



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Directing the Bureau of Indian Affairs to Reimburse the Tribe for Urgent Repairs to BIA Managed Roads Completed by White Mountain Apache Timber Company)

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 matters that concern the welfare of the Tribe. . .”; and

WHEREAS, Many of the roads on the Fort Apache Indian Reservation, particularly dirt roads remain an obligation of the Tribe’s trustee, the Bureau of Indian Affairs (“BIA”), who has a trust responsibility to maintain those roads in good working order, such that the Tribe can utilize and develop its natural resources; and

WHEREAS, In the recent past, the White Mountain Apache Timber Company, Inc. (“WMATCO”) has struggled to access several areas for growing and harvesting activities central to its enterprise, and has found that the BIA has failed to maintain many of its roads in operable condition; and

WHEREAS, Rather than suffer additional financial and operational damages as a consequence of the BIA’s failure to upkeep these roads, WMATCO has, on several occasions, found it necessary to repair and maintain various necessary routes using its own resources, personnel, and equipment; and

WHEREAS, These maintenance operations have incurred certain costs of WMATCO, which it has asked the Council to recoup; and

WHEREAS, Council finds that directing the Bureau of Indian Affairs to reimburse the Tribe for those expenses incurred as a result of the BIA’s failure to maintain the roads is necessary and proper, 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 directs the Bureau of Indian Affairs to reimburse the Tribe for costs incurred by the White Mountain Apache Timber Company for repairing and maintaining BIA managed roads that are necessary for WMATCO’s operations.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the WMATCO general manager, Barney Gregg, shall consult with the Office of the Attorney General to

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determine the amount of money expended by WMATCO in repairing BIA managed roads, and report their findings back to the Council.

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 JANUARY 10, 2023 duly adopted by a vote of NINE 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 8.3.2023
Kasey Velasquez, Chairman Date
White Mountain Apache Tribe

Vaneysa Johnson 8/3/2023
Vaneysa Johnson, Tribal Secretary Date