



Resolution No. 08-2006-266

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

(Pertaining to application for HUD Imminent Threat Grant funding for emergency well construction near Miner Flat)

WHEREAS, the Miner Flat well field is currently the primary source of drinking water for the entire Greater Whiteriver service area, including Canyon Day and Cedar Creek serving a population of over 10,000 persons; and

WHEREAS, the Miner Flat well field has been producing water from the only significant groundwater source on the Fort Apache Indian Reservation, the Coconino Aquifer; and

WHEREAS, the only water-bearing portion of the Coconino Aquifer south of the Mogollon Rim in the central part of the Reservation is near Miner Flat and is geologically isolated by faults and ancient basalt deposits in the valley of the North Fork of the White River; and

WHEREAS, this isolated aquifer area receives insufficient recharge and has no source of capture so all groundwater extraction by pumping wells constitutes unsustainable groundwater mining and has resulted in a rapid dewatering of the aquifer in the vicinity of the existing Miner Flat wells; and

WHEREAS, since 2002, the White Mountain Apache Tribe, recognizing the impending water crisis if an alternate source of water is not developed, has aggressively sought and obtained approximately \$6.6 million in federal funding to develop a new surface water diversion and water treatment plant in order to use water from the North Fork of the White River as a reliable replacement drinking water supply for the Greater Whiteriver area and to minimize future reliance on the failing wells at Miner Flat; and

WHEREAS, progress continues to be made toward the construction of this surface water system but completion is still expected to be more than 18 months from now; and

WHEREAS, recent assessments of four poorly performing wells at Miner Flat revealed, for the first time, catastrophic structural damage to well infrastructure related to continuously diminishing water levels; and

WHEREAS, I.H.S. and the Tribe's groundwater hydrology experts judge that at least some of these wells may be impossible to repair; and

WHEREAS, replacement of the other wells is not desirable due to the already dire groundwater-level declines being observed in the vicinity of these wells; and

Resolution No. 08-2006-266

WHEREAS, recent geological mapping and investigation by the Tribe's geology expert indicates that another unexploited portion of this isolated piece of Coconino Aquifer likely exists within a mile of the current Miner Flat well field, but on the east side of Highway 73, north of Robert's Ranch; and

WHEREAS, I.H.S. and Tribal experts believe that developing one large well in an unexploited portion of the same limited aquifer may yield better results than attempting to rehabilitate or replace wells in an already impacted portion of the aquifer; and

WHEREAS, this effort is recognized as an emergency stop-gap measure to maintain the Tribe's drinking water supply in a time of critical need and that while the surface water diversion and treatment plant are being constructed, the new well would continue to provide drinking water to the Tribe's service area between Miner Flat and Diamond Creek even after the surface water system is operational and is viewed as a critical part of the overall well-field system as it will facilitate selective blending of groundwater from various wells in order to mitigate known elevated levels in several of the existing wells; and

WHEREAS, the U.S. Public Health Service-Indian Health Service (I.H.S.) has already committed approximately \$302,000 to this proposed effort and, before the new problems at the well field described above were discovered, the U.S. Environmental Protection Agency granted over \$1.4 million to the Tribe to develop its surface water system and to build one additional well at Miner Flat for the purpose of arsenic mitigation, and has indicated that no additional funds will be made immediately available; and

WHEREAS, the Tribe's economic situation is extremely tenuous after having to accept over \$1.2 million U.S. Department of Agriculture Rural Development loans for the development of its surface water system and cannot bear the burden of any additional loans, even for emergency water supply development; and

WHEREAS, the federal Department of Housing and Urban Development (HUD) Imminent Threat Grant program provides grants up to \$425,000 for the mitigation of drinking water infrastructure problems that if unresolved or not addressed will have an imminent negative impact on public health or safety, a situation that currently exists on the Tribe's Reservation; and


WHEREAS, I.H.S. has prepared a preliminary cost estimate for constructing a new well and extending all necessary infrastructure from the existing Miner Flat well field to the new well, and that cost is on the order of \$727,000 which could be fully met by the pooling of HUD Imminent Threat grant funds and I.H.S. funds already available.

Resolution No. 08-2006-266

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby instructs the Director of Natural Resources Division, in coordination with the Tribal Hydrologist, Consulting Hydrologist, and the Tribe's water rights team, to submit an application to HUD for an Imminent Threat grant in the amount of \$425,000 to address the impending water emergency for the Greater Whiteriver service area.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.


The foregoing resolution was on August 9, 2006, duly adopted by a vote of ELEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (f), (g), (h), (i), (j), (k), (q), (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).



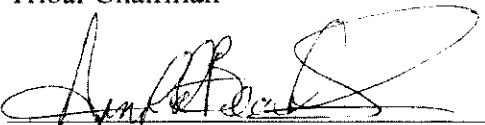
Chairman of the Tribal Council

Secretary of the Tribal Council

Signatures of the members of the Tribal Council represent their approval of Tribal Resolution
No. 08-2006-266 . Dated this 9th day of August , 2006.



Ronnie Lupe
Tribal Chairman



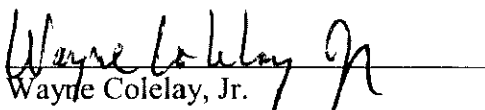
Arnold Beach, Sr.
District I Council Member



Victoria Brewer
District II Council Member




Alvin DeClay
District III Council Member



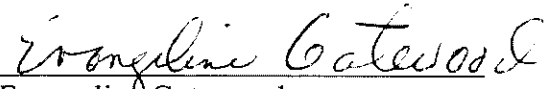
Wayne Colelay, Jr.
District IV Council Member



Noland Clay
District IV Council Member



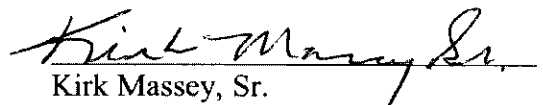
Margaret Baha-Walker
Vice-Chairwoman



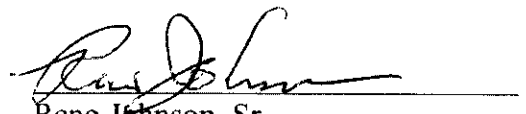
Evangelina Gatewood
District I Council Member



Lafe Altaha
District II Council Member

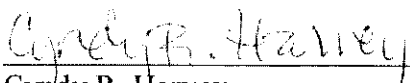


Kirk Massey, Sr.
District III Council Member



Reno Johnson, Sr.
District IV Council member

ATTEST:



Cyndy R. Harvey
Tribal Council Secretary