



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

(Approval of the Fort Apache Indian Reservation – Long Range Transportation Plan)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, the duly appointed Transportation Committee represents and advises the Tribal Council of the White Mountain Apache Tribe regarding Federal, State, and local issues related to transportation and transportation facilities, addresses current issues and policy matters regarding new laws and regulations as they pertain to tribal transportation, IRR, and monitors such funding priorities through the FLHA and BIA; and

WHEREAS, Congress authorized funds for Federal-aid highways, highway safety programs, and transit programs and for other purposes under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or "SAFETY-LU January 5, 2005 wherein the Indian Reservation Roads (IRR) Program would be administered under both the Federal Lands Highways Administration and the Bureau of Indian Affairs pursuant to Final Rules established in 25 USC Part 170 for Indian Tribes; and

WHEREAS, Section 442 of 25 CFR Part 170 (effective 10/01/04) hereinafter Rule) describes the Indian Reservation Road (IRR) Inventory as a comprehensive database of all transportation facilities eligible for IRR Program funding; and

WHEREAS, the Rule describes the significance of continuously updating the database of the IRR Inventory and adding proposed facilities to it through procedures provided at Sections 170.443 and 170.444, which includes a comprehensive Long Range Transportation Plan (LRTP) that documents all transportation needs; and

WHEREAS, Section 170.403 of the Rule provides that Tribes can identify transportation planning as a priority listing that Program construction funds can be used to perform any and all of those planning functions as described at Section 170.402; and

WHEREAS, the Transportation Committee is in receipt of the most recent draft of the Fort Apache Indian Reservation LRTP) and Road Inventory Update provided by the Transportation Consultant, ASCG, Inc. of Albuquerque, New Mexico (such draft copies were also provided to each Tribal Council Member) on December 6, 2006 and was provided a presentation; and

WHEREAS, the Transportation Committee is delegated the responsibility to oversee and direct the inventory of all IRR data, mapping and descriptors, and other

information related to the development of the LRTP for final review and approval of the Tribal Council of the White Mountain Apache Tribe; and

WHEREAS, the Consultant, ASCG, Inc. has requested that any additional proposed roads (may be currently non-existing), road structures related to future development plans, housing development plans, and/or any other planned development be included in this initial inventory recognizing that this is a continuous process of updating and classification of such systems; and

WHEREAS, ASCG, Inc. has requested that written comments on the LRTP draft be provided prior to the proposed deadline of January 15, 2007 or very soon thereafter including a Tribal Resolution accepting the LRTP and Update so that tribal inventory data is authorized for input into the IRR system, and that funds may be released to the Tribe accordingly, with the understanding that changes and updates can be accepted; and

WHEREAS, the Transportation Committee acting on motion in a duly called meeting, a quorum being present, dated December 6, 2006 in Las Vegas, Nevada agreed to review and provide draft comments within the allotted timeframes and authorized the Transportation Systems Director to draft a resolution for approval by the Tribal Council of the White Mountain Apache Tribe.

NOW THEREFORE BE IT RESOLVED that the Transportation Committee hereby recommends and requests that the Tribal Council authorize the Committee to complete the initial draft of the Long Range Transportation Plan prior to the deadline of January 15, 2007 and that the Tribal Council hereby approves of the Long Range Transportation Plan and Inventory Update.

BE IT FURTHER RESOLVED that the Tribal Council deems this action as "time is of the essence" and hereby adopts and approves submittal of the IRR Inventory and subsequent Updates to the routes and sections of routes shown and attached as Exhibit A, provided that subsequent updates and changes will be made accordingly which by this reference is incorporated herein; and

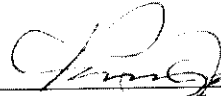
BE IT FURTHER RESOLVED that the Tribal Council of the White Mountain Apache Tribe does hereby adopt and approve the Long Range Transportation Plan, attached hereto as Exhibit B which by this reference is incorporated herein, and that the Bureau of Indian Affairs – Western Regional Office is hereby authorized to take the necessary action to update BIADOT's IRR Inventory database to incorporate changes and additions pursuant to 25 CFR 170 as referenced in Exhibit A – Inventory Comparison Listing.

BE IT FURTHER RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby directs that all future rights-of-way applications be evaluated by the Tribe for consistency with the Long Range Transportation Plan and submitted to the Tribal Council for its review and approval, and subject to future funding of such projects as may be appropriated by the United States and made available to the Tribe.

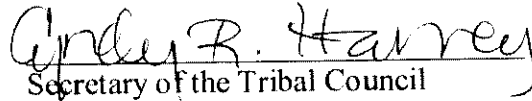
Resolution No. 01-2007-12

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on January 11, 2007, 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), (i), (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



Secretary of the Tribal Council