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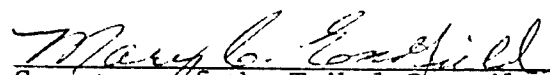
Resolution No. 81-41

FEB 19 1981

RESOLUTION OF THE  
**Fort Apache Indian Agency** WHITE MOUNTAIN APACHE TRIBE OF THE  
**Whiteriver, Arizona** FORT APACHE INDIAN RESERVATION

- WHEREAS, the Department of Justice by its letter dated October 29, 1980, offered to settle for \$13,000,000.00 all claims owing to the White Mountain Apache Tribe in the case of White Mountain Apache Tribe vs. United States No. 22-H United States Court of Claim, and
- WHEREAS, paragraph six (6) of the aforesaid offer of settlement, if understood, precludes any further claims against the United States in that case or any other claims that could have been made in it, and
- WHEREAS, part of the \$13,000,000.00 to be paid by the United States, is to reimburse the Tribe for mismanagement of the Tribe's forests on the Fort Apache Indian Reservation, and
- WHEREAS, the Tribal Council has received information that for many years the United States of America in violation of the sustained yield policy, as required by law, has permitted cutting of timber in excess of the sustained yield policy with the result that the Tribe is threatened with irreparable damage and the destruction of its forest, and
- WHEREAS, the \$13,000,000.00 settlement, if understood, would preclude any further claims against the United States for violation of the sustained yield policy.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman of the Tribal Council undertake immediately to investigate the charges that timber is now and has been cut in excess of the sustained yield policy and to make a determination and to report to the Tribal Council the result of his investigations as herein directed.
- BE IT FURTHER RESOLVED that the Chairman is hereby authorized to use any experts employed by the Tribe and to employ such other experts with background in regard to proper forest management practices in order that the Tribal Council can determine whether overcutting of our forests has occurred in the past and in the present and to further ascertain the extent, if any, of the irreparable damage to the Tribe by the alleged overcutting.
- BE IT FURTHER RESOLVED that the Chairman proceed to investigate and determine why the Bureau of Indian Affairs at this time is advertising in the Commerce Business Daily for contractors to make a forest inventory of the Fort Apache Indian Reservation.
- BE IT FURTHER RESOLVED that the Bureau of Indian Affairs be required to coordinate any inventory that it undertakes with the Tribe's investigation as to whether the sustained yield policy has been violated, all as set forth above in this Resolution.

The foregoing resolution was on February 10, 1981 duly adopted by a vote of 10 for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Chairman of the Tribal Council  
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Secretary of the Tribal Council