

AUG 9 1961

(Date)

Resolution No. 61-78

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

WHEREAS, the White Mountain Apache Tribal Council by Resolution No. 61-65 adopted June 28, 1961, approved a Plan of Operation on the Fort Apache Timber Company and approved the filing of an enterprise application and agreement requesting loan of \$500,000 from the Tribe's Revolving Credit funds, and

WHEREAS, by Resolution No. 61-68 the Council approved a master timber agreement and special timber contract provisions between the White Mountain Apache Tribe and the Fort Apache Timber Company as a part of the Plan of Operation and the enterprise application and agreement, and

WHEREAS, on July 14, 1961 the Commissioner of Indian Affairs approved the enterprise application and agreement, including the exhibits and the master agreement for forestry operation, subject to the acceptance by the Tribe of all conditions setforth in the approval action, and

WHEREAS, the White Mountain Apache Tribe has copied all conditions of approval to be inserted in the Plan of Operation and/or in the master timber agreement.

BE IT RESOLVED that all conditions of approval stipulated in the approval action of the Commissioner are hereby accepted.

BE IT FURTHER RESOLVED that copies of conditions of approval are hereby made a part of the enterprise application and agreement.

BE IT FURTHER RESOLVED that the Superintendent of the Fort Apache Indian Agency determine that funds in the amount of \$500,000 are held in reserve to meet contractual obligations of the Tribe in connection with construction of the new sawmill enterprise and that such funds be advanced to the Tribe only as requested.

The foregoing resolution was on August 3, 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 (a), (b), (1) and (2) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1953 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

AUG 11 1961

APPROVED.....

Arthur M. Sawley
Superintendent

Lester Oliver
Chairman of the Tribal Council

Wang C. Eastfield
Secretary of the Tribal Council

Credit

W. J. Smith

AUG 17 1961

Mr. F. M. Haverland

Area Director, Phoenix, Arizona

Resolution No. 61-78 was adopted by the White Mountain Apache Tribal Council on August 3, 1961 pursuant to authority vested in it by Article V, Section 1 (a), (b), (i) and (l) of the Amended Constitution of the Tribe.

By letter of July 14, 1961 the Commissioner transmitted approval action in connection with the Fort Apache Timber Company loan application in the amount of \$500,000 from the White Mountain Apache Tribe. All conditions of the approval action were accepted by the attached resolution.

All changes indicated in the approval action have been incorporated in the Plan of Operation and/or Master Timber Agreement. This was accomplished prior to presentation to the Council for acceptance of approval action.

One copy of Resolution No. 61-78 has been attached to the approval action of the Commissioner and included as page 67 in all copies of the Enterprise Application and Agreement that were returned to this Agency.

The only changes made other than including the approval action in the Plan of Operation and/or Master Timber Agreement was the insertion of the approval action as pages 63 through 66 and Resolution 61-78 as page 67 in the Application and Agreement. The Table of Contents was amended to show these additions. A copy of the Plan of Operation and the Master Timber Agreement as originally passed on June 28, 1961 have been retained with the Agency copy of the Enterprise Application and Agreement.

We are returning the original of the Enterprise Application and Agreement which also contains the original of the Commissioner's approval action. In order that Central Office may have a copy of the Plan of Operation and Master Timber Agreement as re-written to incorporate the approval conditions, we are attaching one additional copy of these documents together with copy of Resolution 61-78.

Distribution of the four remaining copies is being withheld pending assignment of CF and TE numbers.

Reference is made to the last Resolve in Resolution 61-78. We assume that the \$500,000 will be held in reserve for advance to the Tribe's Revolving Credit Program as required. However, the Tribe wishes to determine that such is the case prior to entering into contracts in connection with mill construction.

Under provisions of Article V, Section 1 (1) of the Amended Constitution, this resolution is subject to approval of the Secretary of the Interior. However, in view of your letter of January 4, 1961 regarding Resolution No. 60-93, we question that Section 1 (1) is properly used in this instance.

Sincerely yours,

75/ Albert M. Hawley

Superintendent

Enclosures

LWAdair:gbt

Copy to: Credit
Chron