

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

- WHEREAS,** the Arizona Department of Transportation (ADOT) has an existing right-of-way through the Fort Apache Indian Reservation along U.S. Highway 60; and
- WHEREAS,** ADOT has plans to improve areas along highway 60, in the Salt River Canyon area, which will include installing rock containment mesh, barriers and fencing, and to scale the existing cut slopes (remove loose rocks & debris), prior to installation of said improvements; and
- WHEREAS,** ADOT has contracted with ENTRANCO to perform final design services for this project, which is identified as Project No. 060 GI 289/H 4260 01 C. Salt River Canyon Rockfall Containment Project; and
- WHEREAS,** ENTRANCO wishes to advertise for bids and begin construction on the Salt River Canyon Rockfall Containment Project about March or April 1998, and advises that said Project should be completed by the end of June 1998; and
- WHEREAS,** all construction under this Project is located within ADOT's existing right-of-way, with the exception of an area containing 6800 square feet of White Mountain Apache tribal land, located adjacent to ADOT's right-of-way, near mile post 295 in the Salt River Canyon; and
- WHEREAS,** ENTRANCO is requesting the White Mountain Apache Tribe grant it a Temporary Construction Easement (TCE) for the area containing 6800 square feet of tribal land, in the event they require access, by way of this 6800 square feet of area, to complete its construction of the improvements under this Project; and
- WHEREAS,** this TCE will be used only in the event ENTRANCO requires access to the construction area, and in any event the TCE will terminate once this Project is completed.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby grants to ADOT and its contractor, ENTRANCO, A Temporary Construction Easement (TCE) for an area containing 6800 square feet of White Mountain Apache Tribal Land, which area is fully described on the attached plan, incorporated by reference herein, for the purpose of obtaining access to construct its improvements under the Salt River Canyon Rockfall Containment Project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that this Temporary Construction Easement is granted in consideration of the terms and conditions set forth in the attached Temporary Construction Easement document, with the understanding that this TCE will terminate at the completion of the Salt River Canyon Rockfall Containment Project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that nothing in this Resolution shall be construed to constitute a waiver of the Tribe's sovereign immunity for any purpose, nor as a diminution of the Tribe's jurisdiction over the subject matter of the TCE lands as described herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Tribal Chairman, or in his absence, the Vice Chairman, to execute any and all documents necessary to carry out the intent of this resolution.

The foregoing resolution was on February 12, 1998 adopted by a vote of seven 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), (h), (I) 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



Secretary of the Tribal Council