R. JOHN LEE
CHAIRMAN OF THE BOARD
DISTRICT III
P.O. BOX 428, St. Johns, AZ 85936

JIM, CLAW
VICE CHAIR. OF THE BOARD
DISTRICT I
P.O. BOX 1952, Chinle, AZ 86503

TOM M. WHITE, JR.
MEMBER OF THE BOARD
DISTRICT II
P.O. BOX 994, Ganado, AZ 86505

BOARD OF SUPERVISORS
OF APACHE COUNTY

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503
FACSIMILE: (928) 337-2003

DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

RESOLUTION # 2011-14
DECLARING AN EMERGENCY IN APACHE COUNTY, ARIZONA
DUE TO THE WALLOW FIRE, DEGRADED FOREST CONDITIONS, IMMINENT
THREAT FROM CATASTROPHIC FIRES AND EXTREME DROUGHT

WHEREAS, it is the responsibility and within the scope of authority of the Board of Supervisors of Apache County to exercise powers necessary and proper to protect public safety, health, promote public prosperity and improve the morals, order, comfort and convenience of the inhabitants of Apache County pursuant to the provisions of the Constitution of laws of this State.

WHEREAS, historically, the Board of Supervisors of Apache County has been periodically required to exercise those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and welfare of the County in appropriate instances; and

WHEREAS, by Resolution No. 2011-08, the Board of Supervisors of Apache County has declared a Flood emergency due to severe rains and resource damage surrounding the Wallow Fire and the aggravated factor of the general lack of health on our forest lands due to federal mismanagement driven by ill-advised environmental policies;

WHEREAS, the White Mountain Stewardship has been severely and adversely effected with the Wallow Fire, curtailing needful work to be done on the Apache-Sitgreaves National Forest for Wildland Urban Interface, Community Fire Protection and Rehabilitation measures;

WHEREAS, the Board of Supervisors of Apache County has an obligation to give effect to the Arizona Coordination Act, SB-1398; and

WHEREAS, The Apache County Sheriff's Office has an obligation to protect the health, safety and welfare of the residents and visitors of Apache County; and that existing state and local laws are not being routinely followed on federally managed forest lands in Apache County; and

WHEREAS, Federal laws (e.g. the National Environmental Policy Act, etc.) and regulations contain reciprocal requirements concerning cooperation, consultation and coordination by Federal agencies with state and local governments and such cooperation has not been forthcoming and

WHEREAS, Multiple-Use Management, Timber Sales and Livestock Grazing have been curtailed to the point of causing greatly diminished health on our forests and have created catastrophic health, safety, welfare and economic affects to Apache County;

NOW THEREFORE, hereby be it resolved that the Board of Supervisors of Apache County declares a State of Emergency and Disaster to exist in and around the communities and watershed both around and within the Apache-Sitgreaves National Forest including the Wildland Urban Interface areas identified as critical in the Apache County Community Wildfire Protection Plan; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Apache County hereby formally demands that State and Federal officials take immediate action to eliminate hazardous conditions in and around the communities and watersheds in and around the Apache-Sitgreaves national Forest and any other Federally Managed land in Apache County, including the Wildland Urban interface areas identified as critical in the Apache County Community Wildfire Protection Plan; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Apache County invoking the inherent police powers of the state hereby formally gives notice to all relevant State and Federal officials that pursuant to its duty outlined above, after consulting with the State Forester and the Regional United States Forester, taking surveys, holding those public hearings as may be necessary and developing a plan to mitigate the effects of the disaster and as a county in which a disaster has been declared, we intend to unilaterally take such actions as are necessary to clear and thin undergrowth and to remove or log fire-damaged trees within the area of the disaster and to assess all attendant costs to those agencies charged with wise management of our forests and whose neglect has caused the dangerous conditions therein;

BE IT FURTHER RESOLVED that this Resolution be called immediately to the attention of the Secretary of Agriculture, Arizona Congressional Delegation, Governor Jan Brewer, the Arizona Legislature and the Arizona Division of Emergency Management, and

BE IT FURTHER RESOLVED, that the Governor of the State of Arizona and the Arizona Division of Emergency Management are hereby called upon in the name of the State of Arizona to declare a State of Emergency and Disaster in Apache County and its national forests effected by severe drought conditions, high fire danger and catastrophic losses caused by wild fires; and

BE IT FUTHER RESOLVED, that United States Forest Service personnel are hereby called upon to immediately respond to the communication, consultation and coordination with, and provide immediate notification to Apache County of all their activities, programs, planning, NEPA processes etc. having as their object to abate fire and flooding dangers in Apache County; and

BE IT FUTHER RESOLVED, that the Apache County Board of Supervisors calls upon the U.S. Department of Agriculture, U.S. Congress, the Arizona Legislature, and the Arizona Governor's office to immediately provide emergency funding to accomplish tree thinning, timber sales, dead tree removal, fuel-load reduction and livestock grazing to protect affected areas from catastrophic wildfire; and

BE IT FUTHER RESOLVED that the Board of Supervisors of Apache County calls on State and Federal officials to immediately coordinate a meeting to address the issues raised by this resolution; and

BE IT FUTHER RESOLVED that the Board of Supervisors of Apache County calls upon the U.S. Department of Agriculture and the U.S. Congress to conduct an investigation to determine why the requirements of County, State and Federal ordinances, laws and regulations are not being routinely followed in relation to public safety, recreation, wildfire and economic issues of Apache County forest lands and other federally managed lands.

PASSED, APPROVED AND ADOPTED on this 18th day of October, 2011.

BOARD OF SUPERVISORS
APACHE COUNTY, ARIZONA

ATTEST:

Delwin Wengert
Clerk of the Board