



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 03-2013-74

(Authorizing the Posting of Proposed Ordinance No. 258, Amending Section 1.9 of the Natural Resources Code)

- WHEREAS,** pursuant to Article IV, Section 1(f) of the Tribal Constitution, the Tribal Council may enact ordinances to protect and preserve the wildlife, plant life, forests, and other natural resources within Tribal lands; and
- WHEREAS,** the Natural Resources Code was created by Ordinance No. 181 enacted December 2, 1992; and
- WHEREAS,** the Legal Department came before the Tribal Council this day, at the recommendation of Marty Gatewood of Tribal Forestry, to propose that Chapter One, Section 1.9 of the Natural Resources Code be modified in accordance with the language contained in Resolution No. 01-1993-011, attached hereto; and
- WHEREAS,** the Legal Department believes that the language contained in Resolution No. 01-1993-011 was intended to be made part of the Natural Resources Code and advises the Tribal Council that it questions whether there are adequate records to show that the amendment was ever posted in each District as required by Article XV, Section 2, of the Constitution of the White Mountain Apache Tribe; and
- WHEREAS,** the Legal Department recommends to the Tribal Council that in order to clarify and resolve any ambiguity as to whether or not the amendment to the Natural Resources Code was properly posted and approved in accordance with the Tribal Constitution, that the Tribal Council direct that the amendment to Section 1.9 of the Natural Resources Code attached hereto and incorporated by reference herein, be reposted in accordance with Article XV, Section 2, of the Tribal Constitution; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe finds that the recommendations by the Legal Department and Tribal Forestry to amend Chapter One, Section 1.9 of the Natural Resources Code, as set forth in Ordinance No. 258, is in the best interest of the White Mountain Apache Tribe; and
- WHEREAS,** the Tribal Council concludes that Ordinance No. 258 should be posted in each district for at least ten (10) days before final action is taken by the Council, as required by Article XV, Section 2, of the Constitution of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution along with Ordinance No. 258 in the form and content attached hereto, in each District for at least ten (10) days before final action on the amendment is taken by the Tribal Council.
2. That any and all comments concerning these Ordinances may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. That upon completion of the posting period, the Tribal Council Secretary is directed to (a) submit proof of posting of the amendment to the Tribal Council and to the Legal Department; (b) report any public comments to the Tribal Council, and (c) schedule a Tribal Council meeting through the Office of the Tribal Chairman for final action by the Tribal Council.

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. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

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 provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

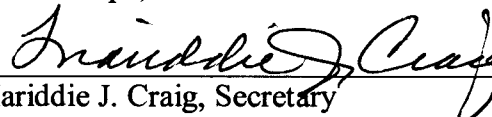
The foregoing resolution was on **MARCH 20, 2013** duly adopted by a vote of **SEVEN** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (f), (h), (s), (t) and (u) of the Tribal Constitution, ratified 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



Date



Mariddie J. Craig, Secretary



Date

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 258, amending White Mountain Apache Natural Resources Code to amend Section 1.9 as follows:

SECTION 1.9 FIREWOOD CUTTING: SPECIES DESIGNATED: RESALE

A. Only dead standing and dead down Rocky Mountain juniper, Utah juniper, One-Seed juniper, Pinyon, Oak, Spruce and Aspen will be harvested as firewood products for resale under a paid permit.

B. Green Shaggy Bark Juniper (Rocky Mountain, Utah and One-Seed) can be cut for firewood under paid permit in designated areas on the reservation. These cutting blocks will be identified by Bureau of Indian Affairs or Tribal Forestry personnel. These blocks will be identified at the time the permit is issued.

C. Dead standing and dead down Alligator juniper firewood is available to tribal members for home use under a free use permit. ~~Alligator Juniper products shall not be harvested for resale by anyone.~~ Alligator Juniper firewood may be harvested by enrolled members of the White Mountain Apache Tribe for resale to enrolled members of the White Mountain Apache Tribe, but shall not be harvested for resale to non-tribal members or to anyone off the Fort Apache Indian Reservation.