

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Earthjustice to File Suit on Behalf of the Tohono O'odham Nation
Regarding the Proposed Rosemont Copper Mine)

RESOLUTION NO. 18-041

1 **WHEREAS,** it is the policy of the Tohono O'odham Nation to promote “enjoyable harmony
2 between members of the [N]ation and their environment” and “to preserve and
3 protect . . . its historic and cultural artifacts and archeological sites” as well as
4 “to preserve and cultivate native arts, crafts and traditions” (Constitution,
5 Article VI, Section 1(c)(8) and Article XVIII, Section 1); and

6 **WHEREAS,** it is further the policy of the Nation to “to seek the return to the Tohono O'odham
7 Nation of lands and natural resources, including minerals and water rights,
8 within or adjacent to the Tohono O'odham Nation, or which originally were a
9 part of the historic Papagueria (Constitution, Article XVI, Section 9); and

10 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council
11 with the power to “employ legal counsel for the protection and advancement of
12 the rights of the Tohono O'odham Nation,” and by Resolution No. 17-482 retained
13 Earthjustice to represent the Nation in matters relating to the Rosemont
14 (Constitution of the Tohono O'odham Nation, Article VI, Section 2(a)); and

15 **WHEREAS,** by Resolution No. 09-569, the Nation opposed the Rosemont Copper Mine Project
16 located in the *Ce:wi Duag* (Santa Rita Mountains), citing the project would
17 “significantly impact, destroy, or alter cultural and archaeological sites
18 containing numerous Archaic, Hohokam, and O'odham Funerary objects,
19 sacred objects, and other archaeological and cultural items, as well as
20 permanently alter the Cultural and Natural Landscapes” of Nation's ancestral
21 and traditional-use lands; and

22 **WHEREAS,** in Resolution Nos. 11-550, 11-594, and 13-200, the Tohono O'odham Nation has
23 affirmed its opposition to the Rosemont Copper Mine; and

24 **WHEREAS,** Earthjustice has prepared a Complaint on behalf of the Nation, which has been
25 reviewed by the Office of Attorney General, and recommends that the Nation file
26 suit in regards to the proposed Rosemont Copper Mine; and

27 **WHEREAS,** the Agricultural and Natural Resources, Domestic Affairs, and Cultural
28 Preservation Committees have reviewed the Complaint and recommend that
29 the Nation file suit in regards to the proposed Rosemont Copper Mine.

30 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council authorizes
31 Earthjustice to file suit on behalf of the Nation in regards to the proposed
32 Rosemont Copper Mine.
33

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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH
2 day of FEBRUARY, 2018 at a meeting at which a quorum was present with a vote of 2,875.6 FOR;
3 -0- AGAINST; -0- NOT VOTING; and 209.0[07]ABSENT, pursuant to the powers vested in the
4 Council by Article VI, Section 1(c)(8), Article VI, Section 2(a), Article XVI, Section 9, and Article
5 XVIII, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
6 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
7 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934
8 (48 Stat.984).
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10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

11 
12 Timothy Joaquin, Legislative Chairman

13 8 day of February, 2018
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19 ATTEST:

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21 Evonne Wilson, Legislative Secretary

22 8 day of February, 2018
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26 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
27 O'odham Nation on the 8 day of February, 2018 at 2:55 o'clock, P .m.,
28 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
29 effective upon his approval or upon his failure to either approve or disapprove it within 48
30 hours of submittal.
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32 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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34 Timothy Joaquin, Legislative Chairman

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40 APPROVED

on the 8 day of February, 2018

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42 DISAPPROVED

at 7:50 o'clock, P .m.

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46 EDWARD D. MANUEL, CHAIRMAN
47 TOHONO O'ODHAM NATION
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Returned to the Legislative Secretary on the 9 day of

February, 2018, at 11:20 o'clock, a.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING EARTHJUSTICE TO FILE SUIT ON BEHALF OF THE TOHONO O'ODHAM NATION REGARDING THE PROPOSED ROSEMONT COPPER MINE

Moved: COUNCILMAN ANTHONY J. FRANCISCO JR.

Second: COUNCILWOMAN FRANCES MIGUEL

DATE: FEBRUARY 08, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON ()	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			X
PISINEMO 225.9	1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>)	112.95	X			X
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5				X
	2. SANDRA D. ORTEGA ()	104.5				X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			X
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			X
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE ()	186.05	X			X
TOTAL		3,084.6	2,875.6	-0-	-0-	209.0