

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

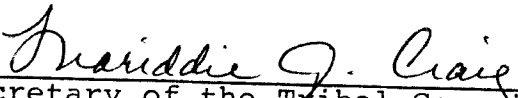
- WHEREAS, the Tribal Council of the White Mountain Apache Tribe has the authority to protect and preserve the natural resources on the Fort Apache Indian Reservation, to manage all economic affairs and enterprises of the Tribe and to regulate the uses and disposition of tribal property; and
- WHEREAS, the Tribal Council by previous council resolutions authorizing individual timber sales to the Fort Apache Timber Company, has established a road suspense account funded by 15% of the stumpage paid by FATCO to the Tribe, which funds are to be set aside for construction of the road system designed to service FATCO logging operations; and
- WHEREAS, the authority to establish and maintain the fund is found in each of the resolutions which authorizes individual timber sales, and the fund is held by the Bureau of Indian Affairs for disbursement to FATCO upon presentation of evidence of road construction costs; and
- WHEREAS, the Tribe has paid into the account in recent years fund levels exceeding FATCO's historic annual road construction costs of approximately \$350,000-\$500,000 per year, which payment results in an annual fund surplus; and
- WHEREAS, all Road Suspense Account funds which are in excess of levels necessary to support FATCO road construction costs should be returned to the Tribe for appropriation and expenditure for other purposes as deemed necessary by the Tribal Council.
- THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Bureau of Indian Affairs to immediately transfer to the Tribe for deposit in the general tribal treasury, all funds in the Road Suspense Account for appropriation and expenditure as determined by the Tribal Council.

BE IT FURTHER RESOLVED that all future deposits for a Road Suspense Account shall be handled by FATCO and appropriate tribal financial managers, and shall not exceed reasonably anticipated annual construction costs plus a reasonable contingency and in no event shall deposits into the account exceed 13% of the total stumpage paid for each individual timber sale.

BE IT FURTHER RESOLVED that those portions of all previous timber sales resolutions which refer to a road suspense account which are in conflict with this resolution are rescinded.

The foregoing resolution was on September 15, 1988, duly adopted by a vote of FOUR for and ONE 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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SEP 23 1988

Fort Apache Indian Agency
White Mountain, Arizona