



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing and Approving Initiation, Negotiation and Execution of a Pub. L. 93-638 Contract between the Bureau of Reclamation and the White Mountain Apache Tribe for Task-Based Efforts Related to Water Resource Projects)

- WHEREAS,** the White Mountain Apache Tribe (WMAT) presently has a Pub. L. 93-638 contract with the Bureau of Reclamation (BOR or Reclamation), to carry out the planning, engineering and design of the "Miner Flat Project" as that Project is defined in the Rural Water System Loan Authorization Act ("WMAT Loan Authorization Act") (Pub. L. 110-390, 122 Stat. 4191); and
- WHEREAS,** because of certain unexpected increases in the cost of planning, engineering, and design of the Miner Flat Dam Project, the funds remaining and available to the WMAT in the WMAT Loan Authorization Act are inadequate for the WMAT and its consultants to attend and provide support to Reclamation in a workshop in the fall of 2017, in Denver, Colorado, for the purpose of analyzing and discussing dam and reservoir seepage related issues, including simulated reservoir operations to determine impacts of seepage to meet water demands, the resolution of which is essential for completion of the 30% design of the dam and reservoir, and to fulfill the requirements for a Record of Decision as required by the White Mountain Apache Water Rights Quantification Act of 2010 (Pub. L. 111-291, Title III, 124 Stat. 3073); and
- WHEREAS,** Reclamation has, in cooperation with, and with the assistance of the Secretary of Interior's Indian Water Rights Office, obtained funding unrelated to the WMAT Loan Authorization Act to pay for the attendance and participation by the WMAT and its consultants and Reclamation to conduct the Denver Workshop; and
- WHEREAS,** Reclamation has recommended that the WMAT enter into a separate Pub. L. 638 contract with Reclamation for the purpose of conducting the Denver Workshop and the WMAT agrees with said recommendation; and
- WHEREAS,** the initial task under the proposed 638 contract would be for the WMAT to attend and provide support to Reclamation in preparation for, and at the Denver Workshop, to analyze and discuss the proposed Miner Flat Dam; and the 638 contract would initiate upon execution of the agreement and terminate on May 1, 2022; further, that the 638 contract would provide that subsequent modifications to the agreement, including budgets, and work plans, up to the expiration date of May 1, 2022, would not require further approval by the Tribal Council; and
- WHEREAS,** Reclamation has authority over various programs, such as Drought Assistance, Wetlands, Water Recycling and Technical Assistance Programs which are available to federally recognized Indian tribes in the form of Reclamation providing technical assistance to tribes

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and by Reclamation entering into Indian Self-Determination Pub. L. 93-638 contracts with Indian tribes to perform the work under said programs; and

WHEREAS, Reclamation recommends that the WMAT adopt a resolution authorizing the WMAT to not only enter into a Pub. L. 93-638 contract to administer the Denver Workshop, but also to contract with Reclamation to receive potential appropriated funding from the various programs, i.e., Drought Assistance, Wetlands, Water Recycling and Technical Assistance Programs, etc. (collectively, "Programs"), over which Reclamation has authority as described herein; and

WHEREAS, the WMAT has identified a need to initiate a Pub. L. 93-638 contract to not only conduct the Denver Workshop, but also to benefit from the Reclamation Programs described herein in order to develop, manage, and to protect its water and related resources; and therefore concludes that it would be in the best interests of the WMAT to authorize the WMAT Attorney General and the WMAT Water Resources Department Director to negotiate and enter into a Pub. L. 93-638 contract with Reclamation to manage the Denver Workshop and to administer other potential Reclamation Programs as described in this resolution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves, authorizes, and directs Tribal Chairman Ronnie Lupe, and in his absence, the Vice Chairman, to negotiate and execute a Pub. L. 93-638 contract with the Bureau of Reclamation to conduct the Denver Workshop for the Miner Flat Dam Project, including future modifications thereof as necessary, and to contract other Reclamation Programs, if and when said Program funds become available.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it is hereby authorizes and directs the WMAT Attorney General Office to coordinate with the WMAT Water Resources Department, Special Counsel for the WMAT's water rights, and the WMAT's water rights consultants, regarding the negotiation, administration, and performance of a Pub. L. 93-638 contract with the Bureau Reclamation for the purposes described in this resolution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the WMAT Water Resources Department by and through its Director, shall administer any Pub. L. 93-638 contract(s), or modifications thereof, with the Bureau of Reclamation as authorized pursuant to this resolution.

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 any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

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.

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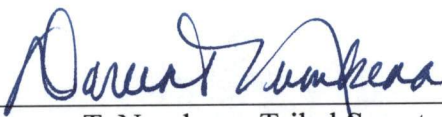
The foregoing resolution was on MAY 4, 2017 duly adopted by a vote of NINE for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Tribal Chairman

5/16/17

Date



Doreen T. Numkena, Tribal Secretary

5-16-17

Date