

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

- WHEREAS,** the Tribal Council pursuant to Resolution No. 11-2002-296 on November 21 2002 authorized the sale by the Bureau of Indian Affairs Fort Apache Agency of fire destroyed trees greater than or equal to sixteen feet in length and a 12 inch top diameter (inside bark) for tractor ground, and 32 feet length in 12 inch top diameter (inside bark) for helicopter ground to be sold to TCB Construction Company, Inc., for the Bullflat, Chediski, Chuckbox, and Wildhorse timber salvage units; and
- WHEREAS,** the remaining smaller diameter fire destroyed trees in the salvage unit sold to TCB Construction are more than likely to degrade by the fall or winter of 2003, due to blue stain and other causal agents; and
- WHEREAS,** it is important that the smaller diameter material be removed prior to degrade and in order to reduce future fuel loading in the salvage area; and
- WHEREAS,** the TCB Construction Company Inc., has offered a rate of \$12.00 per thousand board feet for the smaller diameter fire destroyed trees, which is approximately the same selling rate which has been contracted by the Apache Sitgreaves National Forest for salvage sales; and
- WHEREAS,** the TCB Construction Company Inc., has established two small milling facilities in the Snowflake rail yard in order to process the smaller diameter trees into railroad ties; and
- WHEREAS,** the Tribal Council discussed on this date the plans for the Fort Apache Timber Company to also harvest and process smaller diameter trees for manufacture of railroad ties; and
- WHEREAS,** upon review, the Council is willing to consider proposals from several entities in order to maximize the removal and beneficial use of the smaller diameter salvage trees in the very short time remaining prior to degrade of the material; and
- WHEREAS,** the Tribal Council would consider the proposal for the additional diameter classification for TCB Construction Company Inc., only with the understanding that there will be strict enforcement by the BIA trust agent concerning all salvage sales contract conditions and covenants, utilizing those conditions and covenants which were included in the sales agreement authorized in Resolution No. 11-2002-296; and


WHEREAS, there have been prior contract violations committed by TCB Construction Inc., and for that reason the Tribal Council emphasizes that the greatest scrutiny, care, and oversight must be in place to ensure the orderly conduct of salvage operations; and

WHEREAS, on that basis, Tribal Council is willing to authorize an amendment to the salvage sales contract to TCB Construction Inc., for the Bullflat, Chediski, Chuckbox, and Wildhorse timber salvage units for the smaller diameter materials referenced above.

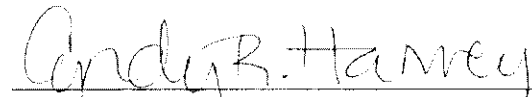
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the completion, by the Tribal Chairman of a contract amendment to the salvage sales agreement for TCB Construction Inc., for salvage activities in the Bullflat, Chediski, Chuckbox, and Wildhorse timber salvage units for the purpose of authorizing the salvage sale of fire destroyed trees of a size classification smaller than the sales previously authorized TCB Construction Inc., at a rate of \$12.00 per thousand for the smaller material.

BE IT FURTHER RESOLVED by the Tribal Council by the White Mountain Apache Tribe that upon the completion of the contract amendment of satisfaction to the Tribal Chairman, the Chairman is authorized to sign the amendment.

The foregoing resolution was on April 3, 2003 duly adopted by a vote of FOUR for and TWO 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), (f), (h), (i), (j), (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