

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe, pursuant to Resolution No. 85-299, adopted on December 5, 1985, rejected the Limestone Sale as proposed by the Bureau of Indian Affairs and instead approved a selective cut of the overstory of the Limestone, Jumpoff and Deer Springs Sales under the present existing reservation salvage cut ratio plan previously established and approved by the Tribal Council and Bureau of Indian Affairs; and

WHEREAS, the Tribal Council rejected the Bureau of Indian Affairs proposal for the Limestone, Jumpoff and Deer Springs Sales in that it proposes that the board feet per acre on the east and west zones of the reservation be reduced by one-half, all in accordance with the 1985 Fort Apache Indian Reservation Forest Management Plan prepared by the Bureau of Indian Affairs, which has been summarily rejected by the Tribal Council; and

WHEREAS, FATCO Management has met with BIA Forestry personnel to discuss the Tribe's resolution in an attempt to resolve any dispute between the Bureau's proposed cutting plan for the Limestone Canyon area and other adjacent timber sales, such as Deer Springs and Jumpoff; and

WHEREAS, the Bureau, subsequent to said meetings, has rejected bureaucratically the Tribal Council's decision in respect to the Limestone Canyon Sale and other contiguous sales as set forth in Resolution No. 85-299; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe, pursuant to its inherent sovereign right and constitutional authority over its timber, and based upon the Bureau's failure to abide by the sustained yield requirements set forth in the Code of Federal Regulations in respect to Indian Forests, all as supported by empirical data collected by the Tribe's Forestry consultants, concludes that appropriate measures must be taken by the Tribal Council to ensure a proper balance between achieving a supply of commercial sawlogs for the Cibecue Sawmill, as well as maintaining the necessary

volume in the tribal forests according to sustained yield requirements so as to preserve the tribal forests for future generations of tribal members; and

WHEREAS, the Tribal Council concludes that it is appropriate to now harvest the Limestone Canyon, Jumpoff and Deer Springs Sales as part of the allowable cut at 5% stumpage and the Cibecue Sale now proposed by the Bureau for 1987, pursuant to the current royalty ratio; and

WHEREAS, the Tribal Council reaffirms its commitment to harvest the foregoing sales according to the advice of its forestry consultants which is contrary to the Bureau's proposal to reduce the forest volume by one-half which, if carried out, would cause irreparable harm and injury to the tribal forests and fulfill the Bureau's goal of increasing water runoff away from the Reservation to the Salt River Project and other down stream water users.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms Resolution No. 85-299, wherein it rejected the BIA's proposal for the Limestone, Jumpoff and Deer Springs Timber Sales.

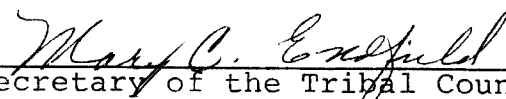
BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the BIA Forestry Technicians to mark the Limestone Canyon, Deer Springs and Jumpoff Timber Sales as a 5-point mark at a 5% ratio, and that the Bureau prepare the Cibecue Sale in accordance with sustained yield requirements according to the current royalty ratio.

BE IT FURTHER RESOLVED by the Tribal Council that in the event that the Bureau fails to commence marking the aforementioned sales within ten (10) days of the receipt of this Resolution, the Tribal Council shall direct that the Tribe's Forestry consultants mark the trees in accordance with this Resolution, whereupon FATCO is directed to immediately commence harvesting operations in accordance with the marking recommendations of the Tribe's Forestry consultants and this Resolution.

BE IT FURTHER RESOLVED by the Tribal Council that upon receipt of this Resolution, FATCO management is to immediately commence the preparation of timber sale roads for the Limestone Canyon, Jumpoff, Deer Springs and Cibecue Sales.

The foregoing resolution was on December 19, 1985, duly adopted by a unanimous vote of the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a,f,i,h, & u) 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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JAN -7 1986

FORT APACHE INDIAN  
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