

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

- WHEREAS, the White Mountain Apache Tribe has intensively reviewed the methods utilized by the Bureau of Indian Affairs in making its determination respecting the annual allowable cut for the harvest of timber of the Tribe's forests and has determined that the Bureau of Indian Affairs has required the Tribe to harvest timber at a rate 81% greater than growth; and
- WHEREAS, the Bureau of Indian Affairs, by grossly requiring the Tribe to harvest timber at the rate mentioned above, has destroyed the Tribe's west side forest as a commercial enterprise, and the Tribe's east side forests have been depleted to a point where its existence as a commercial forest is threatened; and
- WHEREAS, the threat of destruction of the Tribe's forests is a threat to the Tribe's survival; and
- WHEREAS, the Tribe to protect itself has undertaken intensive scientific investigations to determine what the allowable cut should be within the sustained yield mandate and has determined that an annual allowable cut must be limited to 45 million board feet if the Tribe's forests are to be sustained in perpetuity; and
- WHEREAS, irrespective of the grave errors committed by the Bureau of Indian Affairs in establishing the annual allowable cut, that agency is insisting that the Tribe enter into contracts if it is going to undertake any timber harvest at this time and has presented to the Tribe a series of contracts for execution; and
- WHEREAS, the Tribe is confronted with a crisis stemming from the shortage of logs for the purpose of processing them into lumber with the result that in the immediate future the operations at the Cibecue Sawmill and the Whiteriver Sawmill are threatened with closing down; and
- WHEREAS, the White Mountain Apache Tribe when it reduces its annual allowable cut to 45 million board feet will suffer irreparable and continuing damage through the sharp reduction of income and through the vastly increased unemployment of its membership

which relies heavily upon employment at both the Whiteriver and Cibecue Sawmills; and

WHEREAS, the disaster that has been visited upon the White Mountain Apache Tribe stems directly from the intentional mismanagement by the Bureau of Indian Affairs in requiring the White Mountain Apache Tribe to harvest timber far in excess of the net growth of timber in both its east and west side forests; and

WHEREAS, fraud was practiced upon the White Mountain Apache Tribe by the Bureau of Indian Affairs in two major respects: a) the Bureau of Indian Affairs utilized statistical data that was contrary to fact and represented that the annual allowable cut within the sustained yield mandate was 81% greater than the actual net growth in the forest of the White Mountain Apache Tribe; and 2) the Bureau of Indian Affairs forced the White Mountain Apache Tribe to vastly increase the annual cut of timber by threatening to sell timber off of the reservation to non-Indian mills if the Tribe did not increase its annual harvest of timber to 93 million board feet and 3) the Bureau of Indian Affairs forced the White Mountain Apache Tribe to spend 27 million dollars to increase the plant capacity of its sawmills to process the 93 million board feet on the threat that if the Tribe did not expend the money and expand its plant, the 93 million board feet annual allowable cut determined by the Bureau of Indian Affairs would be achieved by selling the timber to non-Indian sawmills off the reservation; and

WHEREAS, the economic crisis facing the White Mountain Apache Tribe is due to the fraud practiced upon it by the Bureau of Indian Affairs in forcing it to cut 93 million board feet and to increase its plant capacity to process that number of board feet; and

WHEREAS, the Bureau of Indian Affairs is insisting that the Tribe sign timber sale contracts before the Bureau of Indian Affairs will allow any timber harvest by the Tribe of its own timber for its solely owned mill and that if the Tribe does not execute said contracts all operations at the Tribe's Cibecue and Whiteriver mills will terminate for lack of logs; and

WHEREAS, the Bureau of Indian Affairs will not permit harvesting of the following timber sale areas: 1) Elk Canyon; 2) Black River-Willow Creek; 3) Perry

Creek; 4) Limestone; 5) Jump Off; unless and until the Tribe has executed contracts therefore; and

WHEREAS, to avoid shutting down the Whiteriver and Cibecue Sawmills, the Tribe agrees to execute the aforementioned contracts under protest for the reason expressed above.

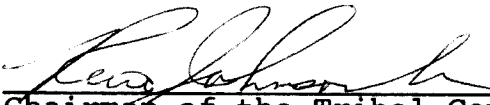
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Chairman to execute the aforementioned contracts subject to the provisions of this resolution and to proceed with the procurement of logs for the purpose of continuing operations at the Witeriver and Cibecue sawmills.

BE IT FURTHER RESOLVED by the Tribal Council that the White Mountain Apache Tribe petitions the Secretary of the Interior to procure logs from sources off of the reservation including, but not limited to, the Sitgreaves National Forest, the Apache National Forest and the San Carlos Reservation to the end that the White Mountain Apache Tribe can harvest timber within the sustained yield mandate limiting its harvest to 45 million board feet annually while simultaneously obtaining timber from the sources mentioned or elsewhere to the end that it continue to operate its Whiteriver and Cibecue mills to their capacity which was built pursuant to the requirements of the Bureau of Indian Affairs, all as reviewed above, and to avoid the resulting unemployment if the Tribe is forced to limit its production on the basis of the 45 million board feet annual allowable cut within the sustained yield mandate.

BE IT FURTHER RESOLVED by the Tribal Council that the Tribe shall take all needed action to have a legal determination as to the obligation of the Secretary of the Interior as a principle agent of the United States, trustee for the White Mountain Apache Tribe, to obtain the necessary logs from alternative sources to the end that the Tribe will not suffer irreparable economic damage due to the loss of income and from unemployment all of which would be directly attributable to the requirement of the BIA that the Tribe construct plant capacity adequate to process 93 million board feet annually far in excess of the quantity of timber that can properly be harvested from the Tribe's forests, which as stated above, is limited to 45 million board feet annually.

BE IT FURTHER RESOLVED by the Tribal Council that the White Mountain Apache Tribe shall take whatever action is required to obtain a legal determination that the Secretary of the Interior acting by and through the Bureau of Indian Affairs is obligated to provide an alternative supply of logs to maintain the White-river and Cibecue mills operating to their full capacity which was built pursuant to the demands of the Bureau of Indian Affairs and to take such other and further action as requisite to maintain the Tribe's income from its forest products industry and to maintain employment on the reservation, all of which is provided for by the Whiteriver and Cibecue mills when they are operating to their capacity.

The foregoing resolution was on May 27, 1986, 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 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