institutional or private financing of the mill project on terms acceptable to the Tribe;
4. Locating competent management and operational personnel for the mill project;
5. Providing access to training for members of the Tribe to enable them to operate the mill project;
6. Marketing the products of the mill project; and
7. Negotiating with the United States Government and agencies to:
 - a. in coordination with the Tribe's Forestry experts and special counsel, William H. Veeder, provide the Tribe with firm long term allocations of sawlogs and pulpwood from the National Forest to keep the Fort Apache Timber Company in full operation with sufficient wood fiber at reasonable cost from the pulp mill, to the extent reasonably necessary;
 - b. obtain financial assistance in the form of loans, grants or guarantees to aid in financing the mill project;
 - c. obtain rulings from the Internal Revenue Service to permit the issuance of tax exempt bonds and assist in financing the mill project; and
 - d. in the name of the Tribe and with consent of the Tribe, obtain requisite approval and permits from appropriate Federal and Environmental Protection Agencies.

BE IT FURTHER RESOLVED by the Tribal Council that in performing the duties outlined in 1 through 7 above and all of its subparagraphs, Wilbert Associates, Inc. shall consult with and advise the Tribe, and obtain prior written approval from the Tribe before taking any action in the name of the Tribe. Wilbert shall have no authority to enter into contracts for or on behalf of the Tribe, or to make any financial or legal commitments, or to obtain private letter rulings from the IRS without the prior written approval of the Tribe, and all such contracts and agreements shall be executed only by authorized Tribal Officers.

BE IT FURTHER RESOLVED by the Tribal Council that during the existence of this agreement, Wilbert shall make available to the Tribe all engineering, forestry, environmental, water, economic, financial and other pertinent studies which may come into its possession relating to or affecting the mill project.

The foregoing resolution was on August 6, 1987, duly adopted by a vote of SIX for and FIVE 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

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**Fort Apache Indian Agency
Whiteriver, Arizona**