



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

**(Authorizing a Fire Management Administration Agreement  
between the Tribe and Bureau of Indian Affairs)**

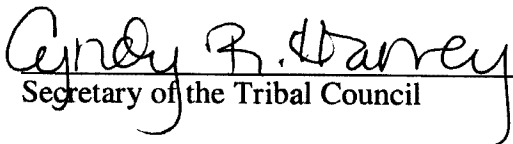
- WHEREAS,** the United States Department of Interior, Bureau of Indian Affairs (the "Bureau"), Fort Apache Agency is authorized by 25 C.F.R. § 163.28 to manage fire preparedness, suppression, and post suppression activities on the Fort Apache Indian Reservation, as well as to provide funding, equipment and supplies, and to provide technical oversight and training to Tribal and Bureau employees working in any fire management activity; and
- WHEREAS,** the Tribal Forestry Department is developing capacity and employees to provide assistance in fire management administration tasks; and
- WHEREAS,** some fire management programs such as the Southwest Fire Fighters (SWFF) directly influence Tribal goals of providing increased employment opportunities for Tribal members; and
- WHEREAS,** the Bureau's Fort Apache Agency has this day proposed a Fire Management Administration Agreement with the Tribe to provide an avenue for Tribal Forestry to assume more direct management of fire programs as department capacity increases; and
- WHEREAS,** the proposed Agreement provides for employment for two employees in Whiteriver and one employee in Cibecue; and
- WHEREAS,** the Tribal Council upon review and consideration, finds that the proposed agreement is in the best interests of the Tribe.

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

1. The proposed Agreement between the Tribe and the Bureau to provide Tribal employees to assist in Fire Management Administration is hereby authorized.
2. The Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution, subject to review by the Tribe's Legal Department.

The foregoing resolution was on **FEBRUARY 8, 2006** duly adopted by a vote of **FIVE** 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), (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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council



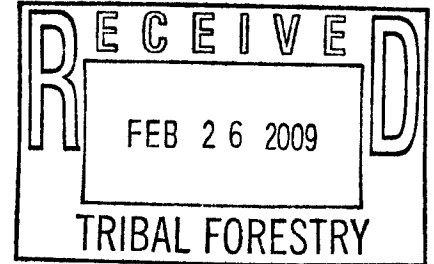
United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
FORT APACHE AGENCY  
P. O. Box 560  
Whiteriver, Arizona 85941



IN REPLY REFER TO:  
Indian Self-Determination

FEB 23 2009



Honorable Ronnie Lupe  
Chairman, White Mountain Apache Tribe  
P.O. Box 700  
Whiteriver, Arizona 85941

Dear Chairman Lupe:

Our review of your Fiscal Year 2009 proposed application to re-contract the Fire Management Administration Program is completed.

As a result of our review, we had requested a meeting with the tribal staff on February 17, 2009 which was held at Fort Apache Agency. The following issues were discussed which will need to be resolved prior to approving and awarding a contract.

1. **Tribal Council Resolution.** Tribal Resolution No. 02-2006-41 dated February 8, 2006 states, "*Fort Apache Agency is authorized by 25 C.F.R. § 163.21 to manage fire preparedness, suppression, and post suppression activities on the Fort Apache Indian Reservation . . . in any fire management activity;*"

**Recommendation:** The Tribe will need to consider amending the tribal resolution as the above 25 Code of Federal Regulations § 163.21 pertains to **Bonds Required** (Performance Bond) under Subpart B—Forest Management and Operations. Perhaps the Tribe inadvertently cited the wrong regulation/citation.

2. **Purpose and Scope.** The letter submitted with the proposed renewal application indicated there will be no changes to the statement of work and functions performed.

**Recommendation:** Clarify the overall statement of work and functions. The Tribe should consider a work plan for the funding to be provided. The work plan should include a proposed methodology and monitoring plan for measuring the program's performance and progress. Such work plan will greatly assist in justifying a request for second year funding; and help determine whether such funding is needed for subsequent years.

Keep in mind that the program's statement of work provides procedural mechanisms and processes for the day to day conduct of an activity. Further the context for statement of work project should describe a listing of background information that will aid in understanding the nature and origin of the program. Include a brief summary of objectives, program authority, major programs and goals set by statute if relevant.

If the Tribe needs technical assistance in revising the statement of work and focusing objectives on the SWFF functions, our bureau staff Mr. Lynn Polacca, Deputy Superintendent for Trust Services or Mr. Robert Hurley, Fire Management Officer, will be available to assist your tribal staff.

3. **Proposed Budget with Narrative Cost Justification.** A budget revision is requested reflecting Fiscal Year 2008 funding amount for \$85,000. The amount requested in your contract proposal, \$152,859 is excess of the funding available for the Fire Management Administration Program. Note: Any funds put under this contract are subject to the Agency's availability of funding.

**Recommendation:** The operating budget should be accompanied by a detailed narrative cost justification identifying how the budget line items are to be used. (1) The Tribe is requesting \$3,000 to the travel line item for SWFF; please identify and prioritize training or travel needs; (2) We recommend that the \$9,000 budget line item for drug testing be eliminated from the budget. As agreed upon by the Tribe and the Bureau of Indian Affairs, the SWFF program will continue to use the Bureau's drug testing program; (3) The budget submitted does not include funds for a GSA motor vehicle even though the Tribe has received approval for this line item; and (4) Since the Tribe receives suppression funds out of the Bureau's 92120 account, the Tribe cannot charge their base salaries to a fire account.

4. **Motor Vehicle Policy.** The Tribe will certify that it will self-administer a motor vehicle policy that promotes the safe and prudent operations of a motor vehicle while performing duties to implement the terms of the agreement. The Tribe's policy is either as stringent as or more stringent than the May 3, 2006 Motor Vehicle Operation Policy for the BIA issued by the Associate Deputy Secretary.

**Recommendation.** Base on the aforementioned motor vehicle policy we will implement this policy into the contract once awarded since the Tribe's entire Pub. L. 93-638 contracts are already modified accordingly. Therefore, all drivers under this contract are required to pass the driver's background check.

5. **Expenditures.** Due to the Tribe's late submittal of the proposed application to re-contract the Fire Management Administration Program, all expenses incurred up to the approval of the award may not be eligible to be reimbursed under this contract.

Should you have any questions, please contact Mr. Lynn Polacca, Deputy Superintendent for Trust Services, at (928) 338-5306 or Ms. Ann Button, Indian Self-Determination Specialist/Awarding Official, at (928) 338-5369.

Sincerely,

  
~~ACTING~~  
Superintendent

- cc: Honorable Margaret Baha-Walker, Vice-Chairperson, WMAT  
Ivan Kitcheyan, Grants & Contract Manager, WMAT  
Victor Velasquez, Tribal Administrative Manager, WMAT  
Jonathan Brooks, Acting Tribal Forest Manager, WMAT  
Reginald Armstrong, Tribal Forestry, WMAT ✓  
Anthony Lee, Tribal Attorney, WMAT  
Lynn Polacca, Deputy Superintendent for Trust Services, FAA-MS 440  
Robert Hurley, Fire Management, FAA-MS 440