

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

WHEREAS, the Inter-governmental Agreement (IGA) between the White Mountain Apache Tribe and the U.S. Geological Survey (the Survey) reviewed annually and evaluated, the first IGA having been approved on December 21, 1998; and

WHEREAS, up to this year, the IGA has not been significantly modified or changed substantively; and

WHEREAS, Tribal staff have recently, with the Tribal Chairman's approval, negotiated an agreement with the Survey whereby the Survey agrees to pay a permit fee of \$1,500 per stream-flow gaging station, which may be paid in cash or in-kind services of equal or greater value, for the five gaging stations it operates on Tribal lands; and

WHEREAS, the Tribal Hydrology & Water Resources Program, with direct support from the Tribal Water Rights Team, requested technical services from the Survey to undertake the complex and untried installation of ADAPS and INGRESS II stream-flow data processing software on the Tribe's own SUN Workstation computer and to train Tribal staff in the operation of this software for the purpose of allowing the Tribe to process its own stream-flow data in a manner consistent with the national standard for same which will enhance the evidentiary value of the Tribe's data for water rights purposes; and

WHEREAS, the cost incurred by the Survey for this technical support service, which involved the full-time dedication of a high-level computer systems specialist from the Tucson office for more than two weeks with assistance from the Survey's programming office in Washington, D.C. for several days, as well as a one-day hands-on training course for Tribal staff in Whiteriver and several hours of phone-based support, was more than \$9,000 - an amount that exceeded the cost of the permit fees for FY2002 by more than \$1,500; and

WHEREAS, the Survey has demonstrated good faith in providing immediate and only partially compensated support during the time of the Rodeo-Chediski Fire crisis when flood-warning stations immediately were needed above the communities of Cibecue and Carrizo to protect public safety; and

WHEREAS, the flood-warning stations installed by the Survey during the Rodeo-Chediski Fire continue to provide crucial information to the Tribe and the National Weather Service in its ongoing effort to make accurate flood-warning predictions for the area affected by the Rodeo-Chediski Fire; and

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WHEREAS, BAER funding provides for the continued operation and maintenance by the Survey of these three flood-warning systems for up to three years, after which time the stations will revert to Tribal responsibility; and

WHEREAS, the U.S. EPA has committed to funding the installation of a new stream-flow gaging station on Upper Canyon Creek to monitor the effects of the Rodeo-Chediski Fire on water quality and runoff; and

WHEREAS, the EPA funding (\$40,000) is not sufficient for continued operation and maintenance of the new gaging station in Canyon Creek, but the Survey may be able to contribute significantly to the cost of such annual maintenance (\$16,000 - \$20,000 per year) for the first three years when fire-related flood threats are still significant, after which time responsibility for operation and maintenance of the station would revert to the Tribe, who, at that time, would have the discretion to terminate the gaging stations's operation; and

WHEREAS, information gained by monitoring flow and water quality at this and the other three flood-warning stations within the Rodeo-Chediski Fire area is important to the Tribe's goal of ensuring restoration to these damaged watersheds and their sensitive wetland areas as well as providing important flood-forecasting information to the Tribe and the National Weather Service; and

WHEREAS, the proposed Canyon Creek gaging station would be located where it would be most beneficial to the Tribe - just below the burned area but not in a place that would interfere with the important cultural features of the Iron Mine and Chediski Farms areas.

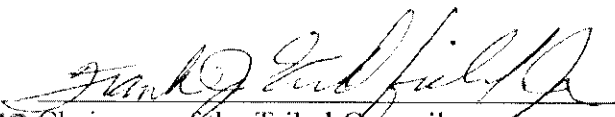
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the renewal of the annual Inter-governmental Agreement between the Tribe and the U.S. Geological Survey as amended for 2003 in Attachment A incorporated by reference herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Hydrology & Water Resources Department to oversee the installation of a new stream-flow gaging station with water quality monitoring instruments on Upper Canyon Creek in the vicinity of the Iron Mine, subject to approval of an exact location by the Tribal Plan and Project Review panel.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and in his absence, the Vice-Chairman, to sign any documents necessary to implement the actions authorized by this resolution.

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The foregoing resolution was on January 8, 2003 duly 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), (e), (f), (i), (j), (k), (s), (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).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council