

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

WHEREAS, the Tribal Plan and Project Review (TPPR) panel attempt to provide fair and equitable review of all land-based projects in order to protect the interests and precious resources of the White Mountain Apache Tribe; and

WHEREAS, demands for mineral resources have led to the development of numerous mines and borrow pits on the Fort Apache Indian Reservation (Reservation), many of which have led to unacceptable long-term damage to fragile river and mountain ecosystems; and

WHEREAS, both the immediate and long-term economic and environmental costs of these mines and borrow pits must be carefully considered and weighed against the short-term benefits of developing such resources; and

WHEREAS, Tribal natural resources staff in the Watershed, Hydrology, and Environmental Planning programs have limited resources and require firm guidelines to follow in monitoring the development and closure of mines and borrow pits on the Reservation; and

WHEREAS, development of a comprehensive mining plan in advance of any land-disturbing activity greatly enhances the chances that only environmentally and economically sound projects will go forward.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requires all proposed mining activities, including the development of new or reentry into existing borrow pits, to be presented to the TPPR panel in the form of a comprehensive mining plan.

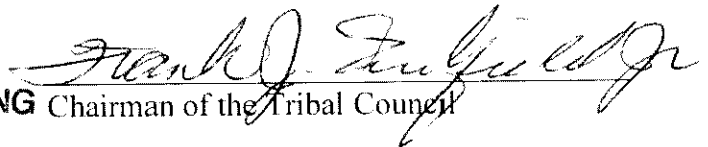
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that no mining plan shall be considered comprehensive without all of the following components: 1) an engineering map of the proposed site, including area and volume dimensions of the material proposed for extraction, and proposed transportation network to be used in the operation; 2) a clearance from the Tribal Historic Preservation Office stating that no archeological, historic, or other sensitive cultural resources are known within the proposed extraction site or within a 100-foot perimeter of the site area or providing acceptable mitigation plans for resources that occur within the area described; 3) a detailed cost-benefit analysis that evaluates the costs of road improvements, haulage, permitting, operation and maintenance, and closure and other related costs of conducting and completing the mining operation,

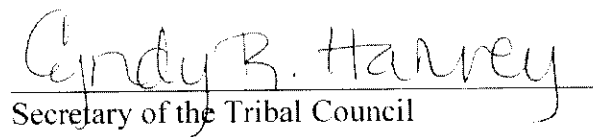
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and includes the expected sale price per volume, and rate of sale; 4) an operation plan that includes: a) physical specifications for size limits of the extraction pit (both area and depth) or, if no pit will be developed, then limits on the surface volume to be removed; b) plans for minimizing dust within the mine and along the hauling road(s); c) plans for mitigating noise and danger associated with mining operations in sensitive areas such as communities, near schools, and at road crossings, and d) a health and safety plan specifying measures for protecting workers and visitors to the mine site and providing detailed instructions in the event of a medical emergency; and 5) a closure plan which includes, at a minimum, plans for: a) restoring pit walls to slopes to less than 3:1 except in the case of a hard-rock cliff; b) stabilizing disturbed areas with vegetation and/or contouring; c) removing all temporary bridges, culverts, or other equipment utilized in the mining operation, d) restoring any rerouted stream flows to their native channels or approved artificial channels, e) mitigating potential erosion at the site, including stream head-cutting and sediment delivery to streams, and f) protecting the site from grazing and protecting public safety with fencing, if necessary.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that for any disapproved mining plans, it hereby directs the TPPR to present a written response to the mining plan proponent detailing TPPR's concerns with the plan and offering the opportunity for reconsideration of the plan upon modification.

The foregoing resolution was on April 3, 2003 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 it by Article IV, Section 1 (a), (c), (f), (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).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council