



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## ( Request for Transfer of the BIA Buildings Located at the Whiteriver Airport to the Tribe )

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- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Tribe's Division of Transportation (DOT) was given the responsibility of the Whiteriver Airport by Resolution No. 05-2015-89 and all current and future buildings at the Whiteriver Airport were designated for the use of the Division of Transportation by Resolution No. 02-2017-36; and
- WHEREAS,** although no lease with the Tribe exists, there are buildings and other obstructions that are on BIA's facility inventory, that prevent the Tribe from being in compliance with the Federal Aviation Administration and from operating the airport at its full capacity; and
- WHEREAS,** the Tribe has approved the construction of the new facility for the Division of Transportation, which requires the demolition of the existing facilities, including those that are on the BIA's inventory; and
- WHEREAS,** the Tribe passed Resolution No. 12-2018-263 which redacts portions of the pending Lease No. BFA 1800412 so as to exclude BIA Forestry and BIA Roads from the airport area; and
- WHEREAS,** the BIA have fully vacated the airport site and removed BIA property and/or re-located to another location; and
- WHEREAS,** in order to advance the process, the Tribe has conducted the necessary environmental assessments of the Whiteriver Airport and has provided the local BIA agency with copies of said assessments; and
- WHEREAS,** the BIA has completed inspection of the BIA buildings at the airport and has determined that said property does not contain any materials or other conditions requiring environmental remediation and is ready to be surrendered to the Tribe; and
- WHEREAS,** the Tribal Council finds it in the best interest of the Tribe for the DOT to move forward with its expansion plans at the Whiteriver Airport, including construction of a new DOT facility and becoming FAA compliant; and
- WHEREAS,** the Tribal Council further finds it in the best interest of the Tribe to formally request the BIA to transfer the BIA buildings on its inventory which are located at the Whiteriver Airport to the White Mountain Apache Tribe in order to support the Tribe's efforts to expand the airport and to utilize it for the purpose that it was intended.

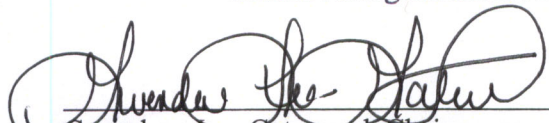
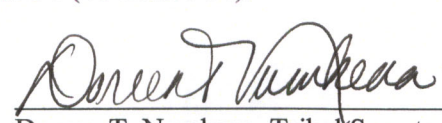
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the BIA transfer possession and control of all buildings on BIA's inventory located at the Whiteriver Airport and real property, with the exception of BIA Helitack which will remain housed on the airport premises, to the White Mountain Apache Tribe for such purposes as the Tribal Council may determine is in the best interest of the Tribe.

**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 Chairwoman, or in her 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 MAY 20, 2019 duly adopted by a vote of FIVE for, ZERO against, and FOUR 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).

	<u>6/12/19</u>		<u>6-12-19</u>
Gwendena Lee-Gateswood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date