



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

(Establishing and Implementing a Comprehensive Tribal Wood Resource Utilization, Marketing, and Sales Program under an Exclusive Memorandum of Agreement between Tribal Forestry and the Fort Apache Timber Company)

- 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,** FATCO is a federally – chartered, wholly – owned enterprise of the White Mountain Apache Tribe established to manufacture, market and sell all commercial wood products from the Fort Apache Indian Reservation of the White Mountain Apache Tribe whose Board of Directors and management fully support the need for the implementation of such a program; and
- WHEREAS,** the White Mountain Apache Tribal Forestry Department is a tribal department operating forest health programs with the Bureau of Indian Affairs in managing and overseeing the forest health of the Fort Apache Indian Reservation; and
- WHEREAS,** the White Mountain Apache Tribe is the single largest owner of private timber within the region and as such, commands the market supply of any projects or economic endeavors related to the manufacture and processing of value – added wood products within the Four Corners Region and as such, will continue to develop market strategies to improve investment, revenue, and employment opportunities for the Tribe and its members; and
- WHEREAS,** the White Mountain Apache Tribe contracts funded under, but not limited to, P.L. 93-638 annual wild fire urban interface (WUI) projects, forest health thinning and treatment of tribal forest lands as well as other forest health project initiated, including but not limited to, U.S. Forest Service lands; and
- WHEREAS,** it is the mutual desire of both parties to enter into an exclusive agreement to market and sell such wood materials to obtain the highest market value available through FATCO as a marketing and sales enterprise on behalf of the tribe notwithstanding Tribal Forestry’s ability to retain certain sales for the benefit of the Tribe; and
- WHEREAS,** the Bureau of Indian Affairs Forestry Department is an active participant to this program and has indicated its support and need for organizing and structuring an overall program in the best interest of forest health, the economic benefit of the Tribe, and the reduction in future burning of wood waste materials; and
- WHEREAS,** by this Agreement and understanding, the Tribal Permit process will be limited to small harvest applications for non-commercial applications unless otherwise approved by Tribal Forestry under its policies and procedures in the best interests of Tribal members; and
- WHEREAS,** the parties agree that it is in the best economic interests of the White Mountain Apache Tribe and its members to develop a program that emphasizes greater economic returns to the Tribe for its wood resources while providing business and employment opportunities for Tribal members for contract removal or harvest consistent with tribal environmental regulations, best management practices, and applicable tribal laws and regulations; and

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WHEREAS, the above wood biomass program is intended to give preference in the contract removal, harvest, or other ancillary operations of this program to qualified individual tribal members and tribal member business organizations who are in good standing with tribal program policies and procedures, particularly those of both Tribal Forestry and the Fort Apache Timber Company enterprise.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the above program will be designed to improve and insure the economic value of any wood biomass, small diameter or other sub-commercial and commercial classifications of timber that leaves the Fort Apache Indian Reservation that can be either processed or manufactured on a particular project site, within the FATCO facilities, or at the end – user (or buyer) as determined by any such sales agreement resulting from this Agreement.

BE IT FURTHER RESOLVED by the Tribal Council that through this authorizing resolution, the tribal permit process is hereby superseded as a method of allowing individuals to conduct large commercial removal of tribal wood under the stated policies and procedures of the Tribal Forestry Program and that any outstanding projects be completed pursuant to existing agreements without extension in term or quantity.

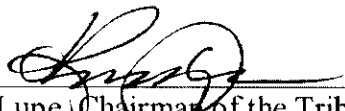
BE IT FURTHER RESOLVED by the Tribal Council that it is understood that the Bureau of Indian Affairs Forestry will provide any necessary technical and programmatic support for developing and implementing a comprehensive wood products program as defined by resolution.

BE IT FURTHER RESOLVED by the Tribal Council that by this Agreement, it hereby concurs with and encourages the need to pursue new strategic positioning and implementation of Tribal wood product resource programs that are designed to benefit the Tribe and its members.

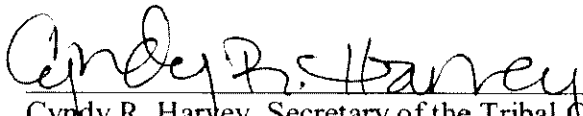
BE IT FURTHER RESOLVED by the Tribal Council that in the event of any inconsistency between this Resolution and any prior Resolution or Policy, this Resolution shall govern.

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 July 9, 2009, 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), (k), (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).



Ronnie Lupe, Chairman of the Tribal Council



Cindy R. Harvey, Secretary of the Tribal Council