



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 04-2013-97

(Approving Enactment of Ordinance No. 258, Amending Section 1.9 of the Natural Resources Code)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, the Legal Department came before the Tribal Council at the recommendation of Marty Gatewood, to propose that Chapter One, Section 1.9 of the Natural Resources Code be modified in accordance with the language contained in Resolution No. 01-1993-011; and

WHEREAS, the Legal Department believes that the language contained in Resolution No. 01-1993-011 was intended to be made part of the Natural Resources Code in 1993 and advised the Tribal Council that it questioned whether there are adequate records to show that the amendment was ever posted as required by Article XV, Section 2, of the Constitution, so in order to resolve any ambiguity the Tribal Council directed that the amendment be reposted; and

WHEREAS, on March 20, 2013 the Tribal Council authorized the posting of Ordinance No. 258, which contained proposed amendments to Section 1.9 the Tribal Natural Resources Code, as attached hereto and incorporated by reference; and

WHEREAS, Ordinance No. 258 was posted pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, and since that time the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

WHEREAS, the Tribal Council has reviewed Ordinance No. 258 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendment to Section 1.9 of the Natural Resources Code, as set forth in Ordinance No. 258, to be in the best interest of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 258, attached hereto and incorporated by reference, which amends Section 1.9 of the Natural Resources Code of the White Mountain Apache Tribe, is hereby adopted.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on APRIL 24, 2013 duly adopted by a vote of SIX for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (f), (h), (s), (t) and (u) of the Tribal Constitution, 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

5-2-13

Date



Mariddie J. Craig, Secretary

04/30/2013

Date

**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. 258, amending White Mountain Apache Natural Resources Code to amend Section 1.9 as follows:

SECTION 1.9 FIREWOOD CUTTING: SPECIES DESIGNATED: RESALE

A. Only dead standing and dead down Rocky Mountain juniper, Utah juniper, One-Seed juniper, Pinyon, Oak, Spruce and Aspen will be harvested as firewood products for resale under a paid permit.

B. Green Shaggy Bark Juniper (Rocky Mountain, Utah and One-Seed) can be cut for firewood under paid permit in designated areas on the reservation. These cutting blocks will be identified by Bureau of Indian Affairs or Tribal Forestry personnel. These blocks will be identified at the time the permit is issued.

C. Dead standing and dead down Alligator juniper firewood is available to tribal members for home use under a free use permit. ~~Alligator Juniper products shall not be harvested for resale by anyone.~~ Alligator Juniper firewood may be harvested by enrolled members of the White Mountain Apache Tribe for resale to enrolled members of the White Mountain Apache Tribe, but shall not be harvested for resale to non-tribal members or to anyone off the Fort Apache Indian Reservation.