

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

- WHEREAS**, the Alchesay/Williams Creek National Fish Hatchery Complex on the Fort Apache Indian Reservation presently supplies native and non-native sport fish to the White Mountain Apache Tribe, eleven other tribes, the State of Arizona, and two military bases; and
- WHEREAS**, the sport fishing and recreation program of the Tribe provides important recreation and economic benefits to the Tribe and Tribal members and to the White Mountain region as a whole; and
- WHEREAS**, the hatcheries also support the Apache Trout and loach minnow recovery efforts of the Tribe and the United States Fish and Wildlife Service; and
- WHEREAS**, drought conditions in the White Mountains have caused declining flows from the springs upon which the hatcheries depend as well as increased water temperatures; and
- WHEREAS**, due to fires and ensuing floods at the Mescalero National Fish Hatchery, which provides recreational sport fish to more than 11 Pueblos and Tribes, the United States Fish and Wildlife Service has suspended operations at the Mescalero hatchery; and
- WHEREAS**, because of the suspension of operations at the Mescalero hatchery there is an immediate need for increased production of fish to meet current and projected demands for recreational sport fish in the Southwest; and
- WHEREAS**, chronic underfunding of facility maintenance and renovation, as well as persistent staffing shortages, have exacerbated the efforts of drought-related problems at the Alchesay-Williams Creek Complex; and
- WHEREAS**, rehabilitation of the existing facilities at the Alchesay/Williams Creek Complex and restoration full staffing will address the water quality and water quantity problems and also will provide capacity for an immediate increase in production of fish at the two facilities to meet the regional shortfall of fish due to the suspension of operations at the Mescalero hatchery; and
- WHEREAS**, the improvements to the hatchery complex will allow for restoration of the complex to peak production levels, which will be needed even after a replacement hatchery is built at Mescalero, due to unmet requests for fish at the Alchesay/Williams Creek

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and former Mescalero hatcheries in recent years and projected increased demand for fish over the long term as tribal and state populations grow and increased outdoor recreation opportunities are needed for the health and well-being of the people of the southwest; and

WHEREAS, the improvements will also provide capabilities needed for the Tribe to maintain and expand its native fish conservation program; and

WHEREAS, the Tribal Council previously approved a draft proposal to rehabilitate the hatcheries, and the White Mountain Apache Tribe Wildlife and Outdoor Recreation Division, in consultation with managers at the Alchesay/Williams Creek Complex and the Arizona Fisheries Office at Pinetop has now prepared a final proposal for renovation of the facilities at the two hatcheries on the Fort Apache Indian Reservation; and

WHEREAS, there is a need to evaluate the economic benefits to the Tribe and to the White Mountain region of the hatchery complex and the sport fishing and recreation program in order to support requests for funding of the rehabilitation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it approves the hatchery proposal.

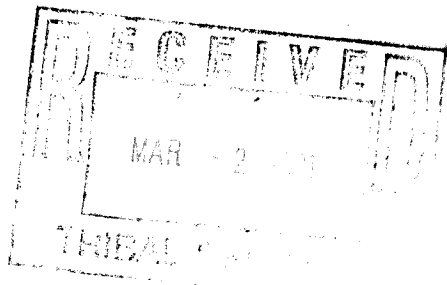
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the Director, White Mountain Apache Tribe Wildlife and Outdoor Recreation Division, to submit the proposal to the U.S. Fish and Wildlife Service, Region 2, and seek the Service's agreement and support for the proposal.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the Director, Wildlife and Outdoor Recreation Division, to work with the Fish and Wildlife Service, Tribal Special Counsel, the Tribe's neighboring community leaders, and other tribes and federal agencies to identify and pursue funding and technical assistance opportunities and take other steps necessary to implement the proposed rehabilitation of the complex, including meeting with the Arizona and New Mexico Congressional delegations and seeking Congressional appropriations.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the Director, Wildlife and Outdoor Recreation Division, in cooperation with the Tribal Legal Department and Special Counsel, to prepare formal requests to the U.S. Fish and Wildlife Service and to the Bureau of Indian Affairs for funding to conduct an economic study of the benefits of the hatcheries and sport fishing programs.

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The foregoing resolution was on February 22, 2001 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), (h), (i), (j), (s), (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).



A handwritten signature in black ink, appearing to be "C. [unclear]", written over a horizontal line.

Chairman of the Tribal Council

A handwritten signature in black ink, appearing to be "Andy Harvey-Burnetta", written over a horizontal line.

Secretary of the Tribal Council

Alchesay-Williams Creek National Fish Hatchery Complex: Rehabilitation Proposal

February 21, 2001

Presented to
U.S. Fish & Wildlife Service, Region 2
Albuquerque, New Mexico

by
The Wildlife & Outdoor Recreation Division
of The White Mountain Apache Tribe
Whiteriver, Arizona

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Background

Recent fires and ensuing flood damage in New Mexico, combined with drought conditions in the southwest have created critical fish production problems at the three National Fish Hatcheries located on Indian Reservations in New Mexico and Arizona. Operations of the Mescalero National Fish Hatchery on the Mescalero Apache Indian Reservation in New Mexico have recently been permanently suspended due to extensive flood damage to the facility. In addition, severe drought conditions in the White Mountains of Arizona have severely compromised the quantity and quality of water utilized by the Alchesay-Williams Creek National Fish Hatchery Complex located on the Fort Apache Indian Reservation.

A meeting was convened by Region 2 of the U.S. Fish and Wildlife Service ("USFWS") in Albuquerque, New Mexico on October 3, 2000 to discuss these problems with the 21 Tribes being served by these National Fish Hatcheries. Representatives of the Wildlife and Outdoor Recreation Division of the White Mountain Apache Tribe, Whiteriver, Arizona, attended this meeting. The USFWS updated affected Tribes on the causes and impacts of these problems on hatchery operations, and further addressed related short and long term ramifications to fish production and stocking levels on Indian Reservations in the Region.

The group explored a number of potential alternatives to deal with sport-fish stocking/production cutbacks stemming from these hatchery problems. To ensure continuing progress, the group held a subsequent meeting at which more specific proposals would be presented by interested Tribes for group discussion.

White Mountain Apache Tribal Proposal

The second meeting hosted by the USFWS was held on November 8, 2000 in Albuquerque, NM to evaluate proposed alternatives or action plans aimed at mitigating the impacts of hatchery fish production shortfalls. This **White Mountain Apache Proposal ("Proposal")** was submitted as a draft document at that time for consideration in addressing the immediate problems existing at the Alchesay-Williams Creek Hatchery Complex, and also to move toward restoring previous levels of cold water sport-fish production to the Region and its stakeholders. This **Proposal** recommends:

- Rehabilitating the historically underfunded Alchesay-Williams Creek National Fish Hatchery Complex to allow the facility to absorb regional cold water fish production shortfalls created by the closure of Mescalero National Fish Hatchery.
- Securing funds to (1) rehabilitate and modernize critical water supply systems, water reuse capabilities and fish production infrastructure at Alchesay-Williams Creek Fish Hatchery Complex, and (2) restore the Hatchery Complex's staffing levels to return the facility to peak production capability.

This Proposal was prepared and approved by the White Mountain Apache Tribe (Tribal Council Resolution No. xxxxxxxxxxxx attached as Exhibit I). If this Proposal is funded the Alchesay-Williams Creek water supplies, fish production infrastructure, and hatchery staff would be at sufficient capacity to meet current fish production requests as well as be able to absorb the production shortages caused by closure of the Mescalero National Fish Hatchery.

The Problem

For over 60 years, most Native American Tribes within USFWS Region 2 have received cold water sport-fish stockings from either the Mescalero National Fish Hatchery and/or the Alchesay-Williams Creek National Fish Hatchery Complex. The few Tribes located along the Colorado River in western Arizona receive their fish from the Willow Beach National Fish Hatchery. As noted in the Background section above, drought, forest fires and ensuing floods have resulted in suspension of operations at Mescalero and production cuts at Alchesay-Williams Creek. (Additional information on the details and extent of these adverse operating conditions and the USFWS' decision to suspend hatchery operations at Mescalero are attached as Exhibit II). Willow Beach National Fish Hatchery is logistically distant and has major responsibilities for the restoration of endangered Colorado River fishes.

These multiple problems, events and program responsibilities have severely impacted Tribal recreational fishing programs in the Region, and further present the reality of negatively impacting Tribal recreation revenues and employment long term. Additionally, since these hatcheries and tribal recreation programs provide regional benefits beyond Reservation boundaries, these changes will also adversely impact regional tourism economies that benefit from Tribal resources/programs.

I. Mescalero National Fish Hatchery - Suspension of Operations and Fish Production.

According to the USFWS, the Mescalero National Fish Hatchery has significant deficiencies that have limited production capabilities of the facility for decades. Over and above these pre-existing limitations, flood damage in 1999 killed all rainbow trout on the station, and similar but less severe mud-flows in 2000 killed half the fish maintained at the hatchery.

As a result of these cumulative factors, the USFWS suspended fish production at the Mescalero NFH on November 1, 2000. Based on the hatchery's poor site location, construction quality, and water source problems, the USFWS will not reopen the Mescalero hatchery. The USFWS has decided instead, to explore the feasibility of constructing a new hatchery at another location rather than investing in renovation of the existing Mescalero facility (an approach which the Mescalero Apache Tribe and other Tribes support).

Based on current USFWS Region 2 stocking records, New Mexico Tribes formerly dependent on the Mescalero hatchery now face a shortfall of 165,000 ten inch rainbow trout from March 1 to September 30, 2001. In following years, the shortfall will be 212,000 10-inch rainbows/year. **Consequently, there is a critical need to make up for Mescalero's lost fish production at another Region 2 facility while the USFWS pursues building a new hatchery.**

With respect to the Alchesay-Williams Creek National Fish Hatchery Complex, fish production shortfalls and declining water quantity and quality are attributable to the extended Southwest drought. Water flow from production springs at this facility has declined by over 30% from 20 year averages. In response, the Complex has initiated a 20% production cut applied to all rainbow trout eggs received in recent months. If these conditions persist or worsen, future eggs shipments will also have to be reduced accordingly. Therefore, if the drought persists and measures are not taken to supplement spring flows and improve water quality, the Alchesay-Williams Creek Complex will not be able to meet normal production levels for 2002 and beyond, nor will they be in a position to mitigate Region 2 shortfalls resulting from the Mescalero hatchery closure.

2. Alchesay-Williams Creek National Fish Hatchery Complex - Rehabilitation Needed to Restore Peak Production

For years the Alchesay-Williams Creek National Fish Hatchery Complex has persisted in meeting its fish production commitments to Native American Tribes and other stakeholders in spite of chronic underfunding of facility maintenance, renovation, and staffing shortages. Recently, however, the impact of these chronic shortages on hatchery operations has been magnified with the onset of water quality/quantity problems stemming from severe drought conditions in the Southwest. Associated with the drop in water flows is a significant increase in water temperatures at the Alchesay unit resulting in potentially lethal conditions for the fish. In addition, the Alchesay-Williams Creek Hatchery Complex continues to operate without two critical full-time positions that have remained unfilled in recent years due to funding shortfalls.

Proposed Resolution - Rehabilitate an Existing Region 2 Hatchery to Address the Shortfall

Alchesay-Williams Creek National Fish Hatchery Complex Rehabilitation

Production Capability vs. Regional Needs

To meet current Region 2 cold water sport-fish needs under current restraints, it is our view that the most feasible and cost-effective alternative is to take immediate steps to restore and maximize production capabilities at the Alchesay-Williams Creek National Fish Hatchery Complex. This would serve to alleviate near-term shortfalls in fish production (i.e. next five years) resulting from the closure of the Mescalero hatchery while a new site for a hatchery in New Mexico is evaluated, designed and constructed. According to the USFWS, it will take four to seven years to conduct feasibility studies and obtain the funding necessary to replace the Mescalero hatchery. The proposed rehabilitation of Alchesay-Williams Creek facility can be completed in a much shorter time frame as set forth in the “**Rehabilitation Requirements**” section below.

An advantage to renovating the Alchesay-Williams Creek Complex at this time is that the refurbishment will not only address the immediate and intermediate shortfalls created by the Mescalero closure, but will also provide much needed improvements to restore the Alchesay-Williams Creek Hatchery Complex to peak production levels. This increased efficiency and capacity will serve the entire Region in meeting fish production demands over the short and long term. Additionally, a rehabilitation of the Alchesay-Williams Creek Hatchery Complex will provide dependent Tribe’s greater flexibility in advancing both recreational and native fish management programs on their respective Reservations.

Rehabilitation Requirements

Through a series of discussions with USFWS Regional and field personnel, the following facility renovations and needs have been identified and prioritized based on their importance in addressing the main problems/issues outlined earlier:

1. *Mitigating sport-fish production lost with suspension of Mescalero National Fish Hatchery operations, and*
2. *Rehabilitating the underfunded Alchesay-Williams Creek National Fish Hatchery Complex to restore peak production levels.*

Rehabilitation Requirements (cont.)

The proposed renovations can be integrated into existing facilities and will, in the opinion of the Tribe and the USFWS, fully address the water quality/quantity problems, fish production infrastructure, and staffing shortfalls that have impaired operations at the Alchesay-Williams Creek Hatchery Complex for many years. As shown below, hatchery rehabilitation efforts need to be primarily directed into refurbishing and modernizing water supplies, maintaining water quality, rehabilitating some fish production units, developing water reuse capability, and providing adequate staffing levels to effectively operate and maintain the two hatcheries at maximum fish production capabilities.

**I. CRITICAL FACILITY REHABILITATION (CONSTRUCTION)
RELATED TO FISH PRODUCTION (all phases = \$4,962,000):**

A. PHASE I Rehabilitation (year 1) - Total investment of \$2,682,000

1. Explore and construct Supplemental Production Water Wells at Alchesay/Williams Creek Hatchery Complex (\$377,000.00).
2. Capture of "Columbine Spring" at Alchesay National Fish Hatchery (\$427,000.00).
3. Alchesay Raceway Construction to Replace Ponds and Rehab existing raceways (\$1,878,000).

B. PHASE II Rehabilitation (year 2) - Total Investment of \$2,280,000

1. Rehabilitate Water Recirculation System and incorporate Water Treatment Capability (\$2,280,000).

**II. CRITICAL OPERATIONAL NEEDS - Staffing, Maintenance, and
Operations (Total of \$650,000 to Alchesay-Williams Creek Base Funding):**

A. OPERATIONS (year 1 base funding) - Total of \$550,000

1. Fill two vacant FTE's (\$200,000).
2. Incremental Operations (feed, utilities, fish distribution) (\$250,000).
3. Fish Transport Tanker (\$100,000)

B. OPERATIONS (year 2 base funding) Total of \$100,000

1. One FTE to handle increased production and distribution (\$100,000)

**TOTAL REHABILITATION INVESTMENT (years 1 & 2) for all
CONSTRUCTION and OPERATIONAL needs - \$5,612,000**

**III. SUBSEQUENT PHASES (years 3 through 5) - Additional estimated
rehabilitation needs based on USFWS Report "Alchesay/Williams
Creek National Fish Hatchery Complex Facilities Needs Assessment -
2000" (Summary attached as Exhibit III) - \$11,500,000.**

Mescalero Hatchery Replacement

This **Proposal** identifies immediate, practical alternatives to the major problems of absorbing region-wide cold water sport fish production shortfalls, while also providing much needed restoration of existing hatchery facilities that remain in operation. In addition, the proposed Alchesay-Williams Creek Hatchery Complex rehabilitation outlined herein are consistent with similar recommendations made in existing "Needs Assessment" reports for both hatchery units (Executive Summaries attached, Exhibit III) which Region 2 of USFWS is independently pursuing to address chronic facility deficiencies that continue to plague the Hatchery Complex.

This **Proposal** does not, however, diminish nor supersede the long-term Regional need to bring a replacement New Mexico hatchery facility (in whatever form) on-line to replace the Mescalero National Fish Hatchery. The production capacity of the Mescalero facility, at the time of its closing, was approximately 212,000 fish/year, even through the regional demand is realistically at 350,000 fish/year.

Regardless of where and how this replacement hatchery is rebuilt, it is critical to the White Mountain Apache Tribe that appropriate efforts be directed to have this New Mexico facility replaced within the next 5 years so that the Alchesay-Williams Creek Hatchery Complex may continue to meet its own Regional requirements in the future. With this in mind, the White Mountain Apache Tribe is committed to supporting and advancing whatever reasonable efforts are required in pursuing the completion of a replacement hatchery facility in New Mexico.

Alchesay-Williams Creek Operations

Once a replacement hatchery for Mescalero is brought online, the renovated Alchesay-Williams Creek Hatchery Complex will be fully utilized to meet existing and anticipated increased demand for Native American sport fishing programs in areas currently served by the hatchery complex within the Southwest Region. Additionally, a portion of the expanded facilities can be dedicated to native fish production efforts that are consistent with Tribal restoration management plans. With the exception of the Apache trout program and a small loach minnow refugium, native fish rearing facilities do not presently exist at the Alchesay-Williams Creek Hatchery Complex.

As demonstrated by the attached letters supporting this **Proposal** (Exhibit IV), significant regional support exists for its funding. This support exists not only from Regional stakeholders receiving fish from Alchesay-Williams Creek, but also from neighboring communities in the White Mountain region of Arizona whose tourism economies directly and substantially benefit from the White Mountain Apache Tribe's popular outdoor recreation resources. With this in mind, the White Mountain Apache Tribe respectfully submits this **Proposal** to secure the funding required for the rehabilitation of these critically important hatchery facilities.

List of Exhibits

- I. Tribal Council Resolution #—— of the White Mountain Apache Tribe, Whiteriver, Arizona.***
- II. “Drought Conditions In Arizona”, “Drought and Fire Conditions in New Mexico”, and “Fisheries Resources Capabilities of the Southwest Region”. Unpublished reports submitted to Tribes by Region 2 Office of U.S. Fish & Wildlife Service, Albuquerque, NM.***
- III. “Alchesay/Williams Creek National Fish Hatchery Complex Facility Needs Assessment - 2000”.***
- IV. Letters of support, re: “Alchesay-Williams Creek National Fish Hatchery Complex - Rehabilitation Proposal” by the White Mountain Apache Tribe.***