

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

WHEREAS, it has been brought to the attention of the Tribal Council that there is a discrepancy involving the Cinder Permit issued by the White Mountain Apache Tribe to the Arizona Department of Transportation (ADOT) for the Kinny Mountain and Blue Mountain locations; and

WHEREAS, it was recently discovered that two separate cinder permits were issued to ADOT for the same locations (KINNY & Blue Mtn.), however Permit 1 is effective June 8, 1992 to December 31, 1999, and Permit 2 is effective June 1, 1993 to May 31, 1997; and

WHEREAS, this discrepancy in permit terms has created confusion for all parties involved; and

WHEREAS, after researching this matter further and reviewing BIA realty records, it was determined that Permit 1, effective 6/8/92 to 12/31/99, was considered flawed by the Phoenix Area Office, and further, Permit 2, effective 6/1/93 to 5/31/97, was issued to correct the flaws identified by the Phoenix Area Office, and therefore, supersedes Permit 1; and

WHEREAS, the Tribal Council is also advised that in April 1996, Tribal personnel met with ADOT to negotiate terms for a new permit to take effect in May 1997, and that ADOT was to present a proposal to the Tribe describing long-term use for this site which could be evaluated for its impact upon the land; and

WHEREAS, to date, the Tribe has not received said proposal from ADOT; and

WHEREAS, the Cinder permit issued to ADOT will expire on May 31, 1997, and the Tribe and ADOT wish to negotiate a renewal of said cinder permit for an additional term.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby extends the present cinder permit term for an additional six months, with the following conditions:

1. That there shall be no further mining conducted at Kinny Mountain due to near exhaustion of cinders at this site. Kinny Mountain may still be utilized to store cinders.

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2. That during the interim six month period, the Tribal Chairman must approve any mining, stockpiling, screening, ect., conducted at the Blue Mountain site.
3. Due to environmental concerns, ADOT must submit a reclamation plan for the Kinny Mountain site, also submit any proposal for alternate resources.

BE IT FURTHER RESOLVED by the Tribal Council that it directs Harry Brewer of Public Works, to meet with the Tribal Environment Planner, Tribal Attorney, BIA Superintendent, and ADOT to negotiate the conditions of the new cinder permit, a reclamation plan, and to determine which tribal agency will be responsible for all borrow pits.

The foregoing resolution was on May 16, 1997, duly adopted by a vote of six 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), (h), and (i) 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).

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**WHITE MOUNTAIN APACHE INDIAN AGENCY
WHITERIVER, ARIZONA**


Chairman of the Tribal Council


Secretary of the Tribal Council