

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

- WHEREAS,** the Tribal Council previously adopted Resolution No. 06-95-201 on June 8, 1995, and Resolution 08-95-261 on August 3, 1995, approving and accepting the procurement of portable classrooms and a portable cafeteria for the Theodore Roosevelt School (TRS) through a Public Law 93-638 contract with the Bureau of Indian Affairs (BIA); and
- WHEREAS,** in the above-referenced Resolutions, the Tribal Council identified that BIA has been allocated approximately \$800,000 to procure portable classrooms and \$395,000 for the portable cafeteria, for a total allocation of \$1.195 million for TRS facilities; and
- WHEREAS,** the Tribal Council's purpose for procuring the portable classrooms and cafeteria was to ensure safe facilities for TRS students and staff pending BIA's repair and renovation of permanent facilities at TRS; and
- WHEREAS,** it has recently been brought to the Tribal Council's attention that because TRS is within the Fort Apache Historic District, an area listed on the National Register of Historic Places, two procedurally burdensome laws -- the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) -- must be followed before the portable classrooms or the cafeteria can be placed at TRS; and
- WHEREAS,** the Tribal Council has reviewed the June 5, 1996 letter to the BIA Area Office from the Advisory Council on Historic Preservation in which the Advisory Council expresses concern regarding the plan for portable classrooms because they would introduce "visual elements that are out of character with the [Fort Apache Historic District]" that would have an "adverse effect" on the area, thus requiring consultation with the State Historic Preservation Office (SHPO), the Advisory Council, and interested persons to develop ways to mitigate or avoid the effect, in addition to the execution of a Memorandum of Agreement; and
- WHEREAS,** the June 5 letter also reminds BIA that Section 110 of NHPA and President Clinton's May 21, 1996 Executive Order place responsibility on BIA to use historic buildings whenever possible, and that if it is "operationally appropriate" and "economically feasible," the existing buildings at TRS must be used; and

- WHEREAS,** the Tribal Council understands that the placement of portable classrooms and a cafeteria at TRS is likely to be deemed to have a "significant effect on the human environment," and if so, an Environmental Impact Statement (EIS) would be required under NEPA; and
- WHEREAS,** the Tribal Council has been advised that NHPA and NEPA requirements are burdensome, and could delay placement of the portable classrooms and cafeteria at TRS for over two years, during which time the funding for these projects would sit idle, or potentially be lost, while the facilities at Fort Apache continue to deteriorate; and
- WHEREAS,** the Tribal Council has always maintained that BIA is legally responsible for repairing and maintaining the Tribe's buildings at Fort Apache, which have been managed and controlled by BIA since 1923; and
- WHEREAS,** the Tribal Council understands from BIA that the opportunity exists to redirect or reprogram the portable classroom and cafeteria funds to be used for repairs and improvements on the permanent structures at TRS, and that such redirection and reprogramming can be accomplished within 60 to 90 days of the date of this Resolution; and
- WHEREAS,** the Tribal Council understands that the purpose of the portable classrooms and cafeteria project -- to provide safe facilities for students and staff at TRS pending renovation of permanent TRS facilities -- can still be achieved by leasing facilities, on a temporary month-to-month basis, only to the extent necessary while restoration activities prohibit the use of permanent structures; and
- WHEREAS,** the Tribal Council understands from BIA that leased, portable facilities are immediately available for delivery to TRS the week of August 19, 1996, and that they can be placed at Fort Apache on a short term basis (6 months) with minimal disruption to Fort Apache and without offending NHPA or NEPA; and
- WHEREAS,** the TRS School Board has reviewed the proposal for portable classrooms and cafeteria in light of the requirements of NHPA and NEPA, as well as the June 5, 1996 letter from the Advisory Board and President Clinton's May 21, 1996 Executive Order, and decided on July 30, 1996 -- by Board Resolution -- that it is in the best interest of TRS students and staff to use all available monies, including funds currently earmarked for the portable classrooms and cafeteria, for renovation and repair of the permanent structures at TRS; and

Resolution No. 07-96-174

WHEREAS, renovation and repair of the permanent historic structures at TRS is consistent with the Tribe's Master Plan for the Fort Apache Historic District.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the BIA take all necessary steps to redirect and/or reprogram -- as quickly as possible -- approximately \$1.195 million previously earmarked for portable classrooms and a portable cafeteria to be used instead to repair and renovate permanent facilities at the Theodore Roosevelt School consistent with the Tribe's Master Plan for the Fort Apache Historic District, and that leased portable facilities with minimal impact on Fort Apache be utilized on a short-term basis only to the extent necessary while renovations and repairs prevent the use of permanent structures, and that the Chairman of the Tribal Council, or, in his absence, the Vice-Chairman, is hereby authorized to enter into any necessary contracts or agreements to accomplish this task.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that all BIA monies that become available for TRS facilities be used for renovation and repairs of permanent TRS facilities consistent with the Tribe's Master Plan for the Fort Apache Historic District.

The foregoing resolution was on July 31, 1996 duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribe Constitution, including Article IV, Section 1 (a), (b), (c), (h), (i), (j), (k), (q), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Signatures of the members of the Tribal Council represent their approval of Tribal Resolution No. 07-96-174.



Ronnie Lupe
Tribal Chairman



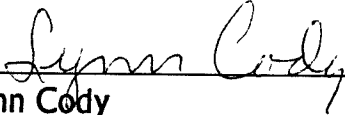
Lafa Altaha
Vice Chairman

absent

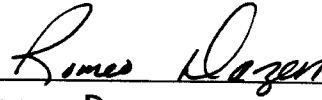
Judy DeHose
District I Council Member

absent

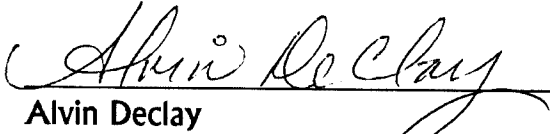
Harley Janeway
District I Council Member



Lynn Cody
District II Council Member



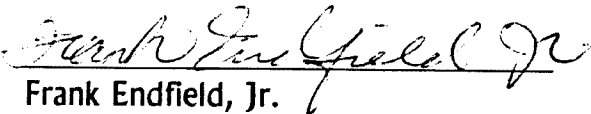
Romeo Dazen
District II Council Member



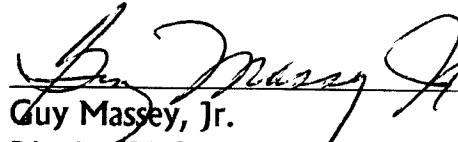
Alvin DeClay
District III Council Member



Margaret Baha-Walker
District III Council Member



Frank Endfield, Jr.
District IV Council Member



Guy Massey, Jr.
District IV Council Member

absent

Herbert Tate
District IV Council Member

ATTEST:



Virginia M. Dalton
Tribal Council Secretary
WHITE MOUNTAIN APACHE TRIBE

RECEIVED

AUG 07 1996

FORT APACHE INDIAN AGENC
WHITERIVER, ARIZONA