

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

WHEREAS, the White Mountain Apache Tribe has requested emergency assistance to repair flood damage to sanitation facilities along the White River, and

WHEREAS, the White Mountain Apache Tribe wishes to enter into a Memorandum of Agreement with the Indian Health Service for emergency assistance pursuant to the provisions of P.L. 86-121, and

WHEREAS, due to the need for rapid mobilization to correct damage to the Tribe's water supply and in order to protect the health of the White Mountain Apache people the letter from George Blue Spruce, Jr., D.D.S., Assistant Surgeon General, to Tribal Chairman, Ronnie Lupe, attached hereto and incorporated by reference shall serve as both a Project Summary and Memorandum of Agreement.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby enters into the Memorandum of Agreement with the Indian Health Service for emergency assistance known as Project No. PH 83-353, Emergency Flood Damage repair on the Fort Apache Indian Reservation, pursuant to the conditions set forth in the attached Memorandum of Agreement.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman, Ronnie Lupe, to enter into and execute all agreements or Memorandum of Agreements necessary to carry out the purposes of this resolution for the completion of Project No. PH 83-853.

The foregoing resolution was on December 15, 1983 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, 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 Msy 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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FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

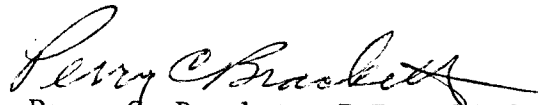


DEPARTMENT OF HEALTH & HUMAN SERVICES

Memorandum

Date November 10, 1983
From Chief, SFCB, OEH, PAO
Subject Emergency Flood Damage Repair on the Ft. Apache Indian Reservation - PH 83-853
To Michael Verschelden, P.E.
District Engineer, Eastern District

The attached Project Summary & Memorandum of Agreement has been approved and signed by the IHS Area Director. You are authorized to have the Agreement signed by the Chairman, White Mountain Apache Tribe.


Perry C. Brackett, P.E., Chief
Sanitation Facilities Construction Branch
Office of Environmental Health
Phoenix Area Office

Attachment(s)



Phoenix Area Indian Health Service
3738 N. 16th St. Suite A
Phoenix, Arizona 85016-5981
November 2, 1983

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 700
Whiteriver, Arizona 85941

Re: Project No. PH 83-853 - Emergency Flood Damage Repair on the Fort Apache Indian Reservation

Dear Mr. Lupe:

Based on the provisions of Public Law 86-121 and a request for emergency assistance to repair flood damage to sanitation facilities along the White River the Indian Health Service and the White Mountain Apache Tribe, hereinafter called the "Tribe", hereby enter into this Memorandum of Agreement with the Indian Health Service for emergency assistance.

Due to the need for rapid mobilization to correct damage to the Tribe's water supply and in order to protect the health of the Indian people, this letter will serve as both a Project Summary and Memorandum of Agreement.

Heavy rainfall in the White Mountains of Eastern Arizona from October 1, 2, and 3 resulted in flooding of the North and East Forks of the White River and caused damage to domestic water supply pipelines and water treatment buildings on the Fort Apache Indian Reservation.

Flood damage inspections were conducted by both White Mountain Apache Tribal Utility Authority and IHS Office of Environmental Health staff. Severe damage had occurred to the water main at six river crossings, one wash crossing and three wells. Well #3 at Whiteriver, East Fork Well #1, and East Fork Well #4, along with their pumps and related appurtenances, will require replacement.

FLOOD DAMAGE REPAIRS - COST ESTIMATE

<u>Item</u>	<u>Estimated Cost</u>
1. Abandon damaged wells and replace with new water source in more protected location.	
a) Whiteriver	\$ 20,000
b) East Fork	60,000
2. River and Wash crossings	84,000
3. Engineering and Contingencies	<u>16,000</u>
Total Estimated Repair Cost	\$180,000

Funding Expected:

Federal Emergency Management Administration (FEMA)	75% =	\$135,000
Indian Health Service	25% =	\$ 45,000

Project funding is anticipated to come from the Federal Emergency Management Administration (FEMA) at 75 percent of cost and the Indian Health Service at 25 percent of the cost. The availability and procedure for obtaining FEMA funds has not yet been determined, consequently this agreement pertains only to the Indian Health Service funds.

In order to carry out this project for the above mentioned repair and replacement work as rapidly as is practical, the Tribe and Indian Health Service mutually agree.

1. That the Tribe hereby grants the Indian Health Service, or its representative without charge the right to enter upon its land for the purposes of carrying out the project, and for the installation and construction of facilities described in this Memorandum and as deemed necessary by Indian Health Service, and waives any rights to compensation for damages arising from such entry, installation, or construction, except those which may be recognized under the Federal Tort Claims Act.
2. That the Tribe hereby agrees to obtain and provide all rights-of-way or other interest in land determined necessary by the Indian Health Service Project Engineer to carry out the obligations of the Indian Health Service under this Agreement.
3. That the Tribe will provide, without charge to the Indian Health Service, a representative who will serve for the duration of the project as the official liaison person between the Tribe, and the Indian Health Service.
4. That the Indian Health Service will provide, without charge to the Tribe:
 - A. All supplies, materials, equipment, skilled labor and services for the installation of required facilities as deemed necessary by the Indian Health Service within the 25% funding available.
 - B. Instruction as to the proper installation, utilization, maintenance and protection of the facilities provided herein.
5. That the Indian Health Service may contribute funds to the White Mountain Apache Tribe for the performance of any portion of the proposed facilities construction. Such contributed funds are to be reasonable for the work actually performed and the amount shall be mutually agreeable to both parties before work commences. The total amount contributed shall not exceed \$40,000.
6. That in consideration of the contributions made and the responsibilities undertaken by the Tribe, upon completion of the project, the Indian Health Service will transfer to the Tribe without charge, all facilities including all rights-of-way, materials, supplies, and equipment provided.
7. That the Tribe hereby agrees to accept transfer of such facilities and to properly operate and efficiently maintain and repair said facilities and equipment as the property of the tribe, so as to keep them in an effective and operating condition.

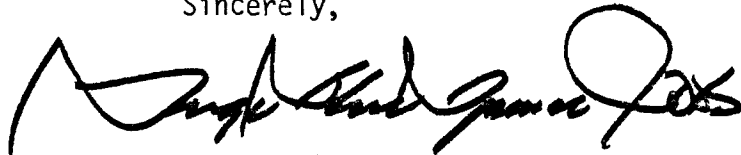
Mr. Ronnie Lupe

Page 3

Your signature affixed to this letter will constitute an agreement between the Indian Health Service and the White Mountain Apache Tribe for executing this project for emergency flood damage repairs.

If you concur with this agreement, please sign and return the original and three copies. You may keep one for your file.

Sincerely,

A handwritten signature in black ink, appearing to read "George Blue Spruce, Jr.", written in a cursive style.

George Blue Spruce, Jr., D.D.S.
Assistant Surgeon General
Director, Phoenix Area Office

CONCURRENCE:

Chairman, White Mountain Apache Tribe

Date