

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

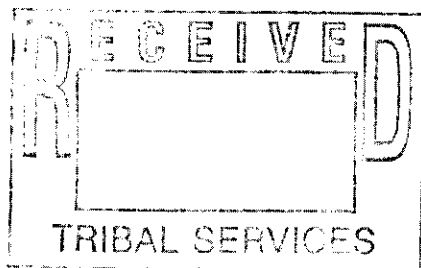
WHEREAS, the Whiteriver Airport, originally constructed by the Bureau of Indian Affairs, and recently renovated by the Tribe with grant funds provided by the FAA, is utilized by the Bureau of Indian Affairs, the Indian Health Services, the Tribe, and other community users; and

WHEREAS, the Tribe may wish to appoint an airport manager and/or establish an airport authority to govern the operation and use of the Whiteriver Airport; and

WHEREAS, until such time as the Tribe enacts such measures for the management and operation of the airport the Tribe authorizes the adoption of a Memorandum of Understanding between the Tribe, the Bureau of Indian Affairs, and the Indian Health Service for the shared use of the Whiteriver Airport.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes for execution the attached Memorandum of Understanding between the Tribe, the Bureau of Indian Affairs, and the Indian Health Service for the use and maintenance of the Whiteriver Airport.

The foregoing resolution was on April 21, 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), (h), (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).





Chairman of the Tribal Council



Secretary of the Tribal Council

MEMORANDUM OF UNDERSTANDING BETWEEN
THE BUREAU OF INDIAN AFFAIRS, FORT APACHE AGENCY,
THE INDIAN HEALTH SERVICE, WHITERIVER SERVICE UNIT
AND THE WHITE MOUNTAIN APACHE TRIBE
CONCERNING THE WHITERIVER AIRPORT

WHEREAS, the Whiteriver Airport was constructed by the Bureau of Indian Affairs, Fort Apache Agency ("Agency") primarily for perpetuation of its forest management programs, and from that time has also seen increased use from the Service Unit for purposes of emergency patient transportation; and

WHEREAS, the Whiteriver Airport is available to all members of the community, although the primary users of the Whiteriver Airport are the Agency, the Indian Health Service, Whiteriver Service Unit ("Service Unit") and the White Mountain Apache Tribe ("Tribe"); and

WHEREAS, the parties come together to complete this Memorandum of Understanding to detail the responsibilities and shared use of the Whiteriver Airport,

THEREFORE, the parties agree as follows:

I. PURPOSE AND DURATION

The purpose of this Memorandum of Understanding is to identify the shared uses and responsibilities of the parties for the Whiteriver Airport. The term for this Memorandum of Understanding shall be indefinite, and intended as an interim measure pending development of an Airport Authority or appointment of an Airport Manager by the Tribe, or in the alternative, the completion of a GSA Lease between the Tribe and the federal government to perpetuate the ongoing maintenance and availability of the Whiteriver Airport for all applicable federal programs operated for the benefit of the Tribe. Any party may withdraw from participation in this Memorandum of Understanding at any time with sixty (60) days prior written notice to the other parties. In the event

of such notification, the remaining parties, at their option, may continue, amend, or terminate this Memorandum of Understanding.

II. RESPONSIBILITY OF PARTIES

A. The Tribe shall make the Whiteriver Airport available to all members of the community and to federal programs and agencies as needed to carry out the work on behalf of the Tribe and for other community purposes. The Tribe shall also coordinate among the parties to this agreement to ensure the operation and maintenance of the Whiteriver Airport facility.

B. The Agency shall maintain forest management/forest fire suppression facilities at the Whiteriver Airport and provide an agency official who will act as an interim airport manager.

C. The Service Unit shall use the Whiteriver Airport for emergency patient air transportation and other related Service Unit activities and for that purpose shall pay the monthly electrical service charges for the runway lights and related fixtures and operations from Meter Number 13288 13288, Account Number 0003609505, in order to ensure that night-time access and use of the Whiteriver Airport is available for such emergency transportation.

III. COORDINATION OF AIRPORT MANAGEMENT

In order to identify and coordinate the use and management issues pertaining to the airport, the parties to this Agreement agree to meet on a bi-monthly basis and to designate representatives of each party to address issues of mutual concern involving the maintenance and use of the Whiteriver Airport.

V. NO PARTNERSHIP

This Memorandum of Understanding is intended to be collaborative in nature for the sole purpose of coordinating the use of the Whiteriver Airport facility and identifying responsibilities of

the parties. The parties are not in partnership for any purpose, and no party is responsible for the actions of another party to this Memorandum of Understanding for any purpose.

EXECUTED this _____ day of _____, 2003 in Whiteriver, Arizona.

WHITE MOUNTAIN APACHE TRIBE

By: _____
Dallas Massey, Sr., Tribal Chairman

BUREAU OF INDIAN AFFAIRS

By: _____
Ben Nuvamsa, Superintendent

INDIAN HEALTH SERVICE

By: _____
Dean Seyler, Acting Service Unit Director