

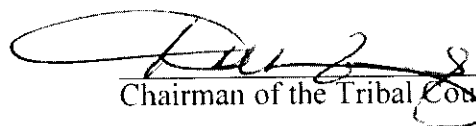
**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

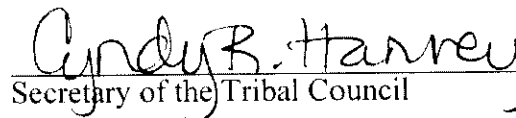
- WHEREAS,** the White Mountain Apache Tribe Transportation Committee proposes that the Tribe enter into an agreement with the City of Pinetop-Lakeside and Navajo County for development of a paved, multi-use trail along Highway 260 from Pinelake Road to Hon-Dah Casino, to be called "**The Rick Lupe Trail of Heroes**" in honor of the late Rick Lupe; and
- WHEREAS,** the project is to be funded by the Federal Transportation Enhancement Funds and no funds are required by the White Mountain Apache Tribe; and
- WHEREAS,** the trail will encompass three sections and to be maintained by the City of Pinetop, Navajo County, and the White Mountain Apache Tribe; and
- WHEREAS,** the trail portion within the Fort Apache Indian Reservation will need to be maintained by the Tribe, Bureau of Indian Affairs employees, and Public Works; and
- WHEREAS,** the application for the project will be submitted to Northern Arizona Council of Governments (NACOG) by July 27, 2003; and
- WHEREAS,** the Arizona Department of Transportation will require additional right-of-way from the Tribe on the eastern portion of Highway 260 from Hon-Dah Casino traffic signal to reservation boundary near the Smoke Shop to be specifically identified and approved at a later date.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribe to enter into an agreement with the City of Pinetop-Lakeside and Navajo County to establish and maintain the multi-use trail funded through the Federal Transportation Enhancement Funds program.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the trail will be named "**The Rick Lupe Trail of Heroes**" in honor of Rick Lupe and his crew for their sacrifices in stopping the Rodeo-Chediski Complex fire from advancing into the City of Show Low.

The foregoing resolution was on AUGUST 13, 2003 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 (a), (s), (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

When recorded, return to:
Town Clerk
Town of Pinetop-Lakeside
1360 N. Niels Hansen Lane
Lakeside, AZ 85929

INTERGOVERNMENTAL AGREEMENT

between

**WHITE MOUNTAIN APACHE TRIBE,
NAVAJO COUNTY and TOWN OF
PINETOP-LAKESIDE**

concerning the

**ARIZONA TEA-21 TRANSPORTATION
ENHANCEMENT PROGRAM**

THIS AGREEMENT is entered into as of _____, 2003 (the "Effective Date") pursuant to A.R.S. §§ 11-951 through 11-954 by and between the **WHITE MOUNTAIN APACHE TRIBE**, acting by and through its Tribal Council (the "Tribe"), **NAVAJO COUNTY**, acting by and through its Board of Supervisors (the "Country"), and the **TOWN OF PINETOP-LAKESIDE**, acting by and through its Mayor and Town Council (the "Town").

WHEREAS, the parties are authorized by §§ 11-951 through 11-954 to enter into intergovernmental agreements for joint or cooperative action; and

WHEREAS, the parties wish to jointly participate in a grant application under the Arizona TEA-21 Transportation Enhancement Program for the purpose of establishing a multi-purpose trail along Highway 260 from Pine Lake Road in the Town to the Hon-Dah Casino on Tribal lands; and

WHEREAS, the parties have agreed upon a grant application in the form of Exhibit 1 hereto,

NOW, THEREFORE, the parties agree as follows:

1. The Tribe and the County each hereby authorize the Town to submit to the Arizona Department of Transportation ("ADOT") on their respective behalfs a grant application substantially in the form of Exhibit 1 hereto under the Arizona TEA-21 Transportation Enhancement Program.
2. If the grant application is approved, each party shall pay a proportionate share of the administrative costs payable to ADOT; provided, however, that no party shall be required to pay more than \$5,000. Each party's share of the costs shall be determined on the basis of the percentage of the proposed trail that is located within the party's jurisdiction.
3. If the grant application is approved and the proposed trail is constructed by ADOT, each party will enter into an intergovernmental agreement with ADOT for the maintenance of that portion of the trail located within the party's jurisdiction.
4. This Agreement shall remain in effect until ADOT approves or rejects the grant application. If the application is approved, this Agreement shall remain in effect until each party has fully performed its obligations hereunder and has executed a maintenance agreement with ADOT as provided in paragraph 3.
5. Each party warrants that the official executing this Agreement on its behalf has been authorized to do so by appropriate action of its governing board; that this Agreement has been reviewed and approved by its legal counsel; and that this Agreement when so executed shall be a valid and binding obligation of the party, enforceable in accordance with its terms.
6. This Agreement affects only land within Navajo County and shall be filed with the Navajo County Recorder pursuant to § 11-952(G) and shall be effective on the Effective Date.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Agreement as indicated below.


WHITE MOUNTAIN APACHE TRIBE

By: 
Chairman of the Tribal Council

NAVAJO COUNTY

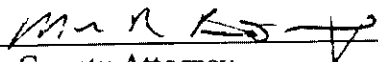
By: 
Chairman of the Board of Supervisors

TOWN OF PINETOP-LAKESIDE

By: 
Mayor

Approved as to form and authority:

Tribal Counsel


Deputy County Attorney


Town Attorney

**ARIZONA TEA-21
TRANSPORTATION ENHANCEMENT GRANT APPLICATION**

1. Please list the applicants applying for funding. All applications must be sponsored by a government agency. All projects on the State Highway System right-of-way must have the ADOT District Engineers written support and ADOT is considered the sponsor.
2. List date application was completed.
3. List the project name or facility name. **The project must be transportation related.** If on a State Highway, list the route number and beginning milepost.
4. List mailing address of sponsoring agency.
5. List county where project is located. If there are additional counties, list starting county first.
6. List the Congressional District number. No name is required.
7. List contact person for project. This person must be from the sponsoring agency. An alternate person should also be listed. The appropriate District will sponsor projects on the State system. (No exceptions).
8. Person responsible for completing application form.

APPLICANT INFORMATION

1. APPLICANT AND SPONSOR (Must be ADOT if on ADOT right of way) Town of Pinetop-Lakeside	MPO / COG NACOG	2. DATE 6/23/03
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3. PROJECT/ROUTE/FACILITY NAME and BEGINNING MILEPOST RICK LUPE TRAIL OF HEROS MULTI USE PATH
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4. MAILING ADDRESS 1360 N. Niels Hansen Lane

CITY Lakeside	ZIP CODE 85929	5. COUNTY Navajo	6. CONGRESSIONAL DISTRICT Four
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7. CONTACT PERSON Tom Thomas	TITLE Superintendent of Streets and Roads	PHONE NO: 928-368-8885 FAX NO: 928- 520-368-8528
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ALTERNATE PERSON Paul Watson	TITLE Town Manager	PHONE NO: 928-368-8885 FAX NO: 928- 520-368-8528
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8. FORM FILLED OUT BY: Tom Thomas	TITLE Superintendent of Streets and Roads	PHONE NO: 928-368-8885 FAX NO: 928- 520-368-8528
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List category applied for: Provision of Facilities for Pedestrians and Bicycles, Landscaping and other Scenic Beautification

Amount of Federal funds requested \$ 427,119 Total Project Cost \$ 427,119

THE TWELVE ELIGIBLE TRANSPORTATION ENHANCEMENT ACTIVITIES

(The term 'Transportation Enhancement activities' means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation)

1.) PROVISION OF FACILITIES FOR PEDESTRIANS AND BICYCLES.

This does not include typical construction elements of a roadway such as: travel lanes, traffic signals, crosswalks, etc.

2.) PROVISION OF SAFETY AND EDUCATIONAL ACTIVITIES FOR PEDESTRIANS AND BICYCLISTS

Activities must have a broad and preferably regional target audience.

3.) ACQUISITION OF SCENIC EASEMENTS OR HISTORIC SITES

Those which possess significant aesthetic natural, visual or open space values. Historic properties must be eligible for or listed in the National Register of Historic Places)

4.) SCENIC OR HISTORIC HIGHWAY PROGRAMS (INCLUDING THE PROVISION OF TOURIST AND WELCOME CENTER FACILITIES)

ADOT does have in place a Parkways, Historic, and Scenic Roads Program. This program does have a separate grant program for projects on those routes that have been designated by the State/ADOT. Any project under this activity must be on or within 2 miles of a State designated Scenic or Historic road.

5.) LANDSCAPING AND OTHER SCENIC BEAUTIFICATION

This is for primarily native and non-native plant landscaping activities. You can include site furniture such as benches, trash receptacles, etc. Stand-alone public art is not considered scenic beautification. You can include some art as part of a project but it is not eligible as a separate category under Transportation Enhancements. Public art has been included in the new Transit Enhancements funding program under the new TEA-21 legislation. Maintenance of landscaping does not qualify under this program.

6.) HISTORIC PRESERVATION

Any work under this category must have a strong transportation link either past, present or future.

7.) REHABILITATION OF HISTORIC TRANSPORTATION BUILDINGS, STRUCTURES, OR FACILITIES (INCLUDING HISTORIC RAILROAD FACILITIES AND BRIDGES)

8.) PRESERVATION OF ABANDONED RAILWAY CORRIDORS (INCLUDING THE CONVERSION AND USE THEREOF FOR PEDESTRIAN OR BICYCLE TRAILS)

9.) CONTROL AND REMOVAL OF OUTDOOR ADVERTISING

10.) ARCHEOLOGICAL PLANNING AND RESEARCH

11.) ENVIRONMENTAL MITIGATION TO ADDRESS WATER POLLUTION DUE TO HIGHWAY RUNOFF OR REDUCE VEHICLE-CAUSED WILDLIFE MORTALITY WHILE MAINTAINING HABITAT CONNECTIVITY

12.) ESTABLISHMENT OF TRANSPORTATION MUSEUMS

Please be aware that there are specific requirements for this category. Please contact your MPO, COG representative or ADOT TE Section staff for additional information.

NOTE: THESE ARE THE ONLY ITEMS ELIGIBLE FOR TRANSPORTATION ENHANCEMENT FUNDING. INCLUDING ELEMENTS NOT LISTED ABOVE MAY RESULT IN THE DISQUALIFICATION OF THE ENTIRE APPLICATION. OTHER ELEMENTS MAY BE INCORPORATED INTO THE PROJECT IF THEY ARE IDENTIFIED AS SEPARATE IN THE COST ESTIMATE. IF ITEMS THAT ARE ELIGIBLE FOR OTHER FUNDING SOURCES ARE TO BE INCLUDED IN THIS PROJECT APPLICATION, THEN THOSE SOURCE FUNDS MUST BE IDENTIFIED AND USED FOR THOSE ITEMS. FINAL DETERMINATION OF QUALIFICATION WILL BE DEFINED IN THE PROJECT SCOPING PHASE.

9. PROJECT CATEGORY - Check all boxes that apply. Circle primary category in which you wish to be evaluated.

<input type="checkbox"/> 1. Provision of Facilities for Pedestrians and Bicycles. <input type="checkbox"/> 2. Provision of Safety and Educational Activities for pedestrians and bicyclists <input type="checkbox"/> 3. Acquisition of Scenic Easements or Historic Sites <input type="checkbox"/> 4. Scenic Highway Programs Including the Provision of Tourist and Welcome Center Facilities <input type="checkbox"/> 5. Landscaping and Other Scenic Beautification <input type="checkbox"/> 6. Historic Preservation	<input type="checkbox"/> 7. Rehabilitation of Historic Transportation Buildings, Structures, or Facilities (including historic railroad facilities and bridges) <input type="checkbox"/> 8. Preservation of Abandoned Railway Corridors (including the conversion and use thereof for pedestrian or bicycle trails) <input type="checkbox"/> 9. Control and Removal of Outdoor Advertising <input type="checkbox"/> 10. Archeological Planning and Research. <input type="checkbox"/> 11. Environmental Mitigation to Address Water Pollution Due to Highway Runoff or Reduce Vehicle-caused Wildlife Mortality While Maintaining Habitat Connectivity <input type="checkbox"/> 12. Establishment of Transportation Museums
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10. PROJECT GENERAL DESCRIPTION: INCLUDE PROJECT CONCEPT, LENGTH, NUMBER OF ACRES, ETC. : DO NOT EXCEED 150 WORDS.

This project will construct a multi-use path from Pinelake Road in the Town of Pinetop-Lakeside to the Hon-dah Casino on the Fort Apache Indian Reservation. The project will link government offices with existing residential areas, resorts and proposed commercial development as well as the recreational opportunities of the Hon-dah Casino, Resort and Convention Center.

The project includes 20,064 LF of an 10-ft wide asphalt pedestrian/bicycle path. The project will all be developed in the ADOT right-of-way and meander around existing trees and proposed retention ponds (not part of this project).

This path is identified as part of the physical plan of the Urban Element of the White Mountains Trailsystem 1999 (Pinetop Area), which is also referenced in the White Mountain Regional Transportation Plan. As well the implementation of trails are listed as one of the first objectives of the Town of Pinetop-Lakeside/Navajo County Regional Plan, circulation element. Benches and trash receptacles will be at some of the retention ponds to serve as rest areas.

PLEASE LIMIT THE FOLLOWING DESCRIPTION TO 200 WORDS OR LESS

11. Describe the project. Please answer all questions using the format outlined below.

- A) Where is the project located? (Must attach map in appendix)
- B) Is the project on a planned, existing, or under construction transportation corridor?
If on a planned corridor one under construction, what is the approximate or scheduled completion date for the corridor?
- C) What major construction, design, and right-of-way work does the project entail?
Describe any need for major land modification, retaining walls, etc. and include in cost estimate.
- D) Is there enough right of way to construct the project? Who owns it?
- E) Are there drainage issues to consider? Describe any potential impacts to Waters of the U.S.
- F) Are utility relocations necessary?
- G) What is the proposed time frame for completion of the project?

A. The project lies adjacent to highway 260 from mile post marker 353.98 to mile post marker 357.36. The project will cross three jurisdictions including the Town of Pinetop-Lakeside, Navajo County and The Fort Apache Indian Reservation.

The map shows this path linking the various residential areas with The Arizona Game and Fish office, (and trail head) which also houses the State Lands Department office. The trail also passes by major residential areas and proposed commercial development at the corner of Buck Springs and Highway 260. Moving south the path passes by the Hon-dah home site as it goes onto the Fort Apache Indian Reservation, and ends at the Hon-dah Casino, Resort and Convention center.

B. The location of the project is within a portion of the Show Low- McNary-Eager Highway (SR 260)AC-STP-TEA-044-1- (20) B. Construction began on May 2001 with a one hundred eighty (180) work day completion requirements. It is estimated the work will be completed in two sessions.

C. There are two major construction aspect of the multi-use path. One: 20,064 LF 10-ft wide multi-use path. Material for the path will be of asphalt-concrete and should meander through the existing trees and retention ponds of the above-mentioned project. The design should consider the homeowners whose homes align the project and maintain a reasonable distance from those property lines. Two: There is a major drainage system near the Hon-dah end of the project that may need to be bridged.

D. The project should be funded as to allow construction to begin at the end of the above-mentioned project. This would mean funding should be in place for the 2002-2003-budget year.

At this time conditions limit travel between nodes, when the ADOT project is completed there will be no way except by the heavily traveled highway. No sidewalks will exist and increasing pedestrian/bicycle traffic will have to edge its way along the shoulders. This path will dramatically improve the conditions on this portion of Highway 260.

PLEASE LIMIT RESPONSES TO THE FOLLOWING QUESTIONS TO **200 WORDS OR LESS**

15. How will the project be maintained? All projects will require a signed Inter-governmental Agreement (IGA) prior to project construction. The following information is required for completing an IGA. Please answer all questions listed by describing how the project will be maintained and repaired after completion.

- A) Organizations responsible for on going maintenance and repairs
- B) Proposed on-going maintenance and repair program
- C) Source of funds for on going maintenance and repairs

- A. **Town of Pinetop-Lakeside, Navajo County, and the Fort Apache Indian Reservation all have existing maintenance and repair programs funded on an annual basis. Each entity will be responsible for maintaining that portion which lies within its own jurisdiction.**
- B. **Each entity has its own department, which will supply the necessary manpower, equipment and material to maintain the path.**
- C. **The source of these funds will come from each entities own general fund.**

16. Describe why the project is an enhancement and how it relates to the transportation infrastructure of the community, region and / or state. (See Item number 9)

Again – all projects must relate to surface transportation

While there are more that 200 miles of Trails around the Pinetop-Lakeside and Hon-dah area, there are none that connect the Tribal Lands to the rest of the system. This path would be the first. Also bicyclist and pedestrians who are moving in this area must travel on inadequate paths and with no safety provisions. This project would be an enhancement to the existing on going project which currently provides no provisions for pedestrian/ bicycle traffic other than the road shoulder. This project is an opportunity for the citizens of Town of Pinetop-Lakeside, Navajo County and The Fort Apache Tribe as well as the many visitors to the community to enjoy a safe, adequate and aesthetically pleasing non-motorized traveling alternative.

17. Describe how the community was or will be involved in this project. Please include the following: Community involvement in the planning, scoping process, design process, or implementation. Is the project listed in any planning documents that had extensive public participation?

Even the application process will involve public participation before submission. Each step of the process up to the construction phase will be discussed in various formats through local comities.

It is our intent to have the designers of the project to work with the TRACKS origination in developing this path. This organization (a citizen based group) is the organization that has developed over 200 miles of trails in the White Mountains and enjoys broad base support of the business community, local residences and visitors. This project is within the scope of trails recommend to be constructed in the Urban Element of the White Mountains Trailsystem final report. This report is referenced in the Regional Plan developed between the Town of Pinetop-Lakeside and Navajo County. Both documents went through a series of public hearings before being adopted by the Town Council and the Board of Supervisors. This project also has wide support of local residence and the community as a whole.

18. Describe how this project will benefit the community and result in an improvement of the existing conditions including safety. How many people will use the proposed project? How will it improve existing unsafe conditions?

The most significant benefit of the project is the creation of a safe pedestrian/bicycle path linking residential, business, government and recreation through alternative transportation. Also this project is not only a multi jurisdictional project but a multi cultural project as well. This project will link the cultural richness of the Apache Tribe with the expansive trails of The White Mountain Trails system to the benefit of all. Currently there is a trailhead at the Game and fish office, which ties into over 200 mile of forest trails. This path will be the link between these trails and the tribal lands. These trails offer not only recreational opportunities but also provide for alternative transportation routes between local communities and amenities.

19. Is the proposed project listed on or does it meet criteria for any local, state, or Federal Historic or Scenic designations? If so, please identify the specific designation (s) and limits and briefly describe why the proposed project qualifies. If this is a rail comidor project is the corridor "rail banked" or is the abandonment authorized by or proceeding before the Interstate Rail Commission?

N/A

20. **Why should this project be funded?** Using your best judgement describe why the project should be funded. Keep in mind that this is a transportation program. Is this project a one time opportunity or will the project protect a threatened resource?

It is the intent of this project to provide a safe environment for the traveling public. Rather they are vehicular, pedestrian or bicycle. It is also intended to provide alternative transportation between residential, governmental and commercial destinations. As an extra bonus it will provide a link between the people of the Fort Apache Indian reservation and the neighboring community via an alternative transportation mode. This project also represents a partnership and high level of cooperation between the three entities and the Arizona Department of Transportation. The project enjoys the wide support from the community, civic groups and the business organizations. It also is consistent with the T21 goals, including encouraging alternate-mode travel through construction of facilities that connect areas of generation and destinations. The project is consistent with the goals and objectives of the Circulation element of The Pinetop/Navajo County Regional Plan and the Urban Element of the White Mountain Trailsystem.

SCREENING CRITERIA

	<u>YES</u>	<u>NO</u>
21. BASIC CRITERIA (Must meet <u>all</u> Criteria. A *no* response to any of the following disqualifies the proposal)		
A. Project eligible under one or more of the 12 Transportation Enhancement activities listed in TEA-21	—	—
B. Proposed project's relationship to Surface Transportation System Must qualify under one or more of these conditions. PROXIMITY (i.e. landscaping) _____ FUNCTION (i.e. sidewalk) _____ IMPACT (i.e. water pollution mitigation) _____		
C. Project over and above normal transportation project? (Typical landscape restoration mitigation type activities that are a normal part of a transportation project are ineligible).	—	—
D. Project Sponsored by Government Entity?	—	—
E. Project is consistent with sponsoring agency's plans?	—	—
F. Project will be scheduled to go to bid within 3 years of acceptance?	—	—
G. Project matching funds available (Minimum 5.7%)?	—	—
H. Project sponsor able to administer project development as outlined on page C.	—	—
I. Completed project will meet applicable Federal, state and local requirements?	—	—
J. The completed project will be open to the public and meet the accessibility standards of the Americans with Disabilities Act.	—	—
K. Project will improve air quality or have a neutral air quality impact?	—	—
L. Sponsor agrees to install an ADOT provided sign during the construction phase and a permanent 8" X 8" bronze plaque upon completion stating that the project is part of the Transportation Enhancement Program.	—	—

22. **Approval of Authorized Official (Sponsor)**
This project has the concurrence of the sponsoring agency, is consistent with the agency's plans and meets all of the basic criteria listed in question 21, which are required by the state of Arizona's Transportation Enhancement Program.

Agency/Jurisdiction _____

Day: _____ By: _____

State projects must be signed by the appropriate District Engineer.

Projects which involve historic buildings or structures should be reviewed by the State Historic Preservation Office (SHPO) , preferably before the application is submitted to the MPO/COG.

23. Endorsement of Metropolitan Planning Organization/Council of Governments

This project has been reviewed and endorsed by:

MPO/COG _____ Date: _____

APPENDIX

The following items are required and must be folded to 8 1/2" X 11" or smaller.

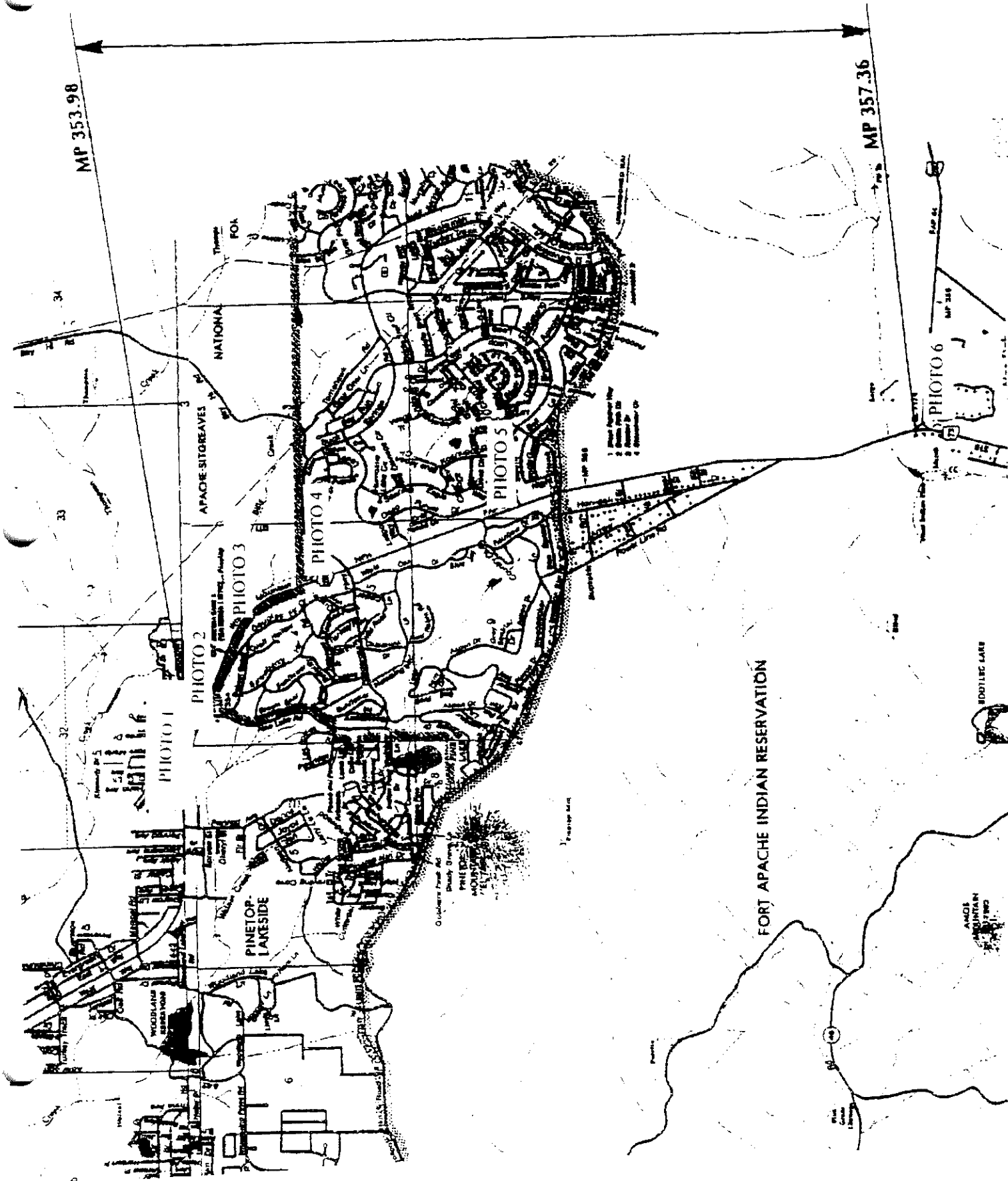
1 MAP OF PROJECT AREA (REQUIRED)

LETTERS OF SUPPORT (REQUIRED) At least one letter from the sponsoring agency and one from the District Engineer (if a state project). Total of five letters is maximum allowed.

OPTIONAL ITEMS

- Site Plan
- Artistic Renderings
- Newspaper Articles
- Other

PLEASE SUBMIT NO MORE THAN SIX (6) PHOTOS WITH CAPTIONS OF THE EXISTING PROJECT SITE, AT LEAST ONE SET OF PHOTOS NEEDS TO BE COLOR. THE REMAINING MAY BE BLACK AND WHITE. (ORIGINAL PHOTOS OR COPIES ARE ACCEPTABLE. ALL PHOTOS SHOULD FIT ON NO MORE THEN THREE (3) PAGES. PHOTOS SHOULD BE A MINIMUM OF 3" X 5", MAXIMUM OF 4" X 6".)



MP 353.98

MP 357.36

NATIONAL APACHE-SITOREAVES

PHOTO 2

PHOTO 1

PHOTO 3

PHOTO 4

PHOTO 5

PHOTO 6

FORT APACHE INDIAN RESERVATION

AMOCO INDIAN RESERVATION

BOTTLECREEK LAKE

- Public Property
- Private Property
- Water
- Road
- Fence

34

33

32

34

33

32

31

30

29

28

27