



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Approving Partnership Agreement with Archeology Southwest,
Desert Archeology Incorporated, and Archaeometry Laboratory at the
University of Missouri Research Reactor to Prevent, Detect and Respond to
Cultural Resource Crimes)**

WHEREAS, The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1() that the Tribal Council (“Council”) shall exercise the power “To ...”; and

WHEREAS, The White Mountain Apache Tribe (“Tribe”) is a federally recognized American Indian tribe holding undiminished original rights to and ongoing jurisdiction over that portion of its aboriginal territory reserved for the exclusive use and benefit of Tribal members and known as White Mountain Apache Tribe Trust Lands and as the Fort Apache Indian Reservation (“Reservation”); and

WHEREAS, The White Mountain Apache Tribal Council has, since the later 1960s, sustained leadership in cultural resource conservation through the creation of the Nohwike’ Bagowa Museum and Cultural Center, the establishment of the Fort Apache Heritage Foundation to assist in managing the Fort Apache and Theodore Roosevelt School National Historic Landmark and the Kinishba Ruins National Historic Landmark, and other measures; and

WHEREAS, The Tribe has established the office of the WMAT Cultural Resources Director (“CRD”) and has directed the CRD to safeguard and perpetuate Apache language and culture through the protection of sacred sites, the repatriation of cultural items, and the perpetuation of language and cultural traditions; and

WHEREAS, The Tribe has established the Tribal Historic Preservation Office (“THPO”) and directed that office to protect the Tribe’s cultural resource sites and to assist in the prevention and prosecution of cultural resource crime (“CRC”) on the Reservation; and

WHEREAS, CRC on the Reservation and across the American Southwest is a serious and persistent threat that harms ancestral sites and landscapes and the people and communities who rely upon cultural resources as bases for senses of place, identity, and wellbeing; and

WHEREAS, The Tribe has directed the CRD, THPO, and all other persons and entities to demonstrate and assure respect for cultural resources through avoidance of unnecessary impacts to

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cultural resources and through integrated management of cultural resources as crucial elements of ecosystems and as foundations and wellsprings for community health and vitality; and

WHEREAS, CRD and THPO, in partnership with Archaeology Southwest (“ASW”), Desert Archaeology Incorporated, and the Archaeometry Laboratory at the University of Missouri Research Reactor (“MURR”), have participated in planning and initial execution of activities to address CRC on the Reservation, including CRC prevention, CRC detection, CRC damage assessment and damage assessment training, and CRC site remediation; and

WHEREAS, The goal of this partnership is to engage and assist the Tribe and other Native American tribes and nations, and their constituent members and citizens in excluding CRC offenders from tribal trust lands and in remediating and repairing the biophysical and sociocultural damages inflicted by CRC on Native Americans and their lands, communities, and tribes; and

WHEREAS, Archaeology Southwest, Desert Archaeology, and MURR embrace and seek to assist in excluding CRC offenders from tribal trust lands and remediating and repairing biophysical and sociocultural damages inflicted by CRC; and

WHEREAS, On March 19, 2019, and again on May 28, 2019, the Tribe’s Project and Plan Review Panel (“TPPR”) approved proposals presented by THPO, ASW, and DAI (the “Partners”) to collect sediment specimens representing FAIR geological variation to build capacities to apply forensic sedimentology tools to CRC affecting FAIR lands and ancestors; and

WHEREAS, Final TPPR approvals, and all actions involving the use and analysis by ASW, DAI, and MURR of specimens, data, and images from FAIR, are contingent on the execution of a Partnership Agreement to prohibit the infringement on WMAT sovereignty, intellectual property rights, and the use or transfer of FAIR specimens, data, or images for purposes other than addressing CRC without separate, prior, written WMAT permission; and

WHEREAS, The partners have drafted the *Partnership and Sovereignty Protection Agreement by White Mountain Apache Tribe and Archaeology Southwest and Desert Archaeology, Inc. and University Of Missouri Reactor Laboratory in Collaboration with the U.S. Bureau of Indian Affairs Western Regional Office to Prevent, Detect, and Respond to Cultural Resource Crimes Including Use of Forensic Sedimentology to Improve the Efficiency and Effectiveness of Responses to Cultural Resource Crime on White Mountain Apache Tribe Lands* (“Partnership Agreement”) (attached and incorporated herein) and WMAT Office of Attorney General has reviewed and approved the form and structure of that agreement; and

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WHEREAS, On October 2, 2019, at a regular meeting of the WMAT Tribal Council, Dr. John R. Welch presented the Partnership Agreement for due consideration; and

WHEREAS, The CRD and THPO have: (1) commenced participation in and support for partnership initiatives; (2) endorsed WMAT participation in this agreement; (3) recommended the THPO serve as the WMAT designated representative in partnership initiatives; and (4) requested WMAT Tribal Council action to confirm this participation through the execution of this agreement; and

WHEREAS, The implementation of this agreement, especially through the prosecution of one or more CRC incidents on the Reservation, will further establish the Tribe as an international leader in cultural resource stewardship and will enable potent new tools to prevent, investigate, and punish CRC category offenders; and

WHEREAS, The Council has reviewed the Partnership Agreement and finds that its approval will assist in the protection of the Tribe's cultural resources, and is in the best interests of the Tribe and its members.

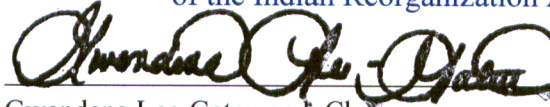
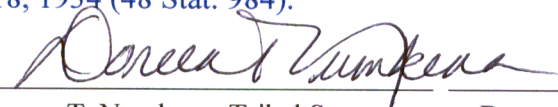
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribe's Chairwoman, or in her absence the Tribe's Vice-Chairman, to execute the *Partnership and Sovereignty Protection Agreement by White Mountain Apache Tribe and Archaeology Southwest and Desert Archaeology, Inc. and University Of Missouri Reactor Laboratory in Collaboration with the U.S. Bureau of Indian Affairs Western Regional Office to Prevent, Detect, and Respond to Cultural Resource Crimes Including Use of Forensic Sedimentology to Improve the Efficiency and Effectiveness of Responses to Cultural Resource Crime on White Mountain Apache Tribe Lands* ("Partnership Agreement").

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, 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.

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The foregoing resolution was on **OCTOBER 2, 2019** duly adopted by a vote of **NINE** for and **ZERO** against with **TWO** abstaining 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).

 
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date