



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Authorizing a Land Lease to the Bureau of Indian Affairs,
Fort Apache Agency, for Six (6) Lookout Tower sites.)**

- WHEREAS,** The Bureau of Indian Affairs (BIA), Fort Apache Agency, currently operates six (6) lookout towers scattered across the Fort Apache Indian Reservation; specifically: Maverick, Chediski, Limestone, Buckskin, McKay's, and Odart; and
- WHEREAS,** these lookout towers were installed many, many years ago by the BIA to support BIA fire management and forestry activities; and
- WHEREAS,** a document search was recently conducted to determine whether the lookout tower sites had current agreements or leases for the six (6) lookout sites, however, no records were found; and
- WHEREAS,** the BIA Fort Apache Agency is in the process of updating its land assignments with the Tribal Land Office, and has provided a completed Categorical Exclusion which addresses the National Environmental Policy Act (NEPA) requirements for all six (6) lookout tower sites; and
- WHEREAS,** the BIA Fort Apache Agency is requesting a land lease with the White Mountain Apache Tribe for six (6) lookout tower sites identified herein, for a period of twenty-five years, with an option to renew each lease for an additional twenty-five year period; and
- WHEREAS,** the BIA Fort Apache Agency also advises that the White Mountain Apache Tribal Police Department was recently awarded funds through the State of Arizona Department of Homeland Security which will be utilized to strengthen communication for the west end of the reservation, and has recently requested BIA approval to place a repeater on their lookout tower located at Limestone; and
- WHEREAS,** the BIA Fort Apache Agency concurs with the Police Department's request, however, the BIA must have a valid lease in place with the Tribe for the use of the six lookout tower sites, prior to entering into any agreements for use of BIA equipment placed on tribal land; and
- WHEREAS,** the Tribal Council has considered this request, and concludes that authorization for a lease for each BIA lookout tower site would be in the best interest of the Tribe, provided that an annual review of the lease fee be conducted, and that the BIA, at its expense, construct a fence around each lookout tower site for security purposes.

Resolution No. 08-2014-112

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a land lease to the Bureau of Indian Affairs, Fort Apache Agency, for the purpose of utilizing tribal land upon which the BIA operates six (6) lookout tower sites located at: Maverick, Chediski, Limestone, Buckskin, McKay's, and Odart.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a land lease term for each lookout tower site for a period of twenty-five (25) years, with an option to renew said lease for an additional twenty-five (25) years.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in consideration of the public service provided by the BIA Fort Apache Agency, in assisting the Tribe with forest management for the Fort Apache Indian Reservation, the land lease fee for each site shall be one (\$1.00) dollar per 25-year lease term.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Bureau of Indian Affairs, Fort Apache Agency, to construct a fence for security purposes, for each lookout tower site, at the BIA's expense.

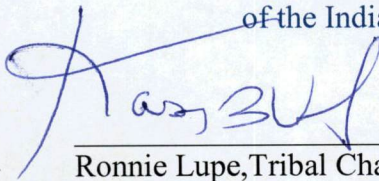
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reserves the right to make periodic adjustments to the lease fee for each site, pursuant to an annual review conducted throughout the term of each lease.

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.

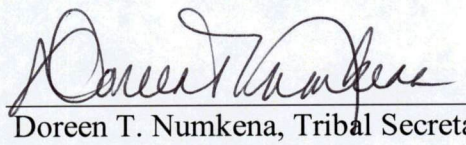
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed 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 Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on AUGUST 6, 2014 duly adopted by a vote of SEVEN for, ZERO against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 ^{Acting}

Ronnie Lupe, Tribal Chairman Date



Doreen T. Numkena, Tribal Secretary Date