



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

(Authorizing Tribal Forestry P.L. 93-638 ARRA Contract With BIA)

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) 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 White Mountain Apache Tribe regularly enters into Public Law 93-638 Indian Self-Determination Contracts with the Bureau of Indian Affairs ("BIA") to complete work and projects that the Tribe is able to conduct; and
- WHEREAS,** the BIA has \$335,000.00 of American Recovery and Reinvestment Act ("ARRA") stimulus funds available to transfer to the Tribe if it chooses to provide thinning for 800 acres of small diameter wood in the South Faight Ridge areas; and
- WHEREAS,** all project work must be completed before September 30, 2010 and the wood biomass must also accordingly be removed from the Forest in a timely manner; and
- WHEREAS,** Tribal Forestry ("Forestry") does not have the machinery to haul the wood away so Forestry recommends that the Tribe contract the work with the Fort Apache Timber Company ("FATCO") so that it may seek a suitable sub-contractor to carry out the thinning and also to haul the wood away, with a percentage of revenue from the biomass sale then paid to FATCO; and
- WHEREAS,** Tribal Forestry further recommends that the Tribal Council authorize FATCO to sub-contract with the Fort Apache Restoration ("Restoration") for the purpose of thinning and hauling material with a negotiated percentage of revenues paid FATCO through the Restoration's Biomass Crop Assistance Permit ("BCAP"), provided that the project may not be conducted without the BCAP permit that would generate the revenue in question; and
- WHEREAS,** the Tribal Council finds it in the best interest of the White Mountain Apache Tribe to authorize Tribal Forestry to enter into a P.L. 93-638 ARRA contract with the BIA for the purpose of thinning in South Faight Ridge and to provide necessary biomass removal for completion of the project; and
- WHEREAS,** the Tribal Council further finds that FATCO should be authorized to sub-contract work to Restoration for the purpose of thinning and hauling of small diameter wood (biomass removal) for the project referenced herein; and
- WHEREAS,** given the urgency of the need for available funds, the Tribal Council further finds that the new P.L. 93-638 Contract request 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

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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 it hereby authorizes Tribal Forestry to enter into this new P.L. 93-638 ARRA contract with the BIA for the purpose of thinning in South Fought Ridge and to provide biomass removal for the project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Tribal Forestry to contract with FATCO who will then sub-contract with the Fort Apache Restoration to thin and haul material with a negotiated percentage of revenue paid to FATCO through the Restoration's Biomass Crop Assistance Permit (BCAP).

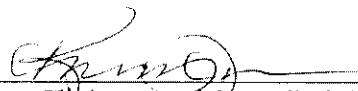
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that this authorization is conditioned upon Fort Apache Restoration's BCAP permit for generation of revenues and Tribal Forestry is hereby authorized to seek a suitable alternative if this condition is not met.

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 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.

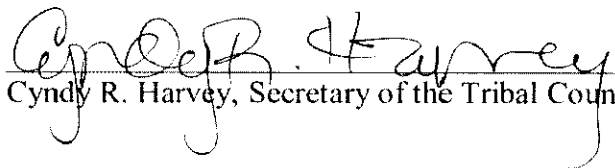
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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 March 23, 2010, duly adopted by a vote of SIX 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), (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).

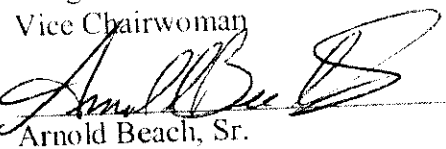

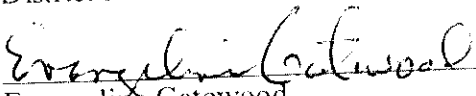
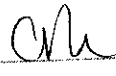
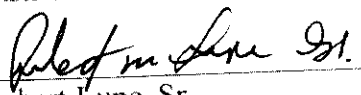

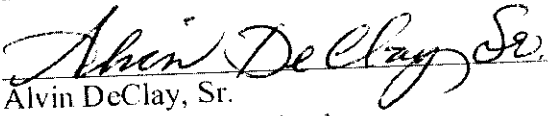
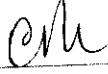
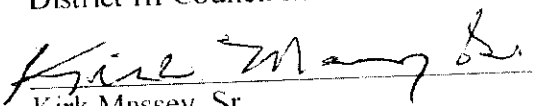
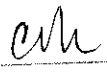
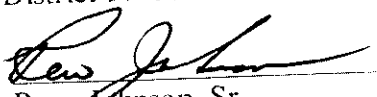
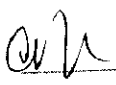


Ronnie Lupe, Chairman of the Tribal Council

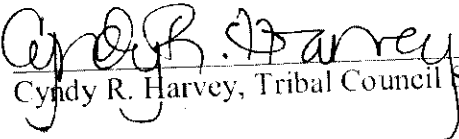


Cyndy R. Harvey, Secretary of the Tribal Council

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 03-2010-67 initiated the 23rd day of March 2010. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

	Date Signed	TCS Initials
Ronnie Lupe Tribal Chairman		
Margaret Baha-Walker Vice Chairwoman		
 Arnold Beach, Sr. District I Council Member	3-24-10 Date Signed	 TCS Initials
 Evangelina Gatewood District I Council Member	3/24/10 Date Signed	 TCS Initials
Victoria Brewer District II Council Member		
 Rubert Lupe, Sr. District II Council Member	3-23-10 Date Signed	 TCS Initials
 Alvin DeClay, Sr. District III Council Member	03/24/10 Date Signed	 TCS Initials
 Kirk Massey, Sr. District III Council Member	3/24/10 Date Signed	 TCS Initials
Noland Clay District IV Council Member		
Wayne Colelay, Jr. District IV Council Member		
 Reno Johnson, Sr. District IV Council Member	3-23-10 Date Signed	 TCS Initials

ATTEST:


Cyndy R. Harvey, Tribal Council Secretary

3.24.10
Date Signed