



# **WHITE MOUNTAIN APACHE TRIBE**

**A Sovereign Tribal Nation**

## **(Authorizing a Public Law 93-638 Contract for Design Services Related to Safety of Dams Modifications at A-1, Bootleg, Cooley, and Davis Dams)**

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**WHEREAS,** Pursuant to Article IV, Section 1(a) and 1(b) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council ("Council") has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and negotiate, make, and perform contracts of every description; and

**WHEREAS,** The Safety of Dams ("SOD") Program under the Land Operations Department provides for protection of life and property downstream of high and significant hazard classified dams by improving the overall structural integrity of these dams; and

**WHEREAS,** The Western Regional Office of the U.S. Department of Interior, Bureau of Indian Affairs (BIA) has notified the Tribe that funding is available for design services (records review, site surveys, subsurface exploration and assessment, hydraulic assessment, environmental evaluation, final designs, value engineering and risk reduction verification studies, and others, as negotiated) for SOD modifications to A-1, Bootleg, and Cooley dams and Davis (Hawley Lake) dam's spillway – all located on the Fort Apache Indian Reservation; and

**WHEREAS,** The BIA anticipates that funding to complete the SOD modifications could be available immediately following the completion of the design services to construct a comprehensive seepage collection and monitoring systems, abandonment in place of the existing outlet works, installation of siphons to provide reservoir evacuation capability, and removal of the existing abandoned siphons; and

**WHEREAS,** Funding in the amount of \$2,108,009 is available to complete the above design services; and

**WHEREAS,** The Tribal Council of the White Mountain Apache Tribe finds that addressing identified deficiencies and improving the overall structural integrity of A-1, Bootleg, Cooley, and Davis dams is of paramount importance for the improved protection of life, property and downstream hazards and will help to further public safety objectives and the enhancement of the Tribe's natural resources.

**Resolution No. 07-2019-147**

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that an application to enter into a P.L. 93-638 contract is hereby authorized for the purpose of completing design services (records review, site surveys, subsurface exploration and assessment, hydraulic assessment, environmental evaluation, final designs, value engineering and risk reduction verification studies, and others, as negotiated) for upcoming SOD modifications to A-1, Bootleg, and Cooley dams and Davis (Hawley Lake) spillway, with details included in a formal application to the Bureau of Indian Affairs, Fort Apache Agency.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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

The foregoing resolution was on **JULY 3, 2019** duly adopted by a vote of **NINE** for, **ZERO** against, and **ONE** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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Gwendena Lee-Gatewood, Chairwoman

15 Jul 19  
Date

  
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Doreen T. Numkena, Tribal Secretary

7-15-19  
Date