



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Contract Modification with HDR Engineering, Inc. to Complete 30% Design of Miner Flat Dam for the Rural Water System 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 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 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 of December 31, 2027, confirming the waters rights of the 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 cities; 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 Engineering, Inc. (hereinafter “HDR”), and completion of the Final EIS with Leidos are ongoing; and
- WHEREAS,** The contract with HDR, effective December 4, 2015, requires modification to extend the contract term from December 31, 2024 through December 31, 2025, while maintaining the current budget, as presented in the contract modification of Attachment A; and
- WHEREAS,** The Council finds that approving the proposed extension of time for HDR’s contract to continue working as the Tribe’s Engineer of Record for Miner Flat Dam on the Rural Water System Project is in the best interest of the Tribe and its members.
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BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the contract modification with HDR Engineering, Inc., the WMAT Rural Water System Engineer of Record for Miner Flat Dam, extending the contract term to December 31, 2025, to complete 30% design of Miner Flat Dam, as 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 that this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinance, 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 DECEMBER 18, 2024 duly adopted by a vote of TEN for, ZERO against, and ONE abstention 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 12.19.24
Kasey Velasquez, Chairman Date

Vaneyssa Johnson 01/07/2025
Vaneyssa Johnson, Tribal Secretary Date