



Resolution No. 07-2001-216

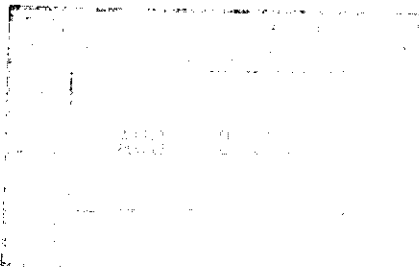
**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**WHEREAS,** the Tribal Council Secretary, Cyndy Harvey-Burnette, has prepared briefs of the Tribal Council meetings for February 9, February 15, February 20-22 and February 28, 2001 and has presented them to the Tribal Council this date for approval, and

**WHEREAS,** after reading the briefs to the Tribal Council, the Tribal Council concludes that the briefs for February 9, February 15, February 20-22 and February 28, 2001, should be approved as presented.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Tribal Council meeting briefs for February 9, February 15, February 20-22 and February 28, 2001.

The foregoing resolution was on July 30, 2001, 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 Article IV, Section 1 (a), (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).



A handwritten signature in cursive script, appearing to read "Dallas Massey, Sr.", is written over a horizontal line.

Dallas Massey, Sr.  
Chairman of the Tribal Council

A handwritten signature in cursive script, appearing to read "Cyndy Harvey-Burnette", is written over a horizontal line.

Cyndy Harvey-Burnette  
Secretary of the Tribal Council

WHITE MOUNTAIN APACHE TRIBE  
Water Rights Briefs  
February 9, 2001

Water Rights meeting was held on Friday, February 9, 2001, in the Tribal Executive Conference Room.

Present at meeting were Chairman, Dallas Massey Sr., Dist. I Council Members, Judy Dehose and Ronnie Lupe, District II Council Members, Phoebe Nez and Lynn Cody, District III Council Members, Margaret Baha-Walker and Patrick Cruz, District IV Council Members, Mariddie Craig and Wayland Burnette. Absent: Vice-Chairman Frank Johnny Endfield Jr., Noland Clay District IV Council Member and Council Secretary, Cyndy Harvey-Burnette, they were excused. Tribal Attorney George Hess did not attend the meeting but David Westerfield and Sylvia Cates from Legal were at the meeting.

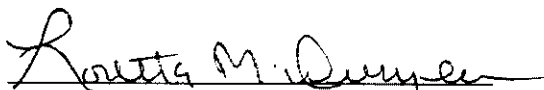
Meeting started at 10:00 am. Opening prayer was made by District III Council Member, Margaret Baha-Walker.

Presentation on Water Rights was made by Attorney, Bob Brauchuli to the Tribal Council.

Bob said he will be working on the legal site of the figures on Water Rights and in Mid-February, the Supreme Court will make their decision in Phoenix.

Resolution was not needed today, after everything is finalize, they will need the resolution and will present it to the Tribal Council.

Meeting adjourned at 12:30 p.m.

  
Loretta M. Duryea, Legislative Assistant  
Tribal Council Office

White Mountain Apache Tribe  
Fort Apache Indian Reservation  
Tribal Council meeting  
Executive Conference Room  
Thursday, February 15, 2001

### COUNCIL MEETING BRIEFS

Chairman Massey called the meeting to order 10:25 a.m. Council Member Burnette offered the invocation. Roll call followed. Council Members Clay and Cruz were on annual leave.

1. Chairman Massey provided copies of agenda for the Western Region BIA Forestry and Natural Resources meeting at Camp Verde. If there is enough Council interest in this meeting, the Council meeting for March may be rescheduled.
2. George Hesse, Tribal Attorney, provided a Gaming update in Executive Session from 10:35 to 11:55 a.m.
3. Land Office Director, Raymus Albert, presented the Land Board meeting minutes of December 28, 2000 for approval. A request was made to fence the North Fork cemetery and Mr. Albert explained the request from Cassandra Quintero and family. He also shared information regarding Troy Bonito's land issue. The intent of Resolution No. 10-2000-305 was discussed, which emphasizes better coordination between Land Office and other tribal entities to address the many community land issues. The resolution also addresses archiving the Land Office records. Resolution No. 02-2001-35 adopted approving Land Board minutes for December 28, 2000. Motion: Vice Chairman Endfield, second: Council Member Nez. Vote: 8-0.
4. Council Member Craig introduced Eric Jackson of the Mesa Arizona Citrus Heights Stake of the Church of Jesus Christ of Latter-day-Saints. Mr. Jackson, along with Youth Conference Advisors and youth, introduced themselves. Following introductions by Council Members, Mr. Jackson presented the proposal for the Youth Conference scheduled for July 26-28, 2001 at Lower Log camp. The three outreach projects are bus shelters, quilts and a carnival/field day. Council delegates offered supporting comments to the group for their assistance to the White Mountain Apache Tribe. Resolution No. 02-2001-36 adopted to support the Youth Conference proposal as presented by the Church of Jesus Christ of Latter-day Saints and recommends that Council Member Mariddie Craig assist with the conference and the three outreach projects. Motion: Council Member Nez, second: Vice Chairman Endfield. Vote: 8-0.
5. Paul Declay of Tribal Forestry referenced Resolution No. 10-2000-292 which directed that a special inquiry be conducted on the Cibecue Ridge fire by federal BLM and U.S. Forest Service personnel. As a result of that resolution, personnel from USFS and BLM reported to Council their findings and recommendations on the Cibecue Ridge Fire. A need to implement tribal values was advised. Ben Nuvamsa, BIA Superintendent, offered an apology for comment made by his staff

member. He will discuss Council's concerns with this individual and a formal response will be forthcoming. The team members were thanked for their presentation today. They were advised that upon reviewing their findings and recommendations, Council will revisit these issues.

6. Chairman Massey informed Council of Floyd Dosela's request to have his name added to Resolution No. 01-2001-17 which approved a 25-year lease to Patricia (Way) Nosie. Resolution No. 02-2001-37 adopted to add Floyd Dosela to Resolution No. 01-2001-17. Motion: Council Member Burnette, second: Council Member Nez. Vote: 6-0.
7. The meeting adjourned at 4:35 p.m.

Sincerely,

*Cyndy Harvey-Burnette*

Cyndy Harvey-Burnette  
Tribal Council Secretary

021501br

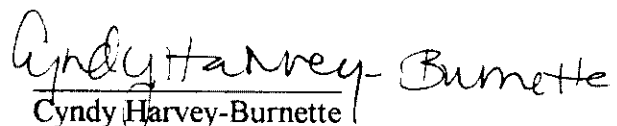
White Mountain Apache Tribe  
Fort Apache Indian Reservation  
Tribal Council meeting  
Executive Conference Room  
Tuesday, February 20, 2001

### COUNCIL MEETING BRIEFS

The special Council meeting regarding the Heritage Program was called to order at 2:55 p.m. by Chairman Massey with a quorum present. Council Members Dehose, Cruz and Craig were excused. Council Member Clay was on annual leave. The invocation was offered by Council Member Lupe.

1. Dr. John Welch, Historic Preservation Officer and Nancy Mahaney, Museum Director, introduced staff. Today's session is to inform Council of the reorganization and streamlining of the Heritage Program. Following the announcements, Nancy provided information on the Commission on the Arts Grant Award. Council stressed focusing on the Apache culture and heritage and the need to identify and protect sacred cultural sites.
2. Ramon Riley, Cultural Resources Director, presented present and future repatriation information and efforts.
3. Ben Nuvamsa, BIA Superintendent, advised the development of a vision statement. Council delegates to contribute to the vision statement. Fort Apache to be revitalized through tourism and development of long-term plans. It was also advised to stress the tribe's history.
4. Bernie Santa-Maria advised utilizing the tribe's creation legend in establishing time immemorial status as it pertains to water rights. She further recommended using White Mountain Apache Tribe instead of Fort Apache Indian Reservation in identifying and referencing the tribe.
5. John Welch and Bernie Santa-Maria provided information on the grant proposal and Resolution No. 02-2001-38 was adopted for the Heritage Program to submit a grant proposal to the Administration for Native Americans. Motion: Vice Chairman Endfield, second: Council Member Baha-Walker. Vote: 6-0.
6. Nancy Mahaney, Museum Director, presented information on her position and on the museum. Proposed three-year plan and draft mission statement were provided to Council. Exhibit development is one of the priorities.
7. BIA Superintendent Ben Nuvamsa announced upcoming meetings.
8. The meeting recessed at 5:20 p.m.

Sincerely,

  
Cyndy Harvey-Burnette  
Tribal Council Secretary

022001br

White Mountain Apache Tribe  
Fort Apache Indian Reservation  
Tribal Council meeting  
Tribal Council Chambers  
Wednesday, February 21, 2001

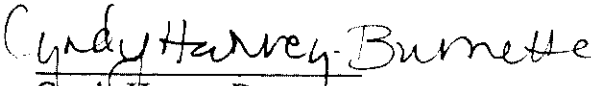
### COUNCIL MEETING BRIEFS

Chairman Massey called the meeting to order at 2 p.m. with a quorum present. Vice Chairman Endfield was on travel status, Council Member Clay was on annual leave and Council Members Dehose and Craig were excused.

1. Vera Griggs and members of the Fort Apache Holy Ground group requested that their lot assignment area be moved ½ mile north of current area as their land overlaps on land set aside for Fort Apache Historic Preservation. Resolution No. 02-2001-39 adopted approving this request. Motion: Council Member Baha-Walker, second: Council Member Cody. Vote: 6-0.
2. Canyon Day Livestock President Everette Massey requested that a tap be provided at Amos Wash and a tap to the horse pasture from the water line traveling from Canyon Day to Cedar Creek. This will benefit cattle, horses and wildlife.  
Council Member Baha-Walker made a motion to approve this request but later withdrew her motion and she requested that Land Operation carefully review this request. The involvement of Utility and I H S was advised. Mr. Massey also requested assistance with fencing. He was referred to Joe Harvey on this matter. A request was made for written reports for all livestock associations.
3. Jacqueline Altaha on behalf of her daughter, Dahnielle DeClay, Miss Indian Teen World, reported of Dahnielle's activities and requested a waiver to use the Hon-Dah Convention Center on March 28, 2001 for an 18<sup>th</sup> birthday party for Dahnielle. Resolution No. 02-2001-40 adopted for approval of this request. Motion: Council Member Baha-Walker, second: Council Member Nez. Vote: 6-0. Ms. Altaha also requested the use of the American Legion van to travel to Utah. She will check with the American Legion on this request.
4. Joe Harvey requested permission to hold the Southwest Indian Livestock Field Day at Hon-Dah on May 2 & 3, 2001. Approval was granted.
5. Melissa Baha informed Council of her attempts to gain custody of her children. The Tribal Attorney to follow up and report to Council tomorrow.
6. Council heard from Rayleen Velasquez in Executive Session from 3:14 to 3:25 p.m.
7. Bruce Burnette & family, Linda Burnette and Annette Walker & family referenced events of April 7, 2000 which included alleged wrongful search warrant. The group were advised that they may jeopardize their pending case. Tribal Attorney to provide follow up.
8. Resolution No. 02-2001-41 adopted for the Museum Director to submit grant application for ODP III funding through the Arizona Commission on the Arts.

- Motion: Council Member Nez, second: Council Member Baha-Walker. Vote: 6-0.
9. Transportation Coordinator Richard Palmer provided a transportation projects update and presented the following four resolutions: Resolution No. 02-2001-42 adopted for approval for BIA Western Regional Office to secure funds for tribal capacity building. Motion: Council Member Nez, second: Council Member Baha-Walker. Vote: 5-0.
  10. Resolution No. 02-2001-43 adopted for approval to construct the Baptist Church bridge. Motion: Council Member Nez, second: Council Member Burnette. Vote: 6-0.
  11. Resolution No. 02-2001-44 adopted for the Roads Committee to prioritize bridge at Route G-20 in Cibecue. Motion: Council Member Lupe, second: Council Member Cody. Vote: 6-0.
  12. Resolution No. 02-2001-45 adopted for the Transportation Coordinator and Legal Department to negotiate the conditions of a revocable permit with ADOT for the Flying "V" Maintenance Camp for five years. Motion: Council Member Nez, second: Council Member Burnette. Vote: 6-0.
  13. Gilbert Cosen, BIA Forestry, provided maps and information on the three potential sites for the new fire management building. He was advised to inform cattle associations, review with staff and re-present to Council with their first choice.
  14. Isaiah Lee with Northern Arizona Academy (NAA) provided background information on the academy. The academy to focus on drop out teens ages 14-21. Mr. Lee asked permission to establish this school in the Vocational Skill Center. Tribal Education and the Indian Education Committee support this proposal. The Tribal Attorney advised a long-term lease with provisions that it serve the tribe and to include teaching of the Apache language.
  15. The meeting recessed at 5:13 p.m.

Sincerely,

  
Cyndy Harvey-Burnette  
Tribal Council Secretary

White Mountain Apache Tribe  
Fort Apache Indian Reservation  
Tribal Council meeting  
Executive Conference Room  
Thursday, February 22, 2001

### COUNCIL MEETING BRIEFS

Chairman Massey called the meeting to order at 9:30 a.m. with a quorum present. Council Member Clay was on annual leave and Council Members Dehose and Craig were excused. Council Member Nez offered the invocation.

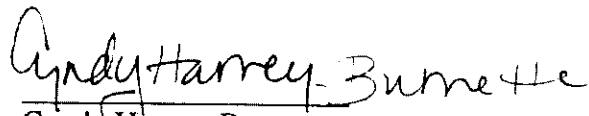
1. Carlene Narcho, Social Services Director, introduced local staff and Sharon Watchman and Judith Fritch of Arizona DES. Information on the new TANF plan, December 2000 trial balance and the proposed TANF budget was shared with Council. Information on Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was provided. Mr. John Bushman, Director for Division of Tribal Services, answered Council's questions via telephone as related by the Assistant Tribal Attorney. Information was shared on van transportation to and from Cibecue for TANF clients and Cibecue residents. The Assistant Attorney will check with the tribe's Risk Manager, Harvey Knick regarding insurance concerns.
2. Resolution No. 02-2001-47 adopted for approval of the revised Temporary Assistance to Needy Families Tribal Plan as presented. Motion: Council Member Nez, second: Council Member Cody. Vote: 5-0.
3. Council Member Nez reported on Sherman Indian High School activities and on meeting with Betsey Bayless, Secretary of State regarding voter registration. Local concerns include Carrizo resident's request for a pay phone. Council Member Burnette will follow up on seeking local office for phone payments. Council Member Nez further reported that JFK school has been having no school due to the water situation. Cedar Creek community meetings have low turnouts but their priority continues to be the water situation rather than the rodeo.
4. Acting Revolving Credit Director Ruby Altaha and staff provided Weatherization, LIHEAP and Revolving Credit update. Report included LIHEAP FY2001 allotments for tribes and how funds are distributed locally. Funds received do not meet all local needs. REACH Program, Community Service Development Block Grant, and USDA IRP Grant information was presented by Milfred Cosen, Tribal Planner. Resolution No. 02-2001-48 adopted directing the Revolving Credit Director to pursue the REACH Program and the Community Service Development Grant to meet the needs of low income residents of F.A.I.R. Motion: Council Member Cody, second: Council Member Nez. Vote: 5-0.
5. Executive Session was held from 11:37 a.m. to 12:10 p.m. and from 2:05 to 2:30 p.m. at the request of Ruby Altaha, Acting Revolving Credit Director.
6. Tribal Member Floyd Lupe requested to use the east side of the rodeo grounds parking lot at Hondah to hold a Sunrise Dance in September. Resolution No. 02-2001-49 adopted for approval of Floyd Lupe's request to use stated area for a



- Sunrise Dance. Motion: Council Member Cody, second: Council Member Nez. Vote: 5-0.
7. Resolution No. 02-2001-50 adopted to support the Revolving Credit Program's application to the USDA Rural Development Intermediary Re-lending Program in an amount up to the level of \$1,000,000. Motion: Council Member Cody, second: Council Member Baha-Walker. Vote: 5-0-1 abstention.
  8. Resolution No. 02-2001-51 adopted for the appointment of Milfred Cosen and Mike Cooley to the Revolving Credit Committee. Motion: Council Member Baha-Walker, second: Council Member Cody. Vote: 6-0.
  9. Paul DeClay, Tribal Forester, introduced BIA Forestry personnel who covered joint dispatch, insect and disease activity, and fuels management. Resolution No. 02-2001-52 adopted to recommend that BIA Fire Management Branch investigate the benefits of entering into a joint fire dispatching facility with follow up to the Tribal Council by June 2001. Motion: Council Member Nez, second: Council Member Baha-Walker. Vote: 6-0.
  10. Information on the upcoming NAU field trip was shared.
  11. Paul DeClay presented the Forest Management Deduction Plan. It was recommended to convert to the tribe's fiscal year for the budget. Resolution No. 02-2001-53 adopted for approval of the Forest Management Deduction Plan. Motion: Vice Chairman Endfield, second: Council Member Cody. Vote: 7-0.
  12. Paige Erickson, Environmental Planner and Linda DeClay, Tribal Education Director provided information on the partnership between NPC, NAU, U of A, the State of Arizona Rehabilitation Services Administration, the American Indian Rehabilitation Research and Training Center, as well as various Tribal Programs. Resolution No. 02-2001-54 adopted approving grant application to the US Dept. of Education for a Native American Vocational and Technical Education Program. Motion: Vice Chairman Endfield, second: Council Member Nez. Vote: 7-0.
  13. Linda DeClay and IEC Chairperson Harrison Dayaye covered last year's calendar of events regarding proposition 203 and offered thanks to the Council for their support.
  14. Fisheries Biologist Tim Gatewood reported brief information on the Alchesay-Williams Creek National Fish Hatchery rehabilitation proposal as a full report was given to Council last November. Resolution No. 02-2001-55 adopted in support of the rehabilitation proposal. Motion: Council Member Baha-Walker, second: Vice Chairman Endfield. Vote: 7-0.
  15. Victor Velasquez, Housing Authority Director, provided information on loans from Water Infrastructure Finance Authority of Arizona (WIFA) and Resolution No. 02-2001-56 was adopted for the Housing Authority to borrow up to \$2.0 million dollars from WIFA's Clean Water Revolving Fund and up to \$3.0 million dollars from WIFA's Drinking Water Revolving Fund. The funds will provide for upgrading and expanding the existing water and sewer system. Motion: Vice Chairman Endfield, second: Council Member Baha-Walker. Vote: 6-1.
  16. A brief discussion was held on the Juvenile Judge position.

17. Resolution No. 02-2001-57 adopted approving enrollment for thirty-five (35) new tribal members. Motion: Vice Chairman Endfield, second: Council Member Nez. Vote: 7-0.
18. Resolution No. 02-2001-58 adopted approving the relinquishment request from the WMAT for Stephanie Moody. Motion: Council Member Nez, second: Council Member Burnette. Vote: 7-0.
19. Resolution No. 02-2001-59 adopted approving the relinquishment request from the WMAT for John Damien Andreas. Motion: Council Member Nez, second: Council Member Lupe. Vote: 7-0.
20. Resolution No. 02-2001-60 adopted approving the relinquishment request from the WMAT for Niomi Joy Andreas. Motion: Council Member Nez, second: Council Member Lupe. Vote: 7-0.
21. Resolution No. 02-2001-61 adopted approving the relinquishment request from the WMAT for Joshua Francis Cosen. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
22. Resolution No. 02-2001-62 adopted approving the relinquishment request from the WMAT for Kameron Lee Cosen. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
23. Resolution No. 02-2001-63 adopted approving Denray Devante Joe's relinquishment request from the WMAT. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
24. Resolution No. 02-2001-64 adopted approving Mickey Darren Mix' relinquishment request from the WMAT. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
25. Resolution No. 02-2001-65 adopted approving Rayleen Irene Velasquez' relinquishment request from the WMAT. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
26. Resolution No. 02-2001-66 adopted approving Christopher Reed's relinquishment request from the WMAT. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
27. Resolution No. 02-2001-67 adopted for the enrollment of Marsha Cosen with the WMAT. Motion: Council Member Nez, second: Council Member Lupe. Vote: 6-0.
28. The Tribal Attorney reported in Executive Session from 6:10 to 6:30 p.m. The meeting recessed at 6:30 p.m.

Sincerely,

  
Cyndy Harvey-Burnette  
Tribal Council Secretary

022201br

White Mountain Apache Tribe  
Fort Apache Indian Reservation  
Tribal Council meeting  
Executive Conference Room  
Wednesday, February 28, 2001

### COUNCIL MEETING BRIEFS

Chairman Massey called the continuation of the Council meeting to order at 9:30 a.m. with a quorum present. Council Members Nez, Baha-Walker and Clay were on travel status.

1. Tribal member William Malone requested monetary donation to assist with trip to attend brother's graduation who is in the service. Council to assist the family at their discretion.
2. Jesse Palmer and Joe Jojola of W&ORD presented summary changes of the 2001-2002 Non-Tribal Member Hunting Regulations. Council reported of Elk problems in Carrizo and Cibecue along with a request for coyote removal. There continues to be problems at the Limestone cattle guard with illegal wood cutting and poaching.
3. Josh Parker, also of W&ORD, asked for Council input regarding charging Tribal Members for fishing. After comments from Council, it was requested that more information be provided for Council's review.
4. Resolution No. 02-2001-68 adopted for approval of the Non-Tribal Member Hunting Regulations for 2001-2002. Motion: Council Member Burnette, second: Council Member Cruz. Vote: 5-1.
5. Chris Chiesel Business Development Specialist with the Enterprise/Tourism Division, presented resolution for the Fort Apache Reunion but it was tabled due to concerns about Kareem Abdul-Jabbar. To be discussed further when Raymond Endfield and John Welch are present.
6. Justin Williams Land Board Member presented meeting minutes for January 25 and February 22, 2001. His concern about over-fencing of land was shared. Resolution No. 02-2001-69 adopted for approval of Land Board meeting minutes for January 25 and February 22, 2001. Motion: Council Member Craig, second: Council Member Burnette. Vote: 6-0.
7. Council Member Craig announced upcoming meetings and shared information from yesterday's ITCA meeting.
8. Pat Lundgren of I H S and Alethia Velasquez of the Apache Diabetes Wellness Center, provided Diabetes training for Council.
9. Council Member Dehose who is a member of the Western Region Type II Crew Management Board, informed Council of BIA-NIFC's funding decision and advised that a support letter from Chairman Massey be attached to resolution for additional funds. Resolution No. 02-2001-70 adopted to oppose the BIA-NIFC funding allocation and seeks full funding at \$610,285, including \$93,600 for the Western Region Type II teams. Motion: Council Member Cody, second: Council Member Nez. Vote: 6-0.

10. Ray Endfield and Chris Chiesel of Enterprise/Tourism Division provided further information on the Fort Apache Heritage Reunion including the budget. Resolution No. 02-2001-71 adopted authorizing and endorsing plans for the Fort Apache Heritage Reunion. Motion: Council Member Nez, second: Council Member Burnette. Vote: 6-0.
11. Fire Chief Paul Kuehl presented information regarding the rescue/fire pumper and the Tribal Attorney explained the limited waiver aspect of the lease. Resolution No. 02-2001-72 adopted to approve the transaction for the lease/purchase financing and acquisition of the new rescue/fire pumper from Emergency One, Inc., and Federal Signal Corporation. Motion: Council Member Cody, second: Council Member Burnette. Vote: 6-0.
12. The meeting adjourned at 5:35 p.m.

Sincerely,

Cyndy Harvey-Burnette  
Cyndy Harvey-Burnette  
Tribal Council Secretary

022801br