

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

- WHEREAS,** on December 12, 1991, the Environmental Protection Agency (EPA) published final rules in the Federal Register for Tribal treatment as a state under the Clean Water Act, Section 518; and
- WHEREAS,** Section 518 of the Clean Water Act allows Indian Tribes to make application to the EPA to be treated as a state for purposes of promulgating Tribal Water Quality Standards for waters on the Fort Apache Indian Reservation, but not including standards for drinking water; and
- WHEREAS,** the White Mountain Apache Tribe has the sovereign right to exercise authority over the water resources on the Fort Apache Indian Reservation, and should exercise that authority in order to protect the vast water resources on the Fort Apache Indian Reservation in a manner consistent with Tribal customs, needs, and wishes; and
- WHEREAS,** when an Indian Tribe makes application for treatment as a state, and such application is approved by the EPA, the Tribe is authorized to promulgate and enforce water quality standards for waters within the jurisdiction of the Tribe pursuant to the mandates of the Clean Water Act; and
- WHEREAS,** if the White Mountain Apache Tribe does not apply for treatment as a state and does not promulgate water quality standards for waters on the Fort Apache Indian Reservation, such water quality standards shall be promulgated by the United State Environmental Protection Agency without input, consultation and assistance from the Tribe; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe feels that in order to properly protect the water resources on the Fort Apache Indian Reservation, the inherent rights of the White Mountain Apache Tribe, and the health, safety and welfare of the White Mountain Apache people, the Legal Department should be directed to make application to the EPA, with assistance from the Planning and Development Department, for treatment as a state status under the Clean Water Act and its various sections; and

WHEREAS, the Planning and Development Department should be directed to investigate and make application for grant monies from the EPA to develop, promulgate and implement water quality standards on the Fort Apache Indian Reservation.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that it is in the best interests of the Tribe to promulgate its own water quality standards for water on the Fort Apache Indian Reservation pursuant to the Clean Water Act, and such standards should be established and enforced by the Tribe, instead of allowing such standards to be promulgated and enforced by the EPA without consultation with the Tribe.

BE IT FURTHER RESOLVED by the Tribal Council, that the Legal Department is hereby directed to make application to the EPA to be treated as a state under the Clean Water Act, and the Planning and Development Department is hereby directed to investigate and make application for grant monies from the EPA to develop, promulgate and implement water quality standards on the Fort Apache Indian Reservation.

The foregoing resolution was on April 09, 1992, duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section (f) (h) (j) 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