



Resolution No. 04-2006-108

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

(Designating Cultural Resources Director to Represent Tribe in NAGPRA Matters)

WHEREAS, the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 *et seq.*, "NAGPRA") provides that claims for repatriation may only be asserted by lineal descendants, federally recognized Indian tribes, Native Hawaiian organizations, and Indian tribal officials standing (See also 43 C.F.R. 10.2(b)); and

WHEREAS, under the Code of Federal Regulations, an Indian tribal official is defined as the "principal leader of an Indian Tribe or Native Hawaiian organization or the individual officially designated by the governing body of an Indian tribe or native Hawaiian organization or as otherwise provided by tribal code, policy, or established procedure as responsible" for NAGPRA matters (43 C.F.R. 10.2(b)(4)); and

WHEREAS, the authority to represent the Tribe in NAGPRA matters has been vested in the Cultural Resources Director by established tribal policies and procedures; and

WHEREAS, the Tribal Council recognizes all previous actions related to NAGPRA taken by the Cultural Resources Director as legally authorized actions taken on behalf of the Tribe; and

WHEREAS, an association of officials, employees, and elders of Western Apache Tribes, consisting of White Mountain Apache Tribe, Tonto Apache, Yavapai Apache Nation, San Carlos Apache Tribe, and known as the Western Apache NAGPRA Working Group, was formed for the purposes of proving cultural affiliation for objects that may be covered under NAGPRA (43 C.F.R. 10.2(e)) and providing mutual intergovernmental assistance as may be required with resolving issues related to cultural resources; and

WHEREAS, the Tribal Council acknowledges the importance of the Western Apache NAGPRA Working Group and encourages the participation of the Cultural Resources Director in the NAGPRA Working Group; and


WHEREAS, the Tribal Council finds that the Tribe's continued association with the Western Apache NAGPRA Working Group is in the best interests of the Tribe in assisting with resolving issues related to NAGPRA.

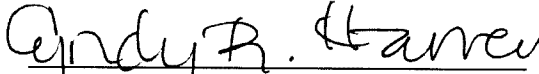
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BE IT RESOLVED by the Tribal Council of the White Mountain Apache that:

1. The Cultural Resources Director hereby continues to have the authority to act as the Tribe's official responsible for making NAGPRAQ repatriation claims on behalf of the Tribe.
2. The Western Apache NAGPRA Working Group is hereby recognized as an association which may represent the interests of the Tribe in establishing Apache cultural affiliation under and other issues related to NAGPRA, subject to the participation of the Tribe's Cultural Resources Director.

The foregoing resolution was on April 13, 2006, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (f), (g), (h), (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