



Resolution No. 08-2020-179

WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Activating Phase One of the Tribe's Reopening Plan,
Beginning August 10, 2020)**

- WHEREAS,** The Constitution of the White Mountain Apache 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,** The World Health Organization declared a Public Health Emergency of international concern regarding COVID-19 on January 30, 2020; U.S. Department of Health and Human Services declared a Public Health Emergency related to COVID-19 on January 31, 2020; and the Tribe issued an Emergency Declaration due to COVID-19 on March 12, 2020; and
- WHEREAS,** The Tribe, in consultation with the Tribe’s Emergency Operations Center (“EOC”), Centers for Disease Control and Prevention (“CDC”), Johns Hopkins University (“JHU”), and Indian Health Services (“IHS”), approved the COVID-19 Alert System and Phased Reopening Plan (“Reopening Plan”) via Resolution No. 08-2020-177; and
- WHEREAS,** The Reopening Plan has four phases, each successive phase of which may be entered after a minimum 14-days of downward trajectory or stable low counts of COVID-19 cases without activation of a shelter-in-place order; and
- WHEREAS,** Phase One of the Reopening Plan allows essential departments and other department program supervisors, coordinators and directors to resume work, while permitting other departments to resume on-site maintenance work, outdoor work, and construction work only; and
- WHEREAS,** Phase One of the Reopening Plan also permits the following forest activities, subject to existing Tribal Codes, Rules and Regulations: (1) woodcutting, when there is no red flag warning; (2) Tribal member hunting, including antler hunting; and (3) Tribal member and spouse fishing; and
- WHEREAS,** The Reopening Plan requires that the existing curfew and all precautionary measures remain in place throughout each phase of the Plan unless otherwise indicated, including

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but not limited to: social distancing of 6 feet apart; mask wearing; wiping down commonly used areas; and frequent handwashing; and

WHEREAS, The Reopening Plan requires the automatic reinstatement of the Emergency Phase should a shelter-in-place order be activated at any time during the reopening process based upon the newly adopted COVID-19 Shelter-in-Place Activation System; and

WHEREAS, Based upon the JHU COVID-19 Data Briefing indicating a 14-day downward trajectory with necessary gating criteria being met, and discussions with the Tribe's public health advisors, including the EOC and JHU regarding the reopening phases this day, the Tribal Council finds that it is in the best interest of the Tribe and its members to cautiously resume certain, limited activities by entering into Phase One of the Reopening Plan.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby activates Phase One of the Tribe's Reopening Plan, effective Monday, August 10, 2020 at 8:00 A.M., as follows:

1. All "essential departments", as well as all other department directors, coordinators and program supervisors are to resume work operations. Other departments may resume maintenance work, outdoor work, and construction work. For the purposes of this Resolution, "Essential Departments" shall include those listed in "Appendix A" which is attached and incorporated herein.
2. The following forest activities are hereby permitted, subject to existing Tribal Codes, Rules and Regulations: (1) woodcutting, when there is no red flag warning; (2) Tribal member hunting, including antler hunting; and (3) Tribal members and their spouse fishing.
3. The existing curfew and all precautionary measures shall remain in place throughout each phase of the Plan unless otherwise indicated, including but not limited to: social distancing of 6 feet apart; mask wearing; wiping down commonly used areas; and frequent handwashing.
4. If a shelter-in-place order is issued at any time during the reopening process based upon the newly adopted COVID-19 Shelter-in-Place Activation System, the Tribe shall revert back to the Emergency Phase of its reopening plan.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby permits acorn picking at the following west end locations: Oak Creek; Lonely Mountain; and Flying V, provided that curfew regulations are adhered to.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby permits the continuation of the Emory Oak Collaborative Tribal Restoration Initiative in accordance with Resolution No. 01-2020-01.

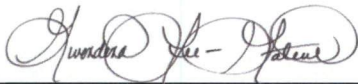
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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues 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 **AUGUST 5, 2020** duly adopted by a vote of **TEN** for, **ONE** 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).



8/7/2020



Gwendena Lee-Gatewood, Chairwoman

Date

Doreen T. Numkena, Tribal Secretary

Date



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APPENDIX A

“Essential Tribal Departments” include, but are not limited to, the following:

- Apache Behavioral Health Services Apache Enterprise
- Business Office
- Client Business Office
- Community Health Workers
- Department of Corrections
- Division of Health
- Doxol Propane;
- Elderly Services Feeding Site
- Emergency Operations Center
- EMS Department
- Fire Department
- Forestry
- Game and Fish, including Game Rangers / Dispatchers / Wildlife Technicians
- Isolation and Quarantine staff
- Police Department
- Probation
- Prosecution
- Public Works
- Rainbow Treatment Center Employees
- Social Services, including CPS/on-call Social Services staff
- Tribal Court
- Tribal Utility Authority
- Vital Records Office
- WMAHA Force Account
- WMAHA Maintenance
- WMAHA Security/dispatchers
- Other persons or department as may be designated.

It is the responsibility of each “Essential Tribal Department” to implement the precautionary measures set forth in the Tribe’s Back-to-Work Plan and their respective department-specific back-to-work plan.