

Resolution No. 11-90-266

- WHEREAS, in the years 1966-1967 the Bureau of Indian Affairs, acting totally independent from the Tribe, drastically increased the annual allowable cut from 60 million board feet annually, demanding that the FATCO sawmill and facilities be increased in capacity to process that sharply increased harvest of timber; and
- WHEREAS, both the Tribe and its manager of the FATCO plant protested that the principles of sustained-yield harvest were being seriously violated by the cut of 90 million board feet, and further protested that to process the 90 million board feet harvest would entail large expenditures of the Tribe's funds to increase the capacity of the FATCO sawmill and facilities; and
- WHEREAS, the Bureau of Indian Affairs responded to the Tribe's protests that the Tribe would either expand the plant capacity of FATCO or the Bureau of Indian Affairs would sell the timber up to the 90 million board feet to "outside interests" which included the Southwest Lumber Company that was purchasing Tribal timber from the Bureau of Indian Affairs up until 1969; and
- WHEREAS, the Tribe, thus confronted, was coerced and forced to expend \$37,000,000 of its own funds to increase the plant capacity, as demanded by the Bureau of Indian Affairs; and
- WHEREAS, contemporaneously with the increase of the annual allowable cut by the Bureau of Indian Affairs from 60 million board feet to 90 million board feet, the Bureau of Indian Affairs was vigorously conducting a program on the Fort Apache Indian Reservation to enhance the flow of the Salt River and its tributaries down to the non-Indian Salt River Federal Reclamation Project constructed and subsidized by the Secretary of the Interior; and
- WHEREAS, in 1966-1967, in furtherance of the program to increase the flow of Salt River water away from the Fort Apache Indian Reservation, the Bureau of Indian Affairs employed Dr. Wilm to study the best means pursuant to which the flow of Salt River water away from the Reservation could be enhanced through forest management practices; and
- WHEREAS, at a meeting called for that purpose in the Phoenix Area Office of the Bureau of Indian Affairs, Dr. Wilm publicly expressed the fact that, by increasing the annual allowable cut to 90 million board feet, the non-Indian Secretarial Salt River Project would be greatly benefited by the increased flow of water from the

Reservation; and

WHEREAS, over the protests of the White Mountain Apache Tribe, the Bureau of Indian Affairs adopted the Wilm recommendation and forced the 90 million board feet cut upon the Tribe and by that course of conduct intentionally and probably irreversibly damaged the Tribe's invaluable forests and intentionally committed the Tribe's Salt River water to the Salt River Project for the benefit of the non-Indian water users, a grossly improper course of conduct which is ongoing today; and

WHEREAS, the Tribe, having been coerced and forced to expend \$37,000,000 to increase the FATCO plan size to process the 90 million board feet timber harvest imposed by the Bureau of Indian Affairs, is now being forced to spend additional millions of dollars to replace the costly machinery installed to process the 90 million board feet cut and to convert its sawmill and facilities economically to process a maximum cut of 61 million board feet involving predominately small logs; and consequently has been forced to sharply reduce employment at the mill and at other tribal businesses dependent upon the forest products industries and which are presently suffering and will continue to suffer through a financial crisis stemming from the loss of income now and for years to come, through no fault of the Tribe but rather due to the misconduct of the Secretary of the Interior and subordinates of that official who, acting solely for the benefit of the non-Indian Salt River Federal Reclamation Project, mismanaged the Tribe's forests and water resources resulting in the above described disasters for the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the following corrective actions are authorized to be taken forthwith by Chairman Ronnie Lupe to preserve and to protect the cultural and economic base upon which the existence of the White Mountain Apache Tribe depends:

- (1) Immediately to arrange with the Bureau of Indian Affairs for funds to employ the experts required to conduct the necessary investigations to ascertain the kind, type and cost to convert, renovate, and rehabilitate the FATCO sawmill and all related facilities used in the Tribe's forest products industries;

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- (2) Without awaiting the investigations by experts fully to determine the precise kind and type of changes, to bring to the attention of the officials in the Department of Interior and the Congress of the United States expenditures required to rehabilitate FATCO and other facilities, the economic disaster that has befallen the Tribe, both as to individual members who have lost their employment and the income to the Tribe itself, and to request funds to assist the Tribe and its unemployed members in their struggle to survive due to the severe loss of income directly attributable to the mismanagement of the Tribe's forests by the Secretary of the Interior, acting by and through the Bureau of Indian Affairs;
- (3) To formulate plans to reforest the areas where the timber has been severely reduced by the Bureau's overcutting and to reduce the allowable annual cut, if necessary, to provide for the recovery of the present growth within the Tribe's forests with the objective of producing valuable commercial sized logs over the long-term operation of the forests; and
- (4) To take further and additional actions as Chairman Lupe may deem appropriate to accomplish the recovery of the forest products industries and to make that industry a viable economic force.

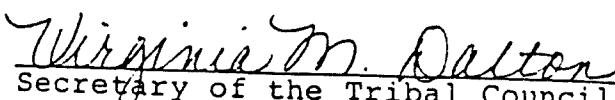
The foregoing resolution was on November 29, 1990, duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a) (f) (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the 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).

RECEIVED

JAN 7 1991

FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council