

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

WHEREAS, The White Mountain Apache Recreation Department has advised the Tribal Council of the necessity to restrict motor vehicle traffic, particularly all terrain vehicles, on reservation roads and campsites; and

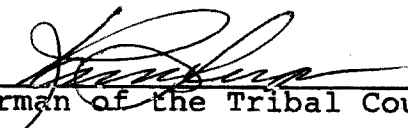
WHEREAS, the manager of the Recreation Enterprise recommends that the Game and Fish Code be amended, specifically Section 9.4 by the addition of subsections A and B attached to this Resolution and incorporated by reference herein; and

WHEREAS, the Tribal Council concurs with the recommendation of the Recreation Enterprise manager that Section 9.4 of the Game and Fish Code be amended as proposed; and

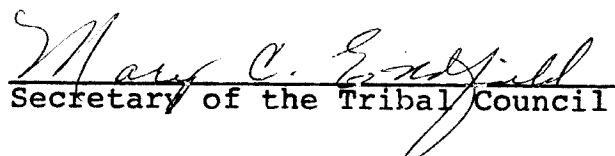
WHEREAS, said proposed amendment must be posted for public comment for a period of at least ten days as required by the Constitution and Bylaws of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the Tribal Council Secretary post in customary public places, the proposed amendment to Section 9.4 of the Game and Fish Code.

The foregoing resolution was on June 20, 1985, duly adopted by a vote of 7 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) (g) 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

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be damaging to wildlife reproduction, wildlife management or wildlife habitat of that area, the Board, with the approval of the Tribal Council, may order the area closed to motor vehicles for such a period as is approved by the Tribal Council, provided that all roads in the area shall remain open unless specifically closed.

B. The Board may also recommend that particular areas of land be set aside for or made available for the use of cross country vehicles.

C. The Board may enter into agreements, with the approval of the Tribal Council, with lessees and agencies controlling areas that the Board has made recommendations on pursuant to subsection

B. Any such agreement shall stipulate the restrictions, prohibitions and permitted uses of motor vehicles in such area and the duties of the Recreation Enterprise and such lessee or agency relating to the enforcement of the terms of such agreement.

D. The Board shall adopt rules and regulations to carry out the provisions of this section, subject to the approval of the Tribal Council.

SECTION 9.3 NOTICES OF RESTRICTIONS; POSTING; PUBLICATION

A. For all areas specified pursuant to Section 9.2, the Board shall cause notices of the restrictions, prohibitions or permitted uses of such area to be posted, prior to the effective date of such restrictions, prohibitions or permitted uses, on the main roads and highways entering such area and at such locations as the Board deems appropriate.

B. In addition to the posted notices required by subsection A of this section, the Board shall cause a notice of such restrictions, prohibitions or permitted uses, together with a description of the area, to be published three times in a newspaper of general circulation on the Reservation prior to the effective date of such restrictions, prohibitions or permitted uses.

SECTION 9.4 PROHIBITION AGAINST VEHICLE TRAVEL

A. Except as provided by subsection B of this section, no person shall operate any motor vehicle within the exterior boundaries of the reservation unless such vehicle is currently licensed by any state or Indian tribe for unrestricted highway use. As used in this section, the term "motor vehicle" includes, but is not limited to, automobiles, trucks, motor homes,

motorcycles, go-carts, all terrain vehicles of every description, and every other type of self-propelled land vehicle.

B. This section shall not apply to Tribal members and Tribal Government or Enterprise vehicles being used for tribal purposes or operated on established roadways.

C. No person shall drive a motor operated vehicle cross-country on Tribal lands where such cross-country driving is prohibited by this Chapter, or any rules or regulations promulgated hereunder.

SECTION 9.5 EXCEPTIONS

A. The restrictions, prohibitions or permitted uses established pursuant to Section 9.2 shall not apply to:

(1) Public employees acting within the scope of their employment.

(2) Holders of valid licenses and permits. Holders of such licenses and permits shall be limited to the specified purposes and area of travel for which such licenses or permits were issued or granted.

(3) Necessary travel within or across restricted or prohibited land by employees and agents of public utilities, or suppliers of water or power acting as agents of the federal government, or to employees or agents of mining companies exercising rights pursuant to any applicable mining law or regulation. Other persons who are regularly engaged in forestry, prospecting or mineral exploration shall, upon application, be issued vehicular access permits by the Enterprise General Manager.

(4) A licensed hunter who enters an area solely to pick up a big game animal which he has legally killed.

(5) Emergency situations, such as fire or other disasters, or when otherwise necessary to protect life or property.

B. Parking shall be allowed along open roads in closed areas, except that no vehicle shall be parked or operated at a distance greater than three hundred feet from such roads.

SECTION 9.6 EXPENDITURE OF FUNDS; SOURCE, FUNCTIONS

The Enterprise may expend such funds as may become

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WHEREAS, the Tribal Council is aware that there are continual encroachments on the reservation for illegal purposes such as poaching, wood cutting and artifact hunting by non-tribal members; and

WHEREAS, the White Mountain Apache Tribe has had a continuing concern about the maintenance of the reservation boundary fence in order to protect the Tribe's resources and maintain the integrity of the reservation borders; and

WHEREAS, BIA funding in the Trust Services General category is available and has been previously designated for use by the Tribal Land Department for use in maintaining the boundary fences of the reservation; and

WHEREAS, the Tribal Council concludes that an application should be made to the BIA for a 638 Contract for the purpose of utilizing the designated \$19,000 for boundary fence maintenance.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that a P.L. 93-638 Contract proposal be submitted to the BIA Phoenix Area Office to utilize \$19,000 in FY 86 Trust Services General funding that has been allocated to the Fort Apache Indian Reservation. Contract funds will be used to provide personnel costs and operating costs for the maintenance of boundary fences on the reservation.

BE IT FURTHER RESOLVED by the Tribal Council that the Chairman and in his absence, the Vice Chairman, is hereby authorized to execute any and all documents necessary to carry out the purposes of this Resolution.

The foregoing resolution was on June 20, 1985, duly adopted by a vote of 8 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

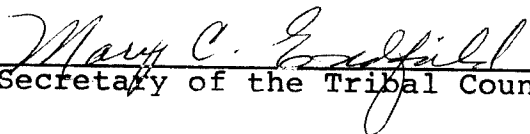
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Chairman of the Tribal Council



Secretary of the Tribal Council