

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

- WHEREAS,** the White Mountain Apache Tribe is a Federally recognized tribe retaining substantial religious, cultural, historical, and legal interests in those portions of its aboriginal territory located beyond the borders of White Mountain Apache Trust Lands—also known as the Fort Apache Indian Reservation; and
- WHEREAS,** aboriginal territory interests of the White Mountain Apache Tribe are shared with and enhanced by comparable interests of the San Carlos Apache Tribe, the Yavapai-Apache Nation, and the Tonto Apache Tribe—which tribes together constitute the Western Apache Nation; and
- WHEREAS,** the aboriginal territory interests of the Western Apache Nation include, but are not limited to, the protection of sacred sites and other places of religious, cultural, and historical significance to the Apache people, hereafter referred to as Western Apache Sacred Sites; and
- WHEREAS,** Western Apache Sacred Sites and must invariably be treated with utmost deference and respect as vitally important sources of spiritual, cultural, community, and individual orientation and health; and
- WHEREAS,** *Dzil Nchaa Si An*, the sacred southern mountain and vast mountain range known as Mt. Graham, is a Western Apache Sacred Site of longstanding and ongoing significance, as formally recognized by the Tribal Council of the White Mountain Apache Tribe, through Resolution 07-99-153, and by the Keeper of the National Register of Historic Places, through a formal determination of Register eligibility signed on April 30, 2002; and
- WHEREAS,** ongoing damage to and desecration of *Dzil Nchaa Si An* and other Western Apache Sacred Sites has resulted and is resulting in direct, indirect, cumulative, and potentially irrevocable harms to Apache people and their communities, as well as to ecological and supernatural systems that humanity requires to live in health and harmony; and
- WHEREAS,** non-indigenous persons and institutions often fail to embrace or respect the abundant moral and legal mandates to honor and preserve the physical and spiritual integrity of Western Apache Sacred Sites; and
- WHEREAS,** the White Mountain Apache Tribe, in close collaboration with the duly appointed cultural and history program representatives of the other tribes of the Western Apache Nation, has identified the Western Apache Sacred Sites located within Arizona and New Mexico lands managed for the benefit of the American people by the United States Forest Service; and

WHEREAS, the Forest Service shares with other agencies the trust responsibility for the welfare of the Tribes and Tribal Members of the Western Apache Nation, as well as affirmative compliance duties pursuant to the National Historic Preservation Act, the National Environmental Policy Act, the American Indian Religious Freedom Act, Executive Order 13007, and the Constitution of the United States, as amended; and

WHEREAS, each of the aforementioned Federal authorities provides mandates and means for the protection of Western Apache Sacred Sites from damage, desecration, and inappropriate use or release of information pertaining thereto; and

WHEREAS, *Dzil Nchaa Si An* and the Western Apache persons and communities that value and depend in part upon the mountain continue to be injured by the damaging installation of telescope facilities and by the ever more disrespectful and desecrating operations and expansions of those facilities; and

WHEREAS, the long associations between the Tribe and the University of Arizona and the Tribe and the University of Virginia have been and are being adversely affected by the universities' sponsorship of telescope construction and operation activities atop *Dzil Nchaa Si An*; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe respects the academic freedom of those researchers and institutions who respect the rights of Apache religious practitioners to worship on and through Western Apache Sacred Sites unencumbered by the sort of damage, disrespect, and desecration exemplified in the use of *Dzil Nchaa Si An* as an observatory facility.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby endorses the proposal developed by the culture and history program representatives of the tribes of the Western Apache Nation to provide to the Forest Service a roster of Western Apache Sacred Sites located on lands managed by the Forest Service, providing that the Forest Service agree, in writing, to use this roster exclusively in the protection of the physical integrity of the Sacred Sites, and associated religious freedoms.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the University of Arizona, the University of Virginia, the University of Minnesota, and other institutions and individuals participating in the research-related damage and desecration atop *Dzil Nchaa Si An* are hereby invited and encouraged to reconsider that participation, and to cease and desist in this unholy activity in this holy place.

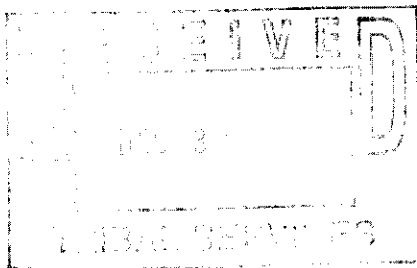
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the United States Forest Service, Federal Communications Commission, United States Fish and Wildlife Service, and other Federal agencies and Officials sharing trust responsibility for the welfare of the White Mountain Apache Tribe and Tribal Members are enjoined to employ their authority to halt, limit, and reverse the research-related damage and desecration to *Dzil Nchaa Si An*.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the following shall be the respectful position of the White Mountain Apache Tribe with regard to discussions and collaborations with institutions, agencies, researchers, or their representatives concerning either *Dzil Nchaa Si An* or future collaborations or agreements:


1. To the maximum extent possible, *Dzil Nchaa Si An* and other Western Apache Sacred Sites should be managed, in full partnership with the Western Apache tribes, for the protection of the physical integrity of those sacred sites and for the restoration of pre-1870 resource conditions and ecosystem processes;
2. The existing ecological "footprint" of the telescope compound should not be expanded;
3. The parties to the telescope operations within the *Dzil Nchaa Si An* sacred site shall work with the Forest Service to specify a date by which the operations shall cease and the "footprint" restored to its pre-development condition, including removal of all roads, power lines, communication facilities, etc.;
4. The Forest Service, in collaboration with the tribes of the Western Apache Nation and other affected federally recognized tribes, should consider preparation of a multiple property nomination for the most significant Western Apache sacred mountains.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that renews the designation the Tribe's Cultural Resources Director (Ramon Riley) and Historic Preservation Officer (Dr. John R. Welch), as the White Mountain Apache points of contact for matters pertaining to Western Apache Sacred Sites and *Dzil Nchaa Si An*.

The foregoing resolution was on December 17, 2003 duly adopted by a vote of EIGHT 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), (g), (h), (i), (j), (k), (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


ACTING Secretary of the Tribal Council