



# WHITE MOUNTAIN APACHE TRIBE

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

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## **Resolution No. 05-2013-110**

### **(Restoration of Land Within the Northern Boundary of the Tribe's Reservation)**

**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 White Mountain Apache Tribe has a long-standing and well documented claim that self-perpetuating gross survey errors and irregularities committed by the U.S. Army Engineers and the U.S. General Land Office between 1882 and 1915 along the northern boundary of the Tribe's 1871 Executive Order Fort Apache Reservation have deprived the Tribe of the use of approximately 14,697 acres of trust lands that lie within the Tribe's Reservation; and

**WHEREAS,** the documentation of the Tribe's claim, prepared under the direction of the Tribal Council, prove that gross irregularities and other survey errors have wrongfully and erroneously excluded from the Tribe's Reservation lands about 16,457 acres of forest and grazing lands now included in the Apache-Sitgreaves National Forest, while including within the Reservation about 1,760 acres of forest and grazing lands, a net exclusion of 14,697 acres from the Tribe's Reservation; and

**WHEREAS,** beginning in 1980, professional land surveyor Elmer M. Clark conducted intensive field investigations and historical research to confirm the correct northern boundary of the Reservation; and

**WHEREAS,** professional land surveyor Elmer M. Clark on January 2, 2013 executed an affidavit after reviewing and updating his earlier work for the Tribe, and again concluded that gross irregularities and other survey errors along the northern boundary of the Tribe's Reservation, committed by U.S. Army Engineers and U.S. General Land Office Deputy Surveyors between 1882 and 1915 were known by the Bureau of Land Management (BLM), but were ignored and perpetuated by BLM, and such inaction by the Tribe's trustee, the United States, continues to deprive the White Mountain Apache Tribe of the beneficial use of approximately 14,697 acres of its reservation trust land; and

**WHEREAS,** Special Counsel Robert C. Brauchli and John R. Welch, PhD, who were authorized by the Tribal Council to work with Mr. Clark in regards to preparation of the northern boundary claim, have distributed a copy of Mr. Clark's January 2, 2013 affidavit to each member of the Tribal Council on this date; and

**WHEREAS,** a grave injustice has been done to the White Mountain Apache people as result of the gross survey errors committed by the Tribe's trustee, the United States, and the Tribal Council wishes to correct this long-standing wrong; and

**WHEREAS,** the Tribal Council concludes that the current Secretary of the Interior and other federal officials need to be advised of this injustice that has deprived the Tribe of the use of lands within its Reservation; further, that the White Mountain Apache Tribe does not consider the northern boundary matter closed because of previous federal court litigation conducted by the late William H. Veeder, the Tribe's former water rights attorney, and that at the appropriate time, the Tribe will seek the assistance of the Secretary and other Federal agencies, including, but not limited to the Bureau of Land Management, to conduct, as necessary, a true independent survey of the Tribe's northern boundary which is the watershed divide between the Little Colorado River and Salt River drainages, and to take such other action to restore the 14,697 acres of land to the beneficial use of the White Mountain Apache Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs that at the appropriate time, a copy of Elmer M. Clark's January 2, 2013, affidavit and supporting documentation in support of the Tribe's northern boundary claim be delivered to the Secretary of the Interior and such other Federal agencies as necessary and appropriate with a request for an independent survey and recovery of the lands described in this resolution.

**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.

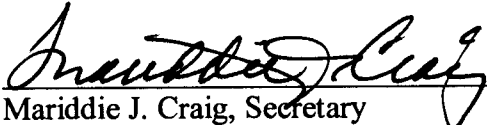
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate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

The foregoing resolution was on MAY 16, 2013 duly adopted by a vote of SEVEN for, ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (c), (f), (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).

  
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Ronnie Lupe, Chairman

6/21/13  
Date

  
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Mariddie J. Craig, Secretary

06/21/2013  
Date