

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

- WHEREAS**, the White Mountain Apache Tribe filed a claim in 1951 against the United States for wrongful taking of its aboriginal lands and for an accounting of the Federal Government's management of the Tribe's forests, grazing lands, and funds; and
- WHEREAS**, the White Mountain Apache Tribe received a final judgment for the mismanagement and accounting portion of the case, known as 22-H, in the amount of \$22,123,247.32; and
- WHEREAS**, in accordance with federal statutes and the Code of Federal Regulations, not less than twenty percent (20%) of the judgment funds in 22-H, including investment income thereon, must be used for tribal programs; and
- WHEREAS**, a substantial amount of the funds awarded in 22-H was for damages arising from the overcutting and mismanagement of the Tribe's forests and from overgrazing and mismanagement of the Tribe's once vast grazing areas; and
- WHEREAS**, the judgment the Tribe obtained from its Claims Court case against the United States is substantially less than that necessary to restore the Tribe's forest and grazing lands to the state of nature which existed prior to mismanagement by the Department of Interior, the principal agent of the trustee United States; and
- WHEREAS**, the forest lands and water of the aboriginal homeland of the White Mountain Apache Tribe have always sustained the people and with proper management and planning, the natural resources of the last remnant of the Tribe's once vast aboriginal lands now known as the Fort Apache Indian Reservation will continue to meet the needs of the people far into the future; and
- WHEREAS**, the Tribal Council concludes that it is crucially important that the Tribe's natural resources be managed by the tribe's own membership; and
- WHEREAS**, the White Mountain Apache Tribe has always aggressively asserted its sovereign authority by expanding its natural resource and environmental management programs; and
- WHEREAS**, the Tribal Council has sponsored several workshops on natural resources and great interest has been expressed by tribal members to restore and preserve the Tribe's precious land and water resources; and

- WHEREAS,** research and surveys of the various tribal departments involved in forestry, game and fish management, planning, engineering, and various departments within the Indian Health Service and the Bureau of Indian Affairs, confirm that trained and educated tribal members will be in high demand in both the near and long term in a wide area of specialties pertaining to natural resource planning, ecotourism and cultural preservation; and
- WHEREAS,** skilled positions in the area of natural resources management, policy development and planning, environmental management, tourism and recreation, engineering and cultural resources require training and academic degrees in environmental health, science, forestry, hydrology, limnology, biology, botany, ecology, natural resources planning, natural resources policy, computer science, civil engineering, structural engineering, architecture, urban planning and design, agriculture sciences, range conservation, soils science, geology, fluvial geomorphology, museum studies and administration; and
- WHEREAS,** the Tribal Council has carefully considered a recommendation to the people of the White Mountain Apache Tribe for a distribution plan of 22-H judgment funds to establish a permanent land restoration fund for the purposes described in this Resolution; and
- WHEREAS,** the goal of land restoration projects funded by such a permanent fund would be to return tribal ecosystems to a condition that better reflects their condition prior to suffering damage from mismanagement and to fund the education of tribal members in the disciplines related to Natural Resource Management; and
- WHEREAS,** proposed restoration projects from the permanent land restoration fund could also provide a permanent matching fund annually for other federal, state, and private grants; and
- WHEREAS,** restoration projects would be conducted in a variety of locations across the Reservation, and could include the following: (1) riparian and cienega restoration, including fencing, development of alternative water resources for cattle and wildlife, erosion control, revegetation; (2) rangeland restoration, including irrigation, reseeding, and fencing; (3) ecological educational projects, including interpretive nature trails, community nature parks, curricula development for schools, and television programming; (4) ecosystem monitoring and research projects in the area of water quality and habitat; (5) plant and wildlife restoration, such as reintroduction of native species and elimination of exotics; and (6) cultural and language restoration, including recording and transmitting tribal elders' knowledge of ecosystems, such as place names, herbs, plants, and animals; and

**WHEREAS,** some of the annual investment income from twenty percent (20%) of the judgment funds could be used for scholarships and internships made available to tribal members who are juniors, seniors, or graduate students, majoring in the natural resource fields listed in this resolution, and said special intern programs could be funded to provide tribal members with unique opportunities to learn about and work in a range of natural resource fields on the Reservation; and

**WHEREAS,** a portion of the annual investment income from the permanent land restoration fund could be earmarked for fund administration in the form of an endowment governed by a Board of Directors who would recommend projects for funding, set policy direction for the fund and make decisions regarding scholarships and internships with preferences given to projects which use funds to match outside grants and which promote the long term recovery of Apache lands and values; and

**WHEREAS,** Potential Initiatives to Protect and Restore Tribal Lands and Waters, funded by the permanent land restoration fund, and emphasizing the involvement of tribal elders and youth, is attached to this Resolution and incorporated by reference herein; and

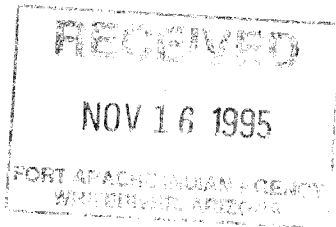
**WHEREAS,** the Tribal Council concludes that 20% of the 22-H judgment funds should be utilized to establish a permanent White Mountain Apache Land Restoration Fund, the principal of which would never be withdrawn, and the investment income thereof being used exclusively for the projects described in this resolution and for the Potential Initiatives to Protect and Restore Tribal Lands and Waters, attached and incorporated by reference to this Resolution.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby recommends that the 22-H judgment funds be distributed as follows: eighty percent (80%) in the form of a per capita distribution in equal shares to tribal members or to individual descendants in accordance with the requirements of 25 U.S.C. 1401, *et seq.*, and 25 C.F.R. §87.1 - 87.12, as amended, and that twenty percent (20%) of the judgment funds, including investment income thereon, be used to establish a perpetual and permanent White Mountain Apache Land Restoration Fund, as described in this Resolution.

**BE IT FURTHER RESOLVED** by the Tribal Council that it hereby directs and requests the Bureau of Indian Affairs and designated tribal committees to submit the proposed distribution plan described in this Resolution to members of the Tribe, tribal communities and to hold public meetings to explain the proposal for distribution of judgment funds, to seek consensus and support therefor; further, that the Bureau conduct hearings of record and receive testimony on the judgment fund distribution proposal outlined herein pursuant to the Code of Federal Regulations at the earliest possible time.

**BE IT FURTHER RESOLVED** by the Tribal Council that it requests that Bureau of Indian Affairs expedite compliance with applicable federal statutes and regulations pertaining to the use or distribution of Indian judgment funds as outlined in 25 U.S.C. 1401, *et seq.*, and 25 C.F.R. §87.1, *et seq.*, and that the Secretary submit the proposed tribal distribution plan to appropriate Congressional committees in accordance thereto.

The foregoing resolution was on November 09, 1995 duly adopted by a vote of ten 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 (a), (c), (f), (g), (h), (i), (k), (s), (t) and (u) 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 [Signature]  
Chairman of the Tribal Council

Acting [Signature]  
Secretary of the Tribal Council

# Potential Initiatives to Protect and Restore Tribal Lands and Waters

## *Stream and Lake Restoration Projects*

- ♦ Tribe could redesign natural channels, possibly plant cottonwoods and willows, restore native fisheries
- ♦ Tribe has already initiated many of these small projects utilizing funds from the US Fish and Wildlife Service
- ♦ The Tribe has submitted grant proposals for Lofer Cienega, Gooseberry Watershed, and Cibecue Watershed to the State of Arizona's Water Resource Protection Fund

## *Tribal Youth Training Camp (possibly at Maverick Camp)*

- ♦ Tribe would train tribal youth in environmental monitoring techniques, with assistance from US Fish and Wildlife Service
- ♦ Game and Fish already uses Maverick Camp for high school students from Nogales, Mexico

## *"Ethnoecology" Project*

- ♦ Elders would be invited to describe how the land and waters used to be and identify culturally important plants, places and animals; information would be used to guide resource management and educate tribal youth
- ♦ Tribe has submitted one grant to Arizona State Parks to initiate the Program

## *Tribal Ecological Research Institute*

- ♦ Tribe would invite outside experts to conduct research and train tribal youth about the ecology of the Reservation
- ♦ The Institute would provide opportunities for tribal members to pursue their education while living on the Reservation and working to solve problems on their own land
- ♦ Such an Institute would firmly establish the Tribe as a leader in ecological research and ecosystem management

## *"Adopt-a-stream" program for local schools*

- ♦ Schoolchildren would be educated about the ecology of their local streams and watersheds
- ♦ Teachers from Seven Mile School have made a request to adopt the East Fork
- ♦ The Pinetop Office of the Fish and Wildlife Service is exploring funding opportunities

## *Oral History Project*

- ♦ Tribal elders, Tribal/BIA employees, and other long-time residents would be invited to provide information about historical conditions on the Reservation, with the goal of using the information to guide restoration projects, fish and wildlife reintroductions, etc.

## *"Ecotourism" Development Program*

- ♦ Tribal members would be trained to serve as guides and possibly to operate their own small tourism ventures on the Reservation
- ♦ This program would promote the Tribe's goal of getting economic returns from the land without consuming tribal natural resources