

**RESOLUTION NO. 160-23**  
**OF THE GOVERNING BODY OF THE**  
**YAVAPAI-APACHE NATION**

**A Resolution Authorizing the Nation's Chairwoman to Execute a Certificate to Meet the**  
**Requirements of Section 105(c) of NAHASDA for the New Housing Construction Activities**  
**Funded with the Nation's FY2022 IHBG Competitive Program Grant**

**WHEREAS:** The Yavapai-Apache Tribal Council ("Council") is authorized to represent the Yavapai-Apache Nation ("Nation"), act on all matters that concern the health and welfare of the Nation, and make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation ("Constitution") as provided under Article V (a) of the Constitution; and

**WHEREAS:** The Council is authorized to negotiate and enter into agreements with federal, state, and local governments and to accept grant funds as provided under Article V(b) and (s), respectively, of the Constitution; and

**WHEREAS:** The Council is authorized to manage the Nation's economic affairs and to appropriate and regulate the use of the Nation's funds as provided under Article V (i) and (k), respectively, of the Constitution; and

**WHEREAS:** On January 24, 2023, through Tribal Council Resolution No. 14-23, the Council authorized the submission of an application for the FY2022 Indian Housing Block Grant (IHBG) Competitive Program for new housing construction activities on the Nation's lands; and

**WHEREAS:** On August 30, 2023, the Nation was awarded a FY2022 IHBG Competitive Program Grant in the amount of \$5,068,458 to construct 16 housing units on the Nation's lands; and

**WHEREAS:** In order for the U.S. Department of Housing and Urban Development ("HUD") to release the awarded funds, the Nation must submit a request for such release accompanied by a certificate that meets the requirements of Section 105(c) of NAHASDA (25 U.S.C. § 4115) and the regulations under 24 CFR Part 58 regarding environmental review requirements; and

**WHEREAS:** Section 105(c) of NAHASDA requires that the Nation's Certifying Officer must execute a certificate specifying that the Certifying Officer: (1) consents to assume

the status of a responsible Federal official under the National Environmental Policy Act of 1969 (“NEPA”) and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review; and (2) is authorized to and does accept, on behalf of the tribe and such officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Certifying Officer as such an official; and

**WHEREAS:** The Council finds it is in the Nation’s best interest to authorize the Nation’s Chairwoman to execute the above-described certificate required under Section 105(c) of NAHASDA for the new housing construction activities funded with the Nation’s FY2022 IHBG Competitive Program grant.

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby authorizes the Nation’s Chairwoman, as Certifying Officer, to execute the certificate required under Section 105(c) of NAHASDA for the new housing construction activities funded with the Nation’s FY2022 IHBG Competitive Program grant.

**BE IT FURTHER RESOLVED** that the Council hereby authorizes the Nation’s Chairwoman to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (“NEPA”) and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review for the new housing construction activities funded with the Nation’s FY2022 IHBG Competitive Program grant.

**BE IT FURTHER RESOLVED** that the Council hereby approves a limited waiver of sovereign immunity only to the extent required by Section 105(c) of NAHASDA regarding the Nation’s environmental review responsibilities for the new housing construction activities funded with the Nation’s FY2022 IHBG Competitive Program grant.

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

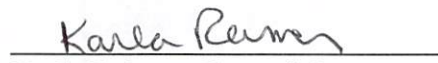
## CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on September 28 2023, by a vote of 9 9 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.



Tanya Lewis, Chairwoman

ATTEST:

  
Karla Reimer, Council Secretary

Approved as to Form:

  
Office of the Attorney General