

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

WHEREAS, Arizona Department of Transportation has requested that the Tribe allow ADOT to use one or more of the cinder pits which exist on the Fort Apache Indian Reservation in order for ADOT to have adequate supplies of cinders for the coming winter, most of which are for use on state highways on and near the northeastern portion of the Reservation; and

WHEREAS, the BIA Forestry Department suggested that the cinder pits at Kinney Mountain, west of McNary, and at Blue Mountain, south of Haystack, be utilized in order to provide ADOT with cinders and also to clean up and ensure that the pits are made safe and maintenance for safety; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe agrees to authorize ADOT to use the cinder pits at Kinney Mountain and Blue Mountain under the supervision of the BIA Forestry Department and in compliance with the following guidelines:

- 1) ADOT shall be restricted to use of the established pit areas;
- 2) trees planted at the Kinney Mountain site shall not be removed or damaged;
- 3) the BIA and Tribal Forestry Department shall supervise the removal of any trees at the top or sides of the existing pits, where removal is necessary to make pit cuts at a safe and manageable angle;
- 4) ADOT shall be allowed to screen and stockpile cinders at the pit area in order to provide better service on the state highways and to the Tribe;
- 5) the slopes at both pits shall be dug so as to ensure safety and to eliminate danger and hazards from cuts which are too steep; and

WHEREAS, ADOT shall pay a fair market price for each yard of cinders which is dug, screened and removed from the pits and ADOT shall report to BIA Forestry and BIA Forestry shall monitor removal to ensure accurate reporting and payment; and

WHEREAS, the Kinney Mountain cinder pit should be closed to recreational use due to the dangers inherent in the dual use of the pit.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the use of Blue Mountain and Kinney Mountain cinder pits by ADOT and the sale of pit screened cinders at a fair market price to ADOT.

BE IT FURTHER RESOLVED by the Tribal Council that the BIA Forestry Department is hereby directed to supervise and monitor ADOT's use of the Kinney Mountain and Blue Mountain cinder pits and BIA Forestry shall insure that ADOT complies with the conditions imposed by this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that the Chairman or his appointed representative shall have the authority to sign any contracts or other documents concerning ADOT's use and purchase of cinders from Blue Mountain and Kinney Mountain cinder pits.

The foregoing resolution was on May 27, 1992, duly adopted by a vote of six 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 (b) and (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
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