



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Authorizing a Data Use and Transfer Agreement with U.S. Geological Survey and Northern Arizona University)

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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(b) that the Tribal Council (“Council”) shall exercise the power, “[t]o negotiate, make and perform contracts and agreements of every description ... with any person, association, or corporation ... or with the State of Arizona or the United States”, and at Article IV, Section 1(h), the power “[t]o regulate the uses and disposition of Tribal property”; and

**WHEREAS,** The Council, via Resolution No. 04-2022-69, approved a resolution to conduct LiDar mapping and vegetation imagery of the Fort Apache Indian Reservation; and

**WHEREAS,** The Council, via Resolution No. 07-2022-193, authorized the selection of the Contractor to complete the Tribe’s LiDAR vegetation mapping survey; and

**WHEREAS,** The resulting confidential LiDAR data, mapping, and scans are proprietary, sensitive, and owned by the Tribe; and

**WHEREAS,** Tribal Forestry, along with BIA Fire Management, at this time proposes and recommends entering into the attached Data Transfer and Use Agreements with U.S. Geological Survey and Northern Arizona University for the purpose of assessing fuel loads and fuel treatment effectiveness, among other similar purposes including increasing accuracy of Terrestrial LiDAR Scanning, fuel monitoring and fuels management planning, by using FFI plot data of terrestrial LiDAR scans; and

**WHEREAS,** The Council concurs with Tribal Forestry and finds it in the best interest of the Tribe and its members to enter into a Data Transfer and Use Agreements with U.S. Geological Survey and Northern Arizona University.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe hereby authorizes and approves the Data Transfer and Use Agreements, as attached and incorporated by reference and subject to final legal review by the Office of the Attorney General, between the Tribe and the U.S. Geological Survey and Northern Arizona University for the purpose of assessing fuel loads and fuel treatment effectiveness, and to increase the accuracy of Terrestrial LiDAR Scanning for improved fuel monitoring and fuels management planning, by using the Tribe’s FFI plot data of terrestrial LiDAR scans.

**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.

***Resolution No. 10-2024-214***

**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 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 OCTOBER 02, 2024 duly adopted by a vote of SIX for, TWO 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>10.2.24</u>	<u>Vaneysa Johnson</u>	<u>10/02/2024</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date