

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

WHEREAS, the White Mountain Apache Tribal Council has the power to act in all matters that concern the welfare of the Tribe and its members; and

WHEREAS, the White Mountain Apache Tribal Council has the sole authority to approve the possession and use of explosives within the exterior boundaries of the Fort Apache Indian Reservation; and

WHEREAS, the White Mountain Apache Tribe Materials Consultant, Mr. Larry Ethelbah, has appeared before the Tribal Council this day to request the Council's approve for the use of explosives for development of the Bear Canyon Materials site for aggregate and fill material sources for use by Tribal enterprises and for various construction projects currently underway, and planned throughout the Reservation; and

WHEREAS, the area which shall be excavated through the use of explosives is the Bear Canyon Materials Pit, located about 10.5 miles north of the Canyon Day Community in Township 6 N., Range 22E., Section 26, NW ¼, and J & D Excavators, an Arizona licensed blasting contractor, licensed to possess, transport and use/handle explosives through the State of Arizona and insured for up to \$5 million dollars in aggregate liability; and

WHEREAS, this project has received clearance through the following departments: (1) TPRR clearance through the attached TPRR meeting notes of January 25, 2001; (2) clearance through the Tribal Historic Preservation Officer, John R. Welch through his letter of approval dated March 19, 2001 (attached); (3) clearance through the Wildlife and Outdoor Recreation Department and the Sensitive Species Coordinator, Cynthia I. Westfall through her letter of approval dated February 2, 2001; and certification of the satisfaction of these approval processes through a memorandum from the Legal Department by David M. Osterfeld, Assistant Tribal Attorney, dated April 12, 2001 (attached); and

WHEREAS, the White Mountain Apache Tribe Public Information Officer, Chadeen Palmer, and Larry Ethelbah will ensure that the public is provided notice of the use of explosives at the Bear Canyon Materials site, and that the White Mountain Apache Safety Office-the Police Department and Fire Department are also provided special notice and are available for assistance to ensure the safe detonation of these explosives.

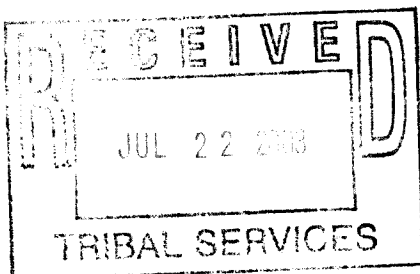
Resolution No. 04-2001-111

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the use of explosives for development of the Bear Canyon Materials Site in Bear Canyon, specifically at a location located approximately 10.5 miles north of the Canyon Day Community, in Township 6N, Range 22E, Section 26, NW ¼, provided such explosives are transported, possessed and detonated by a state and federally licensed contractor and provided such explosives are utilized in the regular course of construction or mining operation connected with and authorized by an enterprise of the White Mountain Apache Tribe.

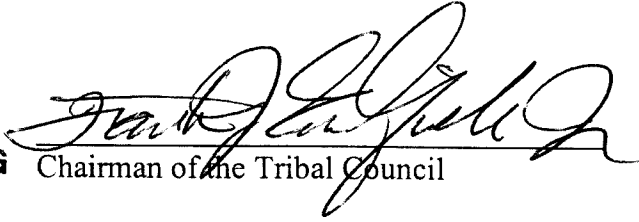
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Larry Ethelbah, Materials Consultant, and Chadeen Palmer, Public Information Officer, to ensure that the public is provided timely and adequate notice of the use of explosives in the Bear Canyon area, and that the White Mountain Apache Tribe Safety Office, Police Department, Fire Department and other public safety and emergency service providers are provided timely and adequate notice of the use of explosives at the Bear Canyon Materials Site and that their assistance is preserved.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Larry Ethelbah and Al Brook, Director of the Public Works Department to ensure that a physical restriction is installed near the Bear Canyon Materials Site, with a warning sign sufficient to prevent individuals from receiving physical injury at the site due to a lack of notice of an open mine pit.

The foregoing resolution was on April 16, 2001, duly adopted by a vote of EIGHT for and ZERO by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on 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