

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

(Regarding Air Sciences Professional Services Agreement)

WHEREAS, the White Mountain Apache Tribe previously engaged the services of Air Sciences, Inc. of Golden, Colorado, to perform services related to air quality assessment and protection under a U.S. Environmental Protection Agency air quality grant; and

WHEREAS, the Tribe has been awarded a new air quality grant by EPA to carry out additional air quality assessments, inventories, and program development; and

WHEREAS, Tribal EPO staff recommend that Air Sciences, Inc., be retained to provide air quality consulting services under the new air quality grant; and

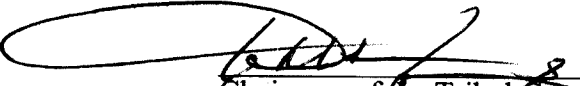
WHEREAS, the Tribal Council of the White Mountain Apache Tribe supports the EPO recommendation and wishes to enter into a new Professional Services Agreement with Air Sciences, a copy of which is attached hereto and incorporated herein by reference.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Professional Services Agreement between the White Mountain Apache Tribe and Air Sciences, Inc., to provide air quality consulting services to the Tribe.

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 sign any and all documents required to carry out and implement this Resolution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and in his absence, the Vice Chairman, to sign any and all documents required to amend or expand the Agreement's Scope of Work or budget, or to renew the term of the Agreement, provided funds become available for any such expanded Scope of Work or budget.

The foregoing resolution was on JULY 6, 2005 duly adopted by a vote of TEN 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), (i), (j), (k), (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



AIR SCIENCES INC.

11111 WASHINGTON

2005 Schedule of Charges

<u>Labor Levels</u>	<u>Hourly Rate</u>
Support I	\$41
Support II	\$56
Assistant	\$70
Staff	\$87
Senior	\$103
Associate	\$119
Tower climbing	\$117
Principal	\$136

Rebillable Expenses

All items	At cost
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Equipment Lease Rates

Photocopier	10 cents per copy
Vehicle	40.5 cents per mile

Invoices will be issued monthly and are payable within 20 days of the invoice date.

These quoted fees are valid for 2005. Services commenced in 2006 or continued into 2006 will be charged in accordance with the fee schedule effective January 1, 2006.

**TECHNICAL MEMORANDUM****WHITE MOUNTAIN APACHE TRIBE AIR PROGRAM –
TECHNICAL SCOPE OF WORK**

PREPARED FOR: Doreen Gatewood, Director Environmental Protection Program
Sylvia Cates, Special Counsel

PREPARED BY: Dave Randall

PROJECT NO.: 135-5

COPIES:

DATE: May 27, 2005 (modified on June 14, 2005).

This memorandum includes the technical scope of work for Air Sciences Inc.'s portion of the work to be performed for the White Mountain Apache Tribe Environmental Protection Office (EPO) under the Clean Air Act Section 103 grant for FY2005. The primary areas of focus for the project include:

- Continued monitoring of particulate air pollution emissions at the McNary monitoring station,
- Completing the reservation-wide emissions inventory begun under a previous grant,
- Development of a Tribal Implementation Plan (TIP) to guide future air quality planning and protection efforts,
- An investigation of off-reservation sources that could affect and impair reservation air resources,
- Public education and outreach.

The total budget estimate for the tasks originally identified for Air Sciences in the FY2005 grant proposal remains \$36,633. The budget for the additional tasks (particulate monitoring, training, and program support) is \$10,672. Total budget for the technical scope of work is \$47,305. These costs are based on per-task hour estimates and our 2005 Schedule of Charges (attached). Air Sciences will perform this work on a not-to-exceed the cost estimate without prior, written authorization from the White Mountain Apache Tribe.

Task 1 – Particulate Monitoring – *to be finalized pending addl. information.*

Work under this task shall not commence until requested by the EPO Director.

The Tribe and the Bureau of Indian Affairs (BIA), Ft. Apache Agency jointly conduct PM monitoring of prescribed and wildland fire emissions under the Tribal Smoke Management Plan. Though controlled burning has been used on the reservation for decades as a forest management tool, the devastating Rodeo/Chediski fire of 2002 heightened awareness even further of the role fire plays in the forest ecosystem. More aggressive plans are being made for controlled burning on the reservation. Thus, there is even a greater need to monitor fire emissions to protect public health, to comply with Tribal and Federal air quality standards, and to aid resource managers with burn planning and implementation.

The PM monitoring station established by the Tribe at the McNary community under previous EPA Sec. 103 funding compliments the reservation-wide PM monitoring network and provides important data for on- and off-reservation populations. The Tribal EPO will continue to operate the McNary station, while the BIA will continue to operate three (3) other monitoring stations, located at the fire station in Whiteriver, the fire station in Cibecue, and along the northern reservation border to provide data used for the protection of off-reservation communities.

Air Sciences will perform the following duties under this task:

- Revise, as appropriate, and complete for the Tribe's submittal to EPA Region 9 the Quality Assurance Project Plan (QAPP) partially developed under previous grant funding. As needed, legal, planning and technical consultants will assist with QAPP completion.
- Conduct one site visit to the McNary PM station in order to get the station fully operational in accordance with the final QAPP. Site visit to include verification that PM data is being collected, stored, and downloaded to EPO data management system.
- During the site visit, provide critical instruction to the Air Quality Technician on the operation and maintenance of the McNary PM station.

The short-term goal (and the primary focus of this task) is to be collecting acceptable PM data at the McNary station and for the Tribe to have critical technical capacity for the ongoing operation and maintenance of the McNary PM station. In the long term, the EPO may wish to work with the BIA to coordinate the data collection and storage of PM monitoring data for the entire monitoring network (4 stations) on the Reservation. It is expected that the TAMS center in Las Vegas, a joint project of EPA and the Institute for Tribal Environmental Professionals, will continue to provide technical assistance, as needed.

Target dates: Completion of draft QAPP for PM monitoring by July 25, 2005 (EPA approval anticipated by September 1, 2005). Site visit the week of July 25, 2005 to get McNary station operational and Air Quality Technician trained on operation and maintenance. Tribal EPO operation of McNary PM station and coordination with BIA on other PM monitoring stations throughout project period.

Deliverables to EPA: Draft QAPP. Written Standard Operating Procedures for McNary station.

Budget – 52 hours; \$5,232 total.

Task 2 – Emission Inventory.

Considerable work was completed on a reservation-wide EI under the initial Tribal air quality grant in 1999-2000. An EI includes specific sources and emissions estimates under broad categories, such as area sources, mobile sources and stationary sources. Some emissions calculations were completed for the six (6) NAAQS criteria pollutants and for substances listed by EPA as Hazardous Air Pollutants (HAPs).

The EI will be completed under this project with assistance by the technical consultants. The technical consultant will work with the Tribal EPO Manager and the Air Quality Technician for 1-2 weeks on the reservation to study emissions sources and complete the inventory of sources. During this time, a QAPP for the emission inventory will be developed and submitted to EPA for review and approval. Pertinent data critical to characterizing emissions from sources will be collected and organized and emissions calculations will be performed (probably in an EXCEL spreadsheet) according to the methods and Quality Assurance/Quality Control techniques identified in the QAPP. The spreadsheet will be utilized to compile and summarize the results of the emissions inventory (e.g. using pivot tables, summary data tables, and EXCEL graphic functions). The EI will be used for air quality program planning and management, including Tribal Implementation Plan (TIP) development. Summary results of the EI will be used for presentation materials for public education and outreach.

Target date: Conduct EI field work by July 31, 2005. Present draft EI by August 31, 2005) and complete EI by September 30, 2005).

Deliverable to EPA: Draft and final QAPP for the EI. EI data, calculations, methodology and results (managed under the established information management protocol).

Budget – 220 hours; \$1,500 expenses; \$24,793 total.

Task 3 – Tribal Implementation Plan Development.

Working with the Tribal EPO Manager, the legal, and technical consultants will research the primary possibilities granted under the Tribal Authority Rule (TAR) and other aspects of Tribal air quality management and regulation. Priorities and program direction, as well as air quality program elements intended to address specific air quality problems and priorities on the reservation, will be established in a Tribal Implementation Plan (TIP) working in coordination with the Tribal Council, Tribal staff and EPA.

The TIP is expected to be broad in scope with a focus on National Ambient Air Quality Standard criteria pollutants. Program elements that may be included in the TIP include:

- Protection of reservation resources with regard to visibility and regional haze,
- Minor source regulation to address public health and nuisance air pollutants (e.g. road and yard dust, dry cleaning, small generator emissions, gravel operations, etc.),
- Permitting considerations for emissions from the tribally-owned and operated Fort Apache Timber Company,
- The Tribal smoke management program as management of smoke from prescribed fire relates to avoidance of public health and nuisance problems.

Development of the TIP will consider seeking program delegation (Treatment in the Same Manner as States) under provisions of the Federal Clean Air Act. Tribal Air Quality Protection Code development will also be investigated. Public input and support for the TIP will be solicited through community meetings. The Tribal Council will be updated on progress with the TIP at least quarterly and will review draft and final TIP documents.

Target date: Complete TAR and other research by August 15, 2005. Complete draft of TIP by September 30, 2005.

Deliverable to EPA: Draft TIP documents.

Budget – 58 hours; \$7,228 total.

Task 4 – Off-Reservation Source Inventory & Air Quality Impacts.

The Fort Apache Indian Reservation lies directly downwind of significant urban, agricultural and industrial areas which are sources of air pollution. The potential for these land uses and activities to affect the air and other natural resources of the reservation has not been studied. The technical consultant will use available resources such as the Aerometric Information Retrieval System (AIRS), meteorological data and agency records and reports to assess off-reservation threats and existing regional and statewide monitoring (e.g. the IMPROVE network).

Target date: Complete investigation by August 31, 2005.

Deliverable to EPA: Final report on investigation.

Budget – 48 hours; \$4,612 total.

Task 5 – Capacity Building and Training.

Work under this task shall not commence until requested by the EPO Director.

During the site visit and through frequent communication, specific time will be dedicated by Air Sciences to provide information and instruction to EPO staff on several air quality topics, including: emission inventory source identification; emission inventory data collection; emission inventory development; emission inventory results analysis and interpretation; emission inventory reporting; establishing air quality program priorities; designing critical air quality program elements; TIP development.

Budget – up to 20 hours; \$2,720 total.

Task 6 – Project Support.

Work under this task shall not commence until requested by the EPO Director.

As appropriate, the technical consultant in coordination with special counsel, and other staff will support the EPO Director with the activities performed under this workplan. This may include: contract and scope of work issues; periodic progress reports (verbal and/or written); technical and planning briefings provided to the EPO Director; coordinating meetings of key EPO and WMAT staff on the progress of the air quality project; coordinating meetings of WMAT decision-makers on critical air quality program and TIP issues; interface with EPA personnel regarding project status, QAPP review and approval, and delivery of final products.

Budget – up to 20 hours; \$2,720 total.

Budget Summary Table

Summary Budget Table		<u>Hours</u>	<u>Expense</u>	<u>Total</u>
Task 1 - Particulate Monitoring Support		52	\$ -	\$ 5,232
Task 2 - Emission Inventory		220	\$ 1,441	\$ 24,793
Task 3 - TIP Development		58	\$ -	\$ 7,228
Task 4 - Off-Res Source Inventory and Impacts		48	\$ -	\$ 4,612
Task 5 - Capacity Building/Training		20	\$ -	\$ 2,720
Task 6 - Program Support		20	\$ -	\$ 2,720
Project Total		418	\$ 1,441	\$ 47,305