

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

(Requesting a Technical Assistance Contract Pursuant to P.L. 93-638 for Safety of Dams)

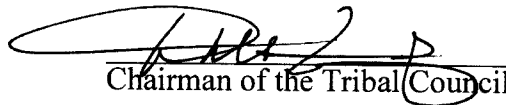
- WHEREAS**, the Western Regional Office Division of Natural Resources of the U.S. Department of Interior Bureau of Indian Affairs ("BIA") has notified the Tribe that Fiscal Year 2005 funding is available to begin the conceptual and final design phases for Safety of Dams modifications to high hazard dams located on the lands of the Tribe; and
- WHEREAS**, FY2005 funding in the amount of \$1 million is available, and another \$.75 million will be available in FY2006; and
- WHEREAS**, a deficiency verification analysis identified deficiencies at the dams known as Horseshoe Cienega, Bog Tank, Big Bear, Little Bear, and Davis; and
- WHEREAS**, the conceptual design phase includes developing, evaluating and presenting different alternatives to mitigate the deficiencies at Horseshoe Cienega, Bog Tank, Big Bear and Little Bear high hazard dams; and
- WHEREAS**, the BIA has requested that by April 28, 2005, the Tribe choose one of three alternatives, which include (1) the Tribe contracting with the BIA pursuant to P.L. 93-638 (25 U.S.C. §450 et seq.) and completing the conceptual and final design in accordance with applicable federal, state and local codes, standards and regulations, (2) the BIA completing the conceptual and final design through a contract with the U.S. Bureau of Reclamation ("BOR"), (3) the Tribe contracting with the BIA to acquire technical assistance funds to monitor the work being completed by the BIA under the second alternative; and
- WHEREAS**, the Tribe's Land Operations Office has identified the third alternative as in the best interests of the Tribe; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe, in addition to powers vested in the Tribe by virtue of its inherent sovereignty and by existing law, has the duty and authority under Article IV, Section 1(f) of its Tribal Constitution to protect and preserve the wildlife, plant life, forests, natural resources, and water rights of the Tribe; and
- WHEREAS**, addressing Safety of Dams identified deficiencies and improving the overall structural integrity of high hazard dams on the lands of the Tribe is of paramount importance for the improved protection of life, property and other downstream hazards and is in the best interest of the White Mountain Apache people.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

Resolution No. 04-2005-97

1. The BIA is authorized to complete the conceptual and final design for the dams known as Horseshoe Cienega, Bog Tank, Big Bear, Little Bear, and through a subcontract with BOR.
2. A contract with the BIA pursuant to a P.L. 93-638 (25 U.S.C. §450 et seq.) is hereby requested for the purposes of acquiring technical assistance and start-up funds to monitor the work performed by the BIA and BOR.
3. The Tribal Chairman or, in his absence, the Vice Chairman, is further authorized to negotiate and sign all documents necessary to effectuate the intent of this resolution.

The foregoing resolution was on APRIL 7, 2005 duly adopted by a vote of EIGHT 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), (b), (f), (j), (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