



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Modification to Consulting Contract between the Tribe and HDR, Inc.)

- 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 “[t]o negotiate, make and perform contracts and agreements of every description...”; and
- WHEREAS,** In 2010, Congress passed the White Mountain Apache Tribe Water Rights Quantification Act (the “Act”). (Pub. L. 111–291, Title III, 124 Stat. 3073); and
- WHEREAS,** Implementation of the Act requires NEPA-related investigations resulting in a Final EIS and 30% design of the features of the White Mountain Apache Tribe Rural Water System (“WMAT RWS”), including Miner Flat Dam, pipelines and related facilities from Whiteriver to Cibecue, and a new water treatment as prerequisites to a Record of Decision (“ROD”); and
- WHEREAS,** The publication of the ROD completes the requirements for the Enforceability Date, currently April 30, 2023, that confirms the waters rights of the White Mountain Apache Tribe, authorizes the use of construction funds to produce final designs and build the WMAT RWS, and initiates the leases of Central Arizona Project water to the downstream cites; and
- WHEREAS,** 30% design of the pipelines and related facilities from Whiteriver to Cibecue and the new water treatment plant are complete; and
- WHEREAS,** The 30% design of Miner Flat Dam, including the Viability Assessment with the Engineer of Record, HDR, and completion of the Final EIS with Leidos are ongoing; and
- WHEREAS,** The Consulting Review Board (Dr. William Dershowitz, Dr. Donald Bruce, and Mr. Richard Humphries) and the Laurel Lacher are required to support 30% design of Miner Flat Dam. Thomas Watson, a member of the WMAT project team, is required to support 30% design of Miner Flat Dam and the analyses leading to the Final EIS; and
- WHEREAS,** Budgets of the aforementioned Consultants are included in the proposed new P.L. 93-638 contract between WMAT and the Bureau of Reclamation to complete 30% design of Miner Flat Dam; and
- WHEREAS,** The contract of HDR, Inc., the Tribe’s Engineer-of-Record (“EOR”), dated December 4, 2015, requires modification to extend the contract through September 30, 2023, with no increase in budget through the Viability Assessment and with an increase in budget to

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complete 30% design of Miner Flat Dam at a later time, as presented in the contract modification of Attachment A.

WHEREAS, The Council finds that approving the proposed contract modification for work performed on the Rural Water System Project is in the best interest of the Tribe and its members.

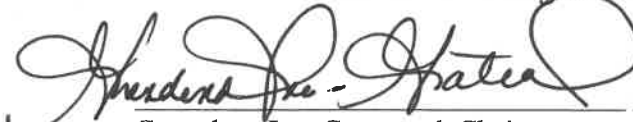

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the contract modification with HDR, Inc. as attached and incorporated by reference.

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 AUGUST 25, 2021 duly adopted by a vote of NINE 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).

	8.26.21		8-26-2021
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date