



*Resolution No. 01-2022-004*

# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### **(Approving Agreement Between Tribal Forestry and Earl's Logging Inc., to Remove Non-Merchantable Forest Material from the Hon-dah WUI Project Area)**

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- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council ("Council") shall exercise the power, "To negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or [the] constitution, with any person, association, or corporation... "; and
- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(f) that the Council shall exercise the power, "To protect and preserve the wildlife, plant life, forests, natural resources and water rights of the Tribe..."; and
- WHEREAS,** On May 13, 2021, Tribal Forestry entered into an agreement with Ethelbah Enterprise to remove non-merchantable forest materials from the Hondah WUI Brush Shredding Project area to reduce tree densities, disease infestation, and fire hazards (the "Project"); and
- WHEREAS,** Since May 13, 2021, Ethelbah Enterprise has been unable to perform the Project and complete the agreement and has submitted a letter stating their inability to start the work; and
- WHEREAS,** Earl's Logging Inc. was the second lowest bidder for this Project out of the 4 bids; and
- WHEREAS,** Section 5.3 and 5.4 of the Tribe's Procurement Policy and Procedures requires Council approval for awards over \$100,000.00; and
- WHEREAS,** The Project has been approved by Tribal Plan and Project Review Board; and
- WHEREAS,** The Council have reviewed the agreement and find that approving it will help Tribal Forestry manage and improve the forest health, and is in the best interests of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Agreement between Tribal Forestry and Earl's Logging Inc. (dated 10/25/2021) to reduce tree densities, disease infestation, and fire hazards in the Hondah WUI Brush Piling Project area is hereby approved.

***Resolution No. 01-2022-004***

**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 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 JANUARY 5, 2022 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).

  
Gwendena Lee-Gatewood, Chairwoman

1.6.22.  
Date

 1-6-2022  
Doreen T. Numkena, Tribal Secretary Date