



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Endorsing the Multiple Property Nomination by the United States Forest Service to the United States National Register of Historic Places of Dził Diyini (Holy Mountains of the Ndee [Western Apache]))**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “To represent the Tribe and act in all matters that concern the welfare of the Tribe”; and

**WHEREAS,** The Tribe established the offices of the WMAT Cultural Resources Director ("CRD") and Tribal Historic Preservation Office ("THPO"), directing the CRD and THPO, pursuant to Resolution 12-96-299, “to develop and implement programs and procedures to facilitate the representation of the interests of the Tribe in particular, and the Apache Nation in general, in the protection and preservation of Apache cultural and historical sites and objects now located beyond the boundaries of the Fort Apache Indian Reservation”; and

**WHEREAS,** The Tribe has, pursuant to Resolution 12-96-298 and numerous other actions, recognized the importance of documenting, safeguarding, and making culturally appropriate use of “Apache place names and oral traditions that define Western Apache Aboriginal Territory”; and

**WHEREAS,** The Tribe has, pursuant to Resolutions 12-96-298, 01-2017-09, 06-2018-132, and other authorities, collaborated with various Apache Tribes and other Native Nations in the perpetuation of Indigenous cultural traditions, the repatriation of cultural items, and the protection of places of traditional religious and cultural importance; and

**WHEREAS,** The Treaty of July 1, 1852 between the United States and the Apache Nation obliges “the government of the United States . . . [to] legislate and act as to secure the permanent prosperity and happiness of” the Apache Nation and its successor Tribes and Peoples; and

**WHEREAS,** The American Indian Religious Freedom Act of 1996 declares U.S. policy “to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian . . . and the freedom to worship through ceremonial and traditional rites”; and

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- WHEREAS,** U.S. Executive Order 13007, Indian Sacred Sites, directs U.S. land management agencies to accommodate access to and use of sacred sites and to avoid adversely affecting the physical integrity of such sites”; and
- WHEREAS,** The U.S. Department of Agriculture (“USDA”) and U.S. Department of the Interior (“USDO”) Joint Secretarial Order 3403 (November 15, 2021) on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters obliges the U.S. Forest Service, the U.S. National Park Service, and related agencies to, among other things, “Make agreements with Indian Tribes to collaborate in the co-stewardship of Federal lands and waters under the Departments’ jurisdiction,” to “empower Tribal stewardship of those resources,” and to “give consideration and deference to Tribal proposals, recommendations, and knowledge that affect management decisions on such lands wherever possible”; and
- WHEREAS,** The National Historic Preservation Act of 1969, as amended in 1992 (16 U.S.C. 470h-2), and its implementing regulations (especially, 36 CFR 800, 36 CFR 60) encourages U.S. Government agencies, State Historic Preservation Officers, Tribal Historic Preservation Officers, and other parties to nominate places significant in U.S. history, including places of traditional religious and cultural importance to Indian Tribes, to the U.S. National Register of Historic Places (“National Register”); and
- WHEREAS,** Despite recent National Register recognition for places having traditional religious and cultural importance to the Apache Nations, and despite the Tribe’s consistent communications to our U.S. Federal Government Trustee and other parties concerning the vital and ongoing importance of safeguarding holy mountains recognized in Apache prayers, songs, and cultural and spiritual practices, Apache holy mountains continue to be disrespected and remain vulnerable to industrial alteration, climate change, and other threats; and
- WHEREAS,** The Tribe has, through Resolution 07-99-153, Resolution 12-2003-296, and similar assertions of sovereign authority, supported National Register actions to improve protections for Ndee holy mountains under USDA Forest Service management; and
- WHEREAS,** In addition to Dził Łigai Sí’án, many other holy mountains once under the dominion and care of the Apache Nation are now managed by the U.S. Forest Service; and
- WHEREAS,** Venerable cultural advisors, including Abner Tessay, Ramon Riley, Bernadette Adley-Santamaria, Bernice Caddo, Orlando Carroll, Larold Dazen-Pinal, and Ann Skidmore, have convened to assist CRD Ramon Riley, THPO Mark Altaha and Deputy THPO Nicholas Laluk, with support from the Tribe’s former THPO, John Welch, to boost protections for mountains having utmost importance in White Mountain and Cibecue Apache (“Ndee”) religious and cultural traditions, yet severed from Ndee control and stewardship; and
- WHEREAS,** The CRD and THPO have initiated informal consultations with USDA Forest Service, USDO National Park Service, and Arizona SHPO to secure support for and assistance in the preparation and advancement of a Multiple Property Nomination to the National

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Register of mountains having particular significance in Ndee cultural and religious traditions; and

**WHEREAS,** In a meeting with the Tribe's Project and Plan Review ("TPPR") held on 15 November 2022, the TPPR supported the proposed Dził Diyini National Register Multiple Property Nomination; and

**WHEREAS,** The CRD and THPO have presented to the Tribal Council a draft summary of the Dził Diyini (Holy Mountains of the Ndee [Western Apache]) National Register Multiple Property Nomination, and having considered, the Council determines it is in the best interest of the Tribe to endorse the proposed Multiple Property Nomination to the National Register.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and endorses the advancement of the Dził Diyini Nomination through consultations with allied Tribes and Nations, USDA Forest Service, Arizona SHPO, and the USDO National Park Service Keeper of the National Register.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that consultations with allied Tribes and Nations shall encourage and enable fellow Tribes and Nations to join in the Dził Diyini Nomination, to proceed with separate National Register nominations of places having cultural and religious importance in the traditions of other Tribes and Nations, or both.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Nomination process and submittal shall not disclose sensitive, privileged, or confidential information regarding the Dził Diyini or any associated cultural, religious, or oral traditions.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the portion of Dził Łigai Sí'án located within the external boundaries of the Fort Apache Indian Reservation and designated as the Tribe's Wilderness Area pursuant to Resolution 66-20, shall be included, alongside the portion of Dził Łigai Sí'án managed by USDA Forest Service, in the Dził Diyini Nomination authorized hereby as a means of securing full recognition of and respect for the entirety of this holy mountain and of further advising the United States of the Tribe's inalienable rights to care for and be cared by Dził Łigai Sí'án in its entirety, and such action in no way limits the Tribe's rights and prerogatives to continue to safeguard and manage Dził Łigai Sí'án as an integral and revered part of the Tribe's Fort Apache Indian Reservation..

**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.

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**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 APRIL 12, 2023 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<u>Kasey Velasquez</u>	<u>4.14.2023</u>	<u>Vaneysa Johnson</u>	<u>4/14/2023</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date