



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Closure of the Fort Apache Cemetery to Further Interments)

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, “[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe...”, and in Article IV, Section 1(h), “[t]o regulate the uses and disposition of Tribal property”; and

WHEREAS, Since the 1969 creation of the Nohwike’ Bagowa Museum and Cultural Center (“Museum”), the Tribe has sustained national and regional leadership in cultural resource conservation and community- and visitor-driven historic preservation and economic development at Fort Apache; and

WHEREAS, The Tribe and the United States Bureau of Indian Affairs co-nominated the Fort Apache and Theodore Roosevelt School historic district as a National Historic Landmark, and United States Secretary of the Interior Ken Salazar’s March 6, 2012 formal designation of the Fort Apache and Theodore Roosevelt School National Historic Landmark recognizes the district’s 26 historic buildings and approximately 300 acres as a high-integrity and nationally significant embodiment and reflection of more than ten decades of United States policy targeting American Indian sovereignty, land, culture, and education; and

WHEREAS, The Fort Apache and Theodore Roosevelt School National Historic Landmark includes, as a non-contiguous contributing element, the approximately five-acre Fort Apache Cemetery, the final and perpetual resting place for more than 100 predominantly Apache individuals, including many veterans of the armed forces; and

WHEREAS, Assessments by the Tribe’s Historic Preservation Officer, Mark Altaha, and Cultural Resources Director, Ramon Riley, have found that recent attempts to bury additional deceased individuals at Fort Apache have resulted in the disturbance of prior burials and the unauthorized burial of deceased individuals in lands beyond the defined boundaries of the Fort Apache Cemetery; and

WHEREAS, The Fort Apache Heritage Foundation, the entity designated by the Tribe to preserve and care for the Fort Apache and Theodore Roosevelt School National Historic Landmark, concurs in the conclusion that any further use of the Fort Apache Cemetery is very likely to result in disturbance to existing burials and human remains; and

WHEREAS, The White Mountain Apache Criminal Code and the U.S. Native American Graves Protection and Repatriation Act prohibit the disturbance and excavation of burials, human remains, and other cultural items and provide serious penalties for violations of these laws; and

Resolution No. 02-2024-033

WHEREAS, On this day, the Cultural Resource Director proposes to close the Fort Apache Cemetery to further interments and other ground-disturbance; and

WHEREAS, The Council finds that closing the Fort Apache Cemetery is consistent with its prior and existing commitments to enable the culturally appropriate preservation and community-focused use of Fort Apache, 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, effective immediately, it hereby prohibits all future uses of the Fort Apache Cemetery for burials or other ground disturbing activities.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Public Works, with the requested assistance of WMATCO and Fort Apache Heritage Foundation, to install necessary gates, fencing, and any necessary remedies to enforce the closure of the cemetery.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that a copy of this resolution be provided to the White Mountain Apache Police Department, Public Works, Land Operations, Fort Apache Scout, Fort Apache Heritage Foundation, and other offices and programs having interests or responsibilities for taking care of funerals and related matters.

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.

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 **FEBRUARY 6, 2024** duly adopted by a vote of **SEVEN** 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 2-5-2024
Kasey Velasquez, Chairman Date

Doreya Johnson 02/12/2024
Tribal Secretary Date