

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

**(Denying a proposed right of way for Starlight Ridge Estates, located in the area of Pinetop, Arizona and protesting against further encroachments on tribal lands)**

**WHEREAS**, consistent with United States Presidential Executive Orders of November 9, 1871 and December 12, 1872, the General Allotment Act of February 8, 1887 (24 Stat. 388) and the Act of June 7, 1897 (ch. 2, 30 Stat. 62, 64), established the Ft. Apache Reservation for the exclusive use of the White Mountain Apache Tribe

**WHEREAS**, article IV, section 1(h) of the Constitution of the White Mountain Apache Tribe ("Constitution") provides that the White Mountain Apache Tribal Council ("Tribal Council") shall "regulate the uses and disposition of tribal property;" and

**WHEREAS**, article IV, section 1(i) of the Constitution provides that the Tribal Council shall manage all economic affairs and enterprises of the Tribe including tribal lands;" and

**WHEREAS**, the White Mountain Apache Tribal Transportation Board notified the Tribal Council that a proposed housing development project called Starlight Ridge Estates ("Project") adjacent to the reservation border near Rim Road in the area of Pinetop, Arizona, was approved and is currently being constructed; and

**WHEREAS**, the Project developers have requested that Navajo County acquire the permission of the Tribe for a right of way to use a section of the Fort Apache Indian Reservation (that connects with Rim Road) as an additional ingress/egress route for the Project; and

**WHEREAS**, the Tribal Council did not receive notice of the Project until after it had begun, or of the developer's request for the right of way; and

**WHEREAS**, there is evidence of trespassing on reservation lands; and

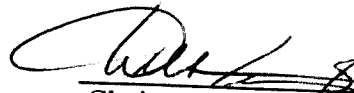
**WHEREAS**, the Tribal Council finds that any and all encroachments on reservation lands are not in the best interests of the White Mountain Apache Tribe.

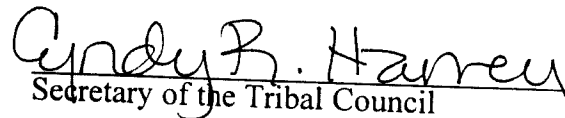
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby:

1. Denies the proposed right of way for the Starlight Ridge Estates Project located in the area of Pinetop, Arizona, near Rim Road, which seeks to cross the lands of the Ft. Apache Reservation; and
2. Notifies the Navaho County Board of Supervisors that any encroachment on the lands of the Ft. Apache Reservation will be considered a trespass; and
3. Authorizes the Chairman or Vice-Chairman, and any other authorized representative appointed by the Chairman or Vice-Chairman, to accordingly notify Navajo County and any other applicable federal, state or local office or agency of the Tribe's interests expressed

herein.

The foregoing resolution was on December 27, 2004 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (e), (f), (h), (i), (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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council

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FORT APACHE INDIAN AGENCY  
MIDWINTER, ARIZONA