

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

- WHEREAS,** the Federal Intermodal Surface Transportation Act of 1991 (ISTEA) provides significant money for road construction on Indian Reservations; and
- WHEREAS,** the Bureau of Indian Affairs has been designated as the agency to administer these funds for Tribes; and
- WHEREAS,** the White Mountain Apache Tribe wants to utilize as much as the money allocated to it for road purposes as possible, there being a great need for road construction on the reservation; and
- WHEREAS,** previous priority listings provided by the Tribe to BIA have allocated significant sums to the improvement of State Route 73 through the reservation, but to date only a small portion of the allocated funds have resulted in projects being built; and
- WHEREAS,** most residential access roads connecting to State Route 73 have been constructed by BIA Roads without sufficient attention to the need for a side road connecting to a highway, which would require the provision of turning lanes on the highway itself; and
- WHEREAS,** the existing access from many of these side roads to the highway constitute a potential hazard to the safety and well being of Tribal members who are the persons principally served by the highway; and
- WHEREAS,** the Arizona Department of Transportation has expressed an interest in a joint effort by themselves, the BIA and the Tribe to make improvements to State Route 73 using a joint funding approach, and they have caused a study of various listed improvements to be made and the cost thereof to be estimated, which list is attached hereto and made a part hereof; and
- WHEREAS,** of the 57 projects listed, the Tribe wishes to select Project Nos. 14, 19 through 22, 24, 26 through 33, 37, 38, 41, 42, 43, 45, 46, and 57 as their priorities for construction, with Project No. 57 have the highest priority, and Project No. 42 having the second highest priority and the balance of the projects on as rapid a schedule can be arranged, with the exact order to be determined by negotiation between ADOT, BIA and the Tribe; and

WHEREAS, since BIA Roads should have provided turn lanes on the highway when the side roads were connected, the Tribe requests that the BIA contribution to the funding of these projects be 75% of the construction cost of the projects listed; and

WHEREAS, the estimated cost of all the projects selected by the Tribe and listed above totals \$5,821,600 and the BIA contribution will be \$4,366,200 based on the cost sharing formula outlined above, which is less than the unused balance of funds previously allocated by the Tribe for improvements to State Route 73.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the projects listed above and the sharing of funding as outlined above for BIA funded road projects as rapidly as they can be scheduled by ADOT and the Tribal Chairman is hereby authorized to take any actions or execute any documents required hereafter to bring this about.

BE IT FURTHER RESOLVED by the Tribal Council that the remainder of the 57 projects be constructed as soon as possible on a schedule and funding basis mutually agreeable between ADOT, the BIA and the Tribe.

The foregoing resolution was on May 12, 1994, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (e), (h), (i), (j), (k), (m), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).




Chairman of the Tribal Council

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MAY 25 1994

FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA



Secretary of the Tribal Council