

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

Migratory Bird Hunting Regulations

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe has reviewed the proposed 1984-85 Migratory Bird Hunting Regulations promulgated by the office of Migratory Bird Management, U.S. Fish and Wildlife Service of the Department of the Interior; and
- WHEREAS, the proposed regulations permit experimental season dates for migratory bird hunting on Indian reservations so that hunting by tribal members may coincide with the passage of certain migratory birds on said reservations; and
- WHEREAS, the Tribal Council, although in general support of the concept of experimental season dates for migratory bird hunting on Indian Reservations, objects strenuously to guideline No. 5 which states that the experimental season dates shall only apply to tribal members on Indian Reservations and that non-Indian hunters will continue to be subject to the regulations established for application elsewhere in the state; and
- WHEREAS, the Tribal Council objects to the guideline 5 which requires non-Indian hunters to be subject to state regulations rather than tribal regulations on the grounds that such a proposal is contrary to the United States Supreme Court Decision in New Mexico v. Mescalero Apache Tribe, decided June 13, 1983, and United States v. Montana, 450 U.S. 544 (1981), which establish that Indian tribes have the right to regulate hunting and fishing by both tribal members and non-members on trust lands within their reservation boundaries; and
- WHEREAS, further, the White Mountain Apache Tribe has entered into a Stipulated Judgment in the United States District Court for the District of Arizona establishing and recognizing exclusive tribal jurisdiction over Indians and non-Indians alike who hunt and fish on the Fort Apache Indian Reservation; and

WHEREAS, the Tribal Council further concludes that the present form of the proposed Migratory Bird Regulations conflicts with the Tribal Game and Fish Code, which may be enforced in federal court pursuant to the Federal Lacey Act Amendments of 1981 and the U. S. Supreme Court Decisions referred to.

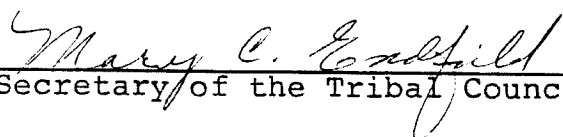
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby objects to the proposed Regulations for Migratory Bird Hunting promulgated by the U.S. Fish and Wildlife Service Office of Migratory Bird Management on the grounds that said proposed regulation usurps tribal jurisdiction over non-Indians on the reservation contrary to U.S. Supreme Court Decisions, the Tribal Game and Fish Code and the Lacey Act Amendments of 1981.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that a copy of this resolution be sent to Mr. John P. Rogers, Chief of the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C.; the Regional Director of the U.S. Fish and Wildlife Service in Albuquerque, New Mexico; and the Inter-Tribal Council of Arizona.

The foregoing resolution was on July 17, 1984, duly adopted by a vote of 9 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 (f) of the Amended Constitution and Bylaws 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