



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

Authorizing Application for (FY 2009 United States Department of Commerce Economic Development, Public Works and Economic Development Facilities Grant to Replace the Waterline and Upgrade the Alchesay Fish Hatchery on the Fort Apache Indian Reservation.

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 Alchesay Fish Hatchery waterline and facility infrastructure are on the verge of failure due to the deterioration of the 4,000 foot pipeline that supplies the fish hatchery with the water it needs to operate; and

WHEREAS, the Fish hatchery infrastructure has also deteriorated and is need of being upgraded or replaced; and

WHEREAS, the AFH supplies 1,200,000 Apache, Brown and Rainbow Trout a year to the White Mountain Apache Tribe and 19 other Indian Tribes in Arizona and New Mexico; and

WHEREAS, the 65% of the fish produced by the AFH goes to stock the lakes and streams on the Fort Apache Indian Reservation; and

WHEREAS, the White Mountain Apache Tribe depend on the AFH to stock its lakes and streams to insure that there is sufficient sport fish in their lakes and streams to meet the demand by Tribal and non-tribal members for sports fishing; and

WHEREAS, the potential loss of 65% of the fish from AHS will cripple the Tribes recreation fish business causing the Tribe to lose thousands of off-reservation visitors month who purchase fishing and camping permits; and

WHEREAS, the loss of fish from the AHS will have the potential of costing the WMAT and our surrounding communities at least \$7,000,000 a year in loss tourism revenue and the other 19 Tribes over \$5,000,000 a year in loss tourism revenue; and

WHEREAS, loss of off-reservation fishing and camping permits and related retail sales would seriously harm the WMAT and our neighbor's economies that are heavily dependent upon off reservation tourist visit; and

WHEREAS, the effect of the loss of the AHS will seriously worsen the Tribe's and our neighboring communities already high unemployment rate; and

WHEREAS, the Tribe is requesting \$4,000,000 in United States Department of Commerce Economic Development Grants for Public Works and Economic Facilities to replace the water pipelines and infrastructure at the Alchesay Fist Hatchery and the United States Fish and Wildlife Service will contribute at least \$1,000,000 in engineering and cash for a total project cost of \$5,000,000.

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WHEREAS, The White Mountain Apache Tribe will own the water pipeline and infrastructure improvements but will lease these facilities to the US Fish and Wildlife Service who will maintain and operate them; and

WHEREAS, the fish hatchery and pipeline are located on White Mountain Apache Tribal Land and are leased to the US Fish and Wildlife Service to provide fish to stock in our and 19 other Tribes lakes and streams at no cost to the WMAT and the other 19 Tribes who receive fish from the hatchery; and

WHEREAS, the Tribal Council finds that the application described herein to be in the best interests of the Tribe and should be approved; and

WHEREAS, due to the urgency of this request, the Tribal Council further finds that this needs to be considered and made outside of its regularly scheduled meeting; and

WHEREAS, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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

1. The Tribe's Planning and Community Department is authorized to apply for FY 2009 United States Department of Commerce Economic Development, Public Works and Economic Development Facilities Grant to Replace the Waterline and Upgrade the Alcheyay Fish Hatchery on the Fort Apache Indian Reservation for the amount of \$4,000,000.
2. The proposed budget of at least \$5,000,000 of which \$4,000,000 will be provided by the US Department of Commerce EDA and at least \$1,000,000 will be provided in-kind by the US Fish and Wildlife Service.
3. In the event that the application is approved and funds are received by the Tribe, the proposed budget is hereby approved for expenditure, subject to the terms and conditions of the grant.
4. The White Mountain Apache Tribe will lease the pipeline and the hatchery improvements to the US Fish and Wildlife Service who will maintain and operate the pipelines and improvements for their useful life which is not less than 20 years.
5. The fish hatchery and pipeline are located on White Mountain Apache Tribal Land and are leased to the US Fish and Wildlife Service to provide fish to stock in our and 19 other Tribes lakes and streams at no cost to the WMAT and the other 19 Tribes who receive fish from the hatchery.

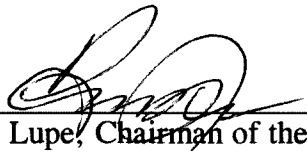
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council

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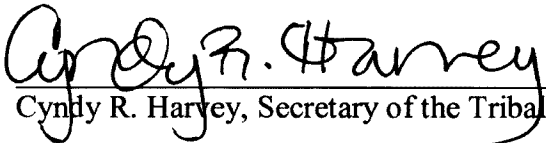
personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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 document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on October 9, 2009, duly adopted by a vote of SEVEN 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), (h), (i), (j), (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).



Ronnie Lupe, Chairman of the Tribal Council

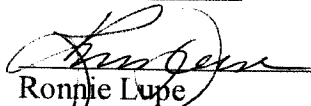


Cyndy R. Harvey, Secretary of the Tribal Council

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Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 10-2009-341 initiated the 9th day of October 2009.

Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials



Ronnie Lupe
Tribal Chairman
10/12/09

Date Signed
CM TCS Initials

Margaret Baha-Walker
Vice Chairwoman

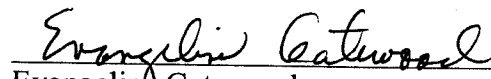
Date Signed

TCS Initials

Arnold Beach, Sr.
District I Council Member

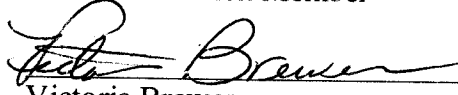
Date Signed

TCS Initials



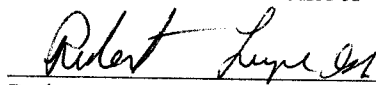
Evangeline Gatewood
District I Council Member
10/9/09

Date Signed
CM TCS Initials



Victoria Brewer
District II Council Member
10/12/09

Date Signed
CM TCS Initials



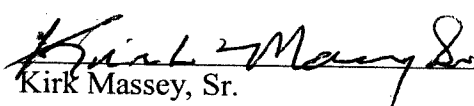
Rubert Lupe, Sr.
District II Council Member
10-9-09

Date Signed
CM TCS Initials

Alvin DeClay, Sr.
District III Council Member


Date Signed

TCS Initials



Kirk Massey, Sr.
District III Council Member
10/9/09

Date Signed
CM TCS Initials



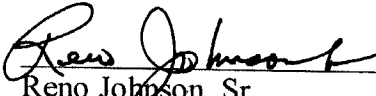
Noland Clay
District IV Council Member
10/12/09

Date Signed
CM TCS Initials

Wayne Colelay, Jr.
District IV Council Member

Date Signed

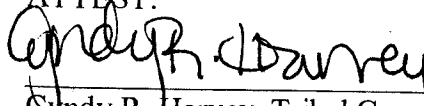
TCS Initials



Reno Johnson, Sr.
District IV Council Member
10-12-09

Date Signed
CM TCS Initials

ATTEST:



Cindy R. Harvey, Tribal Council Secretary
10.15.09

Date Signed