

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

WHEREAS, on August 8, 1996, the Tribal Council, in Resolution 08-96-182, implemented the White Mountain Apache Tribal Plan and Project Review (TPPR) as a process to better coordinate and regulate projects and plans impacting Tribal land and other resources as consistent with Tribal and federal law, policies, and regulations; and

WHEREAS, TPPR has been in effect since that date and has developed as a key component of the Tribe's resource management and regulatory structure, for the protection and stewardship of the Tribe's vast and invaluable natural and cultural resource base; and

WHEREAS, members of the TPPR Panel held a retreat on December 17, 2002, to discuss ways to enhance the review process and ensure that it best serves the Tribe's conservation and resource management goals; and

WHEREAS, one outcome of the retreat was a recommendation to develop a new chapter in the Tribal Environmental Code to delineate the authority and responsibility of the TPPR Panel and process and to further establish TPPR as a vital part of Tribal environmental law; and

WHEREAS, until the code provision is developed and enacted into law, the Tribal Council herein reaffirms the authority invested in TPPR under Resolution 08-96-182 and authorizes the following modifications to the Panel membership and procedures in response to changes in Tribal government structure and other identified Tribal objectives.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms the purpose and intent of Resolution 08-96-182 with the following modifications:

- (1) The Plan and Project Review Panel will be facilitated by the Tribal Environmental Manager.
- (2) The Panel will consist of the following Tribal staff or their official designee: Cultural Resources Director, WORD Biologist, Sensitive Species Coordinator, Tribal Forester, Tribal Livestock Manager, Tribal Land Office/Realty representative, Watershed Program representative, and Hydrology Program representative.
- (3) Other Tribal staff and outside resource staff shall be available to advise the TPPR Panel; however such staff will not serve as Panel members nor be entitled to vote on matters before the Panel. These advisors include representatives from: Public Works, Tribal Engineering, FATCO, homesite development, Tribal Enterprise Division, Land Operations,

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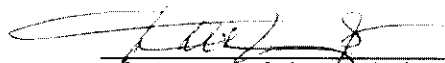
Housing Authority, the Tribal Controller, Tribal Attorney, Tribal Safety Officer, Planning Department, Tribal Fire Department, as well as other resource staff, including the Bureau of Indian Affairs staff and IHS staff as needed. All decisions of the Panel shall be by majority vote, with the Environmental Manager authorized to vote only in the event of a tie vote of the Panel.

- (4) The Panel will meet at least once a month, and if a Panel member is not available for a meeting, he or she shall designate an alternate from his or her department to attend the meeting and to exercise voting power on behalf of the Panel member.
- (5) TPPR meetings shall be open to the public, however the Panel may hold a portion of the meeting in executive session if necessary to protect sensitive or confidential information.
- (6) The four levels of review referenced in Resolution 08-96-182 are modified to three levels of review beginning with (1) the Tribal Environmental Manager, (2) then if needed moving to the TPPR Panel as set forth in this resolution, and (3) then for the most complex plans and projects, review by the Tribal Council.

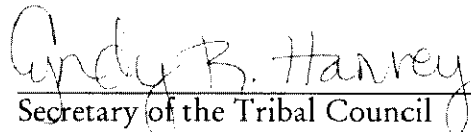
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it directs the Legal Department to work with the TPPR Panel and other resource staff to complete written code provisions for review by the Tribal Council within 90 days from the date of this resolution to consider adopting into law as an Ordinance of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the TPPR Panel with assistance of resource staff to promulgate written regulations to guide the TPPR process, provided that such written regulations and procedures are consistent with the scope and intent of this resolution and prior Resolution 08-96-182.

The foregoing resolution was on February 5, 2003 duly adopted by a vote of SIX 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), (f), (h), (i), (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).



Chairman of the Tribal Council



Secretary of the Tribal Council