

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

Overcutting, Broadcast Burning  
by BIA Destroying Tribe's  
Forests and Economy

- WHEREAS, overcutting of the White Mountain Apache Tribe's Forests, as mandated by the Bureau of Indian Affairs, has disastrously diminished both the quality and quantity of the timber remaining in those forests. Equally disastrous to the Tribe is the fact that the forests are gravely understocked in large areas and no effort has been made by the Bureau of Indian Affairs, which overcut those areas, to conduct adequate, natural, and artificial reforestation; and
- WHEREAS, the recovery of the forests from the overcutting has been markedly retarded by broadcast burning conducted irresponsibly by the Bureau of Indian Affairs over large areas of the forests, reducing any possibility of natural regeneration, thus assuring that the Tribe's forests will not reasonably recover but rather will continue to diminish from the standpoint of quality and quantity; and
- WHEREAS, the White Mountain Apache Tribe has opposed the continuation of the prescribed--broadcast--burning on the Reservation for the reasons that (1) there is official documentation establishing beyond controversy that the prescribed--broadcast--burning is more harmful than beneficial as practiced by the Bureau of Indian Affairs on the Fort Apache Indian Reservation; (2) those destructive practices have consistently resulted in damaging commercially valuable trees in large numbers by igniting the trees and in some instances burning to the crown of the trees; (3) the broadcast burning has destroyed regeneration of small trees necessary to restock the overcut forests; (4) the Bureau of Indian Affairs has been broadcast burning in areas that are far too large, failing to have adequate control and has burned areas so frequently that the fires are destructive and are not beneficial; and (5) the intensity of the fires has given rise to smoke which is widespread and

persistent, resulting in creating health hazards to Tribal members and others; and

- WHEREAS, the Tribe and the Fort Apache Indian Agency and the Phoenix Area Office have undertaken an in-depth review of the Bureau of Indian Affairs' prescribed burning policy and as reported by the Agency Superintendent on January 11, 1991, there is "movement to identifying and developing a satisfactory resolution of the prescribed burning issue"; and
- WHEREAS, the Tribal Forester has identified and the Tribal Council has herein adopted considerations that are needed for the improvement of prescribed burning on the Fort Apache Indian Reservation which are attached to this resolution and incorporated by reference herein; and
- WHEREAS, the Tribal Council is desirous of exploring viable alternatives to prescribed burning as a means to dispose of logging slash and is in need of funding from the Bureau of Indian Affairs to accomplish the alternatives including but not limited to the purchase of necessary equipment for machine piling and funding for labor intensive slash disposal operations; and
- WHEREAS, the cost of slash disposal as practiced by the National Forest Service may be prohibitory on the Reservation without assistance from the Bureau of Indian Affairs; and
- WHEREAS, the Tribal Council previously contracted with John H. Dieterich to conduct a Bureau of Indian Affairs financed study of prescribed burning on the Reservation but a review of his report by the Tribal Council and the Tribe's natural resource experts and consultants indicates a predisposed bias by Mr. Dieterich in favor of broadcast burning; and
- WHEREAS, the Dieterich burning study was superficial, representing only two days in the field with the Tribal Forester, ignoring the issue of regeneration and fails to discuss in any depth the viable alternatives to broadcast burning or less destructive substitute means of slash disposal, and fails to present adequate consideration for the ecology, wildlife, plants and herbs; and
- WHEREAS, the Tribal Council rejects the Dieterich report as failing to provide the information required by his 638 contract which report does not relate to the prescribed--broadcast--burning actually practiced by the Bureau of Indian Affairs on the Fort Apache Indian Reservation as

described above, and otherwise fails to apprise the Tribal Council of the effect of broadcast burning on the Reservation and the destructive consequences of it; and

Refusal by BIA to Approve Timber Contracts  
Is An Economic and Social Disaster

- WHEREAS, the Phoenix Area Director of the Bureau of Indian Affairs issued a memorandum to the Superintendent of the Fort Apache Indian Agency that harvesting timber on the Fort Apache Indian Reservation would not be permitted unless provisions for natural and/or artificial reforestation are included in planning the harvest and that based upon the Bureau of Indian Affairs Forest Officer's Report, slash burning would provide the ecological requirements for natural regeneration establishment; and
- WHEREAS, even though the Bureau of Indian Affairs has continuously practiced broadcast burning throughout the Tribe's forests - with disastrous consequences - in disregard of the Tribe's protests, the Phoenix Area Director's memorandum dated October 29, 1990, states that no further timber sale contracts would be approved for the White Mountain Apache Tribe and its enterprise, the Fort Apache Timber Company (FATCO), unless practicable slash disposal provisions were contained in the contract and that if broadcast burning continues to be precluded by the White Mountain Apache Tribe, a viable slash disposal alternative must be developed and made a part of all current and future timber sale contracts, including regeneration requirements; and
- WHEREAS, currently, at least five (5) timber sale contracts are being held by the Bureau of Indian Affairs until the Tribe adopts either broadcast burning or an alternative method of disposing of logging slash; and
- WHEREAS, withholding approval of these timber sale contracts until the Tribe either allows broadcast burning of slash or adopts other means to dispose of logging slash will cause the White Mountain Apache Tribe irreparable and continuing damage to its sawmill enterprise due to a quickly diminishing log deck and the prospect that the sawmill will have to cease operations and layoff over 400 employees if future timber contracts are not approved by the Bureau of Indian Affairs; and
- WHEREAS, the Reservation is currently suffering an almost sixty-five percent (65%) unemployment rate and tribal

enterprises which have faltered over the past four (4) years are in dire need of economic support from the tribal sawmill which is the principal source of funding for tribal governmental operations and various tribal enterprises; and

WHEREAS, hundreds of employees and their families, not only those from FATCO, but from other tribal enterprises, will suffer dire economic and financial hardship if timber sales are not approved for the Tribe's FATCO enterprise; and

Tribal Council and BIA Seeking  
Resolution of Controversy Respecting  
Broadcast Burning and Slash Disposal

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has in total good faith been actively involved in discussions with the Bureau of Indian Affairs respecting broadcast burning and slash disposal; and

WHEREAS, the Tribal Chairman met with representatives of the Bureau of Indian Affairs Forestry on January 4, 1991, to discuss viable alternatives for slash disposal and subsequently convened a Tribal Council meeting with the Tribe's natural resource attorney and forestry consultants on January 24, 1991, for the purpose of further discussing the Tribe's annual allowable cut, forest management plan, broadcast burning, and logging slash disposal; and

WHEREAS, on January 25, 1991, a meeting was held with the Bureau of Indian Affairs representatives including the Phoenix Area Director to discuss and continue a dialogue to adopt one forest management plan for the Fort Apache Indian Reservation including provisions for slash disposal; and

WHEREAS, in furtherance of resolving the issues of slash disposal and broadcast burning, the Tribal Council concludes that the Tribal Natural Resource Committee, with representatives from the Tribal Game and Fish Department, Tribal Forestry Department, Bureau of Indian Affairs Forestry, Tribal Council, Livestock Associations and Tribal Ranch and Bureau of Indian Affairs' Land Operations would be the appropriate committee to assist the Tribal Council in development of a broadcast burning and logging slash disposal plan for the next five (5) years including but not limited to site selection, oversight control of burning, and smoke from prescribed burning; and

**WHEREAS,** the Tribal Council further concludes that it should explore making application to the Trustee, United States, for a contract pursuant to the Indian Self-Determination Act 93-638, for purposes of obtaining oversight and managerial control of all burning on the Reservation in accordance with a viable slash disposal plan that may adopt some aspects of prescribed burning as well as other non-burning methods to dispose of logging slash and natural forest fuel build up; and

**WHEREAS,** alternatives to prescribed burning as a means to dispose of logging slash have never been incorporated in prior timber sales and therefore it is imperative that the Tribal Council, Natural Resource Committee and local Bureau of Indian Affairs forestry personnel be allowed sufficient time to implement alternatives to prescribed burning as the method of logging slash disposal; and

**WHEREAS,** it is equally imperative that the Bureau of Indian Affairs approve the five (5) pending timber sale contracts while the dialogue between the Tribal Council and the Bureau of Indian Affairs continues in respect to adopting alternatives to prescribed burning for slash disposal including but not limited to obtaining additional Bureau of Indian Affairs' funding to implement machine piling, labor for slash disposal and to explore an application under the Self-Determination Act to oversee and take over management of prescribed burning on the Fort Apache Indian Reservation; and

**WHEREAS,** the Tribal Council concludes that good faith negotiations are continuing with the Bureau of Indian Affairs to resolve the prescribed burning issue and that timber sale contracts may be amended in the future to provide for the disposal of logging slash but that the tribal people and the financial well-being of the Tribe should not suffer in the interim as a result of the Phoenix Area Office directive that the five (5) timber sale contracts now pending not be approved until the slash disposal issue is resolved.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the attached list of considerations as necessary for the improvement of prescribed burning on the Fort Apache Indian Reservation and directs the Chairman to notify John H. Dieterich and the Bureau of Indian Affairs that it necessarily rejects the Dieterich report for the reasons set forth in this Resolution. By pursuing that course, the Dieterich Report cannot be utilized against the Tribe as an

implicit approval of broadcast burning as practiced by the Bureau of Indian Affairs.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Natural Resource Committee to develop a viable slash disposal plan which may or may not include certain limited prescribed burning but with emphasis on site selection, wildlife, ecological and regeneration concerns, within the parameters of realistic financial costs and further requests the Committee to be prepared to meet with the Tribal Council in the near future at either regular or special meetings convened for the purpose of drafting a viable five-year log slash disposal plan for the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby requests technical assistance from the Bureau of Indian Affairs as well as additional funding adequately to implement alternatives to prescribed burning as a method of disposing of logging slash, pursuant to a 638 grant or a contract to ensure tribal oversight and managerial control of all future prescribed burning and slash disposal on the Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby requests Mr. Wilson Barber, Director of the Phoenix Area Office of the Bureau of Indian Affairs, to grant approval of the five (5) pending timber sales for the Fort Apache Tiber Company prior to adoption of a tribal plan for disposal of logging slash and reduction of natural forest fuels so that financial disaster may be avoided by the White Mountain Apache Tribe, its principal enterprise, the Fort Apache Timber Company, and individual tribal families.

The foregoing resolution was on JANUARY 24, 1991, duly adopted by a vote of SEVEN for and ONE 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).

RECEIVED

FEB 21 1990

FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

*Randall*  
Chairman of the Tribal Council

*Virginia M. Dalton*  
Secretary of the Tribal Council