

**HUALAPAI TRIBAL COUNCIL  
RESOLUTION NO.16-2000  
OF THE GOVERNING BODY OF THE  
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Forest Products Harvesting Ordinance No. 61-D)

**WHEREAS**, It is in the best interest of the Tribe to protect their natural resources by regulating the uses of these resources; and

**WHEREAS**, the Tribe has received an ANA Grant to assist in the formulation of ordinances and regulations, including the Forestry Ordinance; and

**WHEREAS**, the attached document, Forest Products Harvesting Ordinance No. 61-D, is the result of these efforts.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hualapai Tribal Council does hereby approve the Forest Products Harvesting Ordinance No. 61-D, and

**BE IT FURTHER RESOLVED** that the ordinance shall become effective within sixty days (60) from this date of approval.

**C E R T I F I C A T I O N**

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 8 constituting a quorum were present at a **REGULAR COUNCIL MEETING** thereof held on this 03rd day of February, 2000; and that the foregoing resolution was duly adopted by a vote of 8 in favor, 0 opposed, 0 not voting, 1 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

*Aaron Mapatis*

Aaron Mapatis, Vice Chairman  
Hualapai Tribal Council

ATTEST:

*Christine Lee*

Christine Lee, Secretary  
Hualapai Tribal Council

†

THE HUALAPAI TRIBE - PEACH SPRINGS, ARIZONA:

FOREST PRODUCTS HARVESTING ORDINANCE NO. 61-D

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BE IT ENACTED BY THE COUNCIL OF THE HUALAPAI INDIAN TRIBE  
OF THE HUALAPAI INDIAN RESERVATION, ARIZONA:

FOREST PRODUCTS HARVESTING ORDINANCE 61-D

CHAPTER 1. GENERAL PROVISIONS

Part 1  
Authority

61-1-101. **Authority.** This Ordinance is enacted pursuant to:

- (1) The Constitution of the Hualapai Indian Tribe of the Hualapai Indian Reservation, as approved by the Secretary of the Interior on March 13, 1991, Article V(f), (j), (l) and (aa) and Article XI, Section 3;
- (2) Section 309 of the National Indian Forest Resources Management Act, 25 U. S. C. § 3108; and
- (3) 25 C. F. R. § 163.4.

Part 2

Findings and Policy

61-1-201. **Findings.** The Tribal Council finds that:

- (1) The self-governing capabilities, political integrity, health and welfare, and economic security of the Hualapai Tribe ("Tribe") are protected and enhanced by tribal control, management and regulation of forest products in order to protect forest resources which are essential for preserving a healthy natural environment and for maintaining economic, recreation, aesthetic, religious, cultural and other traditional values.
- (2) The Constitution and Bylaws of the Hualapai Indian Tribe of the Hualapai Indian Reservation, Article I confirms the power, and therefore the responsibility, of the Tribal Council to regulate the uses and disposition of tribal property for the protection and preservation of the natural resources of the Tribe.
- (3) The Tribal Council is empowered to exclude non-members from Hualapai forest land and to regulate, condition, limit, and restrict non-member use of Hualapai forest land.

- (4) Reservation population growth is accompanied by increasing unregulated utilization of Hualapai forest land. Such utilization causes adverse impacts upon forest productivity, forest soils, water quality, air quality and terrestrial and aquatic habitat. Therefore, there exists an immediate need to regulate forest practices on Hualapai forest land in order to protect and preserve Hualapai forest land and forest resources.
- (5) Increasing economic value of forest products, along with increasing recognition of the non-economic values of forests, is resulting in conflict between proponents of the various competing uses for forest products. Therefore, there exists an immediate need to regulate forest use in order to minimize conflict between proponents of competing uses and to benefit all Reservation residents and forest users.
- (6) There is a serious threat to Hualapai forest land arising from trespass and unauthorized harvesting of forest resources. Therefore, there exists an immediate need to establish and codify forest trespass jurisdiction in order to effectively implement tribal and federal policy.

61-1-202. **Declaration of Policy.** It is the policy of the Tribal Council, in furtherance of prudent management of Hualapai forest land and forest resources, to:

- (1) implement Tribal civil regulatory jurisdiction over forest products harvested from Hualapai forest land to the greatest extent allowable under law; and
- (2) seek a balance between use, development and preservation of Hualapai forest land with intent to provide forest products for:
  - (a) personal use of Tribal members;
  - (b) commercial use by value-added industries providing employment opportunities for Tribal members;
  - (c) the economic benefit of the Tribe through sales on the open market; and
  - (d) other non-commodity producing uses.

**Part 3**  
**General Provisions**

**61-1-301. Definitions.** For the purposes of this Ordinance the following definitions will apply:

- (1) **Authorized officer** means:
  - (a) any officer of the Tribal Wildlife Conservation Program;
  - (b) any peace officer of the Hualapai Tribe; and
  - (c) any law enforcement officer of the United States authorized by this Ordinance, the Regulations promulgated pursuant to this Ordinance, or federal law to enforce this Ordinance.
- (2) **Commercial forest land** means forest land that is producing or capable of producing crops of marketable forest products and is administratively available for intensive management and sustained production.
- (3) **Commercial harvesting** means the harvesting of forest products for the purpose of resale or exchange for other goods or services.
- (4) **Contract** means a valid formal contract for sale of forest products executed in accordance with 61-2-102 and 103, approved by the Secretary and signed by the Tribal Chairman and the Secretary.
- (5) **Contractor** means a party who enters into a contract to purchase forest products.
- (6) **Department** means the Hualapai Natural Resources Department.
- (7) **Department Director** means the Director of the Hualapai Natural Resources Department or his/her authorized representative.
- (8) **Forest or Forest land** means an ecosystem at least one acre in size, including timberland and woodland, which is characterized by a more or less dense and extensive tree cover; contains, or once contained, at least ten percent tree crown cover; and is not developed or planned for exclusive non-forest use.
- (9) **Forest products** means marketable products extracted from Hualapai forest land, including but not limited to: timber products (lumber, lath, vegas, ties, bolts, logs, pulpwood, fuelwood, posts, poles and split products), bark, Christmas trees, stays, branches, firewood, berries, mosses, roots, syrups, herbs, other marketable material, and gravel.
- (10) **Forest resources** means all the benefits derived from Hualapai forest land, including forest products, soil productivity, water, fisheries, wildlife, recreation, and aesthetic or other traditional values of such land.



- (11) **Harvesting** means the preparation for removal, removal, transport and disposal of forest products from the point of extraction in the forest to a point of delivery.
- (12) **Hualapai forest land** means Hualapai tribal land or land held in fee by the Tribe or in which the Tribe holds a majority ownership interest, including commercial, noncommercial, productive and non-productive timberland and woodland, that is considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover, regardless of whether a formal inspection and land classification has been taken.
- (13) **Hualapai tribal lands** means all lands over which the Hualapai Tribe has jurisdiction, including all land within the exterior boundaries of the Hualapai Reservation and all other Hualapai Indian country, as that term is defined in 18 U.S.C. § 1151.
- (14) **Member** means a person who is enrolled as a member of the Hualapai Tribe.
- (15) **Noncommercial forest land** means forest land that is available for extensive management, but is incapable of producing sustainable forest products within the general rotation period. Such land may be economically harvested, but the site quality does not warrant significant investment to enhance future crops.
- (16) **Noncommercial harvesting** means the harvesting of forest products for the purpose of an individual's own personal use. Such products shall not be sold or exchanged for any other goods or services, and their value shall not exceed the amounts specified in §§ 61.3 and 61.4 of the regulations issued under this ordinance.
- (17) **Non-member** means a person who is not enrolled as a member of the Hualapai Tribe.
- (18) **Performance bond** means a surety bond which secures payment of damages to a landowner to protect such landowner against injury caused by actions of a contractor or permittee.
- (19) **Permit** means a valid forest products harvesting permit issued by the Hualapai Tribal Forestry Program.
- (20) **Permittee** means the holder of a valid forest products harvesting permit issued in his/her name by the Hualapai Tribal Forestry Program.
- (21) **Person** means any individual, public or private corporation, company, partnership, association or society of persons, the federal, state or local governments or any of their programs, agencies or departments, or any Indian tribe, including the

Hualapai Tribe, or any of its programs, agencies, departments, corporations or entities.

- (22) **Productive forest land** means forest land producing or capable of producing marketable forest products that is unavailable for harvest because of administrative restrictions or because access is not practical.
- (23) **Program** means the Hualapai Tribal Forestry Program.
- (24) **Program Manager** means the Program Manager of the Hualapai Tribal Forestry Program or his/her authorized representative.
- (25) **Regulation or Regulations** means any regulation promulgated pursuant to this Ordinance.
- (26) **Reservation** means the Hualapai Indian Reservation.
- (27) **Secretary** means the Secretary of the Interior or his/her authorized representative.
- (28) **Stumpage rate** means the stumpage value per unit of measure for a forest product.
- (29) **Stumpage value** means the value of a forest product prior to extraction from Hualapai forest land.
- (30) **Trespass** means the removal of forest products from Hualapai forest land or the severance or injury (including fire trespass) of forest products on Hualapai forest land except when authorized by law, including applicable federal or tribal regulations.
- (31) **Tribal Council or Council** means the duly elected governing body of the Hualapai Tribe.
- (32) **Tribe or Tribal** means of or pertaining to the Hualapai Tribe.
- (33) **Unproductive forest land** means forest land that is not producing or capable of producing marketable forest products and is also unavailable for harvest because of administrative restrictions or because access is not practical.

**61-1-302. Tribal Council's Responsibilities.** The Tribal Council has responsibility for establishing goals and policies, enacting regulations and implementing procedures in order to regulate the harvesting of forest products on Hualapai forest land.

**61-1-303. Secretary's Powers and Duties.** The federal government, through the Secretary, shall comply with Tribal ordinances and regulations pertaining to Hualapai forest land, pursuant to 25 U.S.C. § 3108 and 25 C.F.R. § 163.4. The Secretary is empowered, pursuant to

this Ordinance and federal law, to approve contracts. The Secretary shall cooperate with the enforcement of this Ordinance and the Regulations by assisting with enforcement, providing notice of this Ordinance and the Regulations to persons undertaking activities on Hualapai forest land and appearing in Tribal forums upon request of the Tribe.

**61-1-304. Department/Program's Powers and Duties.** The Department/Program and authorized officers shall have the powers and duties necessary for implementation of this Ordinance and the Regulations.

**61-1-305. Regulations.** The Tribal Council may promulgate regulations to implement the provisions of this Ordinance. Regulations shall be promulgated pursuant to the rulemaking procedures set forth in the Hualapai Environmental Review Code.

**61-1-306. Notice and Publication of this Ordinance.** As soon as practicable after enactment of this Ordinance and any amendments thereto, the Program shall give notice of such action by:

- (1) posting a copy of the Ordinance and any amendments thereto for a period of 30 days in a prominent place in the Tribal Complex which is accessible to the general public during business hours; and
- causing notice of enactment or issuance and availability to be published in two consecutive issues in a newspaper of general circulation on the Reservation.

The Program shall print and make available copies of the Ordinance and any amendments thereto in sufficient quantity for distribution to anyone desiring the same.

#### Part 4

#### Severability, Effective Date, Repeal

**61-1-401. Severability.** If any provision of this Ordinance or the application of any provision of this Ordinance to any person or circumstance is held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**61-1-402. Effective Date.** This Ordinance shall become effective upon promulgation of the implementing Regulations by the Tribe.

**61-1-403. Repeal.** This Ordinance repeals the existing Annual Forest Products Policy Statement for Forest Products Harvested on the Hualapai Reservation.

## **CHAPTER 2. REQUIREMENTS FOR HARVESTING OF FOREST PRODUCTS**

Harvesting of forest products shall be conducted pursuant to an approved Forest Management Plan. Forest Management Plans require the assent of the Tribal Environmental Review Commission.

### **Part 1**

#### **Commercial Harvesting of Forest Products Under Formal Contract**

##### **61-2-101. Contract Requirements.**

- (1) Sales of forest products with a fair market value equal to or exceeding \$15,000.00:
  - (a) shall be done under contract;
  - (b) shall be approved through resolution by the Hualapai Tribal Council;
  - (c) shall not commence until the contract has been executed by the Tribal Chairman and approved by the Secretary; and
  - (d) shall be conducted pursuant to the terms and conditions of the contract.

**61-2-102. Execution of Contracts for Forest Products.** Contracts for the sale of forest products from lands in which the Tribe holds a majority ownership interest shall be executed by the Tribal Chairman.

##### **61-2-103. Contractor Eligibility and Responsibilities.**

- (1) any person who is 18 years of age or older may purchase forest products.
- (2) The purchaser is responsible for:
  - (a) performing in compliance with the terms and conditions of the contract;
  - (b) compliance with this Ordinance and the Regulations; and
  - (c) the actions of his employees and agents while they are engaged in contract activities.

**61-2-104. Performance Bond.** All contractors shall post a performance bond in form and amounts specified in the contract.

**61-2-105. Contract Personal in Nature.** A contract is personal in nature and may not be transferred or assigned without the mutual agreement of the parties and approval by the Secretary. No person shall obtain a contract by fraud or misrepresentation, and a contract so obtained is void and of no effect.

## Part 2

### Commercial Harvesting of Forest Products Under Permits

**61-2-201. Permit Requirements.** All commercial harvesting of forest products:

- (1) shall require an individual permit;
- (2) shall not commence until the responsible person has been issued an individual permit; and
- (3) shall be conducted pursuant to the terms and conditions of the individual permit, this Ordinance, and the Regulations.

**61-2-202. Issuance of Permits.**

- (1) Permits will be issued by the Tribal Forestry Program.
- (2) Individual permits may be issued to:
  - (a) any Tribal member 18 years of age or older; or
  - (b) a non-member, 18 years of age or older, in limited circumstances as stipulated in the Regulations.
- (3) United States Department of the Interior - Bureau of Indian Affairs - Timber Cutting Permit Form 5-5331 will be used as the basis for all individual permits.

**61-2-203. Permittee's Responsibilities; Availability of Permit.**

- (1) The permittee is responsible for compliance with this Ordinance, the Regulations, any applicable contract, and any permits issued to the permittee. The permittee is responsible for the actions of his employees, family members, or other persons who are acting under the permit.
- (2) The permittee is responsible for having the permit present at the harvest site whenever harvesting activities subject to the permit are underway; and for having the permit, or a copy thereof, accompany forest products under transport.

**61-2-204. Term of Permit.** Permits shall be issued for a period specified in the Regulations, but in no event will permits be issued for a period in excess of one year, commencing on the date of issuance.

**61-2-205. Performance Bond.** In addition to the limitations required by regulation as to volume and values, performance bonds are required for all permits issued for stumpage values of \$500 or more. Performance bonds will be 20% of the stumpage value payable in cash.

**61-2-206. Permits Personal in Nature.** A permit is personal in nature and may not be transferred or assigned. No person shall obtain a permit by fraud or misrepresentation, and a permit so obtained is void and of no effect.

### Part 3

#### Noncommercial Harvesting of Forest Products

##### 61-2-301. Noncommercial Harvesting.

- (1) Tribal members may harvest forest products for their personal use without a permit and without charge
- (2) The Program, by regulation, shall specify:
  - (a) the conditions under which free use harvesting shall be conducted; and
  - (b) the type and quantity of forest products that may be harvested under this section.
- (3) Noncommercial harvesting may occur on Hualapai forest land.
- (4) Forest products harvested pursuant to this part shall be for the member's personal use, and shall not be sold or exchanged for other goods or services.
- (5) A member who harvests forest products pursuant to this part is responsible for compliance with this Ordinance and the Regulations.

## Part 4

### Special Conditions, Restricted Areas

**61-2-401. Special Conditions.** All persons acting pursuant to this Ordinance shall be subject to any restrictions, closures of areas, closures of roads, tribal or federal laws, and conditions contained in any regulation promulgated pursuant to this Ordinance and enacted to protect the safety and welfare of Tribal members, the conservation of tribal resources, or the preservation of the cultural and spiritual environment of Tribal members.

**61-2-402. Restricted Areas.** The Program may, for good cause, with notice, restrict or prohibit access to, or use of, specified areas of forest lands to persons acting pursuant to this Ordinance. It is unlawful for any person to gain access to, or use of, any area in violation of any such restriction or prohibition.

## Part 5

### Disposition of Moneys and Property

**61-2-501. Disposition of Fees, Forfeitures, Damages, Penalties, and Costs.**

- (1) All proceeds of contract sales, fees from sale of permits, all forfeited bonds, and all money damages that accrue pursuant to this Ordinance shall be treated as Forest Stumpage Receipts and disbursed as per the Hualapai Tribal Council - Accounting Procedures for Forest Stumpage Receipts.
- (2) In the case of forfeited bonds and money damages assessed after hearing, trial or default, the authorized officer or Clerk of the Court, as the case may be, shall prepare a written report specifying the results of the adjudication, the amount of any damages, the status of any bond involved, and damages collected. Within forty-five days of judgment, but not sooner than the close of the redemption period provided for in 61-3-303 in a case involving a property bond, the authorized officer or Clerk shall proceed as follows:
  - (a) upon judgment in favor of the Tribe, the authorized officer or Clerk shall submit the written report to the Department and forward the balance of all forfeited bonds and money damages collected pursuant to adjudication to the Tribal Treasurer for deposit unless an appeal is timely filed pursuant to the rules of the Tribal Court.

- (3) In the case of a cash penalty assessed by the Tribal Court after trial or default, the money collected shall be disbursed at the discretion of the Court.
- (4) In the case of costs assessed after hearing, trial or default, the authorized officer or Clerk of the Court, as the case may be, shall forward the money collected to the agency for which the cost was assessed.

**61-2-502. Disposition of Impounded Forest Products and Personal Property.**

- (1) Confiscated forest products forfeited or impounded as evidence in an adjudication in which the Tribe or the Secretary prevail under this Ordinance shall be sold or otherwise disposed of as determined appropriate by the Tribal Court.
- (2) Personal property of a judgment debtor used as bond shall, upon expiration of the redemption period, be sold at public auction, with reserve, to the highest bidder, and proceeds from such auction, except an amount sufficient to cover the cost of said auction, shall be treated as Stumpage Receipts. Any proceeds from such sale in excess of the judgment amount shall be returned to the debtor. The public auction may be held no sooner than thirty days after expiration of the time for appeal.



## CHAPTER 3. ENFORCEMENT, PENALTIES, BOND PROCEDURES.

### Part I

#### Enforcement

##### 61-3-101. Jurisdiction.

- (1) The Tribe and the Secretary shall have concurrent civil jurisdiction to enforce this Ordinance and the Regulations. The Tribe shall take preference, and the Secretary shall defer upon request of the Tribe, for prosecutions of violations of this Ordinance and the Regulations.
- (2) The Tribal Court shall have jurisdiction over all actions initiated under this Ordinance which are prosecuted by the Tribe.
- (3) In actions in which the Tribe defers jurisdiction, the proper forum for adjudication shall be determined jointly by the Secretary and the Tribal Prosecutor.

**61-3-102. Administrative Enforcement.** The provisions of this Ordinance, the Regulations, and contracts approved and permits issued hereunder may be enforced administratively by authorized officers, who shall notify the Board of the Tribal Environmental Review Commission in the event that there is reason to believe that a violation has occurred or that there is a substantial likelihood that a violation will occur in the near future. In the case of an apparent violation, the Board may issue a Notice of Violation pursuant to the provisions of Section 702 of the Hualapai Environmental Review Code and may issue enforcement orders, including orders imposing penalties, and emergency orders pursuant to that Code.

**61-3-103. Civil Actions.** A person who is alleged to be in non-compliance with a provision of this Ordinance or an applicable regulation, contract or permit is subject to a civil suit pursuant to the provisions of Section 705 of the Hualapai Environmental Review Code and the civil provisions of the Tribal Law and Order Code.

**61-3-104. Federal Prosecution.** Nothing in this Ordinance shall be deemed to preclude federal prosecution for violation of applicable federal laws, nor shall a federal prosecution preclude the filing of a civil complaint by an authorized officer in Tribal Court or other enforcement actions taken under this Ordinance or the Hualapai Environmental Review Code.

**61-3-105. Subpoenas.** All authorized officers shall have the authority to serve subpoenas and other legal process issued by Tribal Court.

**61-3-106. Determination of Identification and Membership.**

- (1) An authorized officer who, after investigation, has reasonable grounds to believe that a person has failed to comply with a provision of this Ordinance or Regulations shall identify himself/herself to such person and request that such person produce personal identification which documents the person's name, home address, and enrollment status with the Tribe.
- (2) A person who refuses to or cannot produce evidence of identification may be subject to the Bond Procedures of this Ordinance (Chapter 3, Part 3).

**61-3-107. Inspections.**

- (1) The Department Director, the Program Manager, the Secretary and authorized officers may conduct inspections of forest lands, forest products and permits as necessary for the purpose of insuring compliance with this Ordinance, the Regulations, and contracts approved and permits issued hereunder, and to insure that no unnecessary material damage occurs to forest resources as a result of harvesting activities. The Director, the Manager and authorized officers may also issue letters of inquiry as provided in Section 701 of the Hualapai Environmental Review Code, and may issue notices of violation as provided in Section 702 of the Hualapai Environmental Review Code.
- (2) Authorized officers may conduct inspections of personal property, including vehicles, in possession of any person an authorized officer has reason to believe has engaged in activities regulated by this Ordinance, the Regulations, and contracts approved and permits issued hereunder in order to assure compliance. Inspections shall be conducted in such a manner as to afford protection of individual rights.

**61-3-108. Seizure of Forest Products.**

- (1) An authorized officer who has reason to believe that forest products are obtained through trespass may prohibit the removal of such forest products from Hualapai tribal land or seize such forest products for safekeeping and use of evidence of trespass.
- (2) When there is reason to believe that forest products are obtained through trespass and that such products have been removed from the Reservation, the Secretary shall immediately notify the owner of the land or the party in possession of the trespass products that such products could be Indian trust property involved in a trespass and that no action to remove or otherwise dispose of such products may be taken unless authorized by the Secretary. The Secretary shall cause forest products that can be positively identified to be sold where practicable to recover their value for the beneficial Indian owners prior to deterioration.

**61-3-109. Seizure of Equipment.**

- (1) An authorized officer who has probable cause to believe that trespass activity has occurred may seize and take possession of the equipment involved in the trespass activity when such equipment is present on Hualapai tribal land. All equipment seized shall be kept in the custody of the BIA Law Enforcement Facility for use as evidence unless otherwise ordered by Tribal Court.
- (2) When the Secretary has probable cause to believe that trespass activity has occurred, he/she may seize and take possession of the equipment involved in the trespass activity when such equipment has been removed from Hualapai tribal land. All equipment seized shall be kept in the custody of the enforcement agency for use as evidence unless otherwise ordered by a court of competent jurisdiction.

**61-3-110. Notice of Seizure.**

- (1) The authorized officer, simultaneously with any seizure occurring on Hualapai tribal lands, shall give written notice of the seizure to the party in possession of the forest products and/or equipment involved in the apparent trespass. Within a reasonable period of time thereafter, the authorized officer shall affix a trespass notice to the seized forest products and/or property and issue an official Notice of Trespass to the alleged trespasser and, if necessary, the possessor, buyer, processor or other affected party. The official Notice of Trespass shall state that the Tribe or Secretary allege that a trespass has occurred, the basis for the allegation, and the basis for the seizure of forest products and/or equipment. The notice given shall include the statement that the seizure may be appealed by filing an appeal in the Tribal Court of Appeals, in accordance with the rules of the Court.
- (2) The Secretary, simultaneously with any seizure occurring outside Hualapai tribal lands, shall give written notice of the seizure to the party in possession of the forest products and/or equipment involved in the apparent trespass. Within a reasonable period of time thereafter, the Secretary shall affix a trespass notice to the seized forest products and/or property and issue an official Notice of Trespass to the alleged trespasser and, if necessary, the possessor, buyer, processor or other affected party. The official Notice of Trespass shall state that the Bureau of Indian Affairs alleges that a trespass has occurred, the basis for the allegation, and the basis for the seizure of forest products and/or equipment. All notice given shall include the statement that the seizure may be administratively appealed pursuant to Title 25, Part 2 of the Code of Federal Regulations.

## Part 2

### Penalties

**61-3-201. Administrative Penalties.** A person found by the Tribal Environmental Review Commission to have violated this Ordinance, the Regulations, a contract, or a permit shall be found to have committed forest trespass and shall be subject to administrative penalties, if such penalties are imposed in the Enforcement Order issued pursuant to Section 703 of the Hualapai Environmental Review Code, as follows:

(1) A penalty not to exceed one thousand dollars (\$1000.00) for each act of noncompliance. Each day of non-compliance shall, for the purposes of this subsection, constitute a separate act of non-compliance.

(2) Costs:

(a) Payment of reasonable costs associated with damage to Hualapai forest land including, but not limited to, rehabilitation, reforestation, lost future revenue, loss of productivity and damage to other forest resources.

(b) Payment of all reasonable costs associated with the enforcement of this Ordinance, the Regulations, and contracts approved and permits issued hereunder, beginning with detection and including all processes through the prosecution and collection of the settlement or judgment, such as field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees.

(3) Forfeiture of all forest products and/or equipment involved in the trespass.

**61-3-202. Cases in Tribal Court.** A person found by the Tribal Court to have violated this Ordinance, the Regulations, a contract, or a permit shall be found to have committed forest trespass and shall be subject to civil penalties as follows:

(1) A penalty not to exceed five thousand dollars (\$5000.00) for each act of noncompliance. Each day of non-compliance shall, for the purposes of this subsection, constitute a separate act of non-compliance.

(2) Damages:

(a) Except as provided in paragraph (b) of this section, treble damages shall be assessed against any person who, without lawful authority, injures, severs, or transports forest products subject to regulation under this Ordinance. Treble damages shall be based on fair market value of the highest-

valued product obtainable from the raw materials involved in the trespass.

(b) Double damages, whenever a trespasser can prove that the trespass act was casual or involuntary, or that the trespasser had a reasonable belief that the land on which the trespass was committed was his/her own or that of the person in whose service or by whose direction the act was done. Double damages shall be based upon the fair market value of the highest-valued product obtainable from the raw materials involved in the trespass.

(3) Costs:

(a) Payment of reasonable costs associated with damage to Hualapai forest land including, but not limited to, rehabilitation, reforestation, lost future revenue, loss of productivity and damage to other forest resources.

(b) Payment of all reasonable costs associated with the enforcement of this Ordinance, the Regulations, and contracts approved and permits issued hereunder, beginning with detection and including all processes through the prosecution and collection of the settlement or judgment, such as field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees.

(4) Forfeiture of all forest products and/or equipment involved in the trespass.

**61-3-203. Collection of Penalties.** Payment of penalties may involve collection of cash, forfeiture of personal property and garnishment. Any cash or other proceeds realized from forfeiture of personal property or forest products damaged or taken in the trespass shall be applied to penalties and other expenses incurred by the enforcement agency or agencies damaged by the trespass. After disposition of personal property to pay penalties and enforcement costs, any residual funds or remaining equipment shall be returned to the trespasser.

**61-3-204. Settlement for Trespass on Hualapai Forest Land.**

(1) The Tribal Council may accept payment of damages in full in the settlement of civil or administrative trespass cases without resort to court action for cases which arise from trespass activities that occurred on Hualapai forest land.

(2) In the absence of a court decision, the Tribal Council will determine the procedure and approve any negotiated settlements.

(3) The Tribal Council may, on a case-by-case basis, delegate its settlement authority under this section to the Secretary.

**61-3-205. Power to Revoke or Suspend Privileges.**

- (1) In addition to pursuing other remedies provided by this Ordinance, the Department Director may suspend or revoke, after a hearing conducted pursuant to 61-3-401, for a period not to exceed five years, the privilege of any person to harvest forest products who:
  - (a) unlawfully harvests or processes forest products; or
  - (b) damages or destroys crops, personal property, Tribal property, notices, signboards, or other improvements while engaged in activities subject to this Ordinance and Regulations.
- (2) Program action taken pursuant to subsection (1) may be appealed by filing an appeal in the Tribal Court of Appeals, in accordance with the rules of the Court.

**Part 3**

**Bond Procedures**

**61-3-301. Bond Notices.**

- (1) In all cases to be adjudicated in which a bond is required, an authorized officer shall prepare and issue a Bond Notice to a person alleged to be in non-compliance, allow him to read it, and have him sign the Bond Notice before the authorized officer takes possession of any cash or personal property bond.
- (2) The Bond Notice shall include the following information:
  - (a) the issuing authorized officer's name and badge number;
  - (b) the acts of non-compliance alleged, the Bond Schedule Amount for each, and the total amount;
  - (c) a description of alternative methods of posting bond as set forth in this Ordinance;
  - (d) a warning that failure to appear may result in entry of default judgment and forfeiture of cash or bond property in an amount sufficient to satisfy said judgment;
  - (e) notice that property impounded in lieu of cash bond may be redeemed at any time prior to the time of appearance during normal business hours at the issuing authorized officer's office by posting a cash bond or payment of damages, but post-judgment redemption must occur, if at all, within 30 days of the entry of judgment unless an appeal is timely filed; and
  - (f) the issuing officer's office address, telephone number and business hours.

- (3) Bond Notices shall be prepared in duplicate and a copy signed by the person alleged to be in non-compliance shall be filed by the authorized officer at his/her office with the copy of the Notice to Appear.

**61-3-302. Cash Bond.** A person alleged to be in non-compliance may post a cash bond with the authorized officer, in accordance with the bond schedule.

- (a) Upon receipt of the cash bond, the authorized officer shall prepare a Bond Receipt for the amount received, which shall be on the form provided by the Department for that purpose, and which shall contain the name of the person involved, the serial number of the Notice to Appear issued for him, the date, the bond amount, and the signature and identification number of the issuing authorized officer. One copy of the bond receipt shall be issued to the person alleged to be in non-compliance.
- (b) The person alleged to be in non-compliance shall sign the Bond Receipt and the authorized officer shall retain and file a signed copy with the filed copy of the Notice to Appear.
- (c) If a person receives a final determination of compliance with this Ordinance and Regulations, the bond amount shall be returned in full within five business days of dismissal. If a person is found liable or in default due to failure to appear, the bond shall be applied in satisfaction of the judgment, and any excess shall be returned to the violator.

**61-3-303. Property Bond.**

- (1) For cases to be adjudicated, the person alleged to be in noncompliance may post with the authorized officer any personal property which the authorized officer reasonably values at an amount comparable to the required bond amount.
- (2) Upon receipt of bond property, the authorized officer shall give to the person a Bond Receipt as provided in 61-3-302(a), except that instead of the cash amount received the receipt shall contain a complete description of the property including serial numbers.
- (3) If the person alleged to be in non-compliance fails to redeem the property by posting a cash bond in lieu thereof, and if such person fails to appear or is found liable, the bond property shall be disposed of according to the procedures established at 61-2-502(3). A person may redeem bond property during normal business hours at the authorized officer's office by posting a cash bond in an amount equal to the sum of the Bond Schedule amounts for the acts of non-compliance with which s/he is charged, or by paying damages as determined by the Court. Redemption must occur, if at all, within 30 days of the entry of judgment unless an appeal is timely filed.

61-3-304. **Cash Bond Fund.** Within one business day of being posted all outstanding cash bonds issued by authorized officers shall be deposited in an account established by the Tribal Court for that purpose.

61-3-305. **Property Bond Storage.** All bond property accepted by authorized officers shall be deposited in the keeping of the BIA Law Enforcement Facility for secured storage within one day of impoundment.

61-3-306. **Bond Schedule.** The following amounts indicate the amount of bond required by individuals cited for violations of this Ordinance. For the purpose of this section, all cordwood is valued at \$100 per cord, all ponderosa pine sawlogs (material from trees greater than 8.9"DBH) is valued at \$100 per thousand board foot Scribner rule, and all other forest products are valued based on fair market value of the highest-valued product obtainable from the raw material involved.

- (1) Obtaining by fraud or misrepresentation a contract or permit to harvest forest products - \$500.
- (2) Cutting forest products, except as stipulated in the Small Scale Forest Products Harvesting Regulations Section 61.3, without an authorized contract or permit - \$200 plus the value of the product.
- (3) Hauling forest products off of Hualapai tribal lands without an authorized haul ticket - \$100 plus the value of the product.
- (4) Harvesting forest products under a commercial permit in an area other than that stipulated on the permit - \$100 plus the value of the product.
- (5) Harvesting personal use forest products in a designated commercial cutting area - \$50 plus the value of the forest product.
- (6) Littering of roads, roadside, campground, waters or any other Hualapai tribal land - \$150.
- (7) Failure to use conservative cutting methods as stipulated in the Regulations - \$100 plus the value of the product.
- (8) The willful or careless setting or starting of forest, grass or brush fire - Cost of suppression plus damages.
- (9) Harvesting personal use forest products during the period an individual possesses a commercial permit - \$50 plus the value of the product.



## Part 4

### Hearings and Judicial Review

**61-3-401. Hearings.** In instances where a hearing is required, either under the provisions of this Ordinance or Regulations or the provisions of the Hualapai Environmental Review Code, such as before issuance of a general development permit or to determine whether there has been a violation of this Ordinance, such hearing shall be conducted according to the provisions of Section 305 of the Hualapai Environmental Review Code and the regulations promulgated thereunder.

**61-3-402. Judicial Review.** Any person who is aggrieved by the issuance or denial of a development permit, without respect to whether that person is a party to such permit application, or who is the subject of an Enforcement Order, or who has been subject to a forfeiture, may file an appeal in the Tribal Court of Appeals, in accordance with the rules of that Court.

APPENDIX I.

AREAS OFF-LIMITS TO HARVESTING

1. Youth Camp
2. Ranger Cabin
3. Grand Canyon West
4. Homesite Leases without permission of Lessee in writing

APPENDIX II.  
SMALL SCALE FOREST PRODUCTS HARVESTING REGULATIONS

**61.1. Scope and Purpose; Definitions.**

- (a) These Regulations apply to the harvesting of all forest products not done under formal contract.
- (b) All persons harvesting forest products from Hualapai forest land shall comply with:
  - (1) Tribal Forest Products Harvesting Ordinance NO.61-D;
  - (2) These Regulations;
  - (3) The National Indian Forest Resources Management Act of 1990, 25 U.S.C. § 3101 *et seq.*; and
  - (4) 25 C.F.R. Part 163 - General Forest Regulations.
- (c) The purpose of these Regulations is to:
  - (1) provide for utilization of forest products when the quantity and/or value of the harvested products does not require administration by formal contract;
  - (2) provide employment opportunities for Tribal members;
  - (3) provide forest products for personal use of Tribal members and non-Tribal members married to Tribal members;
  - (4) define the administrative and field procedures used on Hualapai tribal lands to harvest forest products. In this regard, the Regulations will address:
    - 61.3 Noncommercial Harvesting by Tribal Members
    - 61.4 Noncommercial Harvesting by Non-Members
    - 61.5 Commercial Harvesting
    - 61.6 Products and Stumpage Rates for Tribal Members or Individuals Married to Tribal Members - Commercial Permittees
    - 61.7 Products and Stumpage Rates for Non-Hualapai Commercial Permittees
    - 61.8 Special Considerations and Exemptions
- (d) The definitions set forth in Ordinance No. 61-D shall apply to these Regulations.

**61.2. Administration.**

Blanket permits will be issued and authorized by the BIA-Truxton Canon Agency to the Hualapai Tribal Forestry Program at the beginning of each Tribal fiscal year. Persons authorized to sign these permits are the Superintendent or his/her authorized designee. These permits will authorize the Hualapai Tribal Forestry Program to sub-issue permits to individuals and authorize the Program to collect stumpage and other payments as per these Regulations and the Accounting Procedures for Forest Stumpage Receipts part B. - Permit Sale Procedures.

### 61.3. Noncommercial Harvesting By Tribal Members

A Hualapai Tribal member may harvest forest products without charge and without a permit as long as it is for his/her personal use, with the following exceptions:

- a. No live ponderosa pine may be cut.
- b. No standing ponderosa pine snags may be cut.
- c. No cutting in designated commercial cutting areas.
- d. No cutting of live trees within 500 feet of the Supai Highway or the Buck & Doe Road.
- e. No hauling of material off of Hualapai tribal lands without a completed haul ticket.

Products harvested under this authority are considered noncommercial harvesting and shall be for the member's personal use. Such products shall not be sold or exchanged for other goods or services.

The maximum amount that may be harvested by any individual shall not exceed \$2,500 in stumpage value in any one Tribal fiscal year, utilizing the rate schedule in effect at the time of harvesting.

All individuals harvesting forest products on Hualapai tribal lands are required to use conservative cutting methods. Conservative cutting methods include no partial cutting of trees, utilization of all wood down to three inches and all wood 33% or more sound, stump heights not exceeding one-half of diameter except no stump shall exceed twelve inches, and all slash lopped and scattered no higher than two feet above ground level.

Individuals harvesting forest products from Hualapai tribal lands may be held responsible for the suppression costs and damages from any fires caused by their harvesting activities. To minimize the possibility of fire, it is required that all chainsaws be equipped with a functioning spark arrester. It is also requested that all cutters have a shovel, axe, and a small fire extinguisher on site to suppress any fires created by the harvesting operation.

Cutters are required to remove all trash created by them from their harvesting area.

#### 61.4. Noncommercial Harvesting By Non-Members

All non-members may harvest forest products on Hualapai tribal lands without charge pursuant to a free use permit under two circumstances:

- A. A non-member who is married to a currently enrolled Hualapai Tribal member may harvest forest products without charge as long as it is for his/her personal use, with the following exceptions:
  - a. No live ponderosa pine may be cut.
  - b. No standing ponderosa pine snags may be cut.
  - c. No cutting in designated commercial cutting areas.
  - d. No cutting of live trees within 500 feet of the Supai Highway or the Buck & Doe Road.
  - e. No hauling of material off of Hualapai tribal lands without a completed haul ticket.
- B. Noncommercial harvesting under permit may be allowed under special or unusual circumstances but must be approved by the Program Manager and the Department Director. Cutting conditions a. through e. above apply.

Products harvested under this authority shall be for the permittee's personal use. Such products shall not be sold or exchanged for other goods or services.

The maximum amount that may be harvested by any individual shall not exceed \$2,500 in stumpage value in any one tribal fiscal year, utilizing the rate schedule in effect at the time of issuance of the permit.

Free use permits under this section shall be considered noncommercial harvesting. Permits will be issued at the Hualapai Tribal Forestry Office.

All individuals harvesting forest products on Hualapai tribal lands are required to use conservative cutting methods. Conservative cutting methods include no partial cutting of trees, utilization of all wood down to three inches and all wood 33% or more sound, stump heights not exceeding one-half of diameter except no stump shall exceed twelve inches, and all slash lopped and scattered no higher than two feet above ground level.

Individuals harvesting forest products from Hualapai tribal lands may be held responsible for the suppression costs and damages from any fires caused by their cutting activities. To minimize the possibility of fire, it is required that all chainsaws be equipped with a functioning spark arrester. It is also requested that all cutters have a shovel, axe, and a small fire extinguisher on site to suppress any fires created by the cutting operation.

Cutters are required to remove all trash created by them from their harvesting area.

### 61.5. Commercial Harvesting

Forest products may only be resold if a commercial permit was obtained prior to harvesting. Stumpage and administrative/slash disposal fees are charged to the permittee. There will be no refunds once permits are issued.

The stumpage value which may be harvested under paid permits in a tribal fiscal year by any individual shall not exceed \$25,000.00.

In addition to the limitations required by regulation as to volume and values, performance bonds are required for all permits issued for stumpage values of \$500 or more. Performance bonds will be 20% of the stumpage value payable in cash.

Permits will be issued at the Hualapai Tribal Forestry Office, pursuant to Section 61.2

All commercial permittees are required to abide by the following policies:

1. A permit must be obtained and the designated stumpage rate must be paid prior to harvesting.
2. All commercial harvesting will be in designated areas.
3. Any individual who has an active commercial harvesting permit is not allowed to harvest wood for personal use during the period that his commercial permit is in effect.
4. All commercial loads must be scaled at the Hualapai Tribal Forestry Office.
5. All forest products that will be transported off of Hualapai tribal lands must be accompanied with a hauling ticket issued by the Hualapai Tribal Forestry Program. It is the permittee's responsibility to insure that haul tickets are completed in duplicate and submitted to both the person hauling the material and to the Program. A completed haul ticket will include the date the material is hauled, volume of material being hauled, and the permit number under which the material was harvested.
6. Time allotted for fuelwood harvesting will be 1.2 days per cord. Time allotted for all other forest products harvested will be assigned on a case by case basis dependent on quantity and kind of product purchased. Permits may be extended once if a valid reason is presented before the expiration date.
7. All individuals harvesting forest products are required to use conservative cutting methods. Conservative cutting methods include no partial cutting of trees, utilization of all wood down to three inches and all wood 33% or more sound, stump heights not exceeding one-half of diameter except no stump shall exceed twelve

inches, and all slash lopped and scattered no higher than two feet above ground level.

8. A permittee must adhere to the TERO Resolution and Ordinance when soliciting help to fulfill his permit. In essence, the resolution provides for Indian preference for "hiring, promoting, training, and all other aspects of employment and in subcontracting."
9. Individuals harvesting forest products may be held responsible for suppression costs and damages from any fires caused by their cutting activities. To minimize the possibility of fire, it is required that all chainsaws be equipped with a functioning spark arrester. Also, all cutters must have a shovel, axe, and a small fire extinguisher on site to suppress any fires created by the cutting operation.
10. Cutters are required to remove all trash created by them from their cutting area.
11. Currently enrolled members and individuals married to enrolled members are eligible to harvest forest products at the stumpage rates stipulated in Section 61.6 - Products and Stumpage Rates for Tribal Members or Individuals Married to Tribal Members - Commercial Permittees.
12. All other individuals are restricted to the forest products and stumpage values stipulated in Section 61.7 - Products and Stumpage Rates for Non-Hualapai Commercial Permittees.

**61.6. Stumpage Rates For Tribal Members Or Individuals Married To Tribal Members - Commercial Permittees**

Any forest products harvested by Tribal members or individuals married to Tribal members for the purpose of resale will require a validated permit in advance of any harvesting at the appropriate stumpage rates listed below, except NO PERMIT WILL BE ISSUED FOR LESS THAN \$10.00 IN STUMPAGE.

<u>PRODUCT</u>	<u>STUMPAGE</u>	<u>+ ADMIN./ SLASH DISPOSAL</u>
Fuelwood (Juniper, pinon, live/dead)	\$ 2.50/cd	\$1.00/cd
Fuelwood (ponderosa pine - dead only)	\$ 2.50/cd	\$1.00/cd
Thinning Slash (ponderosa), posts	\$ 0.01/ft	\$1.00/500*
Fuelwood (oak - dead only)	\$ 4.00/cd	\$1.00/cd
Live pine poletimber (5.5DBH to 8.9DBH)	\$ 4.00/cd	\$1.00/cd
Live sawtimber (9.0 DBH & GREATER) <sup>2</sup>	\$35.00/MBF	\$2.00/MBF
Fence stay (2in x 6 ft. or 3in x 5 ft)	\$ 0.05/ea	\$ -0-
Juniper posts (up to 8 ft)	\$ 0.04/ft	\$1.00/500*
Juniper poles ( 8 ft. and longer)	\$ 0.06/ft	\$1.00/500*

\* = linear ft.

Conversion Factors - 500 linear ft. = 1 cord  
 128 cu.ft. stacked wood = 1 cord  
 75 cu.ft. solid wood = 1 cord

<sup>1</sup> Live pole timber permits may be restricted to areas in need of thinning with less than three (3) cords per acre of total pole size material (5.5 to 8.9 DBH) and may be restricted to the trees of lesser quality within the stand. Poletimber volume will be determined in cords utilizing the conversion of 500 linear feet per cord.

<sup>2</sup> Live sawtimber permits may be restricted to salvage sales of high risk sawtimber, blown down, R.O.W. timber, timber cut for seed, and timber within inoperable zones where a timber operator is willing to take the risk involved to harvest such timber. Volume determination will be accomplished by one or a combination of acceptable scaling methods currently in use in the Southwestern Region. Scale volumes for sawtimber will be gross log or tree scale using Scribner rule.

NOTE: All live sawtimber and poletimber permit sales will be marked prior to cutting by the Forestry Program.

*The above Rate Schedule was established 07/28/98 and is in effect until issuance of a revised Rate Schedule. Valuation of forest products harvested under a permit shall be calculated in accordance with the Rate Schedule in effect at the time of issuance of the permit.*



### 61.7. Stumpage Rates For Non-Hualapai Commercial Permittees

Any forest products harvested by non-members for the purpose of resale will require a validated permit in advance of any harvesting at the appropriate stumpage rates listed below, except NO PERMIT WILL BE ISSUED FOR LESS THAN \$10.00 IN STUMPAGE.

<u>PRODUCT</u>	<u>MINIMUM PURCHASE</u>	<u>STUMPAGE</u> +	<u>ADMIN./SLASH DISPOSAL</u>
Thinning slash (ponderosa pine)	5000ft	\$0.02/lin.ft.	\$1.00/500*
Live poletimber (ponderosa 5.5 - 8.9"DBH) <sup>1</sup>	10 CORDS	based on an appraisal	\$1.00/cd.
Live sawtimber (ponderosa 9.0"DBH & greater) <sup>2</sup>	10 MBF	based on an appraisal	\$2.00/MBF
Other Forest Products <sup>3</sup>	5 MBF	\$20.00/MBF	\$2.00/MBF

\* = linear ft.

Conversion Factors - 500 linear ft. = 1 cord  
 128 cu.ft. stacked wood = 1 cord  
 75 cu.ft. solid wood = 1 cord

<sup>1</sup> Live pole timber permits may be restricted to areas in need of thinning with less than three (3) cords per acre of total pole size material (5.5 to 8.9 DBH) and may be restricted to the trees of lesser quality within the stand. Poletimber volume will be determined in cords utilizing the conversion of 500 linear feet per cord.

<sup>2</sup> Live sawtimber permits may be restricted to salvage sales of high risk sawtimber, blown down, R.O.W. timber, timber cut for seed, and timber within inoperable zones where a timber operator is willing to take the risk involved to harvest such timber. Volume determination will be accomplished by one or a combination of acceptable scaling methods currently in use in the Southwestern Region. Scale volumes will be gross log or tree scale using Scribner rule.

<sup>3</sup> Other Forest Products refer to special situations such as timber sale salvage, salvage of burned timber, insect control, etc. where it is in the best interest of the Tribe to salvage dead and/or dying trees.

NOTE: All live sawtimber and poletimber permit sales will be marked prior to cutting by the Forestry Program.

The above Rate Schedule was established 07/28/98 and is in effect until issuance of a revised Rate Schedule. Valuation of forest products harvested under a permit shall be calculated in accordance with the Rate Schedule in effect at the time of issuance of the permit.

#### 61.8. Special Considerations And Exemptions

The following are exempt from minimum stumpage rates and permits:

1. A donation of one Christmas tree per year to all offices in Peach Springs, serving the community (Tribal Office, Headstart, etc..).
2. A donation of one Christmas tree per year per classroom to the Isabelle Miller Elementary School.
3. The Program Manager and the Department Director may seek a determination from the Tribal Environmental Review Board whether other activities constitute "development" as defined in the Hualapai Environmental Review Code and therefore whether a permit is required.

NOTE: Christmas Trees must be pinon pine or juniper, but are not limited as to size.

HUALAPAI TRIBAL COUNCIL  
RESOLUTION NO.50-97  
OF THE GOVERNING BODY OF THE  
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION

WHEREAS, the Hualapai Tribe is a federally recognized Indian Tribe located on the Hualapai Indian Reservation in northwestern Arizona; and

WHEREAS, the Hualapai Tribal Council finds and declares that development activities within the Hualapai Indian Reservation and other lands within the Tribe's jurisdiction have a direct effect on or may threaten the political integrity, the economic security, and the health, welfare and safety of the Tribe and its members, including the environmental and cultural resources of the Tribe; and

WHEREAS, the Hualapai Tribal Council hereby declares that it is the policy of the Hualapai Tribe to protect the natural environment, including the land, air, water, minerals and all living things, of all Hualapai tribal lands; and

NOW, THEREFORE, BE IT RESOLVED that the Hualapai Tribal Council, governing body of the Hualapai Tribe pursuant to its Constitution hereby enacts the Hualapai Environmental Review Code into Law sixty (60) days from the passage of this resolution.

C E R T I F I C A T I O N

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 7 constituting a quorum were present at a REGULAR COUNCIL MEETING thereof held on this 04th day of August, 1997; and that the foregoing resolution was duly adopted by a vote of 5 in favor, 2 opposed, 0 not voting, 2 absent pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

*Earl Havatone*  
Earl Havatone, Chairman  
Hualapai Tribal Council

ATTEST:

*Christine Lee*  
Christine Lee, Secretary  
Hualapai Tribal Council