



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Request to BIA for Cost Reimbursement and Authorization for
Multi-Axle Trailer Use Related to Commercial Logging
Access along the Williams Creek Fish Hatchery Road)**

- WHEREAS,** the Tribe and its wholly owned company, WMATCO, LLC, entered into a contract with the BIA to complete the Lone Pine Timber sale; and
- WHEREAS,** under the terms of the contract, completion of the Lone Pine sale requires access to a large portion of the sale through the Williams Creek Fish Hatchery Road, which is a component of the BIA road system within the Fort Apache Indian Reservation; and
- WHEREAS,** the Fish Hatchery Road is designated as a Class II paved road, and established for logging use, service to the Williams Creek Fish Hatchery, and other uses by the Tribe and its members; and
- WHEREAS,** after its entry into the Lone Pine Timber Sale contract, WMATCO was advised by the BIA that heavy truck traffic could no longer be permitted on the Fish Hatchery Road, despite its Class II designation; and
- WHEREAS,** the Tribe has been advised that recent renovation work to the Fish Hatchery Road by the BIA failed to meet minimum engineering standards, and for that reason, the road can no longer be used for its customary purposes; and
- WHEREAS,** in order to re-route traffic around portions of the Fish Hatchery Road which have no been deemed unusable for logging truck use, WMATCO has incurred approximately \$70,000 in additional operating costs during the past year; and
- WHEREAS,** to reach the remaining north-east portion of the Lone Pine Timber Sale, logging traffic cannot be re-routed from the Fish Hatchery Road, as logging truck operations must use the portion of the Fish Hatchery Road currently closed to heavy truck traffic to complete the sale; and
- WHEREAS,** WMATCO has proposed the use of large multi-axle trailers which would distribute the weight of a loaded vehicle to avoid further road degradation on the substandard road surface, based on the opinion of an independent road engineer as to the allowable maximum gross weight per axle; and
- WHEREAS,** the proposed use will required BIA approval and impose additional costs on WMATCO; and
- WHEREAS,** the Tribal Council requests that the BIA authorize the trailer use as the most reasonable short-term remedy for the substandard road surface, until the completion of the Lone Pine Timber Sale; and
- WHEREAS,** the Tribal Council further contends that the additional logging costs which result from the substandard road should be born by the BIA, which failed in its trust obligation to ensure that the Fish Hatchery Road renovation would be completed according to designated standards and as specified in the Lone Pine Timber Sale contract.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the Bureau of Indian Affairs authorize the use by WMATCO, through its contracted loggers, of large multi-axle trailers on the Williams Creek Fish Hatchery Road to enable logging truck access in a manner which reduces impact and degradation on the road surface, and that such authorization shall remain in effect for access to serve the Lone Pine Timber Sale.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the BIA accept financial responsibility for the increased logging costs incurred to date and through the completion date for the Lone Pine Timber Sale to the extent such costs are a result of the failure of the Williams Creek Fish Hatchery Road to conform to Class II road specifications, as designated in the BIA Road system classification and as specified in the Lone Pine Timber Sale Contract issued by the BIA to the Tribe and WMATCO.

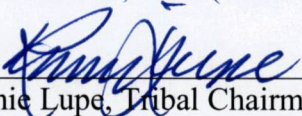
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it enacts this Resolution in recognition of the BIA's control and responsibility over the designated road system which is established for Tribal use, which has historically included logging truck use to support use and development of the Tribe's commercial forest.

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 any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

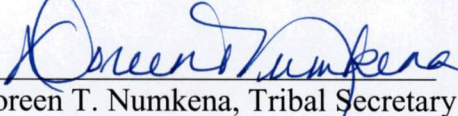
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JUNE 8, 2016** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Ronnie Lupe, Tribal Chairman

7-6-2016
Date


Doreen T. Numkena, Tribal Secretary

7-6-2016
Date