



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

**(Approving Agreement with U.S. Department of Interior for South Faught Ridge Timber Sale)**

**WHEREAS**, pursuant to Article IV, Section 1(b) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to negotiate, make and perform contracts and agreements of every description, and to manage all economic affairs and enterprises of the Tribe including tribal lands, timber, sawmills and other activities; and

**WHEREAS**, the Superintendent of the Fort Apache Agency ("Agency"), acting on behalf of the U.S. Department of Interior, Bureau of Indian Affairs ("Bureau"), has requested that the Tribal Council approve the Bureau's proposed Agreement of September 2006 for the South Faught Ridge Timber Sale (the "Agreement" or "Sale"), as attached and incorporated by this reference; and

**WHEREAS**, the South Faught Ridge Timber Sale is included in the Bureau's ten year cutting budget in its 2005-2014 Forest Management Plan; and

**WHEREAS**, the South Faught Ridge Timber Sale is part of the Bureau's proposed annual allowable cut; and

**WHEREAS**, the Bureau recommends the Sale to the Fort Apache Timber Company, as presented in the proposed Agreement, subject to minor changes and administrative adjustments by the Approving Officer, as follows:

<u>SPECIES</u>	<u>ESTIMATED NET VOLUME</u>	<u>RECOMMENDED RATE</u>
All Species (Timber)	7.0 MMBF Valuation	Current Approved Stumpage

**WHEREAS**, the Bureau has prepared a unit synopsis of the proposed Sale, as attached and incorporated by this reference; and

**WHEREAS**, pursuant to the National Indian Forest Resource Management Act ("NIFRMA"), 25 U.S.C. § 3101 et seq., and accompanying regulations (25 CFR § 163.1), the United States, as the Tribe's Trustee, acting through its principal agent, the U.S. Department of Interior, has a trust responsibility for Forest Land Management, which includes forestation, thinning, tree improvement activities, and the use of silvicultural treatments to restore or increase growth and yield to the full productive capacity of the forest; and

**WHEREAS**, the Bureau represents to the Tribal Council that the Sale is based upon sound silvicultural and economic principles as required by NIFRMA and that there will not be any negative, long-term biological, economic or environmental impacts on the Tribe's saw log supply within the South Faught Ridge area; and

**WHEREAS**, the Bureau's proposed Agreement contains ten references to a "2005-2014 Forest Management Plan" or "FMP" within a section entitled, "Forest Officer's Report", implying that the Bureau's 2005-2014 FMP has been approved or not opposed by the Tribe; and

**Resolution No. 12-2006-410**

**WHEREAS**, pursuant to Resolution No. 03-2005-52, reaffirmed herein, the Tribe has not approved or disapproved the 2005-2014 Forest Management Plan, and accordingly, by executing the Agreement or the Addendum to the Sale, the Tribe does not accept, approve or condone the FMP; and

**WHEREAS**, the Agreement has been prepared by the Bureau without a unit specific residual value appraisal, instead the Sale is included in the formal annual reappraisal for Stumpage Valuation for the Fort Apache Timber Company ("FATCO"); and

**WHEREAS**, based on representations by the Bureau to the Tribe and the Tribe's own declaration, the Tribe's approval of the Sale, the Agreement or Addendum does not constitute either an undertaking any of trust responsibilities of the United States to the Tribe or a waiver thereof; and

**WHEREAS**, the Tribal Council finds and concludes that approval of the Sale Agreement is in the best interests of the White Mountain Apache Tribe, given the foregoing management challenges as presented by the Bureau of Indian Affairs and FATCO.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:


1. The Agreement for the South Fought Timber Sale of all species of timber, between FATCO and the White Mountain Apache Tribe proposed and requested by the U.S. Department of Interior, as attached and incorporated by this reference, is hereby approved subject to the conditions set forth below, for an estimate net volume of 7.0 million board feet at a stumpage valuation rate to be negotiated by the Chairman of the Tribe and FATCO.
2. The Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to negotiate a stumpage valuation rate with FATCO, and execute any and all documents necessary to effectuate the intent of this Resolution and to administer the Sale.

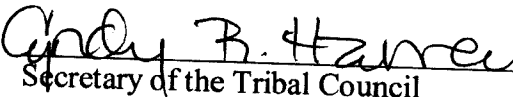
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that approval of the South Fought Timber Sale Agreement is conditional upon the following:

1. By agreeing to the Sale, the Tribe is not undertaking or waiving any of the United States' trust responsibilities for Indian Forest Land Management as provided in NIFRMA.
2. Resolution No. 03-2005-52 is hereby reaffirmed and the Tribal Council hereby declares that by agreeing to the Sale, the Tribe does not accept, approve or condone the 2005-2014 Forest Management Plan or waive any prior objections thereto.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that deductions, not to exceed thirteen percent (13%) of the gross receipts received from FATCO as the Purchaser, accrue within the Tribe's Road Suspense Account, and this accrual will continue until the Road Suspense Account is funded to the extent required to provide the road construction fund reserve authorized by the Tribe.

The foregoing resolution was on December 13, 2006, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (f), (g), (h), (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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

**SOUTH FAUGHT RIDGE TIMBER SALE UNIT SYNOPSIS**  
 ---A briefing report for the White Mountain Apache Tribal Council---

**Logging History:**

According to Bureau of Indian Affairs records there have been five previous timber sale harvests in the area now designated as the South Faught Ridge Forest Management Unit. The sales are:

<u>Sale Name</u>	<u>Dates</u>	<u>Volume</u>	<u>Delivered to</u>
South Faught Ridge	1995	6,892,880	Whiteriver
Cedar Creek	1981	11,900,900	Whiteriver
Big Canyon	1977	5,198,680	Whiteriver
Long Tom Canyon	1953	231,970	Whiteriver
Faught Ridge Burn Salv.	1952	3,569,280	Whiteriver

**Other Forest Management History:**

- < Approximately 1800 acres of pre-commercial thinning was conducted in locations in the unit between 1986 and 1992.
- < Prescribed burning of natural and harvest fuels on approximately 14,600 acres has been conducted within the unit between 1979 and 2003.

**Timber Unit Information:**

Total acres: 131,899  
 Non-timbered acres 95,247  
 Inoperable timbered acre 11,434  
 Operable timbered acres 25,218  
 Proposed sale acres 7,900 (Estimated 888 net board feet/acre)

ESTIMATED SALE UNIT TOTAL NET HARVEST VOLUME = 7.0 MMBF

(Cut volume is 99% ponderosa pine; <1% Douglas fir)

**Estimated Sale Value:**

7,000 MBF x \$379.31/MBF (Jan - Mar 2006 average selling value) = \$ 2,655,170 gross value  
 Stumpage value at 29 % Royalty Rate = \$769,999

**Bonds:**

Damage Bond = \$42,350  
 Fire Damage Bond = \$25,000

**Roads Information:**

Road Class	Current Road Mileage	Existing Roads to be used for Timber Sale, maintenance & reconstruct (mileage)	Existing Roads Not to be used for Timber Sale Activity (No reconstruct or close)	New Roads to be Constructed (mileage)	Existing Roads to be used, but closed after Logging (mileage)	Existing Roads not to be used and closed, before Logging (mileage)	Net Roads to be Open after Logging (mileage)
3	8.1	8.1	0	0	0	0	8.1
4	35.3	34.2	0	1.5	0	0	35.7
5	26.7	24.6	2.8	.1	1.8	2.1	22.9
Total Mileage	70.1	66.9	2.8	1.6	1.8	2.1	66.7

A total of 1.6 miles of new roads are proposed for the South Faught Ridge Timber Sale Unit to reduce impacts to watersheds by rerouting road systems away from stream courses or other erosion problem areas. Many road closure points are proposed to close roads, including reroutes, roads not used and roads used then closed. Current net road density is 3.13 miles per section and will be reduced to 2.83 miles per section.

Total class 5 road costs: \$6.11/ MBF  
 Total class 3 & 4 road costs: \$16.12/ MBF

**Log Haul Data:**

Total Mileage = 32.7(65.4 round trip)  
 Round Trip Time = 120.3 minutes  
 Haul Cost = \$42.67/MBF

**Major Issues:**

- 1) Recreation:  
 This unit is not a heavy recreational use area. Most use consists of hunting and camping.
- 2) Archeological sites:  
 Archeological sites are known to exist in the sale area. These sites will be flagged prior to harvest and in accordance with the Cultural Heritage Resource BMP's and LRG's in the sale contract. Any and all sites are to be avoided by logging activities, or as otherwise directed by the agency archaeologist.
- 3) Medicinal plant gathering areas do not occur on the sale area. The most sensitive species occur adjacent to springs, seeps, and streams. These areas are protected during timber harvest under standard guidelines.
- 4) Threatened or Endangered Species:  
 There are no known populations of threatened or endangered species within the area to be harvested on South Faught Ridge Timber Sale.
- 5) Watershed and water quality:  
 Emphasis was placed on reducing the hydrologic impacts of roads by either closure, rerouting, graveling, or improving stream crossings. Emphasis is also placed on reducing the number of culvert installations and using more rocked crossings, particularly at locations where past culverts have failed. Overall, reshaping, ditching, draining, and graveling will greatly reduce hydrologic impacts from roadways.

6) Silvicultural Treatments:

Two general treatments were applied to the sale area with considerations given to individual characteristics of each stand:

- A) Healthy Uneven-aged Areas: Areas with multiple age classes and low levels of mistletoe infection were marked using individual tree selection to promote regeneration, reach target density levels per stratum, and retain large healthy yellow bark trees. Small, isolated patches of dwarf mistletoe were totally sanitized.
- B) Mistletoe Stands: Stands with a ubiquitous mistletoe infection were marked utilizing shelterwood seed cuts (partial control) to promote healthier residual stands. Retaining large yellow pines was an emphasis in these stands as well.

A sale-wide representation of current and residual stand stocking (all commercial species) based on a weighted sample of acres by treatment category is summarized as follows:

**Summary of Proposed Stand Treatments  
(Includes partial stand treatment acres)**

Treatment Prescription	Acres
individual tree selection	805
group selection/thin matrix	0
group shelterwood/thin matrix	7,095
sanitation/salvage	0
shelterwood seedcut	0
shelterwood final removal	0
intermediate thin	0
total harvest acres	7,900
harvest deferral	123,999

7) General Wildlife Management:

All stands adjacent to sensitive areas have modified silvicultural treatments developed through consultation with WMAT Wildlife & Outdoor Recreation Dept. Most of these treatments emphasize the retention of old trees and dying "high-risk" trees adjacent to these areas for nesting and perching use by raptors.

- 8) Slash created by harvest operations will be disposed of through lopping and scattering and managed fire. Lop slash on 100% of the area and broadcast burn. Slash will be burned within all or most of the lopped areas, according to on the ground conditions. Some small areas may be treated differently at the discretion of the TSO.

South Faught Ridge Unit Slash Treatments\*

Treatment Type	Gross Acres	Net Machine Pile Acres	Net Lop and Scatter Acres
Lop & Scatter, broadcast burn	7,900	0	7,900
Totals by treatment category/ Percent of Sale Area	7,900 (100%)	0 (0%)	7,900 (100%)
Estimated Acres to be Burned/ Percent of Sale Area	7,900 (100%)	0 (0%)	7,900 (100%)

\*The exact areas which will be treated and burned will depend upon on-the-ground conditions and where favorable conditions occur for burning. Total slash treatment cost is \$24.89/MBF. FATCO will make deposits of \$ 10.36 /MBF to a Tribal General Ledger Account to cover the cost of slash burning.

- 9) To find more discussion on issues within the contract documents:

Forest Management History-	Forest Officer's Report
Roads/Roads Costs-	Forest Officer's Report
Slash Treatment-	Forest Officer's Report Logging Restrictions and Guidelines
Equipment Restrictions-	Logging Restrictions and Guidelines
Watershed and Soils-	Hydrology Report in Environmental Assessment Harvest Restrictions Map (Exhibit A-1), Forest Officer's Report
Environmental Assessment-	On File with EQS at Fort Apache
Biological Assessment-	On File with EQS at Fort Apache.
Silvicultural Guidelines-	Forest Officer's Report Environmental Assessment Specialist Reports