



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Canceling the White Mountain Apache Tribe's CRSP Hydroelectric Power Benefit-Credit Agreement with the Ak-Chin Indian Community's Energy Services Enterprise)

WHEREAS, The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation ("Constitution") provides, at Article IV, Section 1(b) that the Tribal Council ("Council") shall exercise the power "To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution with any person, association, or corporation, with any municipality or any county..."; and

WHEREAS, In 2004, the Tribe began receiving its Colorado River Storage Project ("CRSP") hydroelectric allocation through an agreement with the U.S. Department of Energy; and

WHEREAS, From that time, the Tribe transferred its CRSP allocation to the Ak-Chin Indian Community ("Ak-Chin") in exchange for benefit payments; and

WHEREAS, Ak-Chin has asked several times to reduce what it is required to pay to the Tribe for this resource; and

WHEREAS, The Tribe approved each such request except the last, in 2019; and

WHEREAS, In 2019, the Tribe identified alternate partners interested in using its CRSP hydroelectric resource; and

WHEREAS, These potential partners have offered substantially better terms than has Ak-Chin; and

WHEREAS, The Council have considered the costs and benefits of terminating its agreement with Ak-Chin Indian Community, and finds that doing so will help the Tribe increase the benefit it derives from CRSP, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby terminates its CRSP benefit-credit contract with the Ak-Chin Indian Community Energy Services enterprise, effective one year from the date of notice to Ak-Chin, or at an earlier date with the agreement of both parties and the U.S. Department of Energy (Western Area Power Administration).

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

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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.

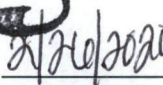
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 **FEBRUARY 25, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions 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).



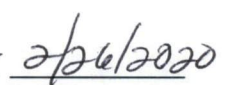
Gwendena Lee-Gatewood, Chairwoman



Date



Doreen T. Numkena, Tribal Secretary



Date