

**RESOLUTION NO. 140 -2023
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION**

**A Resolution Confirming and Amending the Yavapai-Apache Nation's
Riparian Conservation Corridor and Management Plan
for the Verde River as Originally Established Under Tribal Council Resolution No. 46-2006**

WHEREAS: The Yavapai-Apache Nation is a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act of 1934, 48 Stat. 984 *et seq.* ("IRA"); and

WHEREAS: The Yavapai-Apache Tribal Council ("Council") is authorized to represent the Yavapai-Apache Nation ("Nation") and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation ("Constitution") as provided by Article V (a) of the Constitution; and

WHEREAS: The Council is authorized to regulate the use and disposition of all land within the jurisdiction of the Nation, and to regulate hunting, fishing, trapping, camping, recreation, hiking and all other related activities on lands within the jurisdiction of the Nation, as provided under Article V(e) and V(l), respectively, of the Constitution; and

WHEREAS: The health and vitality of the Verde River and its tributaries and sources, and the animals and plants these water sources support, play a vital role in preserving the Nation's traditional, cultural, and religious practices, and provides a physical and spiritual anchor for the Yavapai and Apache people in their homeland; and

WHEREAS: Healthy riparian habitats supported by the Verde River and its tributaries, including Wet Beaver Creek, and Dry Beaver Creek, are necessary to preserve plants and animals that are important to, or used by the Yavapai and Apache people for food, cultural and religious purposes, arts, and other tribal lifeways; and

WHEREAS: Certain ceremonies must be conducted at specific locations along the Verde River and its tributaries, just as they have been traditionally conducted since time immemorial; and

WHEREAS: The flowing waters and lush riparian habitat created by the Verde River, Wet Beaver Creek, and Dry Beaver Creek also offer a place for respite, recreation, reflection, and outdoor education; activities that remain fundamental to the well-being and continuity of the Yavapai-Apache community; and

WHEREAS: The Tribal Council adopted Resolution No. 46-2006 on June 15, 2006, confirming and declaring a Riparian Conservation Corridor and Management Plan specifically applicable to the stretch of the Verde River mainstem within the Yavapai-Apache Reservation, and did so in order to protect the traditional and cultural practices of the Nation and preserve those physical and biological features found within the riparian corridor essential to native wildlife species, including species listed by the United States under the Endangered Species Act (“federally listed species”); and

WHEREAS: The Tribal Council finds that it is in the Nation’s best interest to amend and update the riparian protections originally prescribed by Resolution No. 46-2006, and to extend these updated protections to those riparian areas under the Nation’s jurisdiction (now and in the future) that are associated with the Verde River, and its nearby tributaries, Wet Beaver Creek, or Dry Beaver Creek.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby redesignates and affirms a Riparian Conservation Corridor for all undeveloped lands under its jurisdiction now or in the future located on both sides of the Verde River, beginning at the centerline of the Verde River, and extending outward for three-hundred (300) lateral feet on either side of the Verde River.

BE IT FURTHER RESOLVED that for Wet Beaver Creek and Dry Beaver Creek, the Nation hereby designates a Riparian Conservation Corridor for all undeveloped lands under its jurisdiction now or in the future located on both sides of Wet Beaver Creek and Dry Beaver Creek, beginning at the centerline of the Creeks, and extending outward for seventy-five (75) lateral feet on either side of the Creeks.

BE IT FURTHER RESOLVED that, in addition to lands under the jurisdiction of the Nation, the redesignation and designation of a Riparian Conservation Corridor by the Tribal Council in this Resolution also extends to those riparian areas associated with the Verde River mainstem, Wet Beaver Creek, and Dry Beaver Creek, that are located on lands owned by the Nation in fee simple both now and in the future.

BE IT FURTHER RESOLVED that within the Riparian Conservation Corridor:

- (1) stocking of non-native fish is prohibited;
- (2) livestock grazing, construction, and other activities having the potential to significantly alter riparian habitat shall be minimized, and there shall be no net-loss of riparian habitat located within the Riparian Conservation Corridor for federally listed species; and
- (3) no permanent modification of habitat essential to any federally listed species shall be permitted, unless authorized by a separate action of the Tribal Council.

BE IT FURTHER RESOLVED that the Nation will take all reasonable actions needed to coordinate its activities within the Riparian Conservation Corridor with the United States Fish and

Wildlife Service where these activities might materially alter the riparian habitat (for example, flood mitigation, habitat restoration, or the control of invasive species) and adversely impact habitat essential to the conservation or recovery of federally listed species.

BE IT FURTHER RESOLVED that within funding limitations, and subject to confidentiality guidelines established by the Nation, the Nation will coordinate with the United States Fish and Wildlife Service to monitor habitat within the Riparian Conservation Corridor for the presence of federally listed species, including performing surveys, and to conduct research or other activities pertaining to or for the benefit of federally listed species or their habitat.

BE IT FURTHER RESOLVED that the Nation shall implement the goals and measures described in this Resolution in order to protect the habitat within the Riparian Conservation Corridor and shall cause a certified copy of this Resolution to be delivered to all Departments of the Nation and other entities of the Nation, as appropriate.

BE IT FINALLY RESOLVED that the Chairwoman, Vice-Chairman, or either of them, are authorized to take such actions as deemed necessary to carry out the intent and purposes of this Resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, presented for approval on August 24, 2023, by a vote of 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.



Tanya Lewis, Chairwoman

ATTEST:



Karla Reimer, Council Secretary

Approved as to Form:



Attorney General

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RESOLUTION NO. 46-2006
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

COPY

A Resolution Confirming and Declaring
a Riparian Conservation Corridor and Management
Plan for the Verde River

WHEREAS: the Yavapai-Apache Nation ("Nation") is a federally-recognized Indian Nation organized pursuant to Section 16 of the Indian Reorganization Act of 1934; and

WHEREAS: the Tribal Council of the Yavapai-Apache Nation is vested under the Nation's Constitution to represent the Nation and to act in all matters that concern the health and welfare of the Nation, and is charged to protect the land and resources of the Nation; and

WHEREAS: the Tribal Council of the Yavapai-Apache Nation is vested under Article V(e) of the Nation's Constitution to regulate the use and disposition of all land within the jurisdiction of the Tribe, and under Article V(f) of the Constitution to regulate hunting, fishing, trapping, camping, recreation, hiking and all other related activities on lands within the jurisdiction of the Nation; and

WHEREAS: the Tribal Council of the Yavapai-Apache Nation finds that it in the best interest of the Nation to formally declare and confirm certain land use restrictions and management plan goals along the Verde River in order to continue to protect the traditional and cultural practices of the Nation, and to preserve those physical and biological features found within the riparian corridor of the Verde River which are essential to native wildlife species, including species listed as endangered or threatened by the federal government under the Endangered Species Act, such as the federally listed spikedace and loach minnow

NOW THEREFORE BE IT RESOLVED that, in order to continue protect habitat within the riparian corridor of the Verde River from development or degradation, and to preserve the traditional and cultural practices of the Nation, the Tribal Council of the Yavapai-Apache Nation formally declares and confirms a riparian conservation corridor on the undeveloped Reservation lands on both sides of the Verde River, beginning at the center of the River and extending outward for three-hundred (300) lateral feet on either side of the bankfull stage of the Verde River

BE IT FURTHER RESOLVED that within this riparian conservation corridor, stocking of non-native fishes shall be prohibited, and livestock, grazing, construction and other activities shall be minimized to assure that no net loss of habitat for federally listed species such as the spikedace and loach minnow shall occur, and that no permanent modification of habitat essential to listed species is allowed;

BE IT FURTHER RESOLVED that the Nation will take all reasonable steps to coordinate with the United States Fish and Wildlife Service regarding recreational activities (such as camping and fishing), habitat restoration activities (such as re-vegetation or controlled fires), or other significant activities within the riparian corridor, where such activities may adversely impact habitat essential to the conservation and/or recovery of federally listed species, including the spikedace and loach minnow;

BE IT FURTHER RESOLVED that within funding limitations, and subject to confidentiality guidelines established by the Nation, the Nation will coordinate with the United States Fish and Wildlife Service to monitor habitat within the riparian conservation corridor for the presence of federally listed species such as the spikedace and loach minnow, including performing surveys, and to conduct research or other activities pertaining to or for the benefit of federally listed species or their habitat; and

BE IT FINALLY RESOLVED that the Yavapai-Apache Land and Water Committee shall implement the management plan goals described in this Resolution in order to protect the habitat within the riparian conservation corridor, and shall cause a certified copy of this Resolution to be delivered to all Departments of the Nation or other entities of the Nation, as the Land and Water Committee may deem appropriate.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted at a Special Tribal Council Meeting with a quorum present by an affirmative vote of the Tribal Council, presented for approval on June 15, 2006, by a vote of 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.


Jamie Pullmer, Chairman

ATTEST:

Karla Reimer, Council Secretary

TRANSMISSION VERIFICATION REPORT

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