

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

- WHEREAS**, the White Mountain Apache Tribe recognizes that smoke from prescribed fire can extend beyond desired geographical boundaries; and
- WHEREAS**, EPA policy encourages coordination of entities that utilize prescribed burning in order to facilitate reduced smoke impacts; and
- WHEREAS**, the Tribe and its neighboring land managers all utilize prescribed burning; and
- WHEREAS**, coordination of burning activities between adjacent land managers can help minimize resulting smoke impacts; and
- WHEREAS**, the Tribe has participated in drafting a Memorandum of Understanding in an attempt to minimize smoke from prescribed burning; and
- WHEREAS**, the Memorandum of Understanding will include the participation of the Tribe, Apache Sitgreaves National Forest and the Tonto National Forest and will serve to facilitate burn coordination and air quality monitoring; and
- WHEREAS**, the Memorandum will remain in effect until terminated by any party in writing to the other remaining party(ies).

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby it hereby approves, subject to minor changes from the Legal Department, the Memorandum of Understanding with the Apache-Sitgreaves National Forest and the Tonto National Forest (actual participation will be reflected on the final MOU) for an indefinite period.

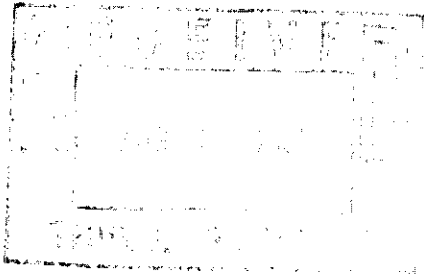
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it will review the Tribe's participation in the Memorandum annually, with the first review to occur on or before July 1, 2002.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Tribal Chairman, or in his absence the Vice Chairman or other duly authorized representative, to execute any and all documents necessary to carry out the intent of this resolution.

The foregoing resolution was on August 1, 2001 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

Resolution No. 08-2001-226

it by Article IV, Section 1 (a), (c), (f), (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).



Frank J. Gild Jr.
ACTING Chairman of the Tribal Council

Andy Harvey-Burnette
Secretary of the Tribal Council

MEMORANDUM OF UNDERSTANDING
Between the
USDA, FOREST SERVICE,
APACHE-SITGREAVES AND TONTO NATIONAL FORESTS
And the
WHITE MOUNTAIN APACHE TRIBE
And the
USDI, BUREAU OF INDIAN AFFAIRS,
FORT APACHE AGENCY

This Memorandum of Understanding (MOU) is entered into by and between the White Mountain Apache Tribe, hereinafter "Tribe", USDI, Bureau of Indian Affairs, Fort Apache Agency, hereinafter "Agency" and USDA, United States Forest Service, Apache-Sitgreaves & Tonto National Forests, hereinafter "Forest Service".

I. Purpose:

This MOU identifies areas of mutual interest and concern that can be addressed jointly to maintain a cordial relationship between the parties, and establish a framework for cooperative planning and coordinated implementation of smoke management and air quality programs. The MOU will facilitate continued collaboration, within an agreed framework, with regard to information management guidelines for monitoring air quality within the jurisdiction covered by the MOU. This MOU does not amend or supercede any other agreements that may be in effect between the parties, nor does it diminish any Tribal or federal responsibility or authority, including trust responsibility held by any agency. Further, this MOU does not affect the jurisdictional distinctions of the individual governments and their interests to independently implement policies, procedures and guidelines.

II. Authority:

This MOU is entered into under the joint interdepartmental and governmental policies of USDA, USDI, Tribal resolutions as attached and under the Southwest Strategy agreement to work collaboratively among Federal Agencies, State, local and Tribal governments. Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership"), 12866 ("Regulatory Planning and Review"), 13007 ("Indian Sacred Sites") and 13084 ("Government to Government"), and Secretary Orders Nos. 3206 ("American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the ESA") and 3175 ("Departmental Responsibilities for Indian Trust Resources), are reference for the authorities for this MOU.

- F. This instrument is neither a fiscal nor a funds obligation document.
- G. Modifications to the MOU shall be made by mutual consent of all parties, by issuance of a written modification, signed and dated by all parties prior to any changes being implemented.
- H. Termination may be by any party at any time with notice of such provided to the other parties in writing. The remaining parties may modify the MOU to continue the agreements less the terminated parties as provided in item G above.
- I. This MOU will be executed as of the last date shown and will not expire unless terminated as provided in item H above.
- J. Each signatory to this memorandum will assign the principal contacts for this MOU, so that this MOU is sustained as time and working relationships evolve.

Within this framework, the Forest Service shall:

- A. Recognize that Tribal lands are not necessarily subject to the same controls as Forest Service lands.
- B. Protect, to the maximum extent allowed by law, Tribal information from disclosure as so directed by the White Mountain Apache Tribe.
- C. Provide for traditional and cultural use of NFS lands without payment of fees, with full recognition to allow access to shrines and resources on the Forests to White Mountain Apache people, including collecting culturally important plants and animals for noncommercial use in medical treatments and in expression of spiritual beliefs by Apache people.

Within this framework, the White Mountain Apache Tribe Shall:

- A. Develop a policy statement for sharing of information between the Forest Service and the Tribe, relating to smoke management.

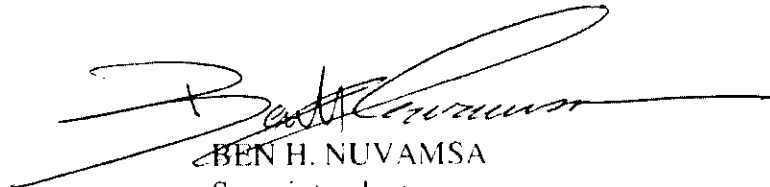
Within this framework, the Fort Apache Agency Shall:

- A. Integrate Agency staff specialists into cooperative efforts to insure resource management concerns are addressed collaboratively with all parties signed on to this MOU.

IN WITNESS WHEREOF, the parties hereto executed the MOU as of the last date noted below.



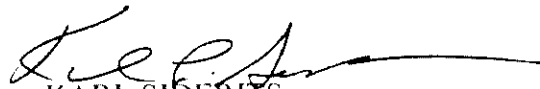
DALLAS MASSEY SR.
Chairman
White Mountain Apache Tribe
Date: 1-31-02



BEN H. NUVAMSA
Superintendent
Fort Apache Agency
Date: 1/29/02



JOHN C. BEDELL
Forest Supervisor
Apache-Sitgreaves NF's
Date: 1/16/02



KARL SIDERITS
Forest Supervisor
Tonto NF
Date: 1/17/02