



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Allocating \$2.4 Million for Sunrise Hotel Waste Water Treatment Facility Upgrades and \$4.8 Million for Sunrise Day Lodge Phase 1 Upgrades, with \$6.2 million to be Allocated from Tribal Funds and \$1 Million Allocated from Sunrise Funds)**

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- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(k) that the Tribal Council (“Council”) shall exercise the power, “To appropriate Tribal funds for Tribal purposes. . .”; and
- WHEREAS,** The Constitution also provides, as Article IV, Section 1(i) that the Council shall exercise the power, “To manage all economic affairs and enterprises of the Tribe...”; and
- WHEREAS,** The Tribe has five National Pollution Discharge Elimination System permits (“NPDES”), issued by the U.S. Environmental Protection Agency, which allow it to discharge into the waters of the United States; and
- WHEREAS,** Three of those permits are for waste water treatment facilities located at Sunrise Ski Resort at the Day Lodge, Cyclone Day Lodge, and Hotel facilities, and are administered by Sunrise staff; and
- WHEREAS,** Sunrise Park Resort (“Sunrise”), a wholly-owned and operated tribal entity of the Tribe, which has strategic plans for significant expansion in the next 10-20 years, and will require greater wastewater treatment capacity; and
- WHEREAS,** The two permits administered by Tribal Utility Authority are for the Hon-Dah/McNary and Whiteriver Wastewater Treatment Facilities; and
- WHEREAS,** In 2014 and 2015, federal EPA Region 9 and the Tribe entered into three (3) separate Administrative Order of Consents (“AOCs”) to address shortcomings and compliance failures with operation, maintenance, submission of data, and overall implementation of all five of the Tribe’s NPDES permits and the Clean Water Act; and
- WHEREAS,** The Tribe has retained Carollo Engineers, Inc. (“Carollo”) to assist with developing a plan to comply with the AOCs; and
- WHEREAS,** Carollo has prepared updated preliminary engineering reports (copies of which are attached and incorporated herein by reference) to address the wastewater treatment issues in the AOCs in order to bring Sunrise into compliance with the EPA; and

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**WHEREAS,** Carollo has also prepared a presentation for Council, which contains their recommend course of action, and estimated costs for upgrades to the existing wastewater treatment facilities; and

**WHEREAS,** Carollo is recommending a \$2.4 million investment in the complete upgrade to the Sunrise Hotel Waste Water Treatment Facility, which will free the Tribe from the NPDES permit, permanently, and include:

- Basin cleanout;
- Blower and aeration diffuser upgrades;
- Dissolved oxygen measurement;
- Effluent pumping, pipeline and percolation ponds; and

**WHEREAS,** Carollo is also recommending a phased approach to the upgrades to the Sunrise Day Lodge, Phase 1 of which will require a \$4.8 million initial investment, with a later investment of an additional \$2.0 million, and consist of:

- Diverting Cyclone Day Lodge flows to the Sunrise Day Lodge WWTF;
- Install influent pump station;
- Install one packaged treatment plant with a design capacity of 25,000 gallons per day;
- Construction of effluent pumping and percolation ponds;
- New electrical equipment to be housed in the existing Day Lodge WWTF building; and

**WHEREAS,** It has been proposed that funds for this project be allocated, as follows:

- \$2.7 million shall be temporarily reallocated from the funds allocated for the Carrizo Pipeline Water Project;
- \$3.5 million shall be temporarily reallocated from the Memorial Hall renovation funds;
- \$1 million of Sunrise's own funds shall be contributed to the Phase 1 of the Project; and

**WHEREAS,** Council finds, at this time, that making the above re-allocations for the purpose of funding Phase 1 upgrades to Sunrise's Wastewater Treatment Facilities is necessary for the continued operation of Sunrise Ski Resort, and 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 allocates \$2.4 million for the needed upgrade to the Sunrise Hotel Waste Water Treatment Facility, and \$4.8 million for those improvements identified above as Phase 1 to the Sunrise Day Lodge ("Projects").

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**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that funds shall be allocated for Phase 1 of the Projects, as follows:

- \$2.7 million shall be temporarily reallocated from the funds allocated for the Carrizo Pipeline Water Project;
- \$3.5 million shall be temporarily reallocated from the Memorial Hall renovation funds;
- \$1 million of Sunrise's own funds shall be contributed; and

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that those Tribal projects from which funds have been re-allocated shall be reimbursed from the Tribe's expected Trust Lawsuit Settlement proceeds, if so permissible.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribal Engineer shall work with the Tribe's attorneys, Sunrise management, and the Tribe's Project Planner to prepare requests for qualifications and requests for proposals for the necessary design and construction work to complete the important projects.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that Sunrise Ski Resort shall subsequently pursue the estimated \$2 million in funds needed to complete the entirety of the needed upgrades to Sunrise Ski Resort's wastewater treatment facilities.

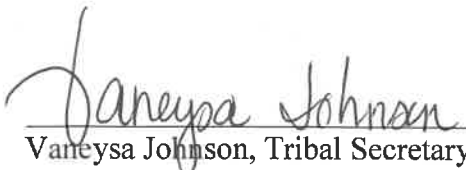
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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 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 **FEBRUARY 28, 2023** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
Kasey Velasquez, Chairman      4.4.2023      Date

  
Vaneysa Johnson, Tribal Secretary      4/4/2023      Date