

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

WHEREAS, Resolution No. 68-84 requested that all Fort Apache Timber Company Logging Unit contracts contain uniform procedural requirements where possible, and

WHEREAS, the trial period for the ratio system of determining stumpage payments was held and the system was found satisfactory and was approved by the Area Director for existing and subsequent timber sales to the Fort Apache Timber Company, and

WHEREAS, there is a need for a continuation of a uniform reappraisal procedure.

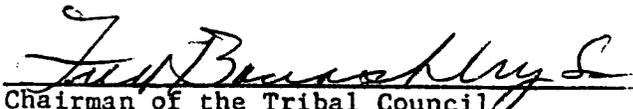
BE IT RESOLVED that all active existing timber contracts-Contract No. (H52-C-1420-6793, H50-C-1420-6794, H50-C-1420-6709, H50-C-1420-6576, H50-C-1420-6575, H50-C-1420-629, H50-C-1420-632, H50-C-1420-631, and H50-C-1420-20630) with the Fort Apache Timber Company be modified to read: In lieu of Section 4 (b) of the Special Provisions, during such time as the ratio (royalty) system for the payment of forest products shall be in effect, the following clause will apply; During the effective period of this contract, or any extension thereof, the Approving Officer shall on or about July 1st of each year, during such period, establish a 30-day consultation period to study the ratio (royalty) percentage then in effect to review of the circumstances and the written facts submitted by the parties hereto or on their behalf, the Approving Officer, with the consent of the Tribal Council, will make whatever decision concerning adjustment of the percentage that he finds warranted. If an adjustment is made, the adjusted percentage will be made effective retroactive to July 1, regardless of the date of the decision.

In addition to the aforestated annual review of the ratio (royalty) percentage, the Purchaser (FATCO) or the Seller (White Mountain Apache Tribe) or the Bureau of Indian Affairs may request either jointly or severally a review of the existing ratio (royalty) percentage. Such a request shall be supported by sufficient documentation of the facts and circumstances as the Approving Officer may require. Interim reviews and adjustments of the ratio (royalty) percentage will not be made at less than three-month intervals.

The decision and the basis upon which it is made shall be announced by the Approving Officer following his review. Consideration of any change in the timber ratio (royalty) percentage will generally be based on economic factors of a substantial nature that affect the Fort Apache Timber Company mill, markets or resource supply that were not present, foreseen or anticipated at the time the timber ratio (royalty) percentage in effect was established.

BE IT FURTHER RESOLVED that the Tribal Chairman and Secretary are authorized to sign the necessary documents to make this modification effective.

The foregoing resolution was on June 4, 1969 duly adopted by a vote of 10 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 16 of the Act of June 18, 1934 (48 Stat. 984).


Acting Chairman of the Tribal Council


Secretary of the Tribal Council

RECORDED IN THE TRIBAL RECORDS OFFICE

JUN 17 1969

Resolution No. 69-72