



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Temporarily Closing the Fort Apache Indian Reservation to Non-Member Entry for Recreation)

- WHEREAS,** The Constitution also provides, at Article IV, Section 1(a) that the Council shall exercise the power “To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and
- WHEREAS,** Worldwide, Coronavirus (“COVID-19”) has infected nearly than 354,000 people, and caused over 15,000 deaths; and
- WHEREAS,** Arizona is currently experiencing an exponential spike in cases as the federal government has been unable to control growth or provide adequate and timely testing of those exhibiting symptoms; and
- WHEREAS,** While COVID-19 presents danger to all people, among the most vulnerable are our valued elders who provide wisdom and transmit Apache culture and language to our People; and
- WHEREAS,** Persons infected with this highly contagious disease may not experience symptoms for up to 14 days, thereby unwittingly spreading it to others; and
- WHEREAS,** The power to exclude persons from Fort Apache Indian Reservation (“Reservation”) lands, including through temporary closures, is an inherent aspect of sovereignty retained by the Tribe; and
- WHEREAS,** The Tribe operates a large tourist enterprise that grants persons revocable license to enter the Reservation for recreational purposes including camping, fishing, hunting, activities at Sunrise Ski Resort, gaming at Hon-Dah Casino-Resort, and other activities; and
- WHEREAS,** The most common vector for spreading COVID-19 are individuals who are infected but are not yet experiencing symptoms, and so do not know that they are infected; and
- WHEREAS,** Because of the scarcity of tests and the period of time it takes the Centers for Disease Control to confirm presumptive local test results, even many symptomatic individuals cannot be diagnosed in a timely manner; and

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WHEREAS, A major way to mitigate risk to the Reservation and its residents is to reduce the number of persons who may have and unwittingly transmit COVID-19 disease vectors entering into the Reservation and to limit the time which they are exposed to others; and

WHEREAS, The Tribe is seeing an influx of individuals from the Phoenix metropolitan area who are seeking to isolate themselves from society by camping in the forests of the Reservation; and

WHEREAS, The Tribe discourages this practice, as it strains the limited healthcare and emergency response resources of the Tribe, and presents a danger to these individuals who have no way to know if they may develop COVID-19 symptoms while camping; and

WHEREAS, The Council now finds that temporarily closing the Reservation for all Non-member recreation will help limit the incidence of disease transmission into the Reservation, will help protect non-Indian tourists while preserving the Tribe's limited resources, and is in the best interests for the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Fort Apache Indian Reservation is hereby temporarily closed to all non-Indian recreation, including but not limited to camping, hunting, fishing, and antler gathering, effective immediately, subject to the following conditions:

1. **State Highways.** All state highways, including U.S. 60, SR 73, SR 260 are to remain open and unrestricted to all travel through the boundaries of the Reservation.
2. **Business or Family Contact.** Non-Indians who must transact business on the Reservation during this time, including but not limited to truck drivers making deliveries of essential supplies, may continue to do so. Non-Indians may continue to enter the Reservation to care for or transport Tribal member immediate relatives. Neither of the above-named classes of person may enter the forest lands of the Reservation or other remote-unpopulated areas.
3. **Recreation Permits.** Neither the Tribe, nor retailers who sell Tribal Permits, shall sell any permits or licenses (Tribal member or non-Tribal member) for any recreational activities on the Reservation until further notice.
4. **Forest Closure Order.** Subject to any order for forest closure that the Tribe may issue, persons found on Reservation lands in violation of any order or this Resolution shall be arrested and removed therefrom, then forwarded for federal prosecution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that this temporary closure shall

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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that these measures shall remain in effect until such time that the Council acts to lift or modify them.

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 the Chairwoman, or in her 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 MARCH 23, 2020 duly adopted by a vote of NINE for, ZERO against, and ZERO abstentions 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).

	<u>3.23.20</u>		<u>3/23/2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date