

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

- WHEREAS, the United States of America, Trustee for the White Mountain Apache Tribe, has the absolute obligation as the Trustee to harvest and to manage the Tribe's invaluable and irreplaceable ponderosa forests in perpetuity on a sustained-yield basis, preserving the forests as a highly profitable commercially economic source of income and employment, solely for the benefit of the Tribe as the beneficiary of the trust; and
- WHEREAS, the Congress of the United States affirming the Trustee's obligation strictly to manage the Tribe's forests on a sustained-yield basis, has specifically declared that the Secretary of the Interior is the principal agent of the United States Trustee, acting by and through the Bureau of Indian Affairs which is legally responsible for the proper maintenance and continuity of Tribe's forests as economically, sound, and commercial enterprises, solely for the benefit of the Tribe; and
- WHEREAS, the Tribe's in-depth investigations reveal that the annual allowable cut for the past quarter of a century, which has been forced upon the Tribe by the Bureau of Indian Affairs, has fluctuated from 100M board-feet annually to 67.6M board-feet annually, far in excess of the 61-62M board-feet sustained-yield mandate as determined by the Tribe; and
- WHEREAS, the Bureau of Indian Affairs now admits that under its management the productivity of the forests has sharply declined both as to quality, quantity, and necessarily value with the result that: (1) the Tribe must sharply cut back the annual allowable cut from the present 75M board-feet annually; (2) 76.8% of the high site pine trees harvested for logs delivered to the sawmill will be 14 inches or less (dbh); and (3) that the Tribe must pay the costs of renovating the present sawmills to accommodate the smaller logs that now predominate the Tribe's forests due strictly to intentional mismanagement by the Bureau of Indian Affairs; and
- WHEREAS, the Tribe is confronted with making a determination as to how it can survive socially and economically with a reduced timber harvest from the present 75M board-feet imposed upon the Tribe by the Bureau of Indian Affairs, to the 61-62M board-feet which is the Tribe's sound annual allowable cut within the concepts of the sustained-yield mandate; and

WHEREAS, to comply with the sustained-yield mandate, the Tribe would be forced to reduce the work force at the sawmills by 50 employees at an annual loss of personal income of \$1,000,000 and to experience a loss of stumpage income to the Tribe by \$600,000 annually; and

WHEREAS, the Tribal Council is insistent that the sustained yield mandated by the United States Congress be enforced on the Reservation irrespective of the past violations of that mandate by the Bureau of Indian Affairs; and

WHEREAS, the Bureau of Indian Affairs has the absolute obligation as trustee to take immediate action to avoid the Tribe's imminent bankruptcy and social crisis, which could be precipitated by a 61-62M board-feet cut by making available to the Tribe annually for the next three years sufficient funding to avoid overcutting and violating the sustained yield mandate, until other industries are developed to offset the loss of income and employment the 61-62 M board-feet cut would precipitate.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the annual allowable cut for the Fort Apache Indian Reservation shall be 62.5 million board feet for the period January 1, 1991, to December 31, 2000, based on cutting 53.6 million board feet from areas logged by tractor in the past, 3.5 million board feet from areas with pockets of virgin timber that can be logged by tractor, 4 million board feet from buffer areas and pine and gray-oak habitat types that can be logged by tractor, and 1.4 million board feet to be logged by cable.

BE IT FURTHER RESOLVED that Chairman Ronnie Lupe is directed to meet at the earliest possible date with Area Director Barber and Superintendent Ben Nuvamsa, petitioning them to provide the Tribe with an emergency grant of \$600,000 annually and \$1,000,000 for loss of employee income for the next three years to avoid the economic and social disaster which the overcutting by the Bureau of Indian Affairs of the Tribe's forests has brought to the Tribe, or alternatively, Area Director Barber and Superintendent Nuvamsa must admit that by refusing that aid to the Tribe, they have intentionally forced the Tribe to violate the sustained-yield mandate to avoid a greater social and economic disaster for the Tribe by maintaining the present annual cut of 75M board-feet for the next three years, which cut is hereby authorized in the event the Bureau refuses or fails to provide emergency relief as outlined herein.

The foregoing resolution was on May 24, 1991 duly adopted by a vote of **TEN** 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 (i) of the Amended Constitution and By-Laws 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).

(Acting)

Lyle C. [unclear] - acting
Chairman of the Tribal Council

Virginia M. Dalton
Secretary of the Tribal Council

FORT MOHAVE INDIAN RESERVATION
WHITE MOUNTAIN APACHE TRIBE