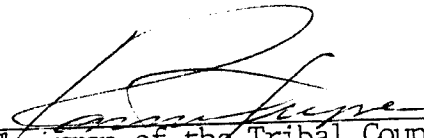


RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

- WHEREAS, the White Mountain Apache Tribe contracted with Adam, Hamlyn & Anderson, Consulting Engineers, of Phoenix for the design phase (Step 2) of the White Mountain Apache Wastewater Management System, EPA Project No. C-04-0226, and
- WHEREAS, the firm of Adam, Hamlyn & Anderson, Contractor, entered into a Sub-Contract with Arizona State University, Division of Research Grants and Contracts, for the performance of archaeological surveys and reports covering the area in which wastewater treatment/storage works and irrigation facilities for treated effluent land application are to be located, and
- WHEREAS, said Sub-Contractor has failed to perform to the standards required under the Sub-Contract and under Federal regulations governing archaeological surveys and clearances for Federally funded projects; and the Sub-Contractor's agent, Dr. Glenn Rice, having admitted to Tribal officials that erroneous findings were submitted in the original archaeological survey report, thereby invalidating substantial portions of the survey report, and
- WHEREAS, the White Mountain Apache Tribal Council, and grantee under the said EPA Project No. C-04-0226, finds the performance of the Sub-Contractor unacceptable and incomplete and damaging to the Tribe's proposed application for construction of said Wastewater Management System (Step 3), and
- WHEREAS, time is of the essence for the submission of the Step 3 grant application to the funding agency to avoid loss of construction funding and other irreparable damage due to failure of Contractor and Sub-Contractor to perform.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Contractor Adam, Hamlyn & Anderson, Inc. to rectify the enumerated deficiencies by the Sub-Contractor in accordance with verbal commitments made to Mr. Don R. Booker, Tribal Planner and Mr. William H. Veeder, Tribal Special Counsel, on December 2, 1980, by both Contractor and Sub-Contractor, to wit: that the necessary planning, excavation and evaluation activities are to be completed and submitted to the Tribe and the State Historical Preservation Officer by 5:00 p.m. on December 12, 1980.
- BE IT FURTHER RESOLVED that satisfactory and proper remedial work shall be considered as the completion of the prescribed work under the terms of the original Contract and Sub-Contract under Step 2 of EPA Project No. C-04-0226-02.

The foregoing resolution was on December 02, 1980 duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article, 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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

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DEC 11 1980

FORT APACHE INDIAN  
AGENCY  
WHITERIVER. ARIZ.

Resolution No. 80-310