



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Partners for Fish and Wildlife Program Landowner Agreement between the White Mountain Apache Tribe and US Fish and Wildlife Service)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “To negotiate, make, and perform contracts and agreement of every description... with any person, association, or corporation...”; and

WHEREAS, The Constitution also provides, at Article IV, Section 1(f) that the Council shall exercise the power, “To protect and preserve the wildlife, plant life, natural resources and water rights of the Tribe, and to regulate hunting and fishing on the Reservation”; and

WHEREAS, The Tribe’s Game and Fish Department, this day, seeks approval of a Partners for Fish and Wildlife Program Landowner Agreement (“Agreement”) between the Tribe and the US Fish & Wildlife Service for funding that will be used construct a fish barrier in Big Bonito Creek; and

WHEREAS, The Partners for Fish and Wildlife Program funding is for \$40,000.00 and will be used for the construction of a fish barrier in Big Bonito Creek; and

WHEREAS, The purpose of the fish barrier is to protect the Apache Trout population in Big Bonito Creek from negative interactions with brown trout by keeping them from moving upstream; and

WHEREAS, The Agreement does not obligate any additional Tribal funds nor contain any waiver of the Tribe’s sovereign immunity; and

WHEREAS, The Council finds that approving the Agreement will enable the Tribe to take an important measure towards protecting the Apache Trout, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Partners for Fish and Wildlife Program Landowner Agreement between the White Mountain Apache Tribe and the U.S. Fish and Wildlife Service for funding that will be used to construct a fish barrier for the protection of Apache Trout in Big Bonito Creek.

Resolution No. 02-2021-41

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 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 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 **FEBRUARY 23, 2021** duly adopted by a vote of **ELEVEN** 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>2.24.21</u>		<u>2/24/2021</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date