

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

Rodeo-Chediski Salvage Sales 5-8

- WHEREAS, the Rodeo-Chediski Fire damaged or killed substantial timber throughout the fire area, and this timber has economic value for a short period of time prior to degradation, and the White Mountain Apache Tribe seeks to capture the remaining value of this timber; and
- WHEREAS, the BIA was directed by the White Mountain Apache Tribal Council to offer selected timber salvage units for sale in the open market to recover this economic value for the Tribe's benefit (Resolution 09-2002-237); and
- WHEREAS, the BIA, on behalf of the Tribe, has prepared and distributed bid and contract documents which set forth the terms and conditions for the proposed salvage sale, including conditions requiring compliance with Tribal law and regulation, logging conditions and guidelines, the Tribal TERO, Tribal BMPs, standards for road construction, maintenance, and erosion control, and required payment of Tribal taxes; and
- WHEREAS, the Bull Flat, Chediski, Chuck Box, and Wild Horse Fire Salvage Timber Sales have been advertised to the open market through a public process, including the use of competitive advertisement and bidding process to solicit bid prices, and a public auction of these salvage timber sales conducted by the BIA on November 20, 2002; and
- WHEREAS, T.C.B. Construction was the apparent high bidder in this process; and
- WHEREAS, the Tribal Council has reviewed the bid abstracts and BIA Sales Contract, Part A, similar in form to the copies attached to and incorporated into this Resolution, which has been prepared by the BIA on behalf of the Tribe, which, together with the bid documents and Sales Contract, Part B, and exhibits and sale maps form the legally binding obligations (to be referred to as the "federal Contract Documents") between the parties; and
- WHEREAS, the Tribe is identified as the "seller" in the federal Contract Documents, and will receive the sales price payments identified therein; and
- WHEREAS, the Tribal Council acknowledges that the estimated timber volume is not guaranteed to the purchaser or the Tribe, but that the actual timber payment shall

be determined on the basis of the actual timber harvested by the Purchaser and scaled by the BIA; and

WHEREAS, the Tribal Council is advised that the federal Approving Officer may make administrative adjustments to the contract terms as needed for identified changes in acres which may be harvested and other compliance conditions, as based upon on-the-ground observation during the salvage activity.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Timber Salvage Sales as presented in the proposed federal Contract Documents for the sale of timber, be sold to T.C.B. Construction as described below:

TIMBER SALE UNIT	SPECIES	ESTIMATED VOLUME	PRICE / MBF
Bull Flat	all species	25.5 MMBF	\$20
Chediski	all species	9.6 MMBF	\$26.05
Chuck Box	all species	4.7 MMBF	\$20
Wild Horse	all species	4.9 MMBF	\$61

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Tribal Chairman, or in his absence, the designated Acting Chairman, to execute the federal Contract Documents on behalf of the Tribe as necessary to carry out the intent of this Resolution, with the understanding that the federal Approving Officer may make administrative adjustments to the Contract Documents for purposes of identified changes in acres which may be harvested, or modifications to compliance covenants, based upon on-the-ground observation during the salvage work, provided that such changes will not alter the overall regulatory and environmental conditions, sales price, or other key terms or conditions which form the basis for the transaction and the bid award to the purchaser.

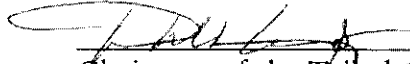
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Purchaser is obligated to deposit funds into a BIA suspense account for the required road reconstruction and maintenance, purchase of erosion control seed mix, performance bonds and advance payments for timber, such as is required under the contract and by BIA regulations.

The foregoing resolution was on November 21, 2002 duly adopted by a vote of SEVEN for and

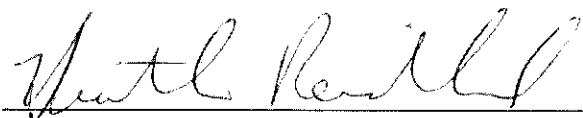
**Resolution No. 11-2002-296**

ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a), (c), (f), (i), (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 September 14, 2002, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

*[Faint, illegible text]*



Chairman of the Tribal Council



(Acting) Tribal Council Secretary