

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

- WHEREAS,** Ted Wilbert of Wilbert Associates, Inc. has for many years been researching the feasibility of constructing a paper and/or pulp mill on or near the Fort Apache Indian Reservation; and
- WHEREAS,** the White Mountain Apache Tribe is interested in obtaining a secure and financially beneficial market for the residual FATCO chips, which are currently in the amount of approximately 22,000 bdu, and any pulpwood that the Tribe might wish to make available for sale; and
- WHEREAS,** Wilbert Associates, Inc. is currently exploring the feasibility of developing a TMP pulp mill on the Fort Apache Indian Reservation which would provide a market for the aforementioned wood products, employment of tribal members, the sale of tribal water and other indirect benefits; and
- WHEREAS,** the continued development of the TMP pulp mill project requires an agreement between Wilbert Associates Inc. and the WMAT that commits the sale of the aforementioned wood products to Wilbert Associates Inc. for a period of twenty years dependent upon the conclusion of an acceptable agreement for the construction and operation of a TMP pulp mill on the Fort Apache Indian Reservation.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to sell to Wilbert Associates Inc. the residual FATCO chips in the amount of 22,000 bdu, understanding that such supply is dependent on the annual allowable cut, and whatever pulpwood that the Tribe might be willing to sell.
- BE IT FURTHER RESOLVED** by the Tribal Council that the base sale price of the chips will be 52.10 per bdu FOB Fort Apache with this price to be adjusted in the same formula that is now used by FATCO.
- BE IT FURTHER RESOLVED** by the Tribal Council that the sale price of any pulpwood and other tribal resources utilized in the project will be subject to further negotiation by the Tribal Council.

Resolution No. 10-95-324

BE IT FURTHER RESOLVED by the Tribal Council that the term of this agreement shall be for one year from the date of this resolution, during which time Wilbert Associates, Inc., shall conduct a feasibility study for a pulp mill to be located on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that the tribal interest in this project is conditioned upon its understanding that tribal wood, water and human resources will be utilized by the project to provide revenue to the White Mountain Apache Tribe for essential tribal governmental functions and services and to provide employment for members of the Tribe.

E IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Ted Wilbert of Wilbert Associates, Inc., shall consult with and advise the Tribe at all stages of said project and obtain prior written approval from the Tribe before taking any action in the name of the Tribe; further that Ted Wilbert, dba Wilbert Associates, Inc., shall have no authority to enter into contracts of or on behalf of the Tribe or to make any financial or legal commitments without prior written approval of the Tribe and all contracts and agreements shall be authorized by the Tribal Council and executed by authorized Tribal Officers.

The foregoing resolution was on October 12, 1995, 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 IV, Section 1 (i) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

ACTING

Leif Curtis
Chairman of the Tribal Council

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FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA

ACTING

Rayleen Beardsley
Secretary of the Tribal Council