



# WHITE MOUNTAIN APACHE TRIBE

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

## **Resolution No. 04-2013-89**

### **(Approving Bureau of Indian Affairs Encroachment Permit Application on BIA Route 12, for the Rural Water System Geotechnical Investigation Drilling Operation)**

- 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 Tribe has entered into Contract R11AV32054C with the United States of America through its Bureau of Reclamation pursuant to the Indian Self-Determination Act to carry out the planning, engineering and design, including preparation of an Environmental Impact Statement, for the Miner Flat Project, also referred to as the White Mountain Apache Rural Water System, comprised of the Miner Flat Dam, a water treatment plant, pipeline, pumping stations and other associated domestic water supply components as described in the project extension report dated February 2007; and
- WHEREAS,** Morrison-Maierle, Inc., the engineering design firm selected by the Tribe to design the water pipeline, pumping stations and other associated domestic water supply components as part of the development of the project, has provided the Tribe a geotechnical investigation plan as defined and required in its scope of work; and
- WHEREAS,** the Tribe has completed an approved Categorical Exclusion Checklist Report for the geotechnical field investigation along the water pipeline route which addresses the proposed geotechnical activities as a categorical exclusion under the National Environmental Policy Act (NEPA); and
- WHEREAS,** the geotechnical investigation plan and field verifications have identified some borings along Indian Route 12 to be within the Bureau of Indian Affairs’s 100-ft Right-of-Way; and
- WHEREAS,** Morrison-Maierle, Inc., acting on behalf of the Tribe, has requested a Bureau of Indian Affairs Encroachment Permit to complete the geotechnical borings along Indian Route 12 within the Bureau of Indian Affairs’s 100-ft Right-of-Way and has filled out an application for a permit to use the BIA right-of-way, a copy of which is attached to this Resolution and incorporated by reference herein; and

**WHEREAS,** the Tribal Council has reviewed the Permit Application and agrees with the encroachment permit request made by Morrison-Maierle, Inc., to drill boreholes as described in the Permit Application within the Western Regional Office, Division of Transportation's Right-of-Way in order to perform the required geotechnical field investigation along the proposed water pipeline route.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the encroachment permit request submitted by Morrison-Maierle, Inc., acting on behalf of the Tribe, to drill geotechnical borings along Indian Route 12 within the BIA Western Regional Office, Division of Transportation's 100 ft Right-of-Way, in order to perform the required geotechnical field investigation along the proposed water pipeline route.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache 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.

**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.

The foregoing resolution was on APRIL 24, 2013 duly adopted by a vote of EIGHT 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), (b), (c), (f), (i), (m), (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).

  
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Romie Lupe, Chairman

4-25-13  
Date

  
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Mariddie J. Craig, Secretary

04/25/2013  
Date