

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

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe, pursuant to Resolution 08-94-250, adopted August 4, 1994, directed the United States Geological Survey ("Survey") to remove all streamflow gages ("gages") being operated and maintained on the waters of the Tribe within its Reservation; and
- WHEREAS,** said Resolution recited the historical history of the installation of the streamflow gages in 1959, in connection with measuring the runoff from modification of vegetative cover on various watersheds within the Reservation; and
- WHEREAS,** said gages came to symbolize unthinking past watershed destruction by the Tribe's trustee, the Federal Government, for the purpose of increasing water flow to the Salt River Reclamation Project; and
- WHEREAS,** the installation and operation by the Survey of streamflow gages on Tribal waters is not mandated by Federal law or Presidential order, and may be removed at the discretion of the Tribal Council; and
- WHEREAS,** despite their origins, the stream gaging stations have become useful to the Tribe's management of its water resources, and provide valuable information for the Tribe's Natural Resource Management Program, Watershed Restoration Program, Game and Fish Management, water quality standards and investigations, quantification data in support of the Tribe's water rights, ground water investigations, and otherwise assist the Tribe as the primary managers of its ancestral and aboriginal lands; and
- WHEREAS,** after Resolution 08-94-250 was adopted, the Survey initiated negotiations with the Tribe to maintain the stream gaging stations, to provide training to Tribal members in respect to their operation and provide technical assistance and equipment to the Tribe's Hydrology Department; and
- WHEREAS,** the Tribe's Special Counsel and the Tribal Engineering and Environmental Planning Department have worked together to negotiate an Intergovernmental Agreement ("IGA") with the U.S. Geological Survey for a stream gaging access permit and to provide technical assistance to the Tribe; and
- WHEREAS,** the general purposes of the IGA, a draft copy of which is attached to this Resolution for the Council's consideration and review, is to fulfill the Survey's Federal Indian Trust responsibility to the Tribe and to assist the Tribe's current programs for the

administration and management of its water and natural resources; and

WHEREAS, pursuant to said IGA, the Survey acknowledges that Tribal permission is required in order for the Survey to continue Joint Funding Agreements for the stream gaging stations and for the Survey to obtain access to operate and maintain the stream gages listed in Appendix "A" to the IGA; and

WHEREAS, the IGA, *inter alia*, provides for the exchange of technical expertise upon the request of the Tribe; training for Tribal staff in scientific and computer based methods relating to water resources monitoring; technical assistance in developing and implementing Tribal quality assurance protocols for the Tribe's water resources monitoring programs; acquisition of equipment for Tribal water monitoring and testing to the extent authorized by law; technical assistance regarding developing and upgrading the Tribal cartographic data base and sharing of personnel pursuant to the Intergovernmental Personnel Act by IPA and other appropriate means; and

WHEREAS, said IGA allows the Survey only limited entry onto Tribal lands and only after submitting a prior written request, except for emergency situations, and provides for annual review, modification and termination of the IGA by the Tribe without cause, and further provides that the Tribe annually approve the form of any Joint Funding Agreements with outside entities to help defray the cost of operating the gages and for streamflow data; and

WHEREAS, the Tribal Council is advised by the Tribal Engineer and Hydrologist that the Survey has already complied with the IGA's requirements, although the IGA has not yet been approved by the Council, and that the survey has provided technical assistance and equipment to the Tribe over the past two years and has assisted in the training of Tribal members as technicians to further Tribal goals of Tribal administration of the operation of stream gaging stations with funding from the Survey and other entities that need data from the stream gaging stations; and

WHEREAS, the IGA represents an important step in enhancing Tribal administration of the stream gages and the Tribe's management of its water and other natural resources.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Intergovernmental Agreement between the White Mountain Apache Tribe and the U.S. Geological Survey for Stream Gaging Access Permit and Technical Assistance in the form and content attached hereto.

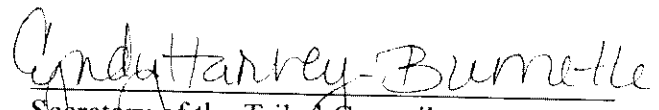
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman, and in his absence the Vice-Chairman, to execute the attached Intergovernmental Agreement, and to approve as

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to form the Joint Funding Appendices attached hereto.

The foregoing resolution was on October 22, 1998 duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (d), (e), (f), (h), (i), (j), (m), (n), (q), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council