

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

WHEREAS, the White Mountain Apache Tribal Council has the power to act in all matters that concern the welfare of the Tribe and its members; and

WHEREAS, the White Mountain Apache Tribal Council has the sole authority to approve the possession and use of explosives within the exterior boundaries of the Fort Apache Indian Reservation; and

WHEREAS, the White Mountain Apache Tribe Public Works Director, Mr. Alfred R. Brooks, has appeared before the Tribal Council this day to request the Council's approval for the use of explosives to develop the Bear Canyon Materials Phase II site for aggregate and fill material sources to be used by Tribal Enterprises and in various construction projects currently underway and planned throughout the Reservation; and

WHEREAS, the Council understands that the area proposed for excavation through the use of explosives is the Bear Canyon Materials Pit Phase II, located about 10.5 miles north of the Canyon Day Community in Township 6 North, Range 22 East, Section 26, NW $\frac{1}{4}$; and

WHEREAS, J & d Excavators, an Arizona licensed blasting contractor, licensed to possess, transport and use/handle explosives through the State of Arizona, and insured for up to Five Million Dollars in aggregate liability, is the Contractor that the White Mountain Apache Tribe Public Works department desires to hire; and

WHEREAS, the Tribal Council finds that public notice of blasting activities should be made through the White Mountain Apache Tribe Public Information Officer, Chadeen Palmer, and that Alfred R. Brooks shall coordinate with the White Mountain Apache Safety Officer, Police Department and Fire Department public notice of the use of explosives, and that the Safety Officer shall arrange assistance of all White Mountain Apache Tribe public safety agencies to ensure the safe detonation of these explosives.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the use of explosives for development of the Bear Canyon Materials Phase II site in Bear Canyon, specifically at a location located approximately 10.5 miles north of the Canyon Day Community, in Township 6 North, Range 22 East, Section 26, NW $\frac{1}{4}$, provided such explosives are transported, possessed and detonated by a state and federally licensed contractor and provided such explosives are utilized in the regular course of construction or mining operation

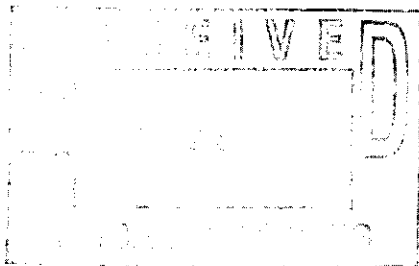
connected with and authorized by an enterprise of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Alfred R. Brooks, Public Works Director and Chadeen Palmer, Public Information Officer, to ensure that the public is provided timely and adequate notice of the use of explosives in the Bear Canyon area, and that the White Mountain Apache Tribe Safety Office, Police Department, Fire Department and other public safety and emergency service providers are provided timely and adequate notice of the use of explosives at the Bear Canyon Materials Phase II site and that their assistance is preserved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Alfred R. Brooks, Director of the Public Works Department to ensure that a physical restriction is installed near the Bear Canyon Materials Phase II site, with a warning sign sufficient to notify individuals of the presence of the open mine pit, that their entry is trespass and that they assume all risk and liability for injuries received in trespass.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that all mining operations authorized herein and extending herefrom shall be conducted in accordance with existing mining plans and safety precautions applicable to the authorized activities.

The foregoing resolution was on May 15, 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), (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).



Frank J. Zumbardo
ACTING Chairman of the Tribal Council

Andy R. Harvey
Secretary of the Tribal Council