



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Contract of Sea Levels Engineering, LLC/Vali Cooper International, LLC, Joint Venture, for Development of Early Contractor Involvement Solicitation for the 30% and Final Designs of the Miner Flat Dam of the Rural Water System Project)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, in 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

WHEREAS, In 2010, Congress passed the White Mountain Apache Tribe Water Rights Quantification Act (Pub. L. 111-291, Title III, 124 Stat. 3073) (“Act”), which settled the Tribe’s water right claims against the federal government and a number of Arizona state parties, and provided federal funding to construct the WMAT Rural Water System (“RWS”); and

WHEREAS, A condition of enforceability of the Act is the issuance of a Record of Decision (“ROD”) by the Secretary of the Interior, along with a statement of findings published in the Federal Register after the completion of 30% design of the RWS and an environmental impact statement in order for the funding in the Act for the construction of the RWS Project and funding for the design and other pre-construction work for the RWS Project to be released; and

WHEREAS, P.L. 117-342 (January 5, 2023) was enacted “[t]o amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 [Title III, P.L. 111-291] to modify the enforceability date for certain provisions, and for other purposes”, including an extension of the Enforceability Date to December 31, 2027, and an increase in the federal funding from \$11 million to \$541 million to complete all elements of the WMAT Rural Water System; and

WHEREAS, The Tribe’s Rural Water System Project includes the planning, design, and construction of (1) a Roller Compacted Concrete (“RCC”) dam at the Miner Flat Dam site, (2) pipelines, pumping stations, reservoirs, and related facilities between a new water treatment plant north of Whiteriver and the community of Cibecue, and (3) an enlarged and modified intake on the North Fork of the White River and an enlarged and modified water treatment plant at the site of the current plant as components; and

WHEREAS, Through a competitive, qualification-based procurement process in accordance with the WMAT Financial Policies and federal procurement requirements, the Tribe selected and now seeks to enter into a negotiated contract with Sea Level Engineering, LLC/Vali Cooper International, LLC, Joint Venture, (“Consultant”) to develop a solicitation for early contractor involvement (“ECI”) in the 30% and final designs of Miner Flat Dam; and

Resolution No. 06-2024-139

WHEREAS, The proposed contract between the Tribe and the Consultant will extend to September 30, 2025, with an option to renew upon mutual agreement between the parties, and will be included in the P.L. 93-638 contract between WMAT and the Bureau of Reclamation; and

WHEREAS, The Council recognizes the urgent need to complete the WMAT Rural Water System in order to provide water to its members and residents of the Fort Apache Indian Reservation while also recognizing the necessity of completing the requirements for the Secretary of the Interior to issue a statement of findings prior to the enforceability date in order to obtain access to the congressionally authorized funding necessary to construct the WMAT RWS and thus finds that the approval of the contract with the Tribe's RWS Consultant to complete the early contractor involvement solicitation for 30% and final designs of Miner Flat Dam of the WMAT Rural Water System 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 it hereby approves entering into a contract with Sea Level Engineering, LLC/Vali Cooper International, LLC, Joint Venture, as a WMAT Rural Water System Consultant to develop the ECI solicitation for the RWS Miner Flat Dam Design, in substantial conformity with the contract attached and incorporated herein by reference.

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 **JUNE 11, 2024**, duly adopted by a vote of **SEVEN** for, **ZERO** against, and **ONE** 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 6.12.24
Kasey Velasquez, Chairman Date

Vaneya Johnson 06/12/2024
Vaneya Johnson, Tribal Secretary Date