



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a Right of Way to Commnet AZ, LLC, for a Broadband Internet Solution to the McNary School and District Office)

WHEREAS, Commnet AZ, an Arizona limited liability company, (“Commnet”) is working on a federally funded project to bring a fiber optic communication line, known as a broadband internet solution, to the McNary School and District Office on White Mountain Apache Trust Lands, known as the Fort Apache Indian Reservation; and

WHEREAS, the proposed project construction will consist of attaching the fiber optic communication line to existing 69kv electric poles, utilizing available public rights-of-way and existing access roads currently in use by Navopache Electric Cooperative, where no ground disturbance activities will be required; and

WHEREAS, this project is important to the White Mountain Apache Tribe and the McNary School District to bring much needed infrastructure for broadband internet services, allowing the children use of online research tools that are available to children in larger cities; and

WHEREAS, Commnet is requesting Tribal Council approval for a 20-foot wide right-of-way, identified in the description and maps attached hereto, including any temporary construction easements; and further requests a waiver of appraisal, compensation, bonding, and due diligence requirements, for the purpose of expediting the construction of said project; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe finds that the project is in the best interest of the White Mountain Apache Tribe because it will provide the McNary school children with the tools to obtain a quality education.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby gives full consent to a right of way, consisting of the area identified in the description and maps attached hereto, including any temporary construction easements, to Commnet., for a term not to exceed 50 years, for the purpose of providing broadband internet services initially to the McNary School and District Office, as well as provide opportunities for future service to schools, libraries and businesses located on White Mountain Apache Lands.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants Commnet a business license to construct the fiber optic communication line.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it makes the following declarations about certain conditions which might otherwise be required by Federal Regulations at 25 C.F.R. Part 169:


Resolution No. 09-2018-202

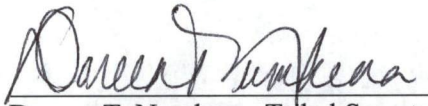
1. The Tribe has agreed to waive compensation, and therefore, waives valuation under 25 CFR 169.110, and has determined that this waiver is in its best interest.
2. The Tribe waives due diligence and enforcement requirements under 25 CFR 169.105 concerning permanent improvements which may be made, and determines that a waiver of due diligence is in its best interest.
3. The Tribe requests a waiver of the requirements under 25 CFR 169.103 for a performance bond or other security, as such waiver is in the Tribe's best interest.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs in the event 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 Chairwoman, or in her 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 SEPTEMBER 12, 2018 duly adopted by a vote of EIGHT 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).


Gwendena Lee-Gatewood, Chairwoman 9/28/18
Date


Doreen T. Numkena, Tribal Secretary 9/24/18
Date