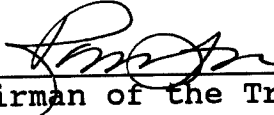


**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

- WHEREAS,** Resolution No. 02-92-042 said: "BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe of the Fort Apache Indian Reservation that it hereby requests that the U.S. Fish and Wildlife Service and the Bureau of Indian Affairs not conduct any surveys nor impose any regulations concerning the management of fish or wildlife including the Mexican spotted owl, upon the Fort Apache Indian Reservation. BE IT FURTHER RESOLVED by the Tribal Council that the U.S. Fish and Wildlife and Bureau of Indian Affairs specifically exempt the Fort Apache Indian Reservation from any management controls for the Mexican spotted owl, in recognition of their exemplary management of wildlife and the Indian Self Determination and Education Assistance Act of January 4, 1975 and as amended by the Act of October 5, 1988."; and
- WHEREAS,** Tribes in the Pacific Northwest have successfully argued that under the Endangered Species Act, the Secretary of Interior, as Trustee for Native Americans, must assure that the United States Government has taken all "reasonable and necessary" measures on all lands off of tribal reservation, before the government takes the position that the Endangered Species Act should override the various Tribe's abilities to manage their own lands; and
- WHEREAS,** the United States Fish and Wildlife Service has tacitly recognized the special status of American Indians by accepting Conservation Plans submitted by Tribes in the Pacific Northwest for conservation of the northern spotted owl, rather than imposing U.S. Fish and Wildlife Service plans and requirements; and
- WHEREAS,** surveys are advisable in advance of activities that may affect the habitat of the Mexican spotted owl found on the Fort Apache Indian Reservation.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe hereby rescinds Resolution No. 02-92-042 and requests the Bureau of Indian Affairs to provide sufficient funds to the Tribe to conduct surveys of the Mexican spotted owl on all appropriate timber sales proposed on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that the Natural Resource Committee prepare a Conservation Plan for conservation of the Mexican spotted owl by October 31, 1992, for consideration by the Tribal Council.

The foregoing resolution was on May 20, 1992, duly adopted by a vote of nine for and zero 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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MAY 27 1992

FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA