

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

- WHEREAS,** the Tribe is nearing completion of the repair and other renovation work at the Whiteriver Airport; and
- WHEREAS,** the airport was initially constructed by the Bureau of Indian Affairs to carry out its trust responsibility in forest management and wild land fire suppression programs; and
- WHEREAS,** the Indian Health Service has also used the Whiteriver Airport extensively for its trust responsibility in emergency medical air transport and other health related programs. and for that reason has committed \$200,000 for safety upgrades at the airport; and
- WHEREAS,** the Tribe has undertaken needed repair and renovation work at the Airport through funding from the Federal Aviation Administration (FAA); and
- WHEREAS,** original Airport pavement design required a four-inch asphalt layer over the base; however, funding constraints led to a reduction in the recommended pavement to two-inch layer; and
- WHEREAS,** Tribal advisors have recommended that the Tribe seek funding to secure the additional two-inch pavement layer to ensure against runway damage which may result from obsolescence, larger airplane use such as slurry bombers and other larger commercial or private airplanes; and to avoid future Airport closure for additional paving at a later date and related expenses; and
- WHEREAS,** the cost of the additional two-inch layer will amount to approximately \$538,000, with \$338,000 of that amount remaining unfunded; and
- WHEREAS,** the Tribe is seeking additional funding for the remaining \$338,000 from other federal agencies such as the Bureau of Indian Affairs and the National Interagency Fire Center who have the statutory obligation to carry out their trust responsibility in protecting the Tribe's forest resources; and
- WHEREAS,** there are approximately \$500,000 of Highway Trust Funds remaining from the Inter-Governmental Agreement between the Tribe, the Bureau of Indian Affairs and the Arizona Department of Transportation which are the Tribe's rightful share and which may be used for these purposes; and

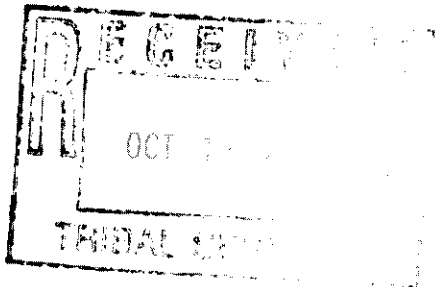
- WHEREAS**, the original purpose of the Airport, as constructed by the Bureau of Indian Affairs, was for carrying its forest management, fire suppression and other authorized programs to manage, protect and conserve the Tribe's natural resources; and
- WHEREAS**, the Forest Management Deductions funds are tribal funds, derived from gross proceeds of sale of the tribe's forest products, and are to be utilized to perform forest land management activities in accordance with the expenditure plan prepared by the Tribe and approved by the Secretary; and
- WHEREAS**, while it is the Tribe's position that the Secretary has a trust obligation to provide funds necessary to carry out its statutory mandates, and in addition, there are other funding sources which should be available, including the Highway Trust Funds set aside for the Tribe, in the event other outside federal funding sources are not available in the time-frame needed to complete this project, the Tribe's Forest Management Deductions account has funds which may be used for the stated purposes; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe finds that the use of these funds for this purpose is an essential land management activity, because, among other things, it will aid in the protection against losses from wild fires; and
- WHEREAS**, to ensure future financial strength for this account, the Tribe may borrow the \$338,000 from its Forest Management Deductions account, and establish a repayment schedule to return the funds within a 12-month period or replenish the Forest Management Deductions account, should other federal funding become available.
- BE IT RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe, that it hereby approves the Whiteriver Airport Project amendment to provide for the full four-inch pavement layer as originally intended and designed under the Airport project design specifications.
- BE IT FURTHER RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe that it accepts funding from the Indian Health Service.
- BE IT FURTHER RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Chairman, or in his absence, the Vice-Chairman, or their designee to pursue every and all funding alternatives from the Department of the Interior, the Bureau of Indian Affairs and other federal agencies.
- BE IT FURTHER RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe, that it amends its Forest Management Deductions budget to permit use of \$338,000, as

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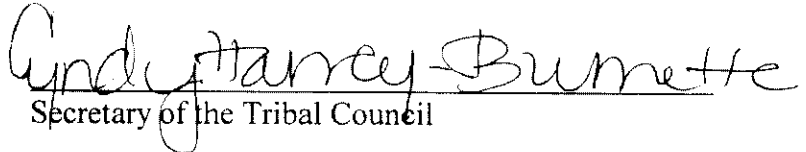
described above, should other outside funding are not available in the time period needed for this project.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe, that it authorizes the Chairman, or in his absence, the Vice-Chairman, or their designee, to execute the documents necessary to provide funding for the additional two-inch asphalt layer; and to seek approval and withdrawal of the funds, in the amounts indicated above.

The foregoing resolution was on September 24, 2001 duly adopted by a vote of SIX for, ZERO against and ONE abstention, by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (c), (f), (h), (j), (k), (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