



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Agreement with the Bureau of Reclamation, the Bureau of Indian Affairs, and the U.S. Army Corps of Engineers Regarding Adverse Effects from the WMAT Rural Water System Project)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe” or “WMAT”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power to “act in all matters that concern the welfare of the Tribe,” and further in Article IV, Section 1(i), “[t]o manage all economic affairs and enterprises of the Tribe”; and
- WHEREAS,** Pursuant to the White Mountain Apache Tribe Water Rights Quantification Act (Pub. L. 111-291, Title III, 124 Stat. 3073) (“Act”), the Tribe’s Rural Water System (“RWS”) consists of a dam, water treatment plant, and a distribution system; and
- WHEREAS,** The RWS Project is subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended (“NHPA”), 54 United States Code § 306108, and its implementing regulations, which includes the development of a Memorandum of Agreement (“Agreement”) to address possible cultural resources encountered; and
- WHEREAS,** The Tribe’s Historic Preservation Officer (“THPO”) and its Water Rights Team worked with the Bureau of Reclamation, the Bureau of Indian Affairs, and the U.S. Army Corps of Engineers to develop the proposed Agreement between to the parties to address any adverse effects resulting from the Project; Tribal consultation; and
- WHEREAS,** The proposed Agreement addresses areas that could potentially be affected by the construction of the RWS Project; the identification and evaluation of historic properties; the development of a Historic Properties Treatment Plan to avoid, minimize, or mitigate adverse effects; monitoring; and appropriate treatments; and
- WHEREAS,** The Council recognizes the need for a memorialized understanding between the named parties of how to address effects on any of the Tribe’s cultural resources encountered during the construction of the Tribe’s Rural Water System Project and finds that entering into the proposed Memorandum of Agreement 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 entering into the Memorandum of Agreement between the Tribe, the Bureau of Reclamation, the Bureau of Indian Affairs, and the U.S. Army Corps of Engineers regarding the resolution of adverse effects from the Tribe’s Rural Water System Project.

Resolution No. 01-2023-27

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 Chairman, or in his 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 JANUARY 31, 2023 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 2/2/2023 Vaneya Johnson 2/2/2023
Kasey Velasquez, Chairman Date Vaneya Johnson, Tribal Secretary Date