



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Tribe to Enter into Self-Determination Construction Contract No. R22AV00005 with the Department of the Interior, Bureau of Reclamation, to Complete the 30% Design and EIS of the White Mountain Apache Tribe’s Rural Water System Project)

- 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...with... the United States”; 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), which authorized, among other things, \$222,046,000 (indexed to April 2021 dollars) in federal funding for the Tribe in consideration for the Tribe waiving its water-related claims against the federal government and state parties; and
- WHEREAS,** The amount provided for in the Act includes funding for the construction of the White Mountain Apache Rural Water System (the “RWS Project”), which will provide a secure, safe and dependable, good quality, fresh water supply for the Tribe and its members and ensure a long-term and reliable water supply for the Tribe for current and future generations; and
- WHEREAS,** The RWS Project includes construction and operation of a dam, storage reservoir, pumping plant, treatment facilities, and a distribution system that would provide water on the Fort Apache Indian Reservation, including Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue; and
- WHEREAS,** A condition of enforceability of the Act, which would release funding in the Act for construction of the RWS Project, and repayment of funding for design and other pre-construction work for the RWS Project provided by the WMAT Loan Authorization Act, is the issuance by the Department of Interior of a Record of Decision (“ROD”) for the RWS Project, and publication by the Secretary of Interior of a statement of findings in the Federal Register authorizing construction; and
- WHEREAS,** The Tribe and the Bureau of Reclamation (“Reclamation”) have been working together for several years on implementing the Act, specifically, in regards to the planning, engineering and design of, and environmental compliance for the RWS Project to support a ROD by the Secretary of the Interior for construction of the RWS Project; and

Resolution No. 04-2022-68

WHEREAS, The Tribe previously entered into a Self-Determination Contract with the U.S. Department of the Interior (“DOI”), Bureau of Reclamation, pursuant to the Tribe’s Act and the Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) (formerly 25 U.S.C. 450 et seq) (hereinafter “ISDEAA”) to perform planning, engineering, and design of the RWS Project that has since expired; and

WHEREAS, A new Self-Determination Construction Contract to complete the 30% design of Miner Flat Dam and the Environmental Impact Statement is necessary to meet the requirements for a ROD to be issued by the Secretary of the Interior; and

WHEREAS, Self-Determination Construction Contract No. R22AV00005 between the Tribe and the Bureau of Reclamation has been presented this day to complete the 30% design of the Miner Flat Dam, Viability Assessment, and the Environmental Impact Statement; and

WHEREAS, Due to the fact that the completion of the Rural Water System Project is one of the Tribe’s highest priorities to ensure safe, reliable, and good quality drinking water for its people for generations to come, the Tribal Council concludes that entering into a new P.L. 93-638 Contract with the Bureau of Reclamation is in the best interest of the Tribe and its members; and

WHEREAS, Given the urgency of the situation, the Tribal Council further finds that this needs to be considered and made outside of its regularly scheduled meeting; and

WHEREAS, The Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution; (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally; (3) no signature means that the respective Tribal Council member is against this Resolution, and; (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribe to execute Self-Determination Construction Contract No. R22AV00005 with the U.S. Department of the Interior, Bureau of Reclamation.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, are hereby authorized to take whatever Congressional or other action is required to obtain the requested amendment.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairwoman of the Tribal Council and the Vice-Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this

Resolution No. 04-2022-68

Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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 **APRIL 1, 2022** 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).


 Acting WMAT Chairman	<u>4-1-22</u>	 4-1-2022	
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date

Resolution No. 04-2022-68

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No: 04-2022-67 initiated the 1st day of April 2022. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials



Gwendena Lee-Gatewood
Tribal Chairwoman
4.1.22

Date Signed


TCS Initials

Jerome Kasey, III
Vice Chairman

Date Signed

TCS Initials



Arnold Beach, Sr.
District I Council Member
04-01-22


Date Signed


TCS Initials


Travis Tessay
District I Council Member

Date Signed


TCS Initials




Jerold Altaha
District II Council Member
04-01-22

Date Signed


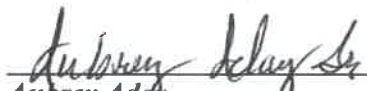
TCS Initials




Renaldo Dazen
District II Council Member
4-1-22

Date Signed



TCS Initials




Aubrey Addy
District III Council Member
4-1-22

Date Signed


TCS Initials



Alvin Declay Sr.
District III Council Member
04-01-22

Date Signed



TCS Initials




Gary Alchesay
District IV Council Member
04-01-22

Date Signed



TCS Initials




Alvena Bush
District IV Council Member
04-01-22

Date Signed


TCS Initials



Kasey Velasquez
District IV Council Member
4.1.22

Date Signed


TCS Initials

ATTEST:



Doreen T. Numkena, Tribal Council Secretary

4-1-2022

Date Signed