



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 08-2013-174

(Approval to Request Public Law 93-638 Contract for Rock Creek BAER Plan)

WHEREAS, the Rock Creek Fire started on June 21, 2013 and burned a total of 795 acres when it was contained on July 1, 2013; and

WHEREAS, the White Mountain Apache Tribe is seeking recovery from the devastation of the Rock Creek fire and recognizes the emergency stabilization and rehabilitation efforts that will be needed to mitigate the direct and indirect impacts of the fire; and

WHEREAS, a Burned Area Emergency Stabilization and Rehabilitation Plan (herein referred to as BAER Plan) for Rock Creek Fire was developed in accordance with the Department of Interior, Department Manual, Part 620: Wildland Fire Management, Chapter 3: Burned Area Emergency Stabilization and Rehabilitation, which primary objectives are to protect human life, property, and critical cultural and natural resources, and to mitigate the unacceptable effects of the fire and suppression impacts on lands within and adjacent to the burned area; and

WHEREAS, the policy for the implementation of Emergency Stabilization specifications identified in the BAER Plan is limited to two growing seasons from the control date of the fire and funding for Rehabilitation specifications are provided for not more than three years; and

WHEREAS, the White Mountain Apache Tribe has the capacity to implement the specifications identified in the Plan; and

WHEREAS, the provisions of Public Law 93-638 allows for federally recognized Indian tribes to enter into contracts and cooperative agreements with Federal agencies for purposes of tribes themselves providing certain Federal services and functions.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees that a contract to implement specifications in the BAER Plan for the Rock Creek Plan should be entered into between the Tribe and BIA Fort Apache Agency.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a form application under the provisions of Public Law 93-638.

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 AUGUST 9, 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), (b), (c), (g), (i), (j), (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

8-13-13

Date



Mariddie J. Craig, Secretary

08/12/2013

Date