



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

**(Authorizing a Professional Services Agreement with John R. Welch, PhD)**

**WHEREAS,** the Tribal Council on May 19, 2010, pursuant to Resolution No. 05-2010-124, approved an extension of consultant Elmer M. Clark's contract for one year from January 1, 2010 until December 31, 2010, so that he has adequate time to finish his research and affidavit in support of the Tribe's efforts to recover 16,355 acres of land erroneously surveyed out of the Executive Order boundaries of the Fort Apache Indian Reservation in 1887 as the result of survey errors committed by U. S. Deputy Surveyor Wallace; and

**WHEREAS,** Mr. Clark has been paid for his research services to date from BIA water rights litigation support grant funds (344) and will continue to be paid from those funds during the extension of his consultant contract through December 31, 2010; and

**WHEREAS,** Mr. Clark is now 92 years of age, and he has advised the Tribal Council through special counsel Bob Brauchli that because of health and age related considerations he wishes to transfer his responsibilities and duties regarding the Tribe's survey error land claim to John R. Welch PhD, an archaeologist who has worked with the White Mountain Apache Tribe and the Fort Apache Heritage Foundation (FAHF) for many years for the protection, preservation and restoration of the Fort Apache Historic District, has otherwise assisted the Tribe in cultural repatriation issues under NAGPRA for many years and in heritage protection issues generally, and has comprehensive knowledge about the Fort Apache Indian reservation; and

**WHEREAS,** Dr. Welch has reviewed the historical documents and archival survey maps obtained by consultant Elmer M. Clark in support of Mr. Clark's affidavit and has met with Mr. Clark several times with special counsel Bob Brauchli about the Tribe's survey error land claim and has demonstrated a thorough understanding of the claim and documents in support thereof; and

**WHEREAS,** Dr. Welch has the scholarly background required to review and to testify in support of Mr. Clark's affidavit and supporting maps and archival documents so that the Tribe can proceed further with the Tribe's land claim; and

**WHEREAS,** Dr. Welch will be paid for his consultant services from FY 2010 BIA water rights litigation support funds (344), which are federal grant funds, and will work closely with special counsel Bob Brauchli to advance the Tribe's recovery of Tribal land erroneously surveyed out of its Reservation; and

**WHEREAS**, the Tribe's Director of Water Resources, Cheryl Pailzote, will administer the BIA grant funds in regards to Dr. Welch's services; and

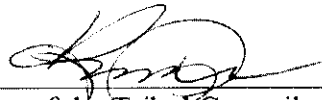
**WHEREAS**, the Tribal Council concludes that approval of a Professional Services Agreement between the Tribe and John R. Welch, PhD, would be beneficial to the White Mountain Apache Tribe so that the Tribe can pursue its land claim as described herein.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes special counsel Bob Brauchli, working with the Director of Water Resources, Cheryl Pailzote, and the Tribal Legal Department, to prepare and negotiate a professional services agreement between the Tribe and John R. Welch, PhD for one year commencing January 1, 2010, and expiring on December 31, 2010.

**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 Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 19, 2010, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a)(i)(s)(t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of 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