

**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 in Arizona, New Mexico, and Colorado, the State of Arizona, and the Fort Huachuca Army base; and
- WHEREAS,** Congress established the two hatcheries on the Fort Apache Indian Reservation for the express purposes of providing economic development opportunities for the White Mountain Apache Tribe and the rural White Mountain region, to create jobs for Tribal members, to promote recreational fishing opportunities on the Fort Apache Indian Reservation and the region, and to fulfill trust obligations to the Tribe; and
- WHEREAS,** the hatcheries are the cornerstone of the Tribe's sport fishing and outdoor recreation program and provide essential recreation and economic benefits to the Tribe, its Tribal members, the White Mountain region as a whole, and the people of the State of Arizona at large; and
- WHEREAS,** the hatcheries play a key role to the Apache Trout recovery efforts of the Tribe and the United States Fish and Wildlife Service (Service); and
- WHEREAS,** the hatcheries and the recreation industry independent upon the hatcheries contribute significantly to the building of a self-sustaining community and economy on the Reservation in furtherance of federal statutes and policies designed for those purposes; and
- WHEREAS,** the White Mountain Apache Tribe has engaged in an ongoing effort since adoption of Tribal Council Resolutions 07-99-157 and 02-2001-55, attached and incorporated by reference herein, to promote the continuation of operations at the Hatchery Complex and to secure a Congressional add-on to the Fish and Wildlife Service's budget in the amount of \$6.2 million to fund the Tribe's rehabilitation proposal for the two hatcheries; and
- WHEREAS,** rehabilitation improvements to the Hatchery Complex are needed to meet sharply increasing demand for fish over the long term as tribal and state populations grow and increased outdoor recreation opportunities are needed for the well-being of the people in the arid Southwest, to further develop the recreation economy of the White Mountain region as intended by Congress in establishing the hatcheries, and to provide capabilities needed for the Tribe to expand its native fish conservation program; and

WHEREAS, the Tribal Council has been informed that the Service is in the process of conducting a cost-benefit analysis for the competitive sourcing of rainbow trout production at the Alchesay/Williams Creek NFH Complex; and

WHEREAS, the outsourcing of trout production would involve the purchase of trout from private off-reservation facilities, lead to closure of the Alchesay hatchery, and result in loss of Tribal member and non-Tribal member jobs and, ultimately, to a dramatic economic loss to the White Mountain region, in direct contravention of the Service's trust duties to the Tribe, existing written agreements between the Service and the Tribe, and the express Congressional purposes in establishing the Alchesay facility, and would severely compromise the Tribe's efforts to secure Congressional funding for the hatchery complex; and

WHEREAS, importation of rainbow trout from private off-Reservation facilities could increase the risk of bringing Whirling Disease to the Reservation and jeopardize existing stocks of fish in Tribal waters; and

WHEREAS, prior to taking any action that could impact Tribal trust resources and programs, the Service must conduct an analysis of the impact of that action on the Tribe and consult with the Tribe, as mandated by the Statement of Relationship between the Service and the White Mountain Apache Tribe, the Presidential Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order 13175 dated November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Interior Department Manual 512 DM 2, the Service's Native American Policy, Secretarial Order 3206 on American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act, the Service's Fisheries Program Vision for the Future, the National Indian Forest Resources Management Act, and numerous other policies, statutes, agreements, and orders; and

WHEREAS, the outsourcing concept runs counter to Congressional direction to the U.S. Fish and Wildlife Service to work with tribes toward the goal of transferring the Alchesay and Williams Creek hatcheries and several other hatcheries and facilities to Tribal control, including the Pinetop Fisheries Office, stating it was Congress's intent "that these facilities be managed by the tribes when the tribes are ready," and therefore the only appropriate entity to contract tribal hatchery programs is the Tribe, should the Tribe so desire, and such Tribal contracting is consistent with the Service's own Native American Policy which promotes contracting with tribes under the Indian Self-Determination Act, P.L. 93-638.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rejects the outsourcing of rainbow trout production and supports the continued operation of the Alchesay/Williams Creek National Fish Hatchery Complex by the U.S. Fish and Wildlife Service consistent with the Congressional intent of achieving

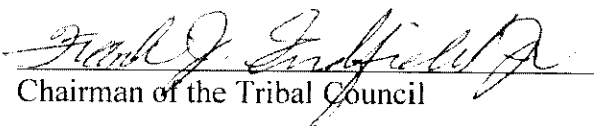
Tribal operation of the hatcheries pursuant to P.L. 93-638.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby insists that the U.S. Fish and Wildlife Service immediately set aside any initiatives to outsource or otherwise compromise services and production of the hatcheries on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman and the Director of the Tribe's Wildlife and Outdoor Recreation Division to request an urgent meeting with the Regional Director of the Service, Region 2, to send copies of this resolution to the Fish and Wildlife Service Director and the Secretary of the Interior, and to take any additional actions necessary and consistent with this resolution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms Council Resolution No. 02-2001-55 and authorizes and directs the Tribal Chairman and Tribal staff identified therein to continue efforts to obtain Congressional funding for the hatchery complex and to work with the Fish and Wildlife Service, the Tribe's neighboring community leaders, and other tribes and federal agencies to maintain this crucial component of the regional environmental quality and economy.

The foregoing resolution was on January 08, 2003 duly adopted by a vote of EIGHT 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), (c), (e), (f), (g), (h), (i), (j), (k), (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).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council