



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

**(Opposing De-Listing of the Desert-Nesting Bald Eagle in Arizona by the U.S. Fish and Wildlife Service)**

- 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**, in 1978, the U.S. Fish and Wildlife Service (USFWS) listed the bald eagle as endangered under the Endangered Species Act (16 U.S.C. §1531, *et seq.*), as amended, in forty-three states, including Arizona; and
- WHEREAS**, in 2004, the Center for Biological Diversity, Maricopa Audubon Society and the Arizona Audubon Council petitioned the USFWS requesting that the southwest population of desert nesting bald eagles be recognized as a Distinct Population Segment, to reclassify the population from its current threatened status to endangered, and to declare critical habitat; and
- WHEREAS**, the USFWS did not undertake a 12-month review and instead denied the petition for DPS; and
- WHEREAS**, the Center for Biological Diversity has since filed a Notice of Intent to sue the USFWS on the issue; and
- WHEREAS**, desert nesting bald eagles have a special cultural and religious significance to the White Mountain Apache Tribe and other Tribes; and
- WHEREAS**, only 43 pairs of desert-nesting bald eagles now survive in Arizona; and
- WHEREAS**, the protection and continued survival of eagles is of the utmost importance to the White Mountain Apache Tribe and other Tribes; and
- WHEREAS**, the Tribal Council finds that removal of the tiny desert-nesting bald eagle population from the protection conferred by the Endangered Species Act will have a negative impact on the species and on native culture, traditions and belief; and
- WHEREAS**, the Tribal Council further finds that the USFWS should be opposed in its efforts to de-list the desert nesting bald eagles because such an effort would remove habitat protections for this species, and thereby greatly threaten the quality of the water in those few remaining desert rivers and would also threaten the stream flows in those rivers and the integrity of those nesting trees and vegetation adjacent to those rivers; and

**Resolution No. 04-2007-164**

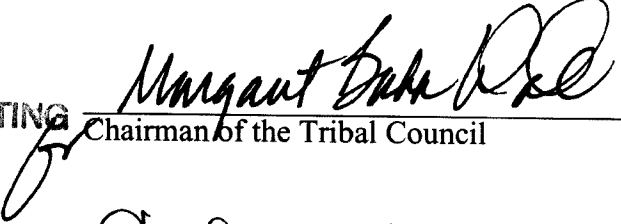
**WHEREAS**, the Tribal Council finally finds that the proposed delisting by the USFWS would violate the federal government's trust responsibility and quality of life, tradition and culture of all Indian peoples in Arizona.

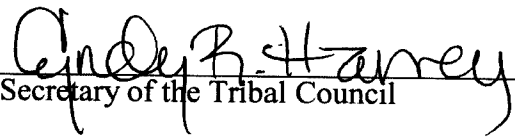
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the proposed de-listing of the desert-nesting bald eagle is hereby opposed.

**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 notify the appropriate agencies and institutions of the Tribal Council's opposition to the delisting of the desert-nesting bald eagle in Arizona.

The foregoing resolution was on **APRIL 30, 2007** 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, Sections 1 (a), (c), (f), (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).

ACTING

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council