



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## ( Approving Contract Modification for Rural Water System NEPA Consultant, LEIDOS )

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- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) 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 to make decisions not inconsistent with or contrary to this constitution”, and at Article IV, Section 1(b), the power “[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with any person, association, or corporation...”; and
- WHEREAS,** In 2010, Congress passed the White Mountain Apache Tribe Water Rights Quantification Act (the “Act”) (Pub. L. 111–291, Title III, 124 Stat. 3073); and
- WHEREAS,** Implementation of the Act requires NEPA-related investigations resulting in a Final EIS and 30% design of the features of the White Mountain Apache Tribe Rural Water System (“WMAT RWS”), including the Miner Flat Dam, pipelines, and related facilities from Whiteriver to Cibecue, and a new water treatment plant as prerequisites to a Record of Decision (“ROD”); and
- WHEREAS,** The publication of the ROD completes the requirements for the Enforceability Date, currently December 31, 2027, that confirms the waters rights of the White Mountain Apache Tribe, authorizes the use of construction funds to produce final designs, and build the WMAT RWS, and initiates the leases of Central Arizona Project water to the downstream cites; and
- WHEREAS,** 30% design of the pipelines and related facilities from Whiteriver to Cibecue and the new water treatment plant are complete; and
- WHEREAS,** The 30% design of Miner Flat Dam with the Engineer of Record, HDR, and completion of the Final EIS with Leidos are ongoing; and
- WHEREAS,** The contract of LEIDOS, dated December 7, 2012, requires modification to support expansion area surveys, NEPA, and other additional tasks, and increase the budget by \$98,050.00, as presented in the contract modification of Attachment A, and supported within the current P.L. 93-638 contract and pending federal funding; and
- WHEREAS,** The Council finds that approving the proposed contract modification for work performed by LEIDOS on the Tribe’s Rural Water System Project is in the best interest of the Tribe and its members.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the contract modification with LEIDOS, as attached and incorporated herein by reference.

***Resolution No. 09-2024-210***

**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 **SEPTEMBER 18, 2024** 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 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

9-18-24  
Date

Vaneyssa Johnson  
Vaneyssa Johnson, Tribal Secretary

9/19/2024  
Date