



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Fish Barrier Construction, Replacement of Culverts, and Habitat Restoration in Crooked Creek, Deep Creek, Flash Creek, Little Bonito Creek, Rock Creek, Little Diamond Creek, Ord Creek, Paradise Creek and Wohlenberg Creek for Conservation of the Apache Trout)

WHEREAS, The Constitution of the White Mountain Apache Tribe ("Tribe") of the 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 at Section 1(f), "To protect and preserve the wildlife...of the Tribe, and to regulate hunting and fishing on the Reservation"; and

WHEREAS, The Tribe, in conjunction with the White Mountain Apache Game and Fish Department ("Department"), has provided leadership throughout decades of efforts to prevent extinction and provide for the recovery of the threatened Apache Trout; and

WHEREAS, Non-native Brown Trout and Brook Trout negatively interact with Apache Trout, and fish barriers can prevent non-native Brown Trout and Brook Trout from moving upstream into Apache Trout habitat; and

WHEREAS, Perched, undersized, or excessively sloped corrugated metal pipes ("culverts") can restrict upstream and downstream movement of Apache Trout in different streamflow conditions; and

WHEREAS, Properly designed culverts can have little or no adverse effects to Apache Trout passage to spawning, feed, and overwinter up and downstream in different streamflow conditions; and

WHEREAS, A portion of Flash Creek with no significant vegetation experiences dry periods disconnecting and stressing the population of Apache Trout; and

WHEREAS, Fences excluding livestock can help vegetation return, promote water recharge in the ground and help maintain flows and cooler temperatures in Flash Creek for Apache Trout; and

WHEREAS, The Department, this day, requests approval to construct conservation fish barriers in Crooked Creek, Little Bonito Creek, Rock Creek, Little Diamond Creek, Ord Creek, Paradise Creek, and Wohlenberg Creek for the protection of Apache Trout; and

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WHEREAS, The Department also requests approval to remove, replace, or modify metal culverts in all Apache Trout recovery streams, beginning with those in Crooked, Deep, and Paradise creeks, to provide safe up and downstream passage for Apache Trout in the streams; and

WHEREAS, The Department also requests approval to construct fencing, plant riparian vegetation, and create additional stream riffles to restore habitat along a portion of Flash Creek, increase meadow water storage, and increase stream flows for the Apache Trout; and

WHEREAS, The Tribal Council finds the fish barriers construction at Crooked Creek, Little Bonito Creek, Rock Creek, Little Diamond Creek, Ord Creek, Paradise Creek and Wohlenberg Creek, the replacement or modification of culverts in Crooked Creek, Deep Creek, and Paradise Creek and habitat restoration in Flash Creek are all in the best interest of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the following:

1. Construction of conservation fish barriers in Crooked Creek, Little Bonito Creek, Little Diamond Creek, Rock Creek, Wohlenberg Creek, Ord Creek, and Paradise Creek,
2. Modification or removal and replacement of culverts in Apache Trout recovery streams, beginning with those at Crooked Creek, Deep Creek, and Paradise Creek.
3. Habitat restoration in a portion of Flash Creek through the installation of livestock exclusion fencing, riparian vegetation planting, and instream riffle creation.

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 APRIL 23, 2024 duly adopted by a vote of TEN for, ONE 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 4-24-2024
Kasey Velasquez, Chairman Date

Vaneysa Johnson 4/29/2024
Vaneysa Johnson, Tribal Secretary Date