

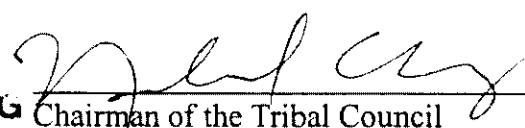
**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

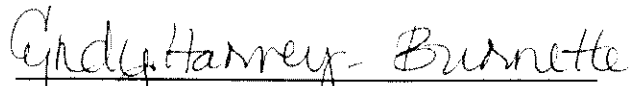
- WHEREAS,** the Fort Apache Indian Reservation suffered a forest fire in June of this summer that destroyed over 4,000 acres of timber and damaged or destroyed over 30 structures; and
- WHEREAS,** total losses to the White Mountain Apache Tribe from this fire are estimated to exceed \$6 million; and
- WHEREAS,** FEMA staff toured the area impacted by the fire shortly after the disaster; and
- WHEREAS,** FEMA has nevertheless never provided any damage assessment or other written report regarding the visit or the fire to the Tribe or State of Arizona officials; and
- WHEREAS,** FEMA repeatedly told the Tribe that the Tribe could only apply for assistance through the State and that it would only communicate with the Tribe through the State; and
- WHEREAS,** the Agency justifies this practice by noting language in the Stafford Act deeming tribes "local governments" as are cities and counties, necessitating that they rely on State authorities to process assistance requests and communicate with the Agency on most assistance matters; and
- WHEREAS,** FEMA's own Indian Policy notes an Agency commitment to working directly with Tribes; and
- WHEREAS,** the Stafford Act contains limited language which should allow the Agency to deal directly with the Tribe; and
- WHEREAS,** the Tribe applied for FEMA assistance through the cooperation and support of the State of Arizona, Governor Jane Hull over one month ago, and has yet to receive any response from the Agency; and
- WHEREAS,** although no official decision has yet been made on the Tribe's assistance request, FEMA staff have suggested that damages stemming from this fire are insufficient to trigger its assistance; and
- WHEREAS,** the Tribe is also being told that trust resource losses from this fire are of a magnitude that exceeds the BIA's ability to assist; and

- WHEREAS,** most tribes do not have access to state assistance programs that are presumed to provide relief in the absence of federal aid; and
- WHEREAS,** FEMA and the Stafford Act fail to provide assistance mechanisms to address tribal trust resource losses; and
- WHEREAS,** the experience of the White Mountain Apache Tribe in seeking federal assistance highlights the need for significant changes to the Stafford Act and associated regulations so that tribes have direct access to FEMA and so that the economic impacts of on-reservation disasters and emergencies are evaluated fairly; and
- WHEREAS,** The Tribe is pursuing amendments to the Stafford Act so that the statute reflects tribal sovereignty and supports government to government dealings between FEMA and tribes; and
- WHEREAS,** the Tribe is taking this action so that in the future, FEMA honors the federal government's trust obligation to Indian tribes with regard to natural disasters and emergencies occurring on Indian reservations; and
- WHEREAS,** the Tribe seeks the support of NCAI as the Tribe pursues these statutory and policy changes.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests an official Resolution of the National Congress of American Indians which: (1) supports the position of the White Mountain Apache Tribe with regard to tribal federal emergency and disaster assistance requests; and (2) supports the Tribe's efforts in obtaining amendments to the Stafford Act and FEMA's policies implementing that statute to improve tribal access to federal emergency and disaster assistance programs.

The foregoing resolution was on September 21, 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), (f), (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

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Secretary of the Tribal Council