

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

WHEREAS, Resolution No. 83-365 adopted the annual permit policy for the Tribe for the Calendar Year 1984, and

WHEREAS, there is a need to amend this policy to permit tree removal by the Hawley Lake Homeowners, and

WHEREAS, as the Tribe agrees to facilitate the Hawley Lake Homeowners removal of their houses and also wants to conform to the provisions of 25 CFR 163.19.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the permit policy as stated in Resolution No. 83-365 and attached hereto be amended as follows:

AMENDMENT TO INSTRUCTIONS:

PARAGRAPH NO.: Section 3. Will not apply to Hawley Lake Homeowners.

Section 8. After "gross sales", add, "Stumpage for Hawley Lake Homeowners shall be: \$15.00 per cord for pulpwood."

Add the following numbered sections to the Instructions:

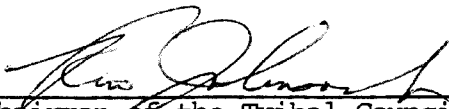
Section 11. The stumpage rate for aspen shall be \$15.00 per cord and the stumpage rate for all other species shall be \$65.00 per thousand board feet gross log scale.


Section 12. A clean up bond as determined by the Bureau of Indian Affairs Forest Manager on permit by permit basis will be required.

The foregoing resolution was on May 02, 1984 duly adopted by a vote of 10 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).

RECEIVED
MAY 07 1984

FORT APACHE INDIAN
AGENCY
WHITE MOUNTAIN, ARIZ.


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council

POLICY
GENERAL FOREST REGULATIONS

"The purpose of permits is to allow the sale of small volume of miscellaneous forest products in such a way as to protect the interest of the Indian owners, through adequate rates and records and the interest of the government through efficient administration. In addition to the limitations required by regulations as to volumes and values, considerable administrative judgment must be exercised in the issuance of permits, as performance bonds while optional with the issuing office, are usually not required." - PAO TIMBER HARVEST HANDBOOK.

INSTRUCTIONS

1. The maximum value of timber that may be cut under permits authority (CFR 163.19) by any one individual in a Calendar Year is \$10,000.00.
2. Permits of value of less than \$10.00 are non-renewable. Extensions are not automatic, but contingent upon the past performance records of the permittee and the reason the initial period was insufficient.
3. The following permit periods, except for fuelwood, will be authorized:

VALUE OF PERMIT

VALUE

\$ 0	-	\$ 5.00	10
\$ 6	-	\$10.00	20
\$11	-	\$20.00	30
\$20	-	PLUS	60

4. Extensions must be requested before the permit's expiration date be considered for renewal.
5. Tribal members have free use of all dead or down fuelwood and any other products developed from green juniper for home or commercial use. Tribal members must obtain a free use permit at the Forestry Office prior to harvest of any juniper products they plan to cut for commercial sale. They must also obtain a permit and PAY for any other products if the harvest them for sale. Tribal members must haul fuelwood off the reservation for sale and only their legally married spouses and children may assist in harvesting this firewood.
6. Permits may be obtained at the Forestry Office at Whiteriver, Arizona.
7. Christmas trees, one each, may be sold at \$2.00 each up to 8 feet and 25¢/foot over 8 feet to the White Mountain Apache Enterprise. Free use permits for Christmas trees may be issued with the approval of the Tribal Chairman to reservation schools, hospitals, religious organizations and Fort Apache Timber Company for gifts to their customers. No Christmas tree cutting will be permitted by anyone in the Baldy Wilderness area or within 1/4 of a mile of any clear-cut blocks as defined in Resolution No. 79-222.

8. Any pulpwood harvested by the Fort Apache Timber Company which is not included in a Timber Sale Contract will be paid for under permit at 5% of gross sales. Stumpage for Hawley Lake Homeowners shall be: \$15.00 per cord for pulpwood.
9. Products are to be sold under the instructions contained herein, subject to such future changes as the Tribal Council may request and the Superintendent may approve.
10. Mistletoe is to be included in the miscellaneous minor forest products with driftwood, edible plants, century plants and the Tribal Chairman is to issue permits for these minor forest products.
11. The stumpage rate for aspen shall be \$15.00 per cord and the stumpage rate for all other species shall be \$65.00 per thousand board feet gross log scale.
12. A cleanup bond as determined by the Bureau of Indian Affairs Forest Manager on permit by permit basis will be required.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

S a m p l e

TIMBER CUTTING PERMIT

Indian _____
Non-Indian

Allotted _____
Tribal _____
Permit No. 377-84

y

Fort Apache Indian Reservation, April 6 1984

Permission is hereby granted to Joe Blow, Lot No. _____ Contract No. _____
whose address is Rt. 2, P. O. Box # 273, Tucson, AZ 85973 *Phone No. _____*
to cut and remove in accordance with the provisions on the reverse side of this permit, on or before
_____ 19____, from the following lands on which authority to grant
timber permits has been obtained:

Hawley Lake

tribal land or allotment of _____
allotment number _____, timber of kind _____, quantity _____, and price as follows:

(List what they want cut.)

TOTAL \$ _____

Advance stumpage payments to the Superintendent for the timber cut will be made as follows:

LOMP SUM TOTAL

A cash bond on \$ _____ will be deposited to the Superintendent, Fort Apache Agency to ensure that Section 11, slash disposal, is completed by the expiration date of the permit. After which (Date _____) it will be forfeited. Section 12, slash burning is deleted.

I accept this permit and agree to comply with the foregoing conditions and with the provisions on the reverse side of this permit.

This permit is only good for the permittee
to remove this timber from the Reservation SIGNED:

If a third party is to remove the wood _____ (Permittee)
the permittee must obtain permission from the _____

WITNESSES: Tribal Game & Fish, Whiteriver, AZ
330-4385.

(Name) AUTHORIZED: _____
(Allottee)

(Address) APPROVED: _____
(Name) (Approving Officer)

(Address) (OVER) (Title)

This permit is issued under the following provisions:

1. "Approving Officer" means the officer approving the permit or his authorized representative.
2. "Superintendent" means the Superintendent or other officer in charge of the Indian Agency having jurisdiction over the permit area, or his authorized representative.
3. "Officer in Charge" means the forest officer of highest rank assigned to the supervision of forestry work at the Indian Agency having jurisdiction over the permit area, or his authorized representative.
4. "Permittee" means the Permittee, his employees, or his subcontractors.
5. Only such timber as designated by the Approving Officer or the Officer in Charge may be cut.
6. Young growth will be protected as far as possible.
7. Stumps will be cut low as practical so as to avoid waste. The mean height of any stump shall not exceed one-half its diameter, except that where this height is considered to be impracticable, higher stumps may be authorized by the Officer in Charge.
8. Waste in high stumps, butts, tops, breaks, and partially sound logs, and all trees which are left felled or lodged or badly damaged by the Permittee's operations will be scaled for their merchantable contents and charged against the Permittee.
9. Carelessness on part of fellers or other employees of the Permittee that results in unnecessary breaking of trees will be penalized by scaling such trees full as if they had not been broken.
10. For convenience in scaling, logs or other products shall be decked, stacked, or otherwise held at scaling points designated by the Officer in Charge and will not be moved therefrom until they have been scaled, stamped, numbered or otherwise released by the Officer in Charge. Products that are moved contrary to the instructions of the Officer in Charge shall be paid for by the Permittee at double the permit stumpage rates.
11. If required by the Officer in Charge, the slash resulting from the cutting operations, including limbs, tops, damaged young growth and other material will be piled compactly and away from reserve trees on the whole area.
12. Burning of the piled slash by the Permittee will be done at such times and in such manner as may be required by the Officer in Charge. Whenever fire runs through slash, except in compliance with instructions of the Officer in Charge, the Permittee may be required to lop and scatter or repile and reburn the slash.
13. During the wildfire season the Permittee shall have a cache of firefighting equipment of the kind and quantity as determined by the Officer in Charge in the area of his operation.
14. It is agreed that during the permit period the Permittee shall take immediate and independent fire suppression action on all fires on or threatening the area covered by this permit. It is further agreed that the Permittee will assist the Bureau of Indian Affairs in suppressing other fires when called upon.
15. It is understood and agreed that the Permittee shall be liable for all suppression costs of fires caused by negligence on the part of the Permittee. It is further understood and agreed that for fires caused by operations or activities of the Permittee, but not through neglect, the Permittee shall pay one-half of the total suppression cost provided that the Permittee's obligation shall be limited to the total value of the permit.
16. The Permittee will be paid for fighting fires, other than those caused by the Permittee's neglect or operations, at rates as determined by the Superintendent.
17. The Permittee shall be liable for all damages from fires caused by his neglect or operations to timber or any other property of the Indians or the Government in an amount to be determined by the Superintendent.
18. If timber on the permit area is damaged or destroyed by fire, the cause of which was no fault of the Permittee, the Permittee may be authorized by the Approving Officer to utilize products from adjacent areas to fulfill the value terms of this permit.
19. A bond may or may not be required as determined by the Approving Officer.
20. The Permittee will comply with all other laws and regulations governing the reservation within which the permit area is located.

NOTE: This form is to be used for all Indian lands, allotted and tribal and is to be executed in triplicate. In case of allotted lands, the allottee or his heirs shall authorize the permit unless a valid power of attorney has been executed. In case of tribal lands, authorization for cutting may be obtained by a Council resolution approving the annual policy statement governing the issuance of permits.