

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

(Transfer of Personnel to Non-Fuel Management Positions within BIA Forestry)

- WHEREAS**, on November 5, 2004, the Tribal Council attended a presentation by the BIA appointed After Action Review (“AAR”) Team on the Largo Mountain and Corduroy Prescribed Burns; and
- WHEREAS**, the three member review panel composed of Team Leader Jonathan Lee, Emily Irwin, (who did not attend the presentation) and Orlando Carroll prepared a written report and made the presentation in response to a letter from Tribal Chairman Massey to the Fort Apache Agency Superintendent, dated September 16, 2004, reference the aforementioned Prescribed Burn fires; and
- WHEREAS**, according to the AAR Team Report, the AAR Team reviewed information from the Bureau of Indian Affairs, (Blue Book, 2004), Ft. Apache Fire Management Plan, Black River Review (1999), Sawtooth Mountain Review (2003), BIA Fire Use Handbook and the Largo Mountain and Corduroy Prescribed Fire Plans to prepare the Report; and
- WHEREAS**, the AAR Team Report includes Findings/Recommendations, Best Management Practices, High Reliability Organizations, Recognition, and Contacts, and also provides recommendations in response to the overall findings and Best Management Practices (BMP); and
- WHEREAS**, the AAR Team “strongly recommends an overall program review for the Fort Apache Agency Prescribed Fire Program” based on its numerous findings which were highly critical of the manner in which fire use was utilized by the Fort Apache Agency on the tribe’s lands; and
- WHEREAS** the AAR Team’s Report confirms the Tribal Council’s own personal experience and knowledge regarding prior reports of damage to commercial timber, cultural and sacred sites, and wildlife habitat, by out- of- control prescribed burning by the Ft. Apache Agency Bureau of Indian Affairs, and the repeated failure of BIA Prescribed Burn bosses to follow applicable and current guidelines and Burn Plans for prescribed burns; and

WHEREAS, Messrs. George Leech, Ralan Hartzell, Ralph Thomas, Michael Kane, and Harrison Francis have been identified as fire bosses and supervisors who have demonstrated gross negligence and lack of respect for the White Mountain Apache Tribe and the Tribe's Forest Resources by their repeated failure to follow applicable prescribed burn guidelines, current BIA Fire Use Handbooks and other fire use requirements identified in the AAR Report; and

WHEREAS, the Tribal Council also expresses deep disappointment with the job performance of BIA Forester Robert Lacapa, for failure to adequately discipline the aforementioned burn bosses despite repeated evidence of their gross negligence and for his failure to aggressively protect the Forest Trust Resources of the White Mountain Apache Tribe, especially when it comes to management of the prescribed burning program and fire use on the Tribe's Reservation; and

WHEREAS, the Tribal Council respectfully requests that the Superintendent of the Fort Apache Agency and/or the Phoenix Regional Office immediately transfer George Leech, Ralan Hartzell, Ralph Thomas, Michael Kane, and Harrison Francis from fuel management activities on the Fort Apache Indian Reservation, including but not limited to broadcast burning, thinning, pile burning and all fire use; and

WHEREAS, Tribal Council concludes that there must also be changes to, and intensive review of the current Ten Year Forestry Plan with the BIA.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests a meeting with the Fort Apache Agency, Bureau of Indian Affairs and if necessary, with the Phoenix Regional Office to review and to make changes, as determined necessary, to the Ten Year Forest Management Plan for the White Mountain Apache Tribe.

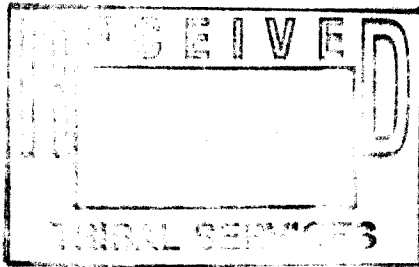
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that Messrs. George Leach, Ralan Hartzell, Ralph Thomas, Michael Kane, and Harrison Francis be transferred to non-fuel management, non-thinning and non-fire use positions within BIA Forestry.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that all prescribed burning on the Ft. Apache Indian Reservation be suspended until such time as the AAR Team Findings and Recommendations are firmly implemented and only after the aforementioned fire use bosses, supervisors, and burn boss trainees are transferred from any and all fire use, prescribed burning, thinning and fuel management programs on the Fort Apache Indian Reservation.

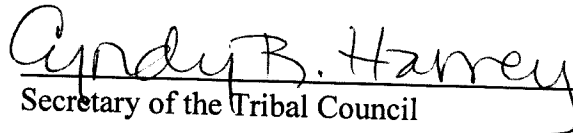
Resolution No. 11-2004-272

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and in his absence the Vice-Chairman, to present any and all matters, concerns and requests set forth in this Resolution to the Director of the BIA Regional Office in Phoenix, Wayne Nordwall and to Mr. John Philbin, Regional Forester.

The foregoing resolution was on NOVEMBER 5, 2004, duly adopted by a vote of SIX for, ZERO against, and ONE abstention, by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a)(c)(f)(h)(i)(k)(s)(t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of 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