



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

(Adopting Ordinance No. 238, Revising Sections 1.4, 1.5, 1.15 and 1.23 of the Natural Resources Code)

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, pursuant to Article XV, Section 2 of the Constitution, and Section 1.6 of the White Mountain Apache Judicial Code, "All proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council," and the codes of the Tribe may be "amended by the adoption of ordinances by the Tribal Council"; and

WHEREAS, per Resolution No. 06-2009-169, a proposed amendment to Sections 1.4, 1.5, 1.15 and 1.23 of the Natural Resources Code was posted for ten days from August 6, 2009 to August 19, 2009; and

WHEREAS, the Office of the Tribal Council Secretary has received two public comments regarding the proposed changes; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to adopt the amendments to the Natural Resources Code, as proposed by Marty Gatewood of Tribal Forestry, to enable Tribal Forestry to better monitor and protect the Tribe's natural resources.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that Ordinance Number 238 is hereby adopted as an amendment to the Natural Resources Code, as attached hereto and incorporated herein, because it is in the best interest of the Tribe and will enable Tribal Forestry to better monitor and protect the Tribe's natural resources .

BE IT 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 **AUGUST 26, 2009** 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), (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

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 238, amending White Mountain Apache Natural Resources Code, Sections 1.4, 1.5, 1.15 and 1.23 as follows:

SECTION 1.4 REMOVAL, DESTRUCTION, CUTTING OF GREEN TREES PROHIBITED

A. It shall be a violation for any person, without lawful authority, to willfully injure, sever, girdle, cut or remove from tribal forest land, for any purpose, any green tree or green wood, timber or shrub. Proof of tribal ownership of the premises and commission of the acts by the trespasser or violator shall be prima facie evidence that the acts were committed willfully, intentionally, and without the required consent.

B. It shall be a violation for any Tribal member or Non-Tribal member to willfully harvest teepee poles on the Fort Apache Indian Reservation.

SECTION 1.5 TRANSPORTING FOREST PRODUCTS; BILL OF SALE

A. Hauling miscellaneous forest products on the reservation without a bill of sale or timber cutting permit is prohibited, except under Section 1.15 of this Code.

B. There shall be no hauling of any miscellaneous forest products off the reservation during the hours of 5:00 p.m. to 8:00 a.m.

C. It shall be a violation for any person to cut, harvest or haul firewood after dark on or off the Fort Apache Indian Reservation.

D. The bill of sale shall contain a description by local landmarks of where the forest products were cut, the volume or amount and species purchased, description of the vehicle transporting the products, names, address and signatures of both purchaser and seller. The bill of sale or timber cutting permit must be carried by the person in charge of transporting forest products on the reservation and must be exhibited to any officer of the law, Tribal Game and Fish Department Officer, Woodlands Enforcement Officer or Bureau of Indian Affairs personnel, upon request.

E. Miscellaneous forest products transported on the reservation without a bill of sale or timber cutting permit, except as provided for in Section 1.16, Free Use Cutting Without Permit, shall be subject to confiscation by the Tribal Police, Tribal Game and Fish Officers, and Tribal Forest Rangers. Forest products species not identified on a timber cutting permit will be considered illegal and subject to confiscation. Confiscated products shall be impounded at a designated compound. Forest products will be distributed to the four elderly rest homes on the reservation, to disabled persons, and/or sold by the Bureau of Indian Affairs, the proceeds of which will be transferred to the Tribe after disposition of any citation issued for violations. Any violation of this section shall be punished as an offense pursuant to applicable provisions of this Code.

SECTION 1.15 FREE USE PERMIT

A. One Free Use Permit shall be issued to each household consisting of any enrolled adult Tribal member (18 years old and older). Permittees with off-reservation addresses shall provide proof of residence, including but not limited to, a utility bill and a phone bill.

B. Free use permits will be issued to reservation schools, recognized religious organizations, tribal organizations and local public service units for forest products used within the reservation.

C. Recognized religious organizations with non-tribal member pastors shall have tribal members cut firewood for their respective churches. Churches that are heated solely by woodstoves shall have access to an unlimited supply of firewood.

D. Free use permits shall be issued for transplants for landscaping around homes on the reservation. Areas designated for transplant digging shall be indicated on the permit.

E. Free use permits shall be issued for the annual limit of products to be cut for the duration of the present fiscal year.

F. Free Use Products:

<u>PRODUCT</u>	<u>SPECIES</u>
Christmas Tree	Pinyon, Spruce, Douglas fir and White fir. Pinyon shall be six feet or less.
Firewood	All dead standing and down, except standing Ponderosa pine snags are available as Free Use Product between September and December

each year. See Section 1.5(G.) below for Seasonal Permit Fees from January through August each year.

- Fence Post/stays Juniper, all species.
- Poles Aspen and Ponderosa pine (TSI slash only)
- Transplants All Reservation Species.

G. Seasonal Permit Fees: Effective January 1, 2010, all Tribal Members shall be required to obtain a permit for harvesting firewood between January 1st and August 31st each year. The permit shall be \$5.00 per cord and shall be good for three (3) days. Exceptions: This Section shall not apply to harvesting of firewood for wakes, ceremonies, churches with stoves and camp meetings. From September 1st through December 31st each year, Section 1.15 (E.) and (F.) shall apply. See chart below:

JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC
Paid Permit	Paid Permit	Paid Permit	Paid Permit	Paid Permit	Paid Permit	Paid Permit	Paid Permit	Free Use	Free Use	Free Use	Free Use

SECTION 1.23 SPECIAL USE: NON-TRIBAL MEMBERS

A. Non-Tribal members may cut firewood only in areas designated by Tribal Forestry personnel. These areas will be on timber sales which have been recently completed. Dead and down Ponderosa pine, Douglas fir, White fir, Aspen or Spruce will be the only species allowed to be cut for firewood. Cost of permit will be \$5.00/cord. A removal ticket containing all pertinent information shall also be required to be placed on the rear of the vehicle where it is plainly visible.

B. Cutting and Hauling of firewood from these designated areas shall be authorized from 9:00 a.m. through 3:00 p.m., Monday through Thursday.

C. It shall be a violation for a Non-Tribal member to enter the Fort Apache Indian Reservation and harvest firewood for non-commercial uses. See Section 1.2 and Section 1.23(A) above.