

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

- WHEREAS,** pursuant to Resolution No. 08-94-250, the Tribal Council of the White Mountain Apache Tribe directed the U.S. Geological Survey (the Survey) to enter on the Fort Apache Indian Reservation and remove all stream gauge monitoring stations that the Survey has been operating without the permission of the Tribe; and
- WHEREAS,** since that Resolution was adopted, three positive developments have occurred: (1) the Tribe and the Survey have entered discussions to explore common ground over the mutual need for information provided by the gauges, (2) the survey has provided the Tribe with technical assistance that has facilitated the Tribe's effort to develop its own water resources monitoring program, and (3) the Tribe has begun to operate its own stream monitoring gauges, resulting in growing expertise among Tribal staff over their operation and maintenance; and
- WHEREAS,** the Tribal Council understands the importance of monitoring the Tribe's stream flows on the reservation in order to protect the Tribe's aboriginal water rights and to appropriately manage its water resources; and
- WHEREAS,** stream flow monitoring efforts are highly technical and require significant resources to carry out in a professional and defensible manner; and
- WHEREAS,** the Survey can provide valuable resources and technical assistance to further the Tribe's stream monitoring efforts; and
- WHEREAS,** the Survey, as a federal agency, is a trustee of the Tribe and should contribute to the Tribe's effort to protect and defend its aboriginal water rights and to improve the Tribe's capacity to self-manage its natural resources; and
- WHEREAS,** the Tribal Council is interested in exploring whether the Survey and the Tribe can find some mutually agreeable resolution to the conflict over the continued presence of Survey stream monitoring gauges on tribal lands; and
- WHEREAS,** the Tribal Council has been presented with a draft Interagency Agreement between the White Mountain Apache Tribe and the Survey that provides protection of tribal interest and establishes a structured agreement under which the Survey would provide technical assistance and resources to the Tribe in exchange for tribal permission to continue operation of the Survey's stream monitoring gauges on Tribal lands.

Resolution No. 12-97-368

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it is interested in exploring whether a mutually agreeable relationship can be developed between the U.S. Geological Survey and the White Mountain Apache Tribe through the negotiation of an Intergovernmental Agreement.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes designated staff of the Tribal Legal and Planning Departments to present the Draft Interagency Agreement, reviewed today by the Tribal Council, to the U.S. Geological Survey and to initiate discussions regarding the development of an agreement that will serve the Tribe's best interests.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that if Tribal and U.S. Geological Survey staff are able to develop an agreement, then such agreement shall be presented to the Tribal Council of the White Mountain Apache Tribe for review and possible authorization for signature by the Tribal Chairman.

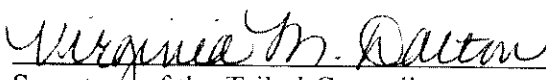
The foregoing resolution was on December 16, 1997 duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a),(b),(f), and (j) of the Constitution of the Tribe, ratified by the Tribe September 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).

RECEIVED

JAN 17 1998

SEAL OF THE DEPARTMENT OF THE INTERIOR


Chairman of the Tribal Council


Secretary of the Tribal Council