

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

**WHEREAS**, by virtue of the powers listed in the Tribal Constitution and the Tribal Council's inherent authority to protect and preserve the natural resources of the Fort Apache Indian Reservation and to regulate the use of tribal property; and

**WHEREAS**, the Arizona Department of Transportation (ADOT), pursuant to its upcoming project to widen the public highway near and around the Hagan Hill area, has requested the use of no more than twenty (20) acres of land near Hagan Hill (hereinafter "site") for disposal of rock discarded from the project; and

**WHEREAS**, the Tribal Plan and Project Review Committee reviewed ADOT's request and has provided environmental clearance for the intended use of the site; and

**WHEREAS**, Richard Palmer, Tribal Transportation Planner, after meeting with Don Corum, North Region Engineer for ADOT on the Hagan Hill project, recommends the following terms for ADOT's use of the site:

- ADOT shall pay to the White Mountain Apache Tribe an \$124,000 site use fee for 20 acres of land near the ADOT Hagen Hill project site for use as a rock storage area
- ADOT shall chip and spread as mulch at the direction of the White Mountain Apache Tribe, any and all trees required to be removed from the site
- ADOT shall construct and grade an all-weather road leading to the site
- Rock disposed of at the site shall remain in the exclusive ownership of the White Mountain Apache Tribe
- ADOT shall split the rock at the site into two piles of "regular size" and "oversize" material for later sale and shall ensure that all rock piles are shaped and sloped in a safe manner which is pleasing to the eye
- ADOT shall install, at a minimum, a standard four (4) wire cattle fence surrounding the entire perimeter of the site and the entire perimeter of the all-weather road leading to the site
- ADOT shall ensure that a tree barrier surrounds the rock pile(s) and shall

ensure such rock piles shall not be higher than the trees within the tree barrier or higher than six feet, whichever is shortest; and

**WHEREAS,** the Tribal Roads Committee met with the Tribal Transportation Planner, heard the above listed recommendations, and forwarded to the Council its decision that any agreement with ADOT for a rock disposal site near Hagan Hill must contain these terms; and

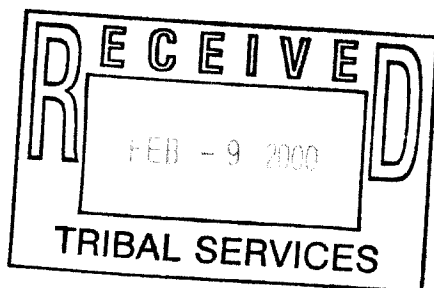
**WHEREAS,** the Tribal Council has received the recommendations of the Roads Committee and has received testimony from the Tribal Transportation Planner on the benefit of these terms and conditions to the Tribe; and

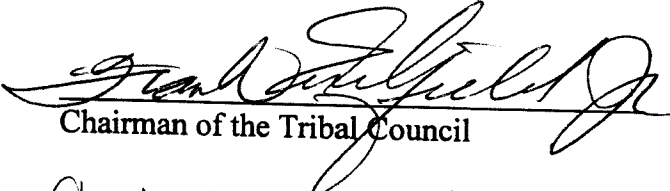
**WHEREAS,** the term of the Agreement would be limited to the duration of the Hagen Hill project, with a limited and reasonable period thereafter for the necessary clean-up to return the site to conditions acceptable to the Tribe.

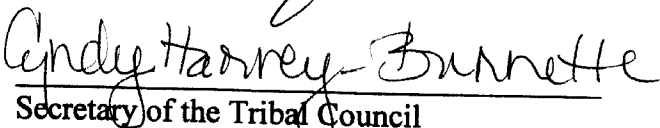
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby endorses the recommendations of the Tribal Transportation Planner for the Hagan Hill rock disposal site and shall require that the above listed recommendations be placed in any and all contractual negotiations and documents with ADOT as a condition for use of the site.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Transportation Planner and the Legal Department to complete a standard written site use permit agreement with ADOT, incorporating these provisions and authorizes the Chairman to execute the completed agreement on behalf of the Tribe.

The foregoing resolution was on January 6, 2000 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), (b), (f), (h), (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

  
Secretary of the Tribal Council