

Resolution No. 61-3

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, on the first day of March, 1960 by Resolution No. 60-23, the Tribal Chairman was authorized to execute a gratuitous lease for and on behalf of the Tribal Council with the U. S. Department of the Interior, Bureau of Sport Fisheries and Wildlife, U. S. Fish and Wildlife Service for a period of 25 years with an option to renew for an additional period of 25 years, said lease containing approximately 28 acres of land near Alchesay Springs on the Fort Apache Indian Reservation, and

WHEREAS, the Bureau of Indian Affairs, Department of the Interior, has agreed to maintain said road after the completion of construction by said Bureau of Sport Fisheries and Wildlife, and

WHEREAS, said Bureau of Sport Fisheries needs a right of way agreement with the Tribe in order to have access to and from said fish cultural station, and

WHEREAS, the said Bureau of Sport Fisheries have submitted to the Tribe a plat containing a metes and bounds description of the proposed right of way and which map is acceptable to Bureau of Indian Affairs, and

WHEREAS, it is of utmost importance to the Tribe that said fish cultural station be constructed as soon as possible, and

BE IT RESOLVED that the Chairman of the Tribal Council for and on behalf of the said Tribal Council and the Superintendent of the Fort Apache Agency be authorized and directed to execute any and all documents necessary to grant to the said Bureau of Sport Fisheries and Wildlife and/or Bureau of Indian Affairs a right of way over and across lands of the Fort Apache Indian Reservation, said lands being described on the original 1850 tracing survey map which is on file in the Fort Apache Agency, Whiteriver, Arizona and to which reference is hereby made.

BE IT FURTHER RESOLVED that the said right of way be granted without the necessity of the Bureau of Sport Fisheries and/or Bureau of Indian Affairs paying any damages therefor.

BE IT FURTHER RESOLVED that as soon as the application for right of way is filed with the Superintendent and the Engineer's affidavit is subscribed to the map and reproductions thereof, that the Bureau of Sport Fisheries and/or Bureau of Indian Affairs be authorized to commence construction of a road on said right of way.

BE IT FURTHER RESOLVED that the Tribal Chairman and the Superintendent of the Fort Apache Agency expedite the consumation of the above right of way as quickly as possible.

The foregoing resolution was on January 4, 1961 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 15 of the Act of June 18, 1934 (48 Stat. 984).

Lester Oliver
Chairman of the Tribal Council

Mary L. Confield
Secretary of the Tribal Council

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FEB 6 1961

Mr. F. M. Haverland

Area Director, Phoenix, Arizona

Attention: Branch of Realty

Dear Mr. Haverland:

Resolution No. 61-3 was enacted on 4 January 61 and was retained in the Fort Apache Agency office because numerous corrections had to be made on maps, tracings, etc. There was some question as to whether the Bureau of Indian Affairs or the Bureau of Sport Fisheries and Wildlife was to apply for the right of way. In order to expedite the granting of the right of way so construction can be started the wording of the resolution was changed to read Bureau of Sport Fisheries and Wildlife and/or Bureau of Indian Affairs on the request for right of way and on waiving of damages.

Resolution No. 61-3 was passed pursuant to authority vested in Article V, Section 1 (i) of the Tribe's Constitution. Under this authority the resolution is not subject to review or approval of the Secretary of the Interior.

Sincerely yours,

(SIGNED) ALBERT M. HAWLEY

Superintendent