



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Land Operations to Enter Subcontracts to Complete Modifications to the Cibecue Irrigation Project - Cibecue Wash Watershed Irrigation Project)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe”, and in Article IV, Section 1(b), “[t]o negotiate, make and perform contacts and agreements of every description, not inconsistent with federal law or this constitution, ...with the State of Arizona or the United States”, and in Article IV, Section 1(j), “[t]o accept grants and donations from any person, state, or the United States”; and
- WHEREAS,** The Agriculture Program, under the Land Operations Department, provides technical assistance and other services to agriculture producers (both rangeland and cropland), with additional functions that include range management and technical assistance, new construction and maintenance of water developments for livestock and wildlife, irrigation systems and maintenance, flood control and mitigation, and other related activities; and
- WHEREAS,** Land Operations Department and Natural Resources Conservation Service (“NRCS”), an agency of the U.S. Department of Agriculture, completed a Preliminary Investigation Feasibility Report (“PIFR”) for the Cibecue Irrigation Project (Cibecue Wash Watershed Irrigation Project) in November 2022, and the PIFR was reviewed and accepted for funding by NRCS National Headquarters in March 2023; and
- WHEREAS,** NRCS notified the Tribe that funding was available for design services (existing system inventory, condition assessment, irrigable acre assessment, infrastructure repair, development of prioritization matrix, development of a Watershed Plan, and others as negotiated) for modifications of the Cibecue Irrigation Project— approximately 20 miles of irrigation lines in Cibecue, Arizona; and
- WHEREAS,** The Agriculture Program will issue a Request for Qualifications (“RFQ”) to select an Architectural/Engineering (“A/E”) firm to provide design services for the Cibecue Irrigation Project in order to satisfactorily rehabilitate the existing irrigation system to current engineering standards, then the Agriculture Program will select an appropriate A/E firm based on their Statement of Qualifications (“SOQ”) submitted, and the A/E firm selection will then be reviewed and approved by NRCS; and
- WHEREAS,** The Agriculture Program requires assistance with the administrative costs of the Cibecue Irrigation Project that are not covered by NRCS funding, so the Agriculture Program submitted an application to Water Infrastructure Finance Authority of Arizona (“AZ WIFA”) and requested additional funds to further assist with general administrative costs, development of a Watershed Plan, and technical oversight costs, which was approved at the Grant Committee meeting and is pending final approval in February 2024; and

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WHEREAS, The Agriculture Program also requires assistance in managing the Cibecue Irrigation Project and for oversight of selected subcontractors, and will be utilizing technical services pertaining to this contract through a subcontract with the Byer's Group LLC; and

WHEREAS, The Tribal Council of the White Mountain Apache Tribe finds that addressing the need to rehabilitate the irrigation system in Cibecue, Arizona, through the use of services provided by selected subcontractors, is of paramount importance to restore farming to Tribal members, to develop a Watershed Plan, and for the construction of both structural and non-structural watershed improvements, and for irrigation system improvements is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Land Operations Department is hereby authorized to enter subcontracts to meet terms and conditions under a Cooperative Agreement (NRCS P.L. 83-566) with the Natural Resources Conservation Service ("NRCS") under the Watershed Protection and Flood Prevention ("WFPO") program to complete modifications of the Cibecue Irrigation Project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Land Operations Department to enter subcontracts to meet terms and conditions for funds distributed by the Water Infrastructure Finance Authority of Arizona ("AZ WIFA") to cover administrative costs in completing modifications of the Cibecue Irrigation Project, wherein the subcontracts are authorized pursuant to the procurement process and shall be subject to review from the Tribe's Grants & Contracts Department, and the Tribe's Legal Department.

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.

The foregoing resolution was on **FEBRUARY 6, 2024** duly adopted by a vote of **SEVEN** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez
Kasey Velasquez, Chairman

2-6-2024
Date

Vaneysa Johnson 02/07/2024
Vaneysa Johnson, Tribal Secretary Date