

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe has been advised that the amount of \$204,000.00 has been allocated for Tribal FY 1983-84 by the Bureau of Indian Affairs for the administration of timber sales and for the cost of managing and protecting the forest lands of the White Mountain Apache Tribe; and
- WHEREAS, the Tribal Council is further advised that 10% of the gross amount received for timber sold under regular supervision is being deducted from stumpage paid by the Fort Apache Timber Company to the Tribe and that at the present rate of stumpage the amount of \$700,000.00 will be deducted and placed in an IIM Account by the BIA; and
- WHEREAS, the amount of \$700,000.00 must be spent by December of 1984 or it will be transferred to the general fund and will therefore, be unavailable to defray management costs of the tribe's timber land; and
- WHEREAS, by December of 1984, the amount of monies deducted for the administration of the tribe's timber will accrue to approximately \$1,000,000.00 and be subjected to the same time restraints for its use; and
- WHEREAS, current Indian timber regulations, in effect since 1961, provide: "In sales of timber from either allotted or unallotted lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale and administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10% of the gross amount received for timber sold under regular supervision, and 5% when the timber is sold in

such a manner that little administrative expense by the Indian Bureau is required. Service fees in lieu of administrative deduction shall be determined in a similar manner." 25 CFR §141.18 (1981); and

WHEREAS, the cost of administration for FY 82-83 in the amount of \$204,000.00 budgeted by the BIA has been exceeded in the amount \$163,000.00 in the form of deductions from the gross stumpage paid to the White Mountain Apache Tribe by the Fort Apache Timber Company and therefore, any timber sold subsequent to meeting the budget will incur little or no administrative expense by the BIA; and

WHEREAS, pursuant to 25 CFR §141.18 (1981) provision is made for a reduction of the 10% reduction to 5% when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required; and

WHEREAS, the Tribal Council concludes that the administrative deduction for timber sale administration should be reduced at once to 5% until further notice; and

WHEREAS, the Tribal Council further concludes that there is a dire need for the tribe to retain its own timber management consultants to determine independently of the BIA and for the future well being of the White Mountain Apache Tribe, the areas of forest protection and sustained yield and proper management of the timber to insure the commercial future of the forest and that monies exceeding the BIA budget of \$204,000.00 should be utilized for said purposes; and

WHEREAS, the Tribal Council concludes that the forestry budget should be amended and modified at once so that administrative sale deduction monies can be utilized to enhance the quality of forestry management on the Fort Apache Indian Reservation; and

WHEREAS, further the Tribal Council is advised that consultants necessary to review the forestry management practices on the Fort Apache Indian Reservation and to comment on the adequacy of the proposed forestry management plan offered by the BIA for the period 1981 through 1991 will require

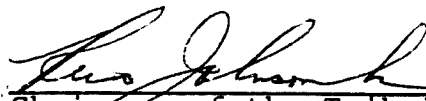
expenditures in the amount of \$200,000.00, a detailed budget of which shall be submitted to the Area Office of the BIA as authorized by this resolution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the Secretary of the Interior reduce administrative deductions from 10% to 5% pursuant to 25 CFR §141.18 (1981).

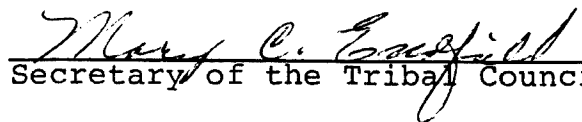
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney and forestry committee to meet with the Tribal Administrative Manager for purposes of submitting a revised budget to the forestry committee for utilization of monies in excess of BIA Forestry Budget of \$204,000.00.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the Bureau of Indian Affairs Area Office grant its immediate approval to a modification of the forestry budget to be submitted by the Tribal Chairman of the White Mountain Apache Tribe.

The foregoing resolution was on January 12, 1984, duly adopted by a vote of 6 for and 0 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).



Chairman of the Tribal Council



Secretary of the Tribal Council



FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.