

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

**(Authorizing Submittal of Draft Lease and Operating Agreement
to the U.S. Fish and Wildlife Service)**

- WHEREAS**, the White Mountain Apache Tribe (Tribe), a Federally-recognized Indian Tribe, has sovereign and aboriginal authority over the lands and waters of the Fort Apache Indian Reservation; and
- WHEREAS**, the United States has a government-to-government relationship with the Tribe and certain trust responsibilities to the Tribe, which extend to all federal agencies; and
- WHEREAS**, the United States Fish & Wildlife Service ("Service") maintains and operates, with the consent and cooperation of the White Mountain Apache Tribe, two fish hatcheries located on the Fort Apache Indian Reservation in east-central Arizona, known as the Alchesay-Williams Creek National Fish Hatchery Complex; and
- WHEREAS**, the Williams Creek and Alchesay hatcheries were established by Congress to meet the trust obligations of the United States to the Tribe and other Indian tribes, to promote sport fishing and recreation on the Reservation and throughout the region, to enhance the economies of tribes and neighboring communities, and to provide jobs for Tribal members; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe authorized by resolution the use of Tribal lands and waters for the Williams Creek hatchery in 1935 and 1939 and the Alchesay hatchery in 1960 on condition that the Service employ Tribal members and keep Tribal waters well stocked with sport fish, thus helping to ensure the continued success of the Tribe's Recreation Enterprise; and
- WHEREAS**, the waters and lands of the Fort Apache Indian Reservation provide some of the premier recreation opportunities in the Southwest, and the Hatchery Complex is key to promoting the development of the Tribe's recreation economy and to meeting the increased demands for recreational opportunities by the public; and
- WHEREAS**, the Service, through laws, agreements, and its trust responsibilities, is responsible for providing assistance to the Tribe in the management of fisheries; and
- WHEREAS**, the leases between the Tribe and the United States for the Alchesay and Williams Creek hatcheries have expired and the Service wishes to enter into a new consolidated lease and an operating agreement with the Tribe for the Hatchery Complex; and
- WHEREAS**, over the past several years, the Tribal Council has expressed concerns to the Service over staffing levels and funding for operations of the hatcheries, proposed

outsourcing by the Service, commitment to sport fish production by the Service, and the closure of the Mescalero Hatchery; and

WHEREAS, the Tribal Council concludes it would be in the best interests of the Tribe to enter into a new lease and operating agreement with the United States for the Hatchery Complex so long as certain protections and commitments are included in the lease and agreement that ensure sport fish production is maintained, Tribal members are provided preference in employment, provisions are included for the improvements, equipment, and operations to be taken over by the Tribe with minimal or no interruption in production if the Service decides to cease or reduce sport fish operations of the Complex or otherwise ceases or reduces operations benefitting the Tribe, and other protections that address the concerns that have arisen in recent years; and

WHEREAS, the Tribal Council has concluded that a proposed lease submitted to Tribal staff by the Service does not fully protect the Tribe's interests, and the Tribal Council wishes to offer the Tribe's own draft lease and draft operating agreement to the Service for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs Tribal Chairman Dallas Massey, Sr. to submit the attached draft Lease and Memorandum of Agreement to the U.S. Fish and Wildlife Service, Region 2.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Tribal Chairman, Dallas Massey, Sr., the Director of the Wildlife and Outdoor Recreation Division, John Caid, and Special Counsel, Sylvia Cates, to engage in negotiations with the Service and Department of Interior attorneys as necessary for the purpose of finalizing the consolidated lease agreement.

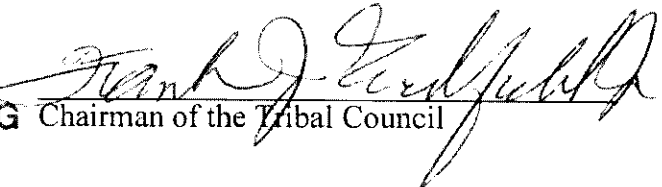
The foregoing resolution was on JANUARY 5, 2005 duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (c), (e), (f), (g), (h), (i), (q), (s), (t), and (u) of the Constitution 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).

RECEIVED

JAN 11 2005

FORT APACHE INDIAN AGENCY
MUSKOGEE, OKLAHOMA

ACTING Chairman of the Tribal Council



Secretary of the Tribal Council