

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Memorandum of Understanding with the Department of the Interior
for a Natural Resources Damage Assessment and Restoration Process at the
Cyprus Tohono Mine)

RESOLUTION NO. 05-069

- 1 **WHEREAS, the Bureau of Indian Affairs of the Department of the Interior has suggested that**
2 **releases of hazardous substances at the Cyprus Tohono mine site makes the site**
3 **eligible for a natural resources damage assessment and restoration process under the**
4 **Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.**
5 **Sections 9601-9675 ("CERCLA"), and its regulations at 43 CFR Part 11; and**
- 6 **WHEREAS, the Tohono O'odham Nation has been invited to participate with the Bureau of Indian**
7 **Affairs, the Bureau of Land Management, and the U.S. Fish and Wildlife Service in a**
8 **process to study the extent of the natural resource injury so that a claim for damages**
9 **can be made on Cyprus Tohono Corporation; and**
- 10 **WHEREAS, participation in this process will be governed by a Memorandum of Understanding**
11 **which would create a Trustee Council composed of the Bureau of Indian Affairs, the**
12 **Bureau of Land Management, the U.S. Fish and Wildlife Service and the Tohono**
13 **O'odham Nation; and**
- 14 **WHEREAS, federal funding is available through the Department of the Interior for consultants to**
15 **study the extent of natural resource injuries and to develop a damages claim; and**
- 16 **WHEREAS, if a claim is made and compensation is paid for natural resources injury, the funds**
17 **will be available to the Tohono O'odham Nation to spend on natural resource**
18 **improvement and restoration; and**
- 19 **WHEREAS, the Sif Oidak District Council has reviewed the proposed Memorandum of**
20 **Understanding and has passed Resolution of the Sif Oidak District Council No. 01-**
21 **05-03 supporting the Nation's participation in the natural resources damage**
22 **assessment and restoration process provided for in the Memorandum of**
23 **Understanding, with the additional request that any funds made available from the**
24 **damages claim be spent primarily within Sif Oidak District; and**
- 25 **WHEREAS, Sif Oidak District has requested that a representative of Sif Oidak District and North**
26 **Komelik Community be included on the Trustee Council in addition to a**

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1 **representative of the Nation, and by Sif Oidak District Council Resolution No. 01-05-04**

2 **has appointed Regis Andrew to represent the district and the community; and**

3 **WHEREAS, the Natural Resources Committee has reviewed the Memorandum of Understanding**

4 **and recommends that it be approved.**

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

6 **1. Approves the Memorandum of Understanding substantially in the form attached**
7 **hereto, understanding the minor editing changes may still be added by the**
8 **attorneys for the parties;**

9 **2. Supports the Sif Oidak District Council request that any funds made available**
10 **through this damages claim will be spent primarily within Sif Oidak District and**
11 **that a representative of the district and community be included on the Trustee**
12 **Council.**


13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH. Day**
14 **of FEBRUARY, 2005 at a meeting at which a quorum was present with a vote of 2,463.4 FOR; -0-**
15 **AGAINST; 166.3 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
16 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
17 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
18 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
19 **Stat. 984).**

20
21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

22 
23 _____
24 **Isidro Lopez, Legislative Chairman**

25
26 17th day of February, 2005

27
28 **ATTEST:**

29 
30 _____
31 **Lucille Lopez, Acting Legislative Secretary**

32
33 11th day of February, 2005.

34
35 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
36 **O'Odham Nation on the 17th day of February, 2005 at 11:26 o'clock, A.M.,**
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
38 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
39 **submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Isidro Lopez, Legislative Chairman

APPROVED

on the 17th day of February, 2005

DISAPPROVED

at 1:55 o'clock, P..M.



**VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 17th day of

February, 2005, at 3:00 o'clock, P..M.


Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF THE INTERIOR FOR A NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION PROCESS AT THE CYPRUSTOHONO MINE

Moved: COUNCILWOMAN DARLENE ANDREW

Second: COUNCILWOMAN EVELYN JUAN

DATE: FEBRUARY 09, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			X
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Absent) (Eleanor Hunter) (Present)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15			X	
	2. GLORIA RAMIREZ ()	83.15			X	
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			X
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Absent) (Roberta Picard) (Present)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,463.4	-0-	166.3	[03]

**PASSED VOTES