

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

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has made application for a federal grant for a solid waste management system to assist the Tribe in complying with Environmental Protection Agency statutes and regulations pertaining to solid waste and the closing of open air dump sites; and
- WHEREAS,** federal courts have held that the Resource Conservation and Recovery Act [RCRA], successor to the Solid Waste Disposal Act, is applicable to Indian tribes and to the Bureau of Indian Affairs and that both must comply with the Act's requirements; and
- WHEREAS,** at least one Federal Circuit Court of Appeals has held that the Bureau of Indian Affairs has the trust responsibility to remedy any health hazards generated by solid waste or illegal dumping on a reservation, especially if the BIA and other federal agencies contributed to the solid waste generated on a reservation; and
- WHEREAS,** there are at least four dump sites on the Fort Apache Indian Reservation which have been used by the federal government, including the Fort Apache Agency of the Bureau of Indian Affairs and the Indian Health Service; specifically 1) the Whiteriver; 2) Cedar Creek dump; 3) Cibecue dump; and 4) McNary dump; and
- WHEREAS,** over a period of many years the Bureau of Indian Affairs and the Indian Health Service have contributed to the solid waste at various dump sites within the reservation and the Tribal Council concludes, therefore, that based upon their trust responsibility, fairness, and applicable federal law, that said agencies should assist the Tribe in complying with the RCRA; and
- WHEREAS,** the Tribal Council by previous resolution authorized application for a HUD Community Development Block Grant to establish a solid waste management system for the reservation, but that said grant requires a \$200,000 cash match from the tribe; and

WHEREAS, based on the fact that the Bureau of Indian Affairs and other federal governmental agencies have contributed to the solid waste problem on the reservation, the Tribal Council concludes that the Bureau of Indian Affairs should be requested to contribute the \$200,000 required cash match for the HUD grant, and thereby assist the tribe in bringing reservation dumpsites into compliance with the Resource Conservation and Recovery Act for the benefit and welfare of reservation residents, tribal and non-tribal agencies such as the federal government who must live and work on the reservation.

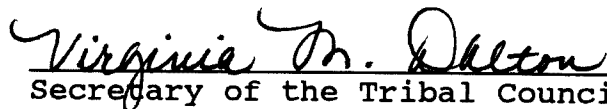
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the Bureau of Indian Affairs contribute \$200,000 to the White Mountain Apache Tribe for establishment of a solid waste management system on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that it requests that Fort Apache Agency Superintendent, Ben Nuvamsa, advise the Tribal Council of Bureau efforts to obtain the aforesaid monies for establishment of a solid waste management system for the reservation.

The foregoing resolution was on July 21, 1992, duly adopted by a vote of five 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 (a) (f) (h) (i) (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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