



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Agreement Between Tribal Forestry and Western Brush Shredding L.L.C. to Remove Non-Merchantable Forest Material from the Whiteriver WUI Brush Shredding Project Area)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation 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 [the] constitution, with any person, association, or corporation... ”; and
- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(f) that the Council shall exercise the power, “To protect and preserve the wildlife, plant life, forests, natural resources and water rights of the Tribe...”; and
- WHEREAS,** On August 4, 2020, Tribal Forestry entered into an agreement with Western Brush Shredding L.L.C. to remove non-merchantable forest materials from the Whiteriver WUI Brush Shredding Project area to reduce tree densities, disease infestation, and fire hazards (the “Project”); and
- WHEREAS,** The agreement between Tribal Forestry and Western Brush Shredding L.L.C. was amended on December 12, 2020 to include additional acreage; and
- WHEREAS,** Section 5.3 and 5.4 of the Tribe’s Procurement Policy and Procedures requires Council approval for awards over \$100,000.00; and
- WHEREAS,** Tribal Forestry wishes to amend the agreement a second time to include additional acreage and an increased rate, but needs Council approval per the Tribe’s Procurement Policy and Procedures; and
- WHEREAS,** Three bids were solicited for the Project, and it has been approved by Tribal Plan and Project Review Board; and
- WHEREAS,** The Council have reviewed the agreement and find that approving it will help Tribal Forestry manage and improve the forest health, and is in the best interests of the Tribe and its members.

Resolution No. 09-2021-189

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Agreement between Tribal Forestry and Western Brush Shredding L.L.C. to reduce tree densities, disease infestation, and fire hazards in the Whiteriver WUI Brush Shredding Project area is hereby approved.

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 SEPTEMBER 08, 2021 duly adopted by a vote of TEN for, ZERO against, and ONE 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).

 9/14/2021  9-14-2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date