

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

WHEREAS, Indian forest land management activities undertaken by the Secretary of the Interior through the Bureau of Indian Affairs must be designed to achieve the following objectives pursuant to the National Indian Forest Resources Management Act, 25 U.S.C. § 3104:

- (1) the development, maintenance, and enhancement of Indian forest land in a perpetually productive state in accordance with the principles of sustained yield and with the standards and objectives set forth in Forest Management Plans by providing effective management and protection through the application of sound *silvicultural and economic principles to* –
 - (A) the harvesting of forest products,
 - (B) forestation,
 - (C) timber stand improvement, and
 - (D) other forestry practices;
- (2) the regulation of Indian forest lands through the development and implementation, with the full and active consultation and participation of the appropriate Indian tribe, of Forest Management Plans which are supported by written Tribal objectives and forest and marketing programs;
- (3) the regulation of Indian forest lands in a manner that will ensure the use of good method and order in harvesting so as to make possible, on a sustained yield basis, continuous productivity in a perpetual forest business;
- (4) the development of Indian forest lands and associated value-added industries by Indians and Indian tribes to promote self-sustaining communities, so that Indians may receive from their Indian forest lands not only stumpage value, but also the benefit of all the labor and profit that such Indian forest land is capable of yielding;
- (5) the retention of Indian forest land in its natural state when an Indian tribe determines that the recreational, cultural, aesthetic, or traditional values of the Indian forest land represents the highest and best use of the land;
- (6) the management and protection of the forest resources to retain the beneficial effects to Indian forest lands of regulating water run-off and minimizing soil erosion; and
- (7) the maintenance and improvement of timber productivity, grazing, wildlife, fisheries, recreation, aesthetic, cultural and other traditional values; and

WHEREAS, currently the Bureau of Indian Affairs, Fort Apache Agency, is developing a ten year Forest and Woodland Management Plan (“Plan”) and Environmental Assessment (“EA”) for said Plan for the Fort Apache Indian Reservation; and

WHEREAS, development of a Forest and Woodland Management Plan EA is a trust responsibility of the United States in regards to Indian forest lands, as Congress has declared that forest lands of Indians are among their most valuable resources, are a perpetually renewable and natural resource, provide economic benefits, including income, employment and subsistence and provide natural benefits, including ecological, cultural and aesthetic values for Indians and Indian Tribes (25 U.S.C. § 3101, "Findings"); and

WHEREAS, authorization by the Secretary of the Interior to take part in the management of Indian forest lands requires the participation of the lands' beneficial owners, in this instance, the White Mountain Apache Tribe, in a manner consistent with the Secretary's trust responsibility and with the objectives of the White Mountain Apache Tribe as the beneficial owners of its forest lands; and

WHEREAS, to that end, the Tribal Council of the White Mountain Apache Tribe has been briefed in regards to the ongoing development of the BIA's draft Environmental Assessment and preferred alternatives therein and concludes that an economic analysis is needed in the EA to identify the relative costs of the various alternatives described in the draft EA and the ensuing net benefit from each alternative for the Tribe; and that for each alternative, said economic analysis of costs and revenues must address, but not be limited to, timber harvesting, timber processing and manufacturing, timber stand improvement, timber harvest mitigation costs, alternative value-added industries and products, a breakdown of diameter class of forest inventory and an evaluation of the Q factor in respect to the past management plan and proposed draft alternatives; and

WHEREAS, the Tribe's staff, as identified below in Attachment A, will require timely information from the Bureau of Indian Affairs including, but not limited to, a breakdown of the forest inventory from 1968 through 1995 with display for each two inch diameter class and species, the residual volume, growth, mortality, harvest, and basal area arranged by management unit and strata; and, further, to include experimental growth study plots established by BIA (i.e. HonDah growth and other growth study plots), Q factor analysis, including proposals for ideal stand composition by diameter class, future cutting cycles, future cutting volumes, and maximum tree size for all proposed draft EA alternatives; and

WHEREAS, the Tribal Council concludes that an independent, qualified forest economist should be retained by 638 contract to complete the foregoing economic analysis in order to fulfill the management objectives of the National Indian Forest Resources Management Act set forth in 25 U.S.C. § 3104(b); and

WHEREAS, in order for the Tribal Council to make the best decision for the White Mountain Apache Tribe in respect to preferred alternatives for the Forest and Woodland Management Plan, it is necessary to obtain from the BIA, a full and complete analysis of an EA alternative representing continuation of the Tribe's current Forest and Woodland Management Plan for 1991 - 2000 to the same level of detail and scope as other primary EA alternatives; and

WHEREAS, the Tribal Council wishes to clarify the participatory role of its natural, cultural, and legal resources staff in the EA process; it hereby directs and authorizes said staffs'

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participation according to each staff member's area of professional expertise, but that said staff participation shall not include making a recommendation to the BIA of a preferred alternative as that is the trust responsibility of the BIA to make and for the Tribal Council to subsequently approve or disapprove after submission by BIA; and

WHEREAS, in order to allow adequate time to complete the required economic analysis described herein, additional time must be allocated to complete the EA, and therefore the Tribal Council recommends an extension of up to twelve months for BIA to concurrently complete the Forest and Woodland Management Plan EA and the Forest and Woodland Management Plan.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the BIA - Fort Apache Agency locate and set aside a budget sufficient to retain by 638 contract, an independent forest economist to conduct an economic analysis of the Tribe's forest resources and forest products industry and potential as described herein, with the final scope of work for said forest economist to be approved by the Tribal Council with the assistance of Tribal consultants and advisors.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes BIA an extension of twelve months to complete the Forest and Woodland Management Plan EA and Forest and Woodland Management Plan for the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby identifies in Attachment A, attached hereto and incorporated by reference herein, the Tribal resources and legal staff it has assigned and authorized to participate in the EA process through meetings with the Bureau of Indian Affairs and to receive information generated by the EA drafting process.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that participation by and providing of technical assistance by the Tribe's natural resource, cultural and legal staff to BIA does not constitute an endorsement of any particular preferred alternative set forth in the Forest and Woodland Management Plan EA as said technical assistance by the Tribe's advisors and consultants is to provide the Bureau of Indian Affairs with essential information needed by the Bureau of Indian Affairs to prepare and make recommendations to the Tribal Council of the Bureau's preferred alternative in the Forest and Woodland Management Plan EA, which the Tribal Council, as the governing body of the beneficial owners of the trust corpus, i.e. the forest lands, will determine to be in the best interests of the White Mountain Apache Tribe.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in order to insure that there is no issue as to receipt by Tribal staff of notice of BIA meetings on the Draft Forest and Woodland Management Plan EA; it respectfully requests that Superintendent Ben Nuvamsa provide timely written and faxed notice of such meetings to the Tribal Chairman, with faxed copies to Tribal Attorney, George Hesse, and Tribal Forest Manager.

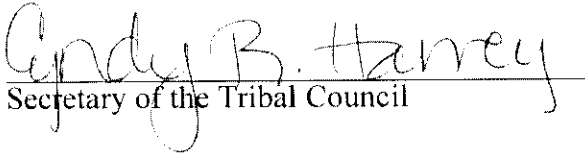
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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Chairman, or in his absence the Vice Chairman, is authorized to take whatever action is necessary in order to implement the Tribal Council's directives in this resolution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Chairman, or in his absence the Vice Chairman, to distribute a copy of this resolution to the Superintendent of the Fort Apache Indian Agency with a request that it be distributed to each member of the BIA Forest and Woodland Management EA team; further, that a copy be distributed by the Legal Department to each Tribal resource staff person identified in Attachment A of this resolution.

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), (f), (g), (h), (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 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

ATTACHMENT A

FMP EA

TRIBAL ADVISORY PERSONNEL AUTHORIZED TO PARTICIPATE AND RECEIVE INFORMATION

- (1) Cynthia Dale
- (2) John Welch
- (3) Greg Vincent
- (4) Joe Harvey
- (5) Alex Puglisi
- (6) Ramone Riley
- (7) Doreen Gatewood
- (8) Laurel Lacher
- (9) Maria Classay
- (10) Chuck Peone
- (11) Wilkie Greg
- (12) Candy Lupe
- (13) Paul Declay
- (14) Jim Pitts
- (15) Molly Pitts
- (16) Raymond Endfield
- (17) Raymus Albert
- (18) Tim Gatewood
- (19) John Caid
- (20) Brenda Begay
- (21) Cheryl Pailzote
- (22) Marilyn Endfield
- (23) Emily Hernandez
- (24) Arnold Pailzote
- (25) Emery Hoffman
- (26) Sylvia Cates
- (27) Robert Brauchli
- (28) Mike Watson
- (29) George Hesse
- (30) David Osterfeld
- (31) Jesse Palmer
- (32) Krista Beasley
- (33) Benrita Burnette
- (34) Delbin Endfield