

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

JUL 22 1996

- WHEREAS,** the White Mountain Apache Tribe adopted Tribal Resolution No. 11-95-354 in which it proposed that 80% of the 22-H judgment funds be distributed in the form of a per capita distribution in equal shares to tribal members or to individual descendants in accordance with federal regulations and statutes and that 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 said Resolution; and
- WHEREAS,** Resolution No. 11-95-354 also directed that the proposed distribution plan be presented to tribal members at tribal community meetings and at the formal Secretarial hearings which have been completed; and
- WHEREAS,** during the presentation of the proposed distribution plan for the 22-H Land Claims Settlement, the tribal members were presented with the attached outline of the Proposed Distribution Plan which identified that there would be approximately \$21,500,000.00 remaining after litigation and attorney expenses and after the \$500,000.00 advance from the Tribe's Fort Apache Timber Company [FATCO] was repaid; and
- WHEREAS,** during the course of the claims court litigation, the Tribal Council adopted Resolution No. 01-87-35 wherein the Council directed the transfer of \$500,000.00 from FATCO to the Tribe's 01 account for 22-H litigation expenses and said Resolution specified that such amount would be reimbursed from the judgment award; and
- WHEREAS,** the Tribal Council's proposed distribution plan assumed that the \$500,000.00 advance would be repaid to FATCO; and
- WHEREAS,** FATCO, a tribal enterprise, is in need of said monies for its operations and its financial well-being, which is important to all tribal members, especially tribal sawmill employees; and


WHEREAS, based on the foregoing, the Tribal Council concludes that it would be in the best interests of the White Mountain Apache Tribe and for the financial well-being of the FATCO sawmill enterprise that the \$500,000.00 advance from FATCO for 22-H litigation expenses be repaid from 22-H judgment funds as part of the proposed tribal distribution plan.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that FATCO be repaid \$500,000.00 that had previously been advanced by FATCO to the Tribe for 22-H litigation expenses and that the \$500,000.00 repayment be taken from the 22-H Land Claims Settlement Funds as part of the Tribe's proposed distribution plan for the 22-H Land Claims Settlement.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs and authorizes the Tribal Chairman and, in his absence, the Vice-Chairman and any other tribal official necessary and appropriate to sign any and all documents and to do whatever is necessary to transfer \$500,000.00 from the 22-H Land Claims Settlement Fund to FATCO as repayment for monies advanced by FATCO pursuant to Resolution 01-87-35.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby waives repayment to FATCO of any other monies that may be due or claimed to be due FATCO for advancements or loans for 22-H litigation expenses and attorneys' fees.

The foregoing resolution was on July 10, 1996 duly adopted by a vote of seven 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).



Chairman of the Tribal Council



Secretary of the Tribal Council

Proposed Distribution Plan for the 22-H Land Claim Settlement

Originating from Tribal Claims of federal mismanagement of forest and range lands, and misuse of funds

\$22,284,941

(Approx. \$21,500,000 Remaining)*

(As of April 30, 1985)

* After litigation and attorney expenses, and assuming \$500,000.00 loan from FATCO is repaid.

80% per capita distribution
(Approx. \$17,200,000)
estimated to be \$ 1,200
per person

20% Permanent Land Restoration Fund
(Approx. \$4,300,000)
Interest pays approximately
\$430,000 a year (at 10%).

(Fund is matched by agencies & foundations providing grants ~ an estimated \$1,000,000 a year is generated)

Nine Member Tribal Restoration Board
Directs Expenditures to Land & Water
Conservation/Restoration Projects

