

RESOLUTION NO. 46 -22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Terminating the Yavapai-Apache Nation Contract for Professional Consulting Services with Integrated Hydro Systems, LLC, and Approving Amendment No. 4 to the Yavapai-Apache Nation Contract for Professional Consulting Services with Laurel Lacher, dba Lacher Hydrological Consulting, for the Yavapai-Apache Nation Integrated Hydrological Model for the Upper and Middle Verde Basin

- WHEREAS:** The Yavapai-Apache Tribal Council (“Council”) is authorized to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation (“Constitution”) as provided by Article V(a) of the Constitution; and
- WHEREAS:** The Council, as the legislative body of the Nation, is authorized to enact laws, ordinances, and resolutions incidental to the exercise of its legislative powers as provided by Article V(v) of the Constitution; and
- WHEREAS:** The Council is authorized to appropriate and regulate the use of the Nation’s funds, as provided by Article V (k) of the Constitution; and
- WHEREAS:** As authorized under Tribal Council Resolution No. 148-19 dated August 22, 2019, as amended under Resolution Nos. 108-20, 221-20 and 268-21, the Nation entered a Contract for Professional Consulting Services with Integrated Hydro Systems LLC (Dr. Bob Prucha) (“Integrated Hydro Systems Contract”), related to developing an integrated water model of the Verde River system for the Yavapai-Apache Nation; and
- WHEREAS:** As authorized under Resolution No. 149-19 dated August 22, 2019, as amended under Resolution Nos. 222-20 and 263-22, the Nation entered a Contract for Professional Consulting Services with Lacher Hydrological Consulting, LLC (Dr. Laurel Lacher) (“Lacher Contract”), related to assisting the Nation with the development and presentation of the integrated water model of the Verde River system; and
- WHEREAS:** Because of the close working relationship between Dr. Prucha and Dr. Lacher in developing and presenting the model, and in accordance with the request of Dr. Prucha and Dr. Lacher to consolidate their work under one modeling contract with the Nation, to lighten the burden of contract administration on all parties, the Nation finds it in its best interest of the Nation and its consultants to terminate the Integrated Hydro Systems Contract as last amended under Resolution No. 268-21, and to amend the Lacher Contract to add the scope of work and budget that was previously under the Integrated Hydro Systems Contract for work to be performed during the period of January 1, 2022 through December 31, 2022; and

WHEREAS: Dr. Lacher will now subcontract with Integrated Hydro Systems LLC to continue to carry out the scope of work that is added to the Lacher Contract by this Resolution and any invoices from Integrated Hydro Systems LLC for work performed from January 1, 2022, shall be billed through the amended Lacher Contract; and

WHEREAS: An additional budget item of \$3,000 is needed to obtain a peer review of the integrated model that has been developed by Dr. Prucha; and

WHEREAS: the Bureau of Indian Affairs has provided funding for the Nation to perform this amended scope of work under the Nation's Public Law 93-638 Contract with the Bureau of Indian Affairs, Contract Nos. A17AV00815, A20AV000858, and A09AV00202, Water Resources Program ("638 Contract"); and

WHEREAS: The Council has determined that the *Scope of Services and Budget* included as Exhibit "A" to the Yavapai-Apache Nation Contract for Professional Consulting Services with Lacher Hydrological Consulting ("Consulting Contract") should be amended, and shall continue to be paid out of funds available under the Nation's 638 Contract; and

WHEREAS: the Consulting Contract shall continue to be for a period beginning July 1, 2019, and ending on December 31, 2022, subject to all terms and conditions required by the Nation's 638 Contract, and shall be capped at **\$128,912.00** for the services to be provided (adding **\$47,500.00** previously allocated under the Prucha Contract to the **\$81,412.00** currently allocated under the Lacher Contract); and

WHEREAS: The Council has reviewed Amendment No. 4 to the Consulting Contract with Lacher Hydrological Consulting, LLC, attached to this Resolution as **Exhibit A**, and deems it in the Nation's best interest to enter into the Agreement, in accordance with the terms and conditions stated therein.

NOW THEREFORE BE IT RESOLVED that the Contract for Professional Consulting Services with Integrated Hydro Systems LLC (Dr. Bob Prucha) ("Integrated Hydro Systems Contract"), related to developing an integrated water model of the Verde River system for the Yavapai-Apache Nation, approved under Resolution No. 148-19 dated August 22, 2019, as amended under Resolution Nos. 108-20, 221-20 and 268-21, is hereby terminated.

BE IT FURTHER RESOLVED that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, hereby approves Amendment No. 4 to the Consulting Contract with Lacher Hydrological Consulting, in accordance with the terms and conditions stated therein, a copy of which is attached to this Resolution as **Exhibit A** and incorporated herein by reference.

BE IT FURTHER RESOLVED that for any work performed by Integrated Hydro Systems LLC from January 1, 2022, forward, such work shall be billed as a sub-contractor to Lacher Hydrological Consulting under the Lacher Contract.

BE IT FURTHER RESOLVED that the Tribal Council directs that the Consulting Contract shall continue to be paid from funds to be received by the Nation from the United States Bureau of Indian Affairs under the Nation's Public Law 93-638 Contracts with the Bureau of Indian Affairs, Contract Nos. A17AV00815, A20AV000858, and A09AV00202 Water Resources Program.

BE IT FURTHER RESOLVED that the Tribal Council directs that all services provided under the Consulting Contract shall be coordinated through the Nation's Office of the Attorney General.

BE IT FURTHER RESOLVED that the Chairman, Vice-Chairwoman, or either of them, are authorized to execute amendments to the Consulting Contract that provide for no-cost extensions to the performance period of the Consulting Contract as necessary to accomplish the project objectives and in accordance with any extensions granted for the project by the Bureau of Indian Affairs under Contract Nos. A17AV00815, A20AV000858, and A09AV00202. However, any future amendments to the contract that include a modification of the contract amount shall require Tribal Council approval.

BE IT FINALLY RESOLVED that the Chairman, Vice-Chairwoman, or either of them, are hereby authorized and approved to take such further action as deemed necessary or warranted to carry out the purposes and intent of this resolution.


CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, presented for approval on March 24, 2022, by a vote of 9 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.



Jon Huey, Chairman

ATTEST:



Karla Reimer, Council Secretary

Approved as to Form:



EXHIBIT A

**Yavapai-Apache Nation
Amendment No. 4**

**Contract for Professional Consulting Services
(Laurel Lacher dba Lacher Hydrological Consulting)
Integrated Hydrological Modeling**

**Approved
March 24, 2022**

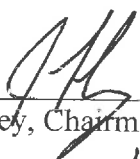
**AMENDMENT NO. 4
TO
CONTRACT FOR PROFESSIONAL CONSULTING SERVICES
(Laurel Lacher dba Lacher Hydrological Consulting (LHC) – Hydrologic Modeling)**

The Yavapai-Apache Nation Contract for Professional Consulting Services (Laurel Lacher dba Lacher Hydrological Consulting) as approved by Resolution No. 149-19, dated August 22, 2019, as amended and extended under authority of Resolution No.149-19 on December 4, 2019 (Amendment No. 1), and renewed under authority of Resolution No. 222-20 dated December 16, 2020 (Amendment No. 2), and Resolution No. 263-2021 dated December 16, 2021 (Amendment No. 3), collectively the “Contract, is hereby further amended as follows:

1. The Scope of Work and Budget for Integrated Hydro Systems, LLC (aka Bob Prucha) for the Yavapai-Apache Nation – Water Modeling Contract, attached hereto as **Exhibit A**, as amended to include an additional \$3,000 for peer review, is added to this Contract.
2. For all work performed beginning **January 1, 2022**, Lacher Hydrological Consulting shall be responsible for supervising and subcontracting with Integrated Hydro Systems, LLC, as necessary, to carry out the work contemplated by the additional Scope of Work and Budget attached hereto.
3. To account for the additional Scope of Work and Budget attached hereto, the current Cap on Consultant Services and Costs of **\$81,412.00**, shall be increased by **\$47,500.00**, for a revised Total Cap on Services and Costs for this Contract in the amount of **\$128,912.00**.
4. All sums due to Consultant under the Contract shall be paid from funds to be received by the Nation from the Nation’s current and any future federal grant funds allocated for water rights litigation/negotiation under the Nation’s Public Law 93-638 Contracts with the Bureau of Indian Affairs, Contract Nos. A17AV00815, A20AV000858, and A09AV00202 Water Resources Program.

All other terms and conditions of the Contract shall remain unchanged.

YAVAPAI-APACHE NATION



Jon Huey, Chairman

Date

3/24/2022

**LAUREL LACHER DBA LACHER
HYDROLOGICAL CONSULTING**

Laurel Lacher

Date

Approved as to Form:

Attorney General

Exhibit A to Amendment No. 4
Scope of Work and Budget
Laurel Lacher dba Lacher Hydrological Consulting (LHC)
Yavapai-Apache Nation - Water Modeling Contract

Purpose of Amendment: To add the tasks and budget that were formerly under contract by the Nation directly with Integrated Hydro Systems LLC to the existing Lacher Hydrological Consulting (LHC) Water Modeling contract. For work performed from January 1, 2022, Consultant shall subcontract with Integrated Hydro Systems LLC, to perform work, as necessary, as it relates to hydrological modeling as follows:

1. **Geologic Model Implementation**

Work with Todd Kincaid, geologist, to develop a geologic model of Verde basin in EarthVision®. The new geologic model will be used to update the underlying conceptual and numerical model framework of the regional MIKESHE model initially developed for the Nation. Informing the MIKESHE model with the geologic interpretation should help improve performance of both the regional MIKESHE and updated NARGFM models.

2. **Update Regional MIKESHE Model**

Use the new EarthVision® geologic model to inform the conceptual model framework and model layering and structure of the regional MIKESHE model. Additionally, update the regional MIKESHE model calibration dataset to include all data from the CA1 group's monitoring wells in the Big Chino basin within the 2000-2020 model calibration period.

3. **Assist in the Process of Using Revised Regional MIKESHE Model to Inform NARGFM2**

Work closely with the NARGFM modeler to inform NARGFM with findings from MIKESHE. In addition to model structure (layering, faulting, etc.), provide spatially and temporally distributed saturated zone recharge from MIKESHE to inform NARGFM's recharge distribution.

4. **Run Yavapai-Apache Nation (YAN) Scenarios with Regional MIKESHE (3-5) for Settlement Discussions**

Likely scenarios include but are not limited to: 1) climate change, 2) conveyance of Sedona reclaimed water to YAN Middle Verde Reservation, 3) water balance on major ditches, 4) YAN's buffer zone investigation, and 5) impact of YAN's wells on Verde River and groundwater system.

5. **Meetings and Presentations**

Prepare slides for, and assist Lacher Hydrological Consulting in, up to three (3) meetings with the Nation, stakeholders, Settlement Team and others to present the revised regional MIKESHE model of the Verde Basin.

6. **Peer Review of Model**

A qualified peer reviewer will be selected to review and comment upon the model for quality control purposes.

Deliverables:

1. Regional MIKESHE Model of Verde Basin and PowerPoint documentation
2. Scenario results and PowerPoint documentation
2. Presentations and Meetings

Budget

Geologic Model Implementation	\$2,500.00
Update Regional MIKESHE Model	\$11,500.00
Assist in Using Revised Regional MIKESHE Model to Inform NRGRM2	\$5,000.00
Run YAN Scenarios with Regional MIKESHE for Settlement Discussion	\$21,000.00
Attend Meetings and Presentations	\$4,500.00
Peer Review	\$3,000
	\$47,500.00