

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

- WHEREAS,** the United State Fish & Wildlife Service operates two fish hatcheries on the lands of the White Mountain Apache Tribe for the purpose of promoting sports fishing, tourism and recreation within the reservation and throughout the region; and
- WHEREAS,** the Alchesay-Williams Creek National Fish Hatchery Complex provides significant economic benefits to the White Mountain Apache Tribe and the White Mountain Region in east central Arizona; and
- WHEREAS,** the Hatchery Complex supplies rainbow, Apache, brown, cutthroat, and brook trout for outdoor recreation programs that serve the public throughout the Southwest; and
- WHEREAS,** studies show that federal hatcheries generate significant economic benefits and tax revenue for federal, state and local governments; and
- WHEREAS,** the White Mountain Apache Tribe is a leader in sustainable resource-based economic development, has pioneered Indian economic development through outdoor recreation programs, and its outdoor parks and recreation programs such as skiing, hunting, fishing and camping are key elements to the regional economy of east central Arizona; and
- WHEREAS,** the Tribe enjoys a successful Federal-Tribal partnership with the U.S. Fish & Wildlife Service which operates the hatcheries in cooperation with the Tribe; and
- WHEREAS,** the recovery of the threatened Apache trout is one product of this effective partnership; and
- WHEREAS,** the Hatchery Complex has provided sport fish to as many as 20 Indian Tribes and one military base each year for their public recreational fishing programs, and for over 60 years most Indian Tribes within the USFWS Region 2 have relied on either the Alchesay-Williams Creek National Fish Hatchery Complex and/or the Mescalero National Fish Hatchery in New Mexico for their cold water sport fish stockings; and
- WHEREAS,** the Mescalero Hatchery was closed three years ago due to flood damage and since then the Alchesay-Williams Creek Complex has been the primary source for sport fishing for Tribes throughout the region; and
- WHEREAS,** demands on the Hatchery Complex continue to increase due to the growth of public demand for outdoor recreation as the populations of Arizona and the southwest

continue to increase, and reinvestment in the hatchery facilities will insure their viability and contribution to the local and regional economy for decades to come; and

WHEREAS, increased production demands on the Alchesay-Williams Creek Complex and increasing public demand for recreational fishing opportunities have come in the wake of years of limited funding for maintenance and rehabilitation at the Complex, all of which has been compounded by drought conditions which have compromised both the quantity and quality of water used by the Complex; and

WHEREAS, the White Mountain Apache Tribe in consultation with the regional and local Fish & Wildlife Service personnel have identified critical improvements and rehabilitation work needed at both the Alchesay and Williams Creek Fish Hatcheries to assure their effective continued operation; and

WHEREAS, rehabilitation measures proposed by the Tribe will supplement spring flows, improve water quality, and restore fish production infrastructure, so as not only to meet normal production levels for 2004, but beyond, and will mitigate Region 2 shortfalls resulting from the Mescalero Hatchery closure; and

WHEREAS, the Tribal Council concludes that the White Mountain Apache Tribe should request \$6.1 million dollars to: (1) renovate the Alchesay-Williams Creek National Fish Hatchery Complex to operating levels needed to meet current and anticipated regional sport fish production demands; and (2) rehabilitate and modernize water supply systems, water reuse capabilities, and fish production infrastructure at Alchesay-Williams Creek Fish Hatchery Complex, and provide necessary staffing to return the facility to peak production potential; and

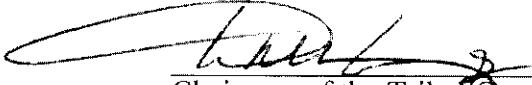
WHEREAS, the funding request to rehabilitate the Hatchery Complex of \$6,111,000 will be over a three year period, with the total for FY 2005, being \$403,000.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman to request the Arizona Delegation, Congressman Rick Renzi, United States Senator John McCain, and United States Senator John Kyl to support an authorization request in the amount of \$6,111,000 for the Hatchery Complex to be funded over a three year period, with the total for FY 2005, at \$403,000.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman to seek the support of the Secretary of the Interior for the Tribe's funding request to rehabilitate the Alchesay-Williams Creek Fish Hatchery Complex.

The foregoing resolution was on FEBRUARY 11, 2004 duly adopted by a vote of NINE 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), (c), (f), (h), (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



ACTING Secretary of the Tribal Council

ALCHESAY-WILLIAMS CREEK NATIONAL FISH HATCHERIES

History and Background

The Alchesay and Williams Creek National Fish Hatchery Complex is located on the Fort Apache Indian Reservation in Arizona. The Complex currently is operated by the U.S. Fish and Wildlife Service ("Service") in cooperation with the White Mountain Apache Tribe. The hatcheries were established by Congress for the express purposes of meeting trust obligations to tribes, promoting sport fishing and recreation on the Reservation and throughout the region, enhancing the economies of tribes and neighboring communities, and providing jobs to tribal members. The hatcheries have served these purposes well, in spite of decreased funding in recent years.

The hatcheries produce both native and non-native sport fish. The White Mountain Apache Tribe is a leader in demonstrating that sport fishing and native fish conservation can coexist and, indeed, complement one another. The Tribe funds its native species conservation and recovery work primarily through revenues generated from recreation program permit sales to the public. The Alchesay-Williams Creek Complex is key to these activities.

A 2001 economic study of federal hatcheries in Region 4 of the Service showed that the hatcheries generated \$109 to \$141 in economic benefits for every federal dollar spent and, indeed, generated more federal tax revenue than was spent operating the facilities. Service and Tribal personnel believe that a study of the Alchesay-Williams Creek Complex will show similar economic benefits.

Congressional Mandates Furthered by the Hatcheries

The hatcheries further several Congressional mandates, including Congressional policies of tribal self-determination and self-sufficiency. They also facilitate implementation of the National Indian Forest Resource Management Act (NIFRMA) on the Reservation. The Tribe manages its forests for multiple benefits, including fisheries, wildlife, and recreation, as defined in the Act. Hatchery sport fish production not only serves historical mandates for the hatcheries, but also serves the NIFRMA objectives of promoting value-added industries on Indian forest lands.

The hatcheries also further the mandates in the Fish and Wildlife Act, 16 U.S.C. Section 742a, in which Congress directed the Service to administer the Act "with due regard to the inherent right of every citizen and resident of the United States to engage in fishing for his own pleasure, enjoyment, and betterment, and with the intent of maintaining and increasing public opportunities for recreational use of our fish and wildlife resources, and stimulating the development of a strong, prosperous, and thriving fishery and fish processing industry."

For several years, the Service had realigned its priorities away from sport fishing, and the Alchesay-Williams Creek Complex suffered as a result. There have been

indications of renewed support within the Service for sport fishing. Regardless of Service priorities for non-tribal hatcheries, any changes in priority should not extend to hatcheries located on Indian lands that serve Indian tribes unless the affected tribes agree. The federal hatcheries on Indian lands were established for very clear purposes that continue today. The summary below identifies the historical mandates and discusses the various agreements and Tribal Council resolutions authorizing establishment and operation of the hatcheries on the Fort Apache Indian Reservation.

Williams Creek National Fish Hatchery

The Williams Creek hatchery was authorized in the early 1930's with construction beginning in 1939. The Williams Creek hatchery was built to fulfill the federal trust responsibility for stocking waters on Indian lands. Its purposes also include promoting recreation opportunities for the general public on the Reservation and providing economic benefits to the Tribe and the White Mountain region. Senator Carl Hayden introduced the initial bill to authorize the hatchery, believing it was important to the State of Arizona as a whole. Bureau of Indian Affairs ("BIA") Superintendent Donner noted that the Reservation "is perhaps the most outstanding recreative playground in the Southwest." The Honorable Isabella Greenway, representative at large to Congress from the State of Arizona, testified on behalf of establishing the hatchery, discussing the benefit to the regional economy and specifically the economic benefit to the Apache Tribe. She further stated that "fishing in the northern part of Arizona, particularly, should be one of the biggest industries that we have, but it has not been developed because we cannot offer the proper facilities and cannot keep the stock up."

Most of the money for construction of the fish hatchery came from the Bureau of Indian Affairs. Pursuant to a 1939 MOU between BIA and the Service, the Service agreed that should Congress authorize construction, BIA would transfer jurisdiction to the Service for fish cultural purposes only, and the Service would stock the waters of the Fort Apache and adjacent Indian reservations.

The development potential for recreational fishing was recognized in these early days. Superintendent Donner wrote in 1944 that "the possibilities at the Williams Creek hatchery are practically unlimited" and that the hatchery should not stop with just supplying the Reservation, but "produce to its maximum capacity for the entire Southwest."

The initial agreements authorizing operation of the facility were between the Bureau of Indian Affairs, the Fish and Wildlife Service, and the Arizona Game and Fish Commission. The agreements were subject to approval of the White Mountain Apache Tribe. The State received fish from the hatchery for many years and still does today through a cooperative arrangement with the Tribe and the Service. Later agreements were solely between the Tribe and the Bureau of Sport Fisheries & Wildlife of the U.S. Fish and Wildlife Service. These agreements recognized that:

(1) the waters of the Fort Apache Indian Reservation provided potential for development of sport fishery resources; (2) sport fishery resources are a source of economic return to the Tribe and its members; and (3) the Bureau of Sport fisheries and wildlife is legally responsible for providing fisheries assistance to tribes. Accordingly, the Service agreed to: (1) assist in development of sport fishery resources on the Reservation; (2) provide game fish for stocking Reservation waters; and (3.) accord first priority for assistance to those waters designated by the Tribe as open to fishing.

In exchange, the Tribe agreed to open its waters to fishing by non-members and to establish regulations. Use of the hatchery site was acquired by the Service through a lease from the Tribe. Under the lease, the Tribe agreed to provide land and water without charge so long as the Service continued to stock Reservation waters with game fish.

Alchesay National Fish Hatchery

In 1957, it was recognized that a second hatchery was need to meet the increasing demands and "high recreational potential of the reservation." BIA Superintendent Hawley wrote to the Service stating that facilities at the existing hatchery must be expanded and methods improved "to provide trout for the whole White Mountain area." In 1959, the Tribal Council authorized the Service to determine the feasibility of constructing a fish cultural station at Alchesay Spring. That year, the Service presented a paper regarding development of sport fishery resources on Indian lands in the Southwest that made clear that the Service's purposes were to assist tribes economically and to provide non-Indian recreation opportunities.

In hearings on the proposed Alchesay hatchery, the Service presented its justification for the facility:

"There is tremendous interest in fishing for trout in waters of the Fort Apache Indian Reservation. This has been brought about through the initiative of the tribe in promoting recreational opportunities on Indian lands, effecting a fisheries management program for waters on the reservation, and by providing facilities required by the visiting public. . . . In addition, other Indian tribes, such as the Navajo and Zuni, are following the lead of the Apaches in creating recreational opportunities on their lands, which will add to the need for trout."

The Tribe authorized a lease for the facility in 1960, noting that the hatchery would "furnish employment to the tribal members and will make available fish to store the streams and lakes of the reservation thereby helping insure the profitable operation of the recreation enterprise" (Tribal Council Resolution No. 60-22). Operating agreements for the facility were similar to those for Williams Creek.

1982 Proposed Closure of Williams Creek

In 1982, the Service proposed to close the Williams Creek National Fish Hatchery. The Tribe protested and sought Congressional assistance in saving the hatchery. An analysis at that time showed that for every dollar expended at the hatchery, \$110 of revenue was generated on the Reservation and in the neighboring communities. The study concluded that the economic impact of closure of the facility upon the Tribe and the neighboring rural communities would be devastating. The hatchery did not close, but BiA entered into annual agreements through which it reimbursed the Service to sustain the Indian assistance programs.

1988 Transfer of Funding by Congress

In 1988, Congress transferred BIA funds for the Alchesay-Williams Creek and other Indian hatcheries to the Service budget, directing that the transfers are to present no impediment to the eventual transfer of the fishery facilities to the tribes at such time as the tribes so request. The Conference Committee stated:

"In agreeing to this transfer, the managers are in no way diminishing their resolve that these facilities be managed by the tribes when the tribes are ready. It is the managers' understanding that these transfers present no impediment to the eventual transfer of these fishery facilities to the appropriate tribes at a later date."

However, the Service never contracted with any of the tribes, and the tribes have not pursued contracting because the cooperative arrangement worked well for many years.

Recent Threats to the Hatchery Complex

In recent years, the Service realigned its priorities away from sport fishing and the hatchery programs and instead, has emphasized recovery of native fish. It extended these policies to its programs on Indian lands, and in doing so, has undermined the Congressional purposes of the Alchesay-Williams Creek National Fish Hatchery Complex. The hatcheries, which already had suffered from chronic underfunding for maintenance and rehabilitation, received further budget cuts and staffing shortfalls. This has been exacerbated by drought conditions in the Southwest, which has adversely affected water quantity and quality at the Alchesay-Williams Creek Complex. These water problems could be alleviated, but the Service has not secured funding to carry out the necessary rehabilitation. Thus, the Complex has had to impose production cuts and cannot meet current demands. Also, the Service has closed the Mescalero Hatchery and diverted funds to non-tribal programs.

In addition, the Service indicated about a year ago that it is studying the possibility of outsourcing rainbow trout production, which undoubtedly would lead to closure of at least one of the hatcheries. This would devastate tribal programs through loss of jobs and opportunities, contrary to the clear Congressional purposes of the

facilities, the Tribal Council resolutions approving the facilities, and possibly the National Indian Forest Resource Management Act, which requires the Secretary of Interior to promote value-added industries on Indian forest lands. It also would risk bringing Whirling Disease to the waters of the Fort Apache Indian Reservation, as well as to the 20 other reservations and military base that now receive fish from the Hatchery Complex. The White Mountain Apache Tribal Council passed a resolution opposing outsourcing of trout production, which it submitted to the Service in January, 2003.

As populations continue to grow in Southwest communities, demands from the public for fishing and other recreational opportunities continue to increase. If the Complex were rehabilitated and production capacity restored and expanded, the tribes that receive fish could expand their programs to meet the rising demand. The positive benefits to local and regional economies would be tremendous.

Recently, Service officials indicated a renewed interest in sport fishing programs, and the Tribe is working with regional Service staff to secure necessary funds to restore the hatcheries to full production.