

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

- WHEREAS,** the United States Fish and Wildlife Service ("Service") has designated a portion of the Salt River on the Fort Apache Indian Reservation as "critical habitat" for the razorback sucker, a fish listed as endangered under the Endangered Species Act; and
- WHEREAS,** Tribal biologists, and independent academic studies have concluded that the portion of the Salt River designated as critical habitat does not, in fact, provide suitable habitat for the razorback sucker and is not essential for recovery of the species; and
- WHEREAS,** by letter dated December 20, 1995, from Chairman Ronnie Lupe to Nancy Kaufman, Regional Director of the Service, the Tribe requested that the Service remove the critical habitat designation on the Salt River; and
- WHEREAS,** the Service has taken no action to remove the designation of critical habitat in accordance with the Tribe's request; and
- WHEREAS,** the Arizona Game and Fish Department has proposed to conduct a joint fish survey on the Salt River with the Tribe and the Service in April in order to gather biological information on fish numbers and to discuss management options on the river; and
- WHEREAS,** the Tribal Game & Fish Department has concluded that collection of additional information on the number and sizes of fishes in the Salt River may help facilitate removal of the critical habitat designation for the razorback sucker; and
- WHEREAS,** Tribal biologist believe that advantage of working jointly with the state include: (1) Tribal employees will accompany state biologists and confirm collected data; (2) survey methods can be evaluated to improve accuracy of conclusions; and (3) management options can be discussed with other biologists; these management options can then be presented to the Tribal Council; and
- WHEREAS,** the joint survey would involve accessing the river from Tribal land and sampling both sides of the river, and would involve the sharing of data; and
- WHEREAS,** the Arizona Game and Fish Department has collected information from the Salt River on an annual basis since the mid-1980s and, in past, has accessed the river from either the Forest Service or the San Carlos Apache lands; and

Resolution No. 04-97-075

WHEREAS, the Tribal Game and Fish Department concludes that the joint survey will not substantially change the information collected from that collected previously, but rather will allow both sides of the river to be sampled and will make the sampling more complete; and

WHEREAS, the Tribal Council concludes that collection of biological information on the Salt River will assist the Tribe in setting resource management priorities and may facilitate removal of the critical habitat designation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants permission for the Arizona Game and Fish Department to conduct a joint survey in the Salt River with the White Mountain Apache Tribal Game and Fish Department and the United States Fish and Wildlife Service during the month of April, 1997. Said permission is contingent upon the parties working out mutually agreeable procedures for sharing information and for protecting Tribal information, and upon the state and federal participants obtaining the proper Tribal permits.

The foregoing resolution was on April 03, 1997, 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 Tribal Constitution, including Article IV, Sections 1 (a), (b), (f), (i), (k), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on 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


Secretary of the Tribal Council