

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving a Cooperative Agreement and a Tolling Agreement Between the Cyprus  
Tohono Mine Natural Resources Trustees and Cyprus Tohono Corporation)**

**RESOLUTION NO. 05-442**

1 **WHEREAS, pursuant to Resolution No. 05-069 the Tohono O'odham Nation (the "Nation")**  
2 **approved a Memorandum of Understanding with the Department of the Interior for**  
3 **a Natural Resources Damage Assessment and Restoration process at the Cyprus**  
4 **Tohono Mine, and thereby agreed to participate in an assessment of natural resource**  
5 **injuries at the Cyprus Tohono Mine site under 43 CFR Part 11; and**

6 **WHEREAS, the natural resource injuries at the Cyprus Tohono Mine site include contamination**  
7 **to groundwater and deaths of birds; and**

8 **WHEREAS, Cyprus Tohono Corporation has now agreed to work at the natural resource injury**  
9 **assessment process in a cooperative manner with the federal trustees and the Nation,**  
10 **and has agreed to the Cooperative Agreement in the form attached hereto; and**

11 **WHEREAS, the parties to the Cooperative Agreement seek to expedite the process of assessing**  
12 **injuries by exchanging data and by utilizing existing information to determine the**  
13 **extent of the natural resource injuries, and to arrive at the value of such injuries**  
14 **through a consensus negotiation process rather than through extensive expert**  
15 **studies; and**

16 **WHEREAS, through the Natural Resources Damage Assessment and Restoration process the**  
17 **Nation and Sif Oidak District will be reimbursed for time spent in assessing the**  
18 **natural resource injuries, and will be paid damages for the value of natural resources**  
19 **injured; and**

20 **WHEREAS, Sif Oidak District has participated in the process of negotiating the Cooperative**  
21 **Agreement, and Sif Oidak District Council supported participation in the Natural**  
22 **Resources Damage Assessment and Restoration process in Sif Oidak District**  
23 **Resolution No. 01-05-03; and**

24 **WHEREAS, the Natural Resources Committee has reviewed the Cooperative Agreement and the**  
25 **Tolling Agreement attached as Exhibit A, and recommends approval by the Legislative**  
26 **Council.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**  
2 **approves the Cooperative Agreement and the Tolling Agreement attached to it as**  
3 **Exhibit A, substantially in the form attached hereto, and authorizes the Chairwoman**  
4 **of the Nation to execute both documents and any other documents reasonably**  
5 **necessary to implement them.**

6 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03<sup>RD</sup>. Day**  
7 **of AUGUST, 2005 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-**  
8 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**  
9 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
10 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
11 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
12 **Stat. 984).**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17 **Evelyn B. Juan Manuel, Legislative Chairwoman**

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19 3<sup>rd</sup> day of August, 2005

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21 **ATTEST:**

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25 **Lucille Lopez, Acting Legislative Secretary**

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27 03<sup>rd</sup> day of August, 2005.

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29 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**  
30 **O'Odham Nation on the 3<sup>rd</sup> day of August, 2005 at 4:39 o'clock, P.M.,**  
31 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
32 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**  
33 **submittal.**

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35 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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38 **Evelyn B. Juan Manuel, Legislative Chairwoman**

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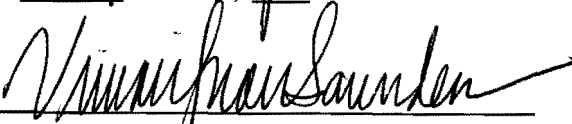
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APPROVED

on the 4 day of August, 2005

DISAPPROVED

at 7:47 o'clock, P.M.

  
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VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 05<sup>th</sup> day of

August, 2005, at 8:16 o'clock, A.M.

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

**ACTION: APPROVING A COOPERATIVE AGREEMENT AND A TOLLING AGREEMENT BETWEEN THE CYPRUS TOHONO MINE NATURAL RESOURCES TRUSTEES AND CYPRUS TOHONO CORPORATION**

**MOVED: COUNCILWOMAN DELMA GARCIA**

**SECOND: COUNCILWOMAN OLIVIA LISTON**

**DATE: AUGUST 03, 2005**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI 310.8</b>	1. FRANCES MIGUEL ( )	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK 258.7</b>	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			X
<b>GU ACHI 221.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO 193.1</b>	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN 167.4</b>	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO 171.8</b>	1. BARBARA SALVICIO ( )	85.90	X			X
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY 169.0</b>	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ** ( )	84.50	X			
<b>SAN XAVIER 193.8</b>	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ( )	96.90	X			
<b>SCHUK TOAK 146.9</b>	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS 421.0</b>	1. DENNIS E. JOSE ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL ( )	210.50	X			
<b>SIF OIDAK 186.7</b>	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,440.80</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>

\*\*PASSED VOTES