



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

**(Approving Agreement with U.S. Department of Interior for Seven Mile Timber Sale)**

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Superintendent of the Fort Apache Agency (“Agency”), acting on behalf of the U.S. Department of Interior, Bureau of Indian Affairs (“Bureau”), has requested that the Tribal Council approve the Bureau’s proposed Agreement of September 2007 for the Seven Mile Timber Sale (the “Agreement” or “Sale”), as attached and incorporated by this reference; and
- WHEREAS,** the Seven Mile Timber Sale is included in the Bureau’s ten year cutting budget in its 2005-2014 Forest Management Plan; and
- WHEREAS,** the Bureau recommends the Sale to the Fort Apache Timber Company, as presented in the proposed Agreement, subject to minor changes and administrative adjustments by the Approving Officer, as follows:

<u>SPECIES</u>	<u>ESTIMATED NET VOLUME</u>	<u>RECOMMENDED RATE</u>
All Species (Timber)	19.9 MMBF	Current Approved Stumpage Valuation

- WHEREAS,** the Bureau has prepared a unit synopsis of the proposed Sale, as attached and incorporated by this reference; and
- WHEREAS,** pursuant to the National Indian Forest Resource Management Act (“NIFRMA”), 25 U.S.C. §3101 *et seq.*, and accompanying regulations (25 CFR §163.1), the United States, as the Tribe’s Trustee, acting through its principal agent, the U.S. Department of Interior, has a trust responsibility for Forest Land Management, which includes forestation, thinning, tree improvement activities, and the use of silvicultural treatments to restore or increase growth and yield to the full productive capacity of the forest; and
- WHEREAS,** the Bureau represents to the Tribal Council that the Sale is based upon sound silvicultural and economic principles as required by NIFRMA and that there will not be any negative, long-term biological, economic or environmental impacts on the Tribe’s saw log supply within the Seven-Mile Commercial Timber Sales area; and
- WHEREAS,** the Bureau’s proposed Agreement contains ten references to a “2005-2014 Forest Management Plan” or “FMP” within a section entitled, “Forest Officer’s Report”, implying that the Bureau’s 2005-2014 FMP has been approved or not opposed by the Tribe; and
- WHEREAS,** pursuant to Resolution No. 03-2005-52, reaffirmed herein, the Tribe has not approved or disapproved the 2005-2014 Forest Management Plan, and accordingly by executing the Agreement or the Addendum to the Sale, the Tribe does not accept, approve or condone the FMP; and

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- WHEREAS**, the Agreement has been prepared by the Bureau without a unit specific residual value appraisal, instead the Sale is included in the formal annual reappraisal for Stumpage Valuation for the Fort Apache Timber Company ("FATCO"); and
- WHEREAS**, based on representations by the Bureau to the Tribe and the Tribe's own declaration, the Tribe's approval of the Sale, the Agreement or Addendum does not constitute either an undertaking any of trust responsibilities of the United States to the Tribe or a waiver thereof; and
- WHEREAS**, FATCO has informed the Tribal Council that the Lofer East Sale is almost completely logged, thus time is of the essence for the initiation of the Seven Mile Sale; and therefore, the Tribal Council is concerned about approval schedules for this sale; and
- WHEREAS**, the Tribal Council finds and concludes that approval of the Sale Agreement is in the best interests of the White Mountain Apache Tribe, given the foregoing management challenges as presented by the Bureau of Indian Affairs and FATCO; and
- WHEREAS**, given the urgency of the need for the Seven Mile Timber Sale, the Tribal Council further finds that the Sale needs to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS**, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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

1. The Agreement for the Seven Mile Timber Sale of all species of timber, between FATCO and the White Mountain Apache Tribe proposed and requested by the U.S. Department of Interior, as attached and incorporated by this reference, is hereby approved subject to the conditions set forth below, for an estimated net volume of nineteen million board feet at a stumpage valuation rate to be negotiated by the Chairman of the Tribe and FATCO.
2. The Chairman, or in his absence the Vice-Chairman, is hereby authorized to negotiate a stumpage valuation rate with FATCO, and execute any and all documents necessary to effectuate the intent of this Resolution and to administer the Sale.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that approval of the Seven Mile Timber Sale Agreement is conditional upon the following:

1. By agreeing to the Sale, the Tribe is not undertaking or waiving any of the United States' trust responsibilities for Indian Forest Land Management as provided in NIFRMA.
2. The Agreement should be amended to include a provision that time is of the essence for the initiation of the Seven Mile Sale and hereby requests that the Bureau of Indian Affairs to approve the sale prior to October 1, 2007.

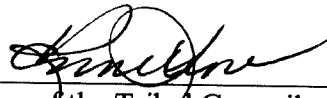
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3. The Tribal Council further hereby requests that the Bureau of Indian Affairs allow FATCO to begin preparation of all necessary road work prior to approval of the timber sale to insure that log supply is not disrupted by the approval process.
4. The Tribal Council requests that the Bureau of Indian Affairs include a provision in the timber sale specifying six-inch tops on smaller diameter trees when it is more economical to harvest preferred lengths by leaving short lengths in the woods rather than paying for additional log scale and hauling into FATCO at no benefit to the Tribe.
5. The Tribal Council recommends that the Bureau of Indian Affairs obtain timely approval of logger slash plans from its TSO's so that slash treatment is completed pursuant to the contract otherwise, an allowance should be made so that logging operators may proceed to the Seven Mile sale without delay.
6. Resolution No. 03-2005-52 is hereby reaffirmed and the Tribal Council hereby declares that by agreeing to the Sale, the Tribe does not accept, approve or condone the 2005-2014 Forest Management Plan or waive any prior objections thereto.

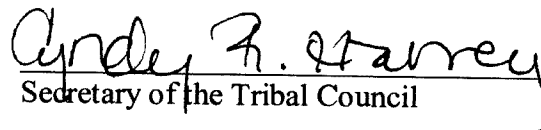
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that deductions, not to exceed thirteen percent (13%) of the gross receipts received from FATCO as the Purchaser, accrue within the Tribe's Road Suspense Account, and this accrual will continue until the Road Suspense Account is funded to the extent required to provide the road construction fund reserve authorized by the Tribe.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

The foregoing resolution was on September 6, 2007, duly adopted by a vote of SIX 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), (b), (c), (f), (g), (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

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 09-2007-361 initiated the 5th day of September 2007.


Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials


\_\_\_\_\_  
Ronnie Lupe  
Tribal Chairman  
Date Signed  
\_\_\_\_\_ TCS Initials

  
\_\_\_\_\_  
Margaret Baha-Walker  
Vice Chairwoman  
Date Signed  
cm TCS Initials

\_\_\_\_\_  
Arnold Beach, Sr.  
District I Council Member  
Date Signed  
\_\_\_\_\_ TCS Initials


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Evangeline Gatewood  
District I Council Member  
Date Signed  
\_\_\_\_\_ TCS Initials

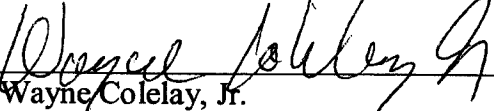
  
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Lafe Atlanta  
District II Council Member  
Date Signed  
9-7-07  
cm TCS Initials

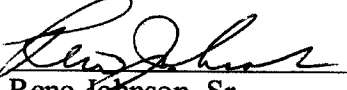
  
\_\_\_\_\_  
Victoria Brewer  
District II Council Member  
Date Signed  
9/6/07  
cm TCS Initials

\_\_\_\_\_  
Alvin DeClay, Sr.  
District III Council Member  
Date Signed  
\_\_\_\_\_ TCS Initials

\_\_\_\_\_  
Kirk Massey, Sr.  
District III Council Member  
Date Signed  
\_\_\_\_\_ TCS Initials

  
\_\_\_\_\_  
Noland Clay  
District IV Council Member  
Date Signed  
9/7/07  
cm TCS Initials

  
\_\_\_\_\_  
Wayne Colelay, Jr.  
District IV Council Member  
Date Signed  
9-6-07  
cm TCS Initials

  
\_\_\_\_\_  
Reno Johnson, Sr.  
District IV Council Member  
Date Signed  
9-6-07  
cm TCS Initials

ATTEST:

  
\_\_\_\_\_  
Cindy R. Harvey, Tribal Council Secretary  
Date Signed  
9.7.07