



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 01-2013-30

(Retrocession of 638 Contract No. CTH52T607C7 Fire Management Administration [SWFF])

WHEREAS, the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, the Tribe, under Tribal Forestry, has a 638 Indian Self Determination Contract, CTH52T607C7 (C7), Fire Management Administration (SWFF) with BIA Ft. Apache Agency; and

WHEREAS, with this contract the Tribe is given money for one position to oversee the Administratively Determined (A.D.), seasonal fire fighting SWFF program; and

WHEREAS, this contract (SWFF) has been receiving decreased funding each year, and this year the trend continues with budget cuts in the BIA Fire Fighting program which results in Ft. Apache Agency Fire Management not being able to provide funds for this fiscal year; and

WHEREAS, since there are no funds available, the Tribe wishes to “retrocede” this contract back to the Bureau of Indian Affairs Fort Apache Agency (BIA) according to CFR, Subpart *Retrocession*, with no penalty; and

WHEREAS, the SOW needs to continue quickly and the work needs to be done, the “SOW” will be retroceded back to the Agency today, and the Tribe will have until May 1, 2013, the mutually agreed upon date, to have all written and financial reports turned in to the Agency for work that Tribe did under the contract.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that 638 Contract CTH52T607C7 be given back or “retroceded” to the BIA Ft. Apache Agency who will re-assume the responsibilities of the SWFF program.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that an understanding is made that the BIA will assume work immediately, and that the Tribe will have ninety (90) days from retrocession to have all their reports concluded and turned in to the agency.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribe has the ability re-contract this function in the future should adequate funding be available through the funding agency.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

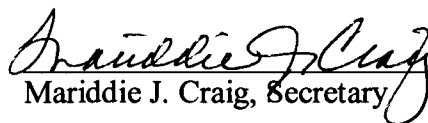
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on **JANUARY 30, 2013** duly adopted by a vote of **SEVEN** 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), (i), (k), (s), (t) and (u) of the Tribal Constitution, 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).



Ronnie Lupe, Chairman

3/11/13
Date



Mariddie J. Craig, Secretary

03/11/2013
Date