



A WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Master Services Agreement with TÜV SÜD America, Inc. for Carbon Credits Verification Services, and Authorizing a Limited Waiver of Sovereign Immunity for Dispute Resolution Purposes)

- 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...with any person, association, or corporation”; and
- WHEREAS,** The Tribe has two forest carbon projects verified under California Air Resources Board’s 32 (AB 32) Cap and Trade Regulation offset program; and
- WHEREAS,** Pursuant to Article 5 of California’s AB 32 Cap and Trade Regulation offset program, forestry carbon projects are required to monitor, report, and verify credits for 100 years post credit sale; and
- WHEREAS,** The completion of a full forest carbon inventory, successful field verification, successful desktop review, and timing of such events are mandated to maintain compliance with carbon offset regulations (AB 32 § 95977), for maintaining active project status, and for WMAT to receive carbon offset credits generated from the carbon project; and
- WHEREAS,** If the Tribe fails to meet reporting, quantification, and verification requirements outlined in § 95976 and § 95977 of the Cap-and-Trade Regulation, the Tribe will be out of compliance with California’s Regulation and be liable for replacing credits issued; and
- WHEREAS,** The Tribe is currently in the process of completing forest inventory verification to maintain compliance with the California Air Resources Board; and
- WHEREAS,** The Tribe’s carbon budget ensures adequate financial resources are available to monitor, report, and verify the carbon projects for one hundred (100) years post-credit issuance, including funding for this scheduled verification; and
- WHEREAS,** A professional forest carbon inventory company, TÜV SÜD America, Inc., has been identified to conduct the verification services for the Tribe’s compliance requirements, which will include desk verifications of Reporting Periods 5 through 9 as well as a full verification for Reporting Period 10 during Fall 2025 for Carbon Project II; and
- WHEREAS,** The Tribal Council finds that approving the Master Services Agreement with TÜV SÜD America, Inc. for carbon verification services to maintain compliance with the California Air Resources Board is in the best interest of the Tribe and its members.

Resolution No. 04-2025-59

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Master Services Agreement by and between the Tribe and TÜV SÜD America, Inc., in conformity with the Agreement, attached and incorporated herein by reference, to conduct the verification of the White Mountain Apache Tribe Forest Carbon Project II (CAFR5253/ACR303).

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that a limited waiver of sovereign immunity, pursuant to Section 13.2 of the Master Services Agreement, is hereby approved solely for enforcement of an arbitration award for dispute resolution purposes.

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 it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, 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 the Chairman, or in his absence, the Vice-Chairperson, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on APRIL 02, 2025 duly adopted by a vote of NINE 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

4-2-25
Date

Vaneysa Johnson
Vaneysa Johnson, Tribal Secretary

04/02/2025
Date