



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing an Amendment to the Lease of Operation of the Alchesay-Williams Creek National Fish Hatchery Complex to include the use of Columbine Spring for Fish Culture Purposes)

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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(a) that the Tribal Council ("Council") shall exercise the power, "To represent the Tribe and act in all matters that concern the welfare of the Tribe...", and at Article IV, Section 1(b), "To negotiate, make, and perform contracts and agreement of every description, not inconsistent with federal law or this constitution,...with the State of Arizona or the United States"; and
- WHEREAS,** U.S. Fish and Wildlife Service ("Service") maintains and operates, with consent and cooperation of the Tribe, two fish hatcheries located on the Reservation, known as the Alchesay-Williams Creek National Fish Hatchery Complex; and
- WHEREAS,** The hatcheries were established to meet trust obligations to the Tribe and other Indian Tribes through the stocking of sport fish into Tribal waters; and
- WHEREAS,** The Service operates the Alchesay hatchery under the Lease for Operation of the Alchesay-Williams Creek National Fish Hatchery Complex ("Lease") which expires on March 30, 2026; and
- WHEREAS,** The spring flows that supply water to Williams Creek hatchery have decreased; and
- WHEREAS,** The water shortage at the Williams Creek hatchery has increased fish disease outbreaks, fish mortalities, and decreased sport fish production capacity for Apache Trout, Rainbow Trout, Brown Trout, and Brook Trout; and
- WHEREAS,** The Service proposes moving early-life sportfish production (eggs/larvae) for Rainbow Trout, Brown Trout, and Brook Trout from the Williams Creek hatchery to the Alchesay hatchery; and
- WHEREAS,** The use of the clean, cool, stable flows from Columbine Spring will make this operational change possible, which would require an Amendment to the Lease; and
- WHEREAS,** The proposed Amendment to the Lease specifies that the water from Columbine Spring will be used for fish culture purposes at the Alchesay hatchery; and
- WHEREAS,** The Tribal Council finds that the Amendment to the Lease Agreement is in the best interest of the Tribe and its members.

Resolution No. 04-2024-088

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Amendment to the current Lease for the Operation of the Alchesay-Williams Creek National Fish Hatchery Complex Lease, as follows:

6. USE OF WATER

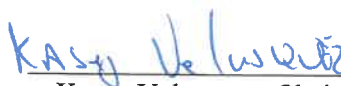
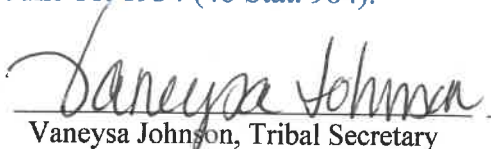
(a) The Lessee shall have, for fish culture purposes at the Alchesay National Fish Hatchery, the use of waters coming from “Alchesay Spring”, “*Columbine Spring*”, and additional water as needed from the North Fork of the White River, and from groundwater obtained on the leased Premises as identified in Exhibit A. Waters utilized for fish culture purposes from these various sources will be returned to the North Fork of the White River at the point designated on Exhibit A of this Lease.

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 APRIL 23, 2024 duly adopted by a vote of TEN 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, Chairman	Vaneyssa Johnson, Tribal Secretary
<u>4-24-2024</u>	<u>4/29/2024</u>
Date	Date