

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, The protection of natural resources and the aesthetic value of the land as well as the economic gain of the White Mountain Apache Tribal Enterprises is of great concern to the Tribal Council of the White Mountain Apache Tribe; and
- WHEREAS, M.M. Sundt Construction Company of Tucson, Arizona, has requested permission to excavate and use the Cottonwood Wash area for the Arizona Department of Transportation Project No. FR-044-1(8) for which M.M. Sundt Construction Co. intends to submit a bid; and
- WHEREAS, The White Mountain Apache Tribal Roads Enterprise intends to bid on BIA Project No. H56-425-X-1250-2-22 as the general contractor with the intent of using M.M. Sundt Construction Company as the subcontractor; and
- WHEREAS, The Tribal Roads Enterprise request permission to execute a "Letter of Intent" with M.M. Sundt Construction followed by a signed agreement incorporating the terms and conditions specified in the letter of intent; and
- WHEREAS, M.M. Sundt Construction Company will pay the sum of \$500.00 per month rental on the Cottonwood Canyon pit site when in active use for crushing and mixing asphalt and AC FC for said projects; and
- WHEREAS, M.M. Sundt Construction will pay the sum of \$250.00 per month for inactive use of said area for the purpose of storage of materials, stockpiles and equipment providing the projects are not completed by December 31, 1982; and
- WHEREAS, M.M. Sundt Construction Company will pay the White Mountain Apache Tribe 50 cents per ton royalty on materials used on ADOT Project No. FR-044-1(8); and
- WHEREAS, No royalty charge will be enforced on materials used for BIA Project No. H56-425-X-1250-2-22; and
- WHEREAS, M.M. Sundt Construction Company will provide, upon request by the tribe, any and all scale sheets on record in connection with the use of this area; and
- WHEREAS, M.M. Sundt will maintain all roads used for hauling during the term of this use, install a wider cattle guard at the homesite area and three culverts between the homesite and the pit area, all of which will remain in place and become the property of the White Mountain Apache Tribe after use of the area terminates; and
- WHEREAS, all asphalt, oil spills, diesel spills and any other chemical spills foreign to the native environment will be dug out and removed to an accepted garbage dump area and the use area will be recontoured, shaped

and seeded to meet ADOT requirements in the ADOT Clean-up Agreement as well as the standards set by the White Mountain Apache Tribe to restore the site to an acceptable condition; and

WHEREAS, M.M. Sundt Construction Co. will be required to obtain a \$5,000.00 clean-up bond which will be made payable to the White Mountain Apache Tribe in the event the use area is not restored to a condition acceptable to the White Mountain Apache Tribe; and

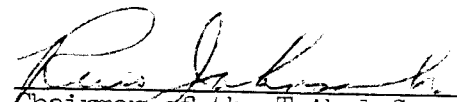
WHEREAS, the agreement will terminate upon completion of these two projects numbered above.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs and authorizes Richard Palmer to send a Letter of Intent, on behalf of the White Mountain Apache Tribe dba Tribal Roads Enterprise, agreeing to the foregoing terms and conditions for use of the Cottonwood Canyon Wash area.


BE IT FURTHER RESOLVED by the Tribal Council that, upon acceptance of the Letter of Intent by M.M. Sundt Construction Co., it hereby directs the Tribal Attorney to draft and initiate a formal agreement between M.M. Sundt Construction Company and Tribal Roads Enterprise incorporating all terms and conditions set forth in the afore mentioned Letter of Intent.

The foregoing resolution was on August 5, 1982 duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a, h & i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

ACTING:


Chairman of the Tribal Council

ACTING


Secretary of the Tribal Council

RECEIVED

AUG 09 1982

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ

White Mountain Apache Tribe
Fort Apache Indian Reservation
Whiteriver, Arizona

On August 4, 1982, the Tribal Attorney was asked by Richard Palmer, acting as representative on behalf of the Tribal Roads Enterprise, to draft a resolution granting M.M. Sundt Construction Company of Tucson, Arizona use of the Cottonwood Area.

M.M. Sundt Construction Company intends to bid on the ADOT Project No. FR-044-1(8) and Tribal Roads Enterprise intends to bid on the BIA Project No. H56-425-X-1250-2-22 using M.M. Sundt Construction as subcontractor on this project.

If either or both bids are let, the White Mountain Apache Tribe will receive such benefits as set forth in the attached proposed resolution.

Bids are due on the above named and numbered projects on or before August 6, 1982 and the next regularly scheduled Council meeting is August 10, 1982; therefore time is of the essence.

The Tribal Attorney has been advised by the Chairman of the Tribal Council that he should initiate a walk-through resolution.

Attached to the proposed resolution is a proposed letter of intent from Tribal Roads Enterprise to M.M. Sundt Construction Company, incorporating all the terms and conditions set forth in the proposed resolution. Also, attached is a letter from Raymus Albert, Chairman of the Land Board expressing Land Board approval for this use.

It is extremely important that the Tribal Council act promptly to give its final approval to the attached proposed resolution so that bids can be given on the afore named projects.

The following members of the Governing Body of the White Mountain Apache Tribe constitute a quorum in accordance with the Constitution and By-Laws of the White Mountain Apache Tribe:

Ronnie Lupe, Chairman

Raymus Albert
Raymus Albert, Council Member

West Anderson, Sr.
West Anderson, Sr., Council Member

Ernie Crocker
Ernie Crocker, Council Member

Judy Dehose, Council Member

Rudy Walker, Sr.
Rudy Walker, Sr., Council Member

Reno Johnson
Reno Johnson, Vice-Chairman

Lafe Altaha
Lafe Altaha, Council Member

Adam Lupe, Sr., Council Member

Alvino Hawkins
Alvino Hawkins, Council Member

Raymond Endfield, Jr.
Raymond Endfield, Jr., Council Member

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AUG 09 1982

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ

SECRET

Secretary of the Tribal Council



White Mountain Apache Tribe

P. O. BOX 700
WHITERIVER, ARIZONA 85941

August 4, 1982

Mr. Jed Billings
Paving Division Estimator
M.M. Sundt Construction Co.
P.O. Box 21627
Phoenix, Arizona 85036

Re: Cottonwood Wash Area Use Permit

Dear Mr. Billings:

Pursuant to our previous discussions, the following will serve as a "Letter of Intent" between the White Mountain Apache Tribe, Tribal Roads Enterprise and M.M. Sundt Construction Co. reference the use permit for the Cottonwood Wash area by M.M. Sundt Construction. Upon acceptance of this letter of intent by M.M. Sundt Construction, a formal agreement will be executed between both parties.

The White Mountain Apache Tribe will grant permission to M.M. Sundt Construction Company to excavate and use the Cottonwood Wash area conditional upon M.M. Sundt Construction being the successful bidder for Arizona Department of Transportation Project No. FR-044-1(8) as the general contractor. This agreement will terminate upon completion of the project but will be extended if Tribal Roads Enterprise is the successful bidder as the general contractor for the Bureau of Indian Affairs Project No. H56-425-X-1250-2-22 and M.M. Sundt Construction is subcontractor on this project. Then, of course, this agreement will be terminated upon completion of both projects. If M.M. Sundt Construction is not the successful bidder on the ADOT Project, then this agreement will apply only to the BIA Project.

Use of the area will be granted on the following terms and conditions:

1. M.M. Sundt Construction Company will pay \$500.00 per month to the White Mountain Apache Tribe, commencing on the first day equipment is moved into the Cottonwood Wash area site and continuing until such time as the area is no longer being used for the purpose of crushing and mixing asphalt and AC FC for Arizona Department of Transportation Project No. FR-044-1(8) and Bureau of Indian Affairs Project No. H56-425-X-1250-2-22.

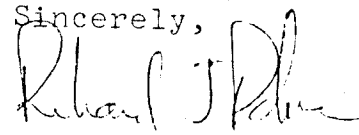
2. In the event the DOT and BIA Projects are not completed prior to December 31, 1982, and operations have ceased on the site area, M.M. Sundt Construction will pay \$250.00 per month to the White Mountain Apache Tribe for storage of any materials, stockpiles or equipment remaining in the area.
3. M.M. Sundt Construction will pay the White Mountain Apache Tribe 50 cents per ton as royalty fees for materials used in connection with ADOT Project #FR-044-1(8).
4. No royalty charge will be enforced on materials used in connection with BIA Project #H56-425-X-1250-2-22.
5. M.M. Sundt Construction agrees to provide scale sheets, as a matter of record, to the White Mountain Apache Tribe upon request by the tribe.
6. M.M. Sundt Construction further agrees to make every attempt to employ qualified Apache personnel in the Operating Engineer Crafts, Teamster Crafts and Labor Crafts during the term of the above referenced projects.
7. During the term of this construction all roads throughout the area used for hauling purposes will be maintained by M.M. Sundt; and it is further agreed that M.M. Sundt will install a wider cattle guard at the homesite area and three culverts between the homesite area and the pit area, which will remain in place and become the property of the White Mountain Apache Tribe upon completion of the projects.
8. M.M. Sundt further agrees to dig out and remove all asphalt, oil spills, diesel spills and other chemical spills foreign to the native environment and deposit this waste in an acceptable garbage dump area and the use area will be recontoured, shaped and seeded to meet ADOT requirements in the ADOT Clean-up Agreement as well as the standards set by the White Mountain Apache Tribe to restore the site to an acceptable condition.
9. M.M. Sundt Construction will be required to obtain a \$5,000.00 clean up bond which will be made payable to the White Mountain Apache Tribe in the event the use area is not restored to a condition acceptable to the White Mountain Apache Tribe.

A resolution approving this letter of intent and the agreement will be sent to you within the next two days. Upon receipt of the resolution, please call the Tribal Attorney's office and make arrangements to discuss the written agreement. The Tribal Attorney is Robert C. Brauchli; phone number 338-4346, Ext. 245

If all the terms and conditions set forth in this letter of intent meet with your approval, please sign the original letter and return it to me. I have enclosed a copy for your records.

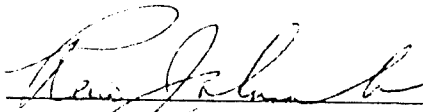
If you have any questions, please do not hesitate to contact me.

Sincerely,



Richard Palmer, Representative
Tribal Roads Enterprise

APPROVED:



Reno Johnson, Vice-Chairman
WHITE MOUNTAIN APACHE TRIBE

ACCEPTED:

Jed Billings, Paving Division Estimator
M.M. SUNDT CONSTRUCTION COMPANY

RP:RCB:mjm

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AUG 10 1982

WHITE MOUNTAIN APACHE TRIBE
OFFICE OF TRIBEAL CHAIRMAN

July 30, 1982

Mr. Ronnie Lupe, Chairman
WHITE MOUNTAIN APACHE TRIBE

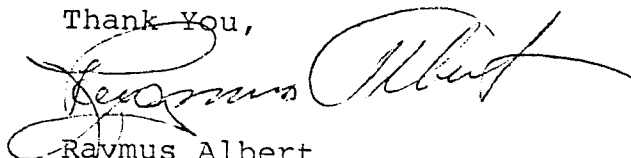
Dear Mr. Chairman:

I visited the site where evacuation will be done at Cotton wood wash; North Fork District.

Most of the evacuation will be done in the main wash and will not interfere with fence or life stock operation. This pasture is in use only in the winter.

It should be all right to use this pit for any future road project.

Thank You,



Raymus Albert
Land Board Chairman