



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

(Request for Funding from United States Department of Agriculture Natural Resources Conservation Service)

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** Section 216, Public Law 81-516 (33 USC 701b-1), Section 403-405 of Title IV of the Agriculture Credit Act of 1978, Public Law 95-334 (16 USC 2203-2205), and Section 382, Title III of the 1996 Farm Bill, as amended, Public Law 104-127 provides authority to the Natural Resources Conservation Service ("NRCS") for delivering technical and financial assistance to communities ravaged by natural disasters through its Emergency Watershed Protection ("EWP") program; and
- WHEREAS,** examples of natural disasters include floods, fires, windstorms, and drought; and
- WHEREAS,** the Cedar Creek watershed has been severely impacted by intense runoff resulting from precipitation events on and after July 4, 2006; and
- WHEREAS,** damage has occurred to the stream segments adjacent to the community wastewater lagoon, which has eroded significant portions of the lagoon's northeast embankment; and
- WHEREAS,** another precipitation event of this magnitude could potentially result in failure of the existing structures and threaten life and property downstream; and
- WHEREAS,** the White Mountain Apache Tribe currently has a Memorandum of Agreement with the Indian Health Service ("I.H.S.") for Project PH-06-T10 to provide berm stabilization where Cedar Creek was moving closer to the wastewater lagoon; and
- WHEREAS,** this project was funded prior to the aforementioned storm events and the resulting damage, and the funds are insufficient to provide adequate recovery measures from these hazards; and
- WHEREAS,** the Tribal Council was advised on June 11, 2007 of the opportunities currently available to match existing funding by requesting technical and financial assistance under the EWP program; and
- WHEREAS,** the Tribal Council finds that the application and any funds that may be received for the purposes described herein to be in the best interest of natural resources on the Fort Apache Indian Reservation and the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

Resolution No. 06-2007-241

1. The Tribal Council authorizes an application to NRCS for technical and financial assistance under the EWP program to help stabilize the stream bank before the dike is breached and wastewater is released into Cedar Creek.
2. In the event that EWP funds are received, a budget is hereby authorized for such purposes, subject to any applicable terms and conditions of the grant, and subject to review by the Tribe's Legal Department.
3. The Legal Department and the Division of Natural Resources Land Operations are hereby directed to coordinate and work with the U.S. Indian Health Service and NRCS to develop an agreement for implementing a EWP project at the Cedar Creek community wastewater lagoon.
4. The Tribal Council authorizes funding received from the I.H.S. to be used as match for this EWP project, up to 25% of the total costs for implementation.
5. The Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on June 11, 2007, duly adopted by a vote of SIX 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), (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).



Chairman of the Tribal Council



Secretary of the Tribal Council