



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Amending Resolution No. 04-2020-86 to Allow for Acorn Harvesting)

**WHEREAS,** The Constitution of the White Mountain Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “To represent the Tribe and act in all manners that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and

**WHEREAS,** On January 30, 2020, The World Health Organization declared a Public Health Emergency of International Concern regarding COVID-19. Subsequently, the U.S. Department of Health and Human Services declared a Public Health Emergency related to COVID-19 on January 31, 2020. The Tribe issued its own Emergency Declaration due to COVID-19 on March 12, 2020; and

**WHEREAS,** During this pandemic, the Council has enacted numerous Resolutions that take strict precautionary measures to protect the health and safety of the public, including the implementation of Resolution No. 04-2020-86, which institutes a Stay-at-Home Order on the Fort Apache Indian Reservation; and

**WHEREAS,** The Council understands the importance of acorn harvesting to the White Mountain Apache people and finds it necessary to amend Resolution No. 04-2020-86 to allow Fort Apache Indian Reservation residents to harvest acorns off White Mountain Apache Tribal lands.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby amends Resolution No. 04-2020-86 to allow Fort Apache Indian Reservation (“Reservation”) residents to harvest acorns outside the boundaries of the Fort Apache Indian Reservation.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs all Reservation residents who choose to harvest acorns to abide by the Tribal curfew of 8:00 P.M. and 5:00 A.M., during which it shall be unlawful for any person subject to the curfew to be present or travel upon any street or road, or public property within the Reservation, unless such travel is necessary to obtain medical assistance or travel to or from work, as deemed essential.



**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that persons harvesting acorns who violate the curfew shall be civilly liable to the Tribe pursuant to Resolution No. 04-2020-86.

**Resolution No. 07-2020-166**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that this Resolution shall not act to lift or repeal other consistent measures enacted by Council in response to the COVID-19 pandemic, provided 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 **JULY 22, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ONE** 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>8/18/2020</u>		<u>8-19-2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date