



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

(Requesting 5% of Indian Reservation Roads (IRR) for Fiscal Years (FY) 2005 - 2007 Road Construction Fund Carryover for FY 2008 & 2009 for Road Maintenance Purposes in Accordance with P.L. 109-59)

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 U.S. Department of Interior, Bureau of Indian Affairs, Fort Apache Agency, Road Maintenance Program's fiscal year 2008 appropriations funding expects a decrease in its allocation, and also anticipates a decrease for fiscal year 2009; and

WHEREAS, historically, the Road Maintenance Program annual funding allocations have not had any increase related to need, inflation increase on cost of materials, supplies and road maintenance equipment; and

WHEREAS, this continual lack of adequate funds has forced the Bureau of Indian Affairs, Fort Apache Agency to continue with actions to downsize the Roads Maintenance Program by reducing staff costs by 40%, and planning for the reduction services to reflect the reduced staffing levels; and

WHEREAS, the BIA's proposed reduction of services will include reduced coverage, emergency response, and need, resulting in serious and unsafe road conditions for the White Mountain Apache Tribal Members and others; and

WHEREAS, P.L. 109-59, titled "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users," has provided the right of a Tribe to use up to 25% of its road construction fund allocation, known as "Tribal Shares," for road maintenance purposes; and

WHEREAS, the White Mountain Apache Tribal Transportation Committee recognizes the immediate need and severe impacts upon the tribe and therefore recommends and supports the use of Indian Reservation Roads (IRR) Construction Funds of 5% of 2005 - 2007 carryover in the amount of \$535,367.00 and is divided equally to be utilized for fiscal years 2008 and 2009 in equal amounts of \$267,683.50 to be used for Fort Apache Agency's road maintenance purposes; and

WHEREAS, the Tribal Council concurs with the Committee's recommendation and finds that the BIA should be requested to use the 5% of 2005 - 2007 carryover of IRR Construction funds as described herein, as such use would be in the best interests of the Tribe, its roads, its members and others' transportation needs.

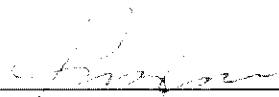
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the U.S. Department of Interior, by and through the BIA, use 5% of 2005 - 2007

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carryover of IRR Construction funds of White Mountain Apache Tribe's road construction fund allocation for the amount of \$535,367.00 and is equally divided for utilization within fiscal years 2008 and 2009 for the amounts of \$267,683.50 to be used by the Bureau of Indian Affairs, Fort Apache Agency for road maintenance purposes in accordance with Section 1119(1) of P.L.109-59.

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 9, 2008, duly adopted by a vote of TEN 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), (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