



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 07-2013-161

(Requesting BIA Reconsider Environmental Categorical Exclusion for FATCO)

WHEREAS, the Tribal Council (“Council”) of the White Mountain Apache Tribe (“Tribe”) is entrusted by the people and empowered by Article IV, Section 1(a) of the Tribal Constitution (“Constitution”) to create and pass laws that concern the general welfare of the Tribe; and

WHEREAS, on July 16, 2013, the Council met with the Bureau of Indian Affairs (“BIA”) Fort Apache Agency’s Superintendent, and other high profile bureau officials to discuss the Council’s frustration with the BIA’s decision to require that the Tribe undergo a full environmental review in order to reopen the Fort Apache Timber Company (“FATCO”). In effect, this determination (which the Tribe believes was done in haste) has undermined and could derail the Tribe’s efforts to reopen FATCO; and

WHEREAS, members of the governing body believe that the reason(s) relied upon by BIA bureaucrats for not granting a categorical exclusion to reopen FATCO were without merit and have unnecessarily complicated this process for the Tribe; and

WHEREAS, the act of denying the Tribe’s request for a categorical exclusion itself captures the very essence of why the relationship between the Tribe and BIA has deteriorated to a point of distrust and dysfunction; and

WHEREAS, instead of working hand in hand to ensure the prosperity of the White Mountain Apache Tribe, the BIA/Tribal government-to-government relationship has become, in the eyes of many Apache people, a meaningless relationship and the Bureau has once again developed the reputation of being an enemy of the Tribe rather than a friend; and

WHEREAS, in years past, the Tribe has made numerous requests by resolution that the BIA reshuffle management at the Fort Apache agency, particularly with respect to the Superintendent. The Tribe no longer has confidence that the local agency is both working in the Tribe’s best interest and operating effectively in carrying out its Trust responsibilities on behalf of the Tribe; and

WHEREAS, despite the hostility and clear frustration that the Tribe has endured as a result of questionable BIA decisions, the Tribe asks that this matter be escalated within the Department of the Interior to ensure that the Tribe and potential investors/lenders are able to negotiate a deal that will help the Tribe, rather than hurt it; and

WHEREAS, the Tribal Council finds it in the Tribe's best interest to request and recommend to the BIA that with respect to the Fort Apache Timber Company, the process be expedited and that an environmental categorical exclusion be granted. The Tribe may then determine whether additional studies and surveys should be conducted and pursuant to contract ensure that the safety of FATCO employees and Tribal members is periodically reviewed; and

WHEREAS, if ever a time existed when the federal government should allow the "free market" to function without government interference, that time is now. To hamper the Tribe's efforts to negotiate a deal with lenders for the benefit of FATCO would sabotage the work of many individuals involved in this transaction and the Tribe would again be stuck paying the consequences (financial and otherwise) for what its' leadership perceives as a lack of respect and diligence on the part of the Bureau.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests reconsideration of the Bureau's requirement that the Tribe must undergo a full environmental review of the FATCO site prior to reopening the sawmill in Whiteriver of the Fort Apache Indian Reservation. In the event that the Bureau is reluctant or refuses to make the determination as requested, the Tribe shall demand an explanation in full and in writing that explains why U.S. government bureaucrats believe it necessary to interfere with and sabotage the process that has been underway for several years, a process that the local Fort Apache agency was well aware of prior to this recent agency mishap.

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.

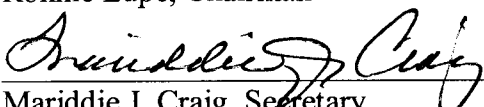
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory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

The foregoing resolution was on **JULY 23, 2013** duly adopted by a vote of **SEVEN** for and **ZERO** against and **ZERO** abstentions by the Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (c), (i), (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

7/24/13
Date



Mariddie J. Craig, Secretary

07/24/2013
Date