



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

**(Approving Professional Services Agreement with Dr. Joe C. Elliott to complete EIS for Miner Flat Dam Project)**

- WHEREAS,** the White Mountain Apache Tribe is the contractor in 638 contract number CTH52T60710, known as the Miner Flat dam Project ("MFD Project") which amended scope of work and budget modification therefore was approved by the Bureau of Indian Affairs in 2006; and
- WHEREAS,** an environmental impact statement (EIS) is required to be prepared to comply with the National Environmental Policy Act (NEPA); and
- WHEREAS,** the purpose of the proposed federal action will be the development of Miner Flat Dam for municipal and industrial water supply for the communities of the Greater Whiteriver Area, Cedar Creek, Carrizo, and Cibecue; irrigation supply for the Canyon Day Irrigation Project; improved temperature control for the Alchesay National Fish Hatchery and reservoir-based and stream-based recreation on the North Fork White River; and
- WHEREAS,** alternatives will include the development of Bonito Creek and Bonito Prairie and the development of Cibecue Creek for part or all of the water supply for the various named purposes, except an improved source of supply for temperature control at the Alchesay National Fish Hatchery; and
- WHEREAS,** the tasks will include, but not be limited to, publication of a notice of intent to perform an environmental impact statement ("EIS"), scoping meetings to determine the issues in the minds of the public, preparation of a draft environmental impact statement, public hearings, agency consultation, response to comments, final environmental impact statement and record of decision; and
- WHEREAS,** the responsible federal agency will be the Bureau of Indian Affairs, and the Tribal Council has determined that the Tribe's former EIS consultant, Dr. Joe Elliott, is uniquely experienced as a source of extensive environmental knowledge of the Tribe's reservation and that it would be wise and economically sound if Dr. Elliott prepared the technical EIS documents for use by the Bureau of Indian Affairs as Dr. Elliott prepared the original environmental impact statement (1983) for the MFD Project, which was previously limited to the purposes of water supply for the Canyon Day Irrigation Project, reservoir and stream-based recreation, improved temperature control for the Alchesay National Fish Hatchery and hydro-power, but Municipal and industrial water supply was not under consideration at the time; and
- WHEREAS,** the Tribal Council therefore concludes that it would be in the best interests of the White Mountain Apache Tribe to retain and employ Dr. Joe Elliott as a unique and sole source to complete the EIS for the MFD Project in accordance with the policies and ]

**Resolution No. 10-2007-432**

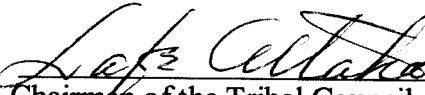
procedures set forth in the Statement of Relationship between the White Mountain Apache Tribe and the U.S. Fish and Wildlife Service and NEPA requirements as outlined in the Scope-of-Work and in the Professional Service Agreement ("PSA"), between the Tribe and Dr. Elliott, reviewed this date by the Tribal Council.

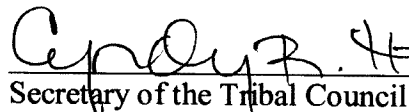
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Professional Service Agreement, including Appendix A thereof, between the White Mountain Apache Tribe and Dr. Joe Elliott, for the purposes of completing the Environmental Impact Statement and other related tasks set forth in the Scope-of-Work in said Professional Service Agreement for the MFD Project, contract number CTH52T60710, Dr. Elliott's services to be paid solely from MFD Project Contract funds.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman, and in his absence, the Vice Chairwoman, to sign the Professional Service Agreement described herein and any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on October 17, 2007, duly adopted by a vote of SEVEN 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), (e), (f), (h), (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