

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

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe adopted Resolution Number 05-93-118, on May 6, 1993, and therein requested that Buildings 101, 102, 103, 104, 105, 106, 114, 115, 116, 117, 121, 122, 124, 125 and 126, identified in the Draft Master Plan for the Fort Apache Historic District be transferred to the Tribe, and that as a condition for said transfer, that the Bureau of Indian Affairs also transfer sufficient funds to bring the buildings to a state of occupancy, readiness, or, in the alternative, that the BIA perform the necessary maintenance within the following twelve months of May 6, 1993, and then transfer the buildings; and
- WHEREAS,** Resolution 05-93-118 states that the Bureau of Indian Affairs has the duty to preserve and maintain the buildings in a good state of repair, ready for use, and that the Master Plan details the repairs needed for the above identified buildings to bring them to a state of being ready for occupation; and
- WHEREAS,** the above identified buildings and the land upon which they are situated were declared to be held in trust by the United States for the White Mountain Apache Tribe pursuant to an Act of Congress on March 18, 1960 [Pub. L. 86-392, 74 Stat. 8] subject to the right of the Secretary of Interior to use any part of the land and improvements for administrative or school purposes for as long as they are needed for that purpose; and
- WHEREAS,** the United States, Department of Interior, the Secretary of Interior, and the Bureau of Indian Affairs, have exercised control or supervision, or both, since January 24, 1923, over said buildings and land and have continued to do so since the Act of 1960 which placed Fort Apache lands and improvements thereon, in trust for the White Mountain Apache Tribe; and
- WHEREAS,** the United States, the Secretary of Interior, the Department of Interior, and the Bureau of Indian Affairs, have failed to maintain and preserve the above identified buildings at Fort Apache as well as other improvements therein, and have committed waste in all of its forms in respect to the lands and improvements referred to in the Act of March 18, 1960, and said waste, mismanagement, neglect and breach of the United States' fiduciary obligations and responsibility to the White Mountain Apache Tribe for the above described lands and buildings is ongoing and pervasive; and

WHEREAS, the United States, the Secretary of Interior, the Department of Interior, and the Bureau of Indian Affairs have not complied with, or responded to Resolution 05-93-118, or to subsequent repeated requests by the Tribe for funding to repair the extensive damage to the Tribe's buildings at Fort Apache resulting from the ongoing occupation, control, supervision and use of those buildings by the United States, the Secretary of the Interior, the Department of Interior, the Bureau of Indian Affairs, and their subordinates, and from the ongoing breach of the United States' fiduciary obligation to the White Mountain Apache Tribe to maintain and preserve said Tribal buildings which are held in trust for the Tribe pursuant to the Act of March 18, 1960; and

WHEREAS, the White Mountain Apache Tribal Council wishes to clarify Resolution 05-93-118 by rescinding same and renewing its demand that the Trustee, United States, appropriate and transfer to the White Mountain Apache Tribe sufficient funding to preserve, restore, repair, rehabilitate and maintain the Tribe's land, utilities, and improvements that are within the area included in the Act of March 18, 1960.

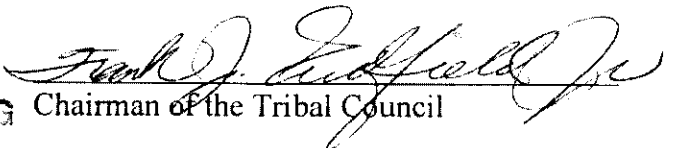
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds Resolution 05-93-118.

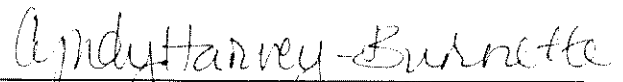
BE IT FURTHER RESOLVED by the Tribal Council that it reaffirms its refusal to accept transfer of any utilities and improvements within the Fort Apache Historic District until the United States meets its trust responsibilities by transferring sufficient funding to the Tribe to restore, repair, maintain and rehabilitate said improvements to a state of condition that would exist if the United States' Trust obligations and responsibilities to the White Mountain Apache Tribe had not been deferred or breached.

BE IT FURTHER RESOLVED by the Tribal Council that it will not accept and hereby repudiates any past efforts or acts by the United States, the Secretary of the Interior, the Department of Interior, and the Bureau of Indian Affairs and their subordinates, to abandon or any way transfer any improvements or utilities included within the Act of March 18, 1960 to the White Mountain Apache Tribe, unless and until a formal written agreement for the transfer of any such utilities and improvements is presented to the Tribal Council for review and approval, and then only if sufficient funding needed to repair, restore, or rehabilitate said improvements is included therein as determined by the Tribe's expert consultants.

Resolution No. 02-99-36

The foregoing resolution was on February 5, 1999 duly adopted by a vote of eight 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), (b), (c), (g), (h), (i), (j), (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 Chairman of the Tribal Council


Secretary of the Tribal Council

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