

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Settlement Agreement among Tohono O'odham Nation, Bureau of Indian Affairs, and Craig E. Van Sickle)

RESOLUTION NO. 09-017

1 **WHEREAS, the Legislative Council is vested with the power to “consult, negotiate and conclude**
2 **agreements and contracts on behalf of the Tohono O’odham Nation with Federal, State**
3 **and local governments and other Indian tribes or their departments, agencies, or**
4 **political subdivisions, or with private persons or organizations on all matters within**
5 **the authority of the Tohono O’odham Council” (Constitution of the Tohono O’odham**
6 **Nation, Article VI, Section 1(f)); and**

7 **WHEREAS, Vekol Mining LLC, an Arizona limited liability company owned in part by Craig E. Van**
8 **Sickle, owns a patented mining claim known as the Vekol Mine, consisting of the**
9 **Vekol, Mt. Vernon, Argosy, Grand Father, Look Out and Flat Iron patented mining**
10 **claims, located in Pinal County, Arizona, and within the exterior boundaries of the**
11 **Nation’s Reservation; and**

12 **WHEREAS, the Nation has, by and through its Attorney General, commenced a civil action against**
13 **Mr. Van Sickle in the Nation’s Justice Court, Adult Civil Division (Case No. 2006-10365-**
14 **C) for declaratory relief, trespass, and injunctive relief pursuant to Article 1, Section**
15 **2 of the Constitution of the Tohono O’odham Nation, Article XVI, Section 1 of the**
16 **Constitution of the Tohono O’odham Nation, Title 3, Section 101(b) of the Laws of the**
17 **Tohono O’odham Nation, Sections 106(b) and (c) and 117(b) of the Tohono O’odham**
18 **Agricultural and Range Resource Management Trespass Ordinance (the “Trespass**
19 **Ordinance”), and the inherent sovereign powers of the Nation, concerning events and**
20 **transactions taking place within the exterior boundaries of the Nation’s Reservation,**
21 **in the Sif Oidak District, which action is now pending in the Nation’s Justice Court,**
22 **Adult Civil Division; and**

23 **WHEREAS, the Bureau of Indian Affairs (“BIA”) has, by and through its Regional Director, served**
24 **a Notice of Assessment on Mr. Van Sickle for unlawful damage and alteration of an**
25 **archeological resource pursuant to the Archeological Resources Protection Act, 16**
26 **U.S.C. § 470aa-mm, (“ARPA”), and its implementing regulations, 43 C.F.R. Part 7 and**
27 **25 C.F.R. Part 262, concerning events and transactions taking place within the exterior**
28 **boundaries of the Nation’s Reservation, which Notice of Assessment is the subject of**

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1 **hearings now pending before the Office of Hearings & Appeals, United States**
2 **Department of Interior (Case No. ARPA 2006-1); and**

3 **WHEREAS, on May 8, 2008, Mr. Van Sickle was convicted in United States District Court, District**
4 **of Arizona, (Case No. CR 06-112-1-TUC-RRC) of 1 count of Conspiracy pursuant to 18**
5 **U.S.C. § 371, and 19 counts of Cutting, Injury and Destruction of Trees Growing,**
6 **Standing and being upon the Lands of the United States pursuant to 18 U.S.C. § 1853,**
7 **sentencing upon which convictions is now pending before the United States District**
8 **Court, District of Arizona on January 20, 2009, and in which case the Nation stands as**
9 **victim; and**

10 **WHEREAS, by Resolution No. SODC-08-080, the Sif Oidak District Council indicated its support for**
11 **settlements discussions concerning Case No. 2006-10365-C and Case No. ARPA 2006-1**
12 **between representatives of the Nation and Mr. Van Sickle, and authorized the**
13 **District's Chairperson to act as the District's representative in settlement discussions**
14 **between the Nation and Mr. Van Sickle; and**

15 **WHEREAS, the Nation's Chairperson, the District's Chairperson, and the Natural Resources**
16 **Committee, with the advice and assistance of the Nation's Office of Attorney General,**
17 **recommend that the Nation agree to settlement of both Case No. 2006-10365-C and**
18 **Case No. ARPA 2006-1 by means of the attached Settlement Agreement, the terms of**
19 **which include the conveyance of the Vekol Mine to the Nation; and**

20 **WHEREAS, the Nation's Chairperson, the District's Chairperson, and the Natural Resources**
21 **Committee have been advised that the BIA Regional Director will agree to execute the**
22 **Settlement Agreement upon the approval and execution of the Settlement Agreement**
23 **by the Tohono O'odham Nation.**

24 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby approves**
25 **the Settlement Agreement substantially in the form attached.**

26 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council hereby authorizes and**
27 **directs the Nation's Chairperson to timely enter into the Settlement Agreement with**
28 **the BIA Regional Director and Mr. Van Sickle, as well as any and all other documents**
29 **and agreements required in connection with the Settlement Agreement; provided that**
30 **no further approval, consent, notice, or filing shall be required from the Legislative**

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1 Council for the Chairperson of the Nation to enter into the Settlement Agreement or
2 other documents and agreements required in connection with the Settlement
3 Agreement.

4 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council hereby authorizes the
5 Nation's Office of Attorney General to take all other actions consistent with this
6 Resolution that are necessary to carry out the Settlement Agreement.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH. Day
8 of **JANUARY, 2009** at a meeting at which a quorum was present with a vote of 2,247.45 FOR; -0-
9 **AGAINST**; 90.55 NOT VOTING; and 196.5 [08] **ABSENT**, pursuant to the powers vested in the Council
10 by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
11 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
12 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
13 18, 1934 (48 Stat. 984).
14

15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 Verlon M. Jose, Legislative Chairman

20
21 17th day of January, 2009
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24 **ATTEST:**

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27 _____
28 Lucille Lopez, Acting Legislative Secretary

29
30 08 day of January, 2009.
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32 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
33 Nation on the 17th day of January, 2009 at 2:06 o'clock, P.M.,
34 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
35 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
36 submittal.
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38 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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42 Verlon M. Jose, Legislative Chairman
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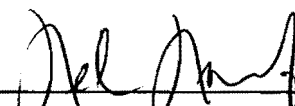
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APPROVED

on the 14 day of January, 2009

DISAPPROVED

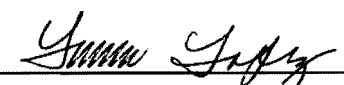
at 3:50 o'clock, P.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

January, 2009, at 4:08 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING SETTLEMENT AGREEMENT AMONG TOHONO O'ODHAM NATION, BUREAU OF INDIAN AFFAIRS, AND CRAIG E. VAN SICKLE

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: JANUARY 08, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			X
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			X
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55			X	
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25				X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25				X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			X
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF Oidak 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			X
TOTAL		2,534.5	2,247.45	-0-	90.55	196.5 [08]

****PASSED VOTES**