



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 05-2012-40

(Request for Funding from United States Department of Agriculture Natural Resources Conservation Service)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, the Farm Security and Rural Investment Act of 2002, Public Law 107-171, and the Food Conservation and Energy Act of 2008, Public Law 110-246 provides for delivering technical assistance to agriculture producers directly or through the use of third parties, called Technical Service Providers (TSP); and

WHEREAS, the legislation provides for entering into contracts, cooperative agreements or contribution agreements with non-Federal entities to assist in providing technical assistance necessary to develop and implement Farm Bill programs; and

WHEREAS, contracts and cooperative agreements, through which 100 percent of the technical assistance funding is provided, is subject to competitive bidding, and contribution agreements do not require competitive bidding, but do require the Tribe to provide 50 percent of the agreement cost, which can be in-kind services; and

WHEREAS, the White Mountain Apache Tribe's Land Operations Department previously submitted contribution agreements in fiscal years 2004, 2005, 2006 and 2007 through 2011 (a five-year agreement) as authorized under Resolution Numbers 02-2004-35, 07-2005-192, 03-2006-63 and 07-2007-261 respectively; and

WHEREAS, \$50,000 to \$65,000 was obligated each fiscal year to partially fund a civil engineer and a rangeland management specialist; and

WHEREAS, Land Operations continues to have the capacity to provide technical services for natural resource disciplines including agriculture, range management, irrigation, soil and water conservation, flood and erosion control, wildlife and fisheries, and environmental coordination; and

WHEREAS, Land Operations is requesting authorization of another five-year (2012 – 2016) contribution agreement between the Natural Resources Conservation Service and the Tribe.

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

1. authorizes Land Operations to apply for a USDA Natural Resources Conservation Service for technical and financial assistance under the TSP for the benefit of the Tribe.
2. authorizes Land Operations, on behalf of the Tribe, to enter into a five-year (2012 – 2016) TSP contribution agreement, under provisions of the 2002 Farm Bill, P.L 107-171, the 2008 Farm Bill, P.L. 110-246, and P.L 106-387, Section 714, and the Technical Service Provider Rule (7 CFR 652).
3. directs that in the event that TSP funds are received, a budget is hereby authorized for such purposes, subject to any applicable terms and conditions of the agreement, and subject to review by the Tribe's Legal Department.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

The foregoing resolution was on MAY 14, 2012 duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (k), (s), (t) and (u) of the Tribal Constitution, 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).



Ronnie Lupe, Chairman

6-12-12

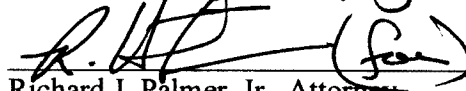
Date



Mariddie J. Craig, Secretary

06/08/2012

Date



Richard J. Palmer, Jr., Attorney

6/13/2012

Date