

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

- WHEREAS,** several tree fallers have come before the Tribal Council with complaints that they are receiving inadequate pay for their work; and
- WHEREAS,** the faller explain that they are independent contractors who work for certain logging companies on the Reservation which have contracts with FATCO to log timber sales approved by the Tribal Council; and
- WHEREAS,** the complaint is that they are underpaid and do not receive benefits from the Tribal Health Plan or Tribal Retirement Plan; and
- WHEREAS,** the faller request that the Tribal Council establish standards comparable to off-reservation rates; and
- WHEREAS,** the Tribal Council concludes that the fallers be paid the following rates: up to 19 inches in diameter, 10.5 cents per inch; 20 to 29 inches, 16.5 cents per inch; 30 inches and over in diameter, 18.0 cents per inch; and
- WHEREAS,** the cutters appearing before the Council are also concerned that the logging companies they are under contract with may retaliate because of their coming before the Tribal Council for an increase in pay, a concern also shared by the Tribal Council; and
- WHEREAS,** a concern is expressed by representatives of the Fort Apache Timber Company that although the fallers are presently underpaid, a standardized minimum for all timber sales may result in greatly increased costs for FATCO and less productivity in certain sales; and
- WHEREAS,** the Tribal Council concludes that the cutters should receive a rate which exceeds the present rate they are paid by the logging companies and further that they should receive benefits of the Tribal Employee Health Benefit Plan and Retirement Plan to the extent the Health Plan and Retirement Plan may be legally offered to independent contractors and non-employees of the Tribe.
- BEIT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby establishes that the standard pay rate for fallers on the Fort Apache Indian Reservation who are working as independent contractors or as employees of logging companies under contract with FATCO shall be at the following rates: up to 19 inches in diameter, 10.5 cents per inch; 20 to 29 inches, 16.5 cents per inch; 30 inches and over in diameter, 18.0 cents per inch.

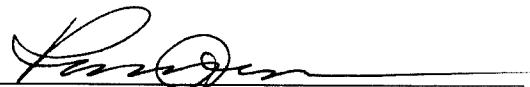
BE IT FURTHER RESOLVED by the Tribal Council that to the extent that the Tribe may legally do so, seasonal log cutters shall be eligible for Tribal Health Benefit Plan coverage and Tribal Retirement and directs the Legal Department to review such eligibility and reports back to the Council.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Fort Apache Timber Company to review logger contracts with FATCO logging contractors to insure that the fallers are receiving the aforescribed established cutting fees.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the FATCO Board of Directors to conduct a feasibility study as to whether or not FATCO should take over all logging activities on the Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that all logging contractors working on the Fort Apache Indian Reservation are prohibited from retaliating against any faller or log cutter who has appeared this day before the Tribal Council regarding increasing faller rates, nor shall any logging contractor threaten to raise costs as a result of said rate increase for the fallers.

The foregoing resolution was on April 13, 1994, duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (i), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

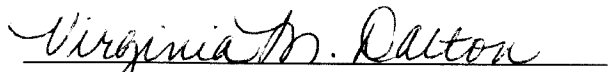


Chairman of the Tribal Council

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MAY 25 1994

FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA


Secretary of the Tribal Council