

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

WHEREAS, the Tribal Council of the White Mountain Apache is advised that 25 CFR Part 163, General Forest Regulations, requires consent of Indian owners for harvesting miscellaneous forest products under timber cutting permits; and

WHEREAS, 53 BIAM 4.3.B. also requires the preparation of the annual or periodic Timber Use Policy Statement by the Superintendent; and

WHEREAS, this statement will specify minimum stumpage rates, species and types of miscellaneous forest products to be harvested, information to be used as guidelines in issuing timber cutting permits, and authority to issue cutting permits.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Timber Use Rules and Instructions attached hereto are approved with directions to the issuing officer to advise the permittee selling off reservation, of the present value of the products being sold.

BE IT FURTHER RESOLVED that in order to expedite the issuance of permits, the Fort Apache Agency Forest manager is authorized to sign the permits issued pursuant to the Miscellaneous Wood Products Rules and Instructions as adopted by the Tribal Council of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED that the Timber Use Rules and Instructions attached hereto are approved from September 5, 1990 to September 30, 1991.

Resolution No. 09-90-198

The foregoing resolution was on September 5, 1990, duly adopted by a vote of six for and five 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

**RECEIVED**

SEP 18 1990

Ferry Apache Indian Agency  
Whitehorse, Arizona

I. GENERAL MISCELLANEOUS FOREST PRODUCTS USE RULES AND INSTRUCTIONS

- A. Timber Cutting Permit (Form 5-5331) is required for harvesting miscellaneous forest products for any purpose and permits will be issued to enrolled tribal members only, except otherwise provided for in these rules and instructions. A tribal census number is required, except under the provisions of sections VII of this policy statement. Permits will be issued at the Fort Apache Agency Forestry office, Monday, Wednesday and Friday, except holidays, from 8:30 a.m. to 4:00 p.m. Vehicles transporting miscellaneous forest products will be identified on the permit with description of vehicle and license plate number.
- B. The stumpage value of forest products harvested without formal contract in fiscal year (October 1 through September 30) by any individual under free-use cutting authority shall not exceed \$2,500.00 {25 CFR 163.19 (b)}.
- C. The maximum stumpage value of forest products harvested without formal contract under paid permit authority in fiscal year by any individual is \$10,000 {25 CFR 163.19 (c)}.
- D. Possession of a timber cutting permit is required for harvesting any miscellaneous forest products, except under section III of this policy statement. Violators will be subject to prosecution pursuant to the Tribal Law and Order Code, Chapter V, Part II, Section 52.21, Cutting Green Timber Without a Permit or the Tribal Game and Fish Code Fine Schedule, Section 7.2, (13).
- Tribal Law and Order Code, Chapter V, Part II, Section 52.21, Cutting Green Timber Without a Permit: (A) A person who cuts or removes any green timber from tribal land without a tribal permit is guilty of an offense. (B) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed twenty (\$20.00) dollars, or both.
- Tribal Fish and Game Code Fine Schedule, Section 7.2 (13): Destroy, remove, injure or cut any green tree, dead tree, or other firewood on the Reservation without Tribal authorization - \$45.00 plus value of wood.
- Violations by non-tribal individuals will be pursued by the Bureau of Indian Affairs as provided by the guidelines in 53 BIAM Supplement 7, Timber and Fire Trespass.
- E. Hauling miscellaneous forest products on the reservation without a bill of sale or timber cutting permit is prohibited, except under section III of this policy statement.

The bill of sale shall contain a description by local landmarks of where the forest products were cut, the volume or amount and species purchased, description of vehicle transporting the products, names, addresses and signatures of both purchaser and

seller. The bill of sale or timber cutting permit must be carried by the person in charge of transporting forest products on the reservation and must be exhibited to any officer of the law, Tribal Game and Fish Department Officer, or BIA personnel, upon request.

Miscellaneous forest products transported on the reservation without a bill of sale or timber cutting permit, except as provided for in free use cutting without permit, will be subject to confiscation by the Tribal Police or Tribal Game and Fish officers. Forest products species not identified on timber cutting permit will be considered illegal and subject to confiscation. Confiscated products will be impounded either at the Tribal Police or Tribal Game and Fish Department compounds. The products will be confined to the respective compounds until the Tribal Court resolve the legal ownership. Unclaimed forest products will be distributed to elderly households on the reservation.

- F. Christmas tree cutting by anyone is prohibited in the following areas: Mt. Baldy Wilderness Area; within 1/4 mile of any spruce clear cut blocks as defined in the Tribal Resolutions 79-165 and 79-166; within 1/4 mile of established lakes and campgrounds; Sunrise Ski Park; and within 200 feet of any state highway, which includes the Hawley Lake Road. Cutting the top section of a big tree for a Christmas tree product is not permitted and violators will be subject to prosecution pursuant to Tribal Fish and Game Code Fine Schedule Section 7.2 (13). Maximum stump height shall not exceed 10 inches on the uphill side.
- G. Non-tribal individuals married to tribal members must be accompanied by spouse and/or tribal member children when cutting and/or transporting miscellaneous forest products on the reservation. Non-tribal individuals cannot sell miscellaneous forest products personally; only the enrolled tribal member spouse has the right to sell forest products. This section will apply to all miscellaneous forest products harvested for resale or exchange for goods or services by tribal members.
- H. No firewood cutting will be allowed within 200 feet from the edge of streams, lakes, stock ponds, cienegas, campgrounds, homesite lot boundaries, state highways and Sunrise Ski Park. All tops and limbs shall be utilized to a four inch diameter. Maximum stump height shall not exceed 12 inches on the uphill side.
- I. Only dead standing and dead down Alligator juniper, Rocky Mountain juniper, Utah juniper, One-Seed juniper, Pinyon, Oak, Spruce and Aspen will be harvested as firewood products for resale under a paid permit. GREEN SHAGGY BARK JUNIPER (ROCKY MOUNTAIN, UTAH & ONE-SEED) CAN BE CUT FOR FIREWOOD UNDER PAID PERMIT IN DESIGNATED AREAS ON THE RESERVATION. These cutting blocks will be identified by B.I.A. Forestry personnel. These blocks will be identified at the time the permit is issued.

- J. Only dead standing and dead down Alligator juniper products may be harvested for resale or exchange for goods or services off the reservation by tribal members and tribal enterprises. Anyone transporting green Alligator juniper firewood off the reservation with valid paid permit will be fined \$45.00 plus value of wood as specified in subsection D above. The firewood is subject to confiscation as specified in subsection E. above. Value of one cord of Alligator juniper firewood is \$80.00.
- Dead standing and dead down Alligator juniper firewood is available for home use under a free use permit.
- K. Cutting standing Gambel oak or Aspen for firewood is prohibited from October 15 to May 15. Gambel oak and Aspen leaves fall during the autumn and it is not easy to pick out the dead trees from October to May. Anyone cutting standing or hauling green Gambel oak and Aspen for firewood between October 15 and May 15 will be fined \$45.00 plus value of wood as specified in subsection D. above. Value of one cord of Gambel oak firewood is \$125.00. One cord of Aspen firewood is valued at \$65.00
- L. The entire reservation is open for firewood cutting except in buffer areas indicated in subsection H. above. Certain paid permits must be harvested only in areas designated.
- M. Cutting practices will be monitored by tribal and BIA forestry personnel. The Tribal Police and Tribal Game & Fish officers have authority to enforce these regulations through field inspections. Copies of each permit issued will be sent to the Tribal Police and Game & Fish officers. National Forest Service Personnel and off reservation law enforcement officers will be contacted, periodically, to assist in monitoring firewood hauling off the reservation.
- N. Dumping of trash at firewood cutting sites is prohibited, including disposable diapers. All firewood cutting activity litter, such as oil cans, fuel containers, beverage cans, etc., will not be left scattered at wood cutting sites. All man-made litter will be hauled out of the forest along with the firewood. Violators may be prosecuted pursuant to the Tribal Game and Fish Department Code Fine Schedule, Section 7.2:(6) Litter roads, roadsides, campgrounds, waters or any tribal land on the Reservation - \$100.00.
- O. Cutting fences and clearing access routes to firewood sources from established forest roads is prohibited. Anyone damaging fences will be fined \$50.00. This fine is stipulated in the Tribal Game and Fish Department Code Fine Schedule, Section 7.2: (14) Cut, damage, or destroy any fence on the Reservation - \$50.00.
- P. A copy of instructions and map will be attached to each permit issued.

II. FREE USE PERMITS

- A. Free use permits will be issued for the entire reservation to any enrolled adult (18 years old and older) tribal member for the following purposes:
1. Fence posts, poles and stays for personal use. No more than 200 green fence posts per year per household will be authorized.
  2. Firewood for personal use on the reservation. Each household will be limited to six cords per year.
  3. Firewood transported off the reservation by tribal members for personal use at their residences. No more than six cords per year per household will be authorized.
  4. Tribal members living off the reservation will be issued a Christmas tree permit for personal use with a limit of one tree per household.
- B. Free use permits will be issued to reservation schools, recognized religious organizations, tribal organizations and local public service units for forest products used within the reservation. Firewood is limited to five cords per year per organization. Livestock Associations will be limited to 2,000 green fence posts per association per year.
- C. Recognized religious organizations with non-tribal member pastors will have tribal members cut firewood for their respective churches. Churches that are heated solely by woodstoves will have access to unlimited supply of firewood.
- D. Free use permits will be issued for transplants for landscaping around homes on the reservation. Areas designated for transplant digging will be indicated on the permit.
- E. Free use permits will be issued for the annual limit of products to be cut and for the duration of present fiscal year.
- F. Free Use Products:

<u>PRODUCT</u>	<u>SPECIES</u>
Christmas Tree	Pinyon, Spruce, Douglas fir and White Fire. Pinyon shall be six feet or less.
Firewood	All dead standing and down, except standing Ponderosa pine snags.
Fence Post/stays	Juniper, all species.

Poles	Aspen and Ponderosa pine (TSI slash only).
Transplants	Spruce, Aspen, Willow, Cottonwood and Walnut.

III. FREE USE WITHOUT PERMITS

- A. No permit is required for tribal members to cut willow, cottonwood or Gambel oak saplings/branches to construct shadehouses. Gambel oak will not be cut in highway rights-of-ways and within 200 feet of right-of-way fences.
- B. No permit is required for tribal members to cut firewood for wakes and ceremonials. No limit on amount is required under this section.
- C. No permit is required for tribal members to cut one Christmas tree per household living on the Reservation.

IV. PAID PERMITS

The following stumpage rates shall apply to all miscellaneous forest products harvested for resale or exchange for goods or services by tribal members and any tribal enterprise. Fort Apache Timber Company is included under this section for their annual Christmas trees donation to customers. Paid permits require payment in advance. Unused balances will not be refunded, nor the permit expiration date extended. Tribal members are prohibited from selling Christmas trees.

Product	Species	RATES	
		Tribal Member	Tribal Enterprise
Christmas Tree	Pinyon, Spruce, Douglas-fir and White Fir Pinyon shall be six feet or less.	N/A	\$2.00/Tree
Firewood	All dead standing and down, except standing Ponderosa pine snags.	\$4.00/Cord	\$7.00/Cord
Fence Post	All Junipers, and Oak	\$0.10/Post	\$0.25/Post
Stays	All Junipers, Oak and Aspen	\$0.02/Stay	\$0.04/stay
Poles	Aspen	\$0.50/Pole	\$1.00/Pole
	Ponderosa pine (TSI slash only) Less than 4.0" dbh.	\$0.06/Pole	\$0.12/Pole
	4.1" to 6.0" dbh.	\$0.08/Pole	\$0.16/Pole

V. PAID PERMITS DURATION

<u>Value of Permit</u>	<u>Time Limit of Permit</u>
\$ 1.00 - \$ 5.00 (1 cord)	3 Days
\$ 5.01 - \$ 10.00 (2 cords)	7 Days
\$10.01 - \$ 20.00 (5 cords)	15 Days
\$20.01 - \$ 40.00 (10 cords)	30 Days
\$40.01 Plus	As Indicated

VI. PROVISIONS FOR NON-TRIBAL INDIVIDUALS HAULING PURCHASED FIREWOOD OFF THE RESERVATION

A. Non-tribal individuals with vehicles larger than regular pickup trucks (maximum 3/4 ton) are prohibited from picking up purchased firewood in the forest or woodland areas. The following designated areas in the respective communities will be pick up points for transporting large volumes of purchased firewood off the Reservation:

1. Hon Dah Junction
2. Whiteriver- across BIA Fire Management Headquarters near the livestock corrals
3. Carrizo Junction
4. Cibecue- Police Station (community center)

VII. PERMITS FOR CONSTRUCTION PROJECTS ON THE RESERVATION

- A. All activities by any tribal or government entity which requires removal of commercial trees 5.0 inches at diameter breast height and larger shall require a paid permit.
- B. Trees designated for removal shall be measured and marked by BIA Forestry personnel.
- C. Prior to tree cutting operations the permittee shall pay in advance for the trees at the following authorized rates:

<u>Product</u>	<u>Stumpage Rate</u>	<u>Cash Bond*</u>
Sawtimber	\$75.00/MBM	\$55.00/MBM
Pulpwood	\$25.00/Cord	\$25.00/Cord

\* Minimum Cash Bond shall be \$40.00.

- D. The cash bond shall be deposited with the B.I.A. Agency Superintendent to ensure all slash is properly disposed of in a manner acceptable to B.I.A. Forestry. This will include burning or hauling to a proper disposal site. The Permittee is liable for



all damages from the slash burning to adjacent reserve timber or property. Slash disposal shall be completed by the expiration date of permit or the bond will be forfeited.

- E. The period of time for which a permit is valid shall be determined at the time the permit is issued and may vary dependent upon the needs of a particular project.

VIII. RECOMMENDED MINIMUM SELLING PRICES FOR FIREWOOD SOLD OFF THE RESERVATION

- A. The following is the recommended minimum selling prices of various tree species sold for firewood products off the reservation.

<u>Species</u>	<u>Recommended Minimum Selling</u>	<u>1/2 Ton* Pickup</u>	<u>1/3 Ton* Pickup</u>
Oak	\$125/cord	\$75	\$95
Alligator Juniper	\$ 80/cord	\$50	\$60
Shaggy Bark Junipers	\$ 70/cord	\$45	\$55
Douglas-fir	\$ 70/cord	\$45	\$55
Aspen, Spruce	\$ 65/cord	\$40	\$50

\* A 1/2 or 3/4 ton pickup loaded and stacked on a pickup without side boards or racks. Stacked this way a pickup will carry only a portion of a cord of wood.

- B. The following is estimated firewood volume for two major types of vehicles used to haul wood off the reservation.

<u>Truck Type</u>	<u>Estimated Cords</u>
3/4 Ton Long Wheel Base pickup with side racks	Approximately .75 cord
1/2 Ton Short Wheel Base pickup with side racks	Approximately .6 cord