



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Hawley Lake SNOTEL Site MOU with USDA-NRCS)

- WHEREAS,** the White Mountain Apache Tribe has sovereign authority over the water resources within the Fort Apache Indian Reservation including investigation and research of precipitation and snowfall and long-range planning for water resources conservation and development; and
- WHEREAS,** the establishment of a snow telemetry site on the Reservation would be beneficial to the White Mountain Apache Tribe for purposes of investigation and research of precipitation and snowfall and long-range planning for water resources conservation and development; and
- WHEREAS,** the White Mountain Apache Tribe has requested assistance from the United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) for the establishment of a snow telemetry site on the Reservation; and
- WHEREAS,** USDA-NRCS has generously responded to the Tribe's request and is willing to install, operate and maintain a snow telemetry (SNOTEL) Site on the Reservation, specifically at Hawley Lake in the vicinity of the existing Hawley Lake snow course; and
- WHEREAS,** Cheryl Pailzote, Director of the WMAT Water Resources Department, has negotiated the terms of a Memorandum Of Understanding (MOU) between the White Mountain Apache Tribe and USDA-NRCS, with the assistance of water rights counsel Robert Brauchli, and said MOU is attached to this resolution and incorporated by reference herein; and
- WHEREAS,** it is recommended by Director Pailzote that the MOU be approved and advises the Tribal Council that the SNOTEL Site will be constructed at no expense to the Tribe and will not only provide valuable water resource forecasting information to the Tribe's Water Resources Department, but will also provide the opportunity for Tribal staff to further their professional experience as it is anticipated that Water Resources Department staff will work closely with NRCS to construct, operate and maintain the SNOTEL Site; and
- WHEREAS,** the Tribal Council concludes that it would be in the best interests of the White Mountain Apache Tribe to approve the MOU between the USDA-NRCS and the Tribe in the form and content attached to this resolution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Memorandum of Understanding between the USDA-NRCS and the White Mountain

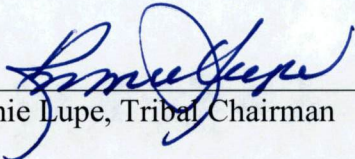
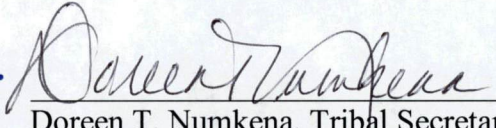
Resolution No. 08-2015-161

Apache Tribe for the installation, operation and maintenance of the Hawley Lake SNOTEL Site, in the form and content attached hereto and incorporated by reference herein.

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 the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **AUGUST 5, 2015** duly adopted by a vote of **FIVE** for, **ZERO** against, and **THREE** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>9/15/15</u>		<u>9/15/2015</u>
Ronnie Lupe, Tribal Chairman	Date	Doreen T. Numkena, Tribal Secretary	Date

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
WHITE MOUNTAIN APACHE TRIBE
AND THE
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

RELATIVE TO: The Hawley Lake Snow Telemetry (SNOTEL) Site; Fort Apache Indian Reservation.

This Memorandum of Understanding (MOU) is entered into by and between USDA, Natural Resources Conservation Service (herein called the "NRCS") and the White Mountain Apache Tribe (herein called the "WMAT"). It is understood that the WMAT by entering into this MOU, does not waive its sovereign immunity.

AUTHORITY:

The NRCS is authorized to assist and cooperate with the WMAT in the Snow Survey Program under the provisions of P.L. 46-74, the Soil Conservation Act of 1935 16 U.S.C. 590 (a-f).

PURPOSE:

The Purpose of this MOU is to install, maintain and operate the Hawley Lake SNOTEL site on lands of the WMAT.

THE WMAT AGREES TO:

- (1) Allow the NRCS to install, operate and maintain the Hawley Lake SNOTEL site to be located in the vicinity of the existing Hawley Lake snow course at a site agreed to by the WMAT.
- (2) Allow the NRCS to have year-round access to the site for operation and maintenance of the site and provide NRCS with local contact information for coordination of an access permit to the site.
- (3) Provide protection to the site and ongoing minor maintenance of the site to preserve its data collection characteristics.
- (4) Conduct necessary ground-truth snow survey measurements as needed and requested by NRCS.

- (5) Coordinate with the NRCS regarding Snow Survey and Water Supply Forecasting activities.

THE NRCS AGREES TO:

- (1) Provide the equipment, labor, and expertise needed to install the Hawley Lake SNOTEL site at no expense to the WMAT.
- (2) Calibrate, operate, and maintain the equipment and facilities for the Hawley Lake SNOTEL site. The cost of annual operation and maintenance, including needed repairs or replacement of equipment, will be provided by the NRCS at no expense to the WMAT.
- (3) Collect and store precipitation, snow water equivalent, and other climate data for the Hawley Lake SNOTEL site.
- (4) Provide the WMAT with the Arizona Basin Outlook Report twice monthly from January 1 through April 1 each winter.
- (5) Coordinate with the WMAT regarding Snow Survey and Water Supply Forecasting activities.

IT IS MUTUALLY AGREED THAT:

- (1) The principal contacts for this MOU will be:

NRCS	WMAT
Dino DeSimone	Cheryl Pailzote
Water Supply Specialist	Senior Hydrologist
USDA-NRCS	WMAT Water Resources
230 North First Ave., Suite 509	716 East General Crook St., Bldg. 105
Phoenix, Arizona 85003	Fort Apache, AZ 85926

- (2) This MOU shall become effective on the date of the last signature.
- (3) This MOU may be terminated upon the written request of either party. Requests for termination of this MOU shall be submitted to the other party not less than 30 days in advance of the effective date of termination.
- (4) This MOU may be amended by mutual agreement between the parties in writing.
- (5) The program and activities provided for under this MOU will be conducted in compliance with all applicable WMAT and Federal civil rights laws, regulations, and policies.

6. This MOU is not a funds obligation document. Any endeavor involving reimbursements or contributions of funds between parties of this MOU will be handled in accordance with applicable laws, regulations, and procedures.

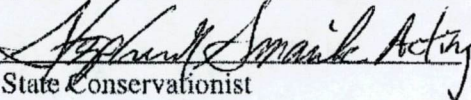
WHITE MOUNTAIN APACHE TRIBE

By: 

Date: 8/25/2015

Title: Tribal Chairman

USDA, NATURAL RESOURCES CONSERVATION SERVICE

By: 

Date: 8/31/15

Title: State Conservationist