

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Proposed Hazardous Waste Facility Near Quitovac, Sonora and Adopting
Concerns Document as Nation's Official Position)**

RESOLUTION NO. 06-352

- 1 **WHEREAS, Tohono O'odham have dwelled in this region since time-immemorial including areas**
2 **of the region that now encompass northern portions of the Republic of Mexico; and**
- 3 **WHEREAS, historical treaties and agreements between the United States of America and Mexico**
4 **divided the ancestral homeland of the O'odham and it members; and**
- 5 **WHEREAS, today there continue to exist members and persons eligible for membership in the**
6 **Tohono O'odham Nation from a number of traditional O'odham communities in**
7 **Mexico, including the community of Quitovac, Sonora, Mexico; and**
- 8 **WHEREAS, the Constitution of the Tohono O'odham Nation in Article I-Jurisdiction, Section 3,**
9 **provides, *"The sovereign powers, authority and jurisdiction of the Tohono O'odham***
10 ***Nation and its government over members of the Tohono O'odham Nation shall extend***
11 ***beyond the geographical boundaries of the Tohono O'odham Nation."*; and**
- 12 **WHEREAS, the Constitution of the Tohono O'odham Nation in Article XVIII-Environmental**
13 **Policy, Section I, provides, *"It shall be the policy of the Tohono O'odham Nation to***
14 ***encourage productive and enjoyable harmony between members of the Nation and***
15 ***their environment; to promote efforts which will preserve and protect the natural***
16 ***and cultural environment of the Tohono O'odham Nation, including its land, air,***
17 ***water, flora and fauna, its ecological systems, and natural resources, and its historic***
18 ***and cultural artifacts and archeological sites; and to create and maintain conditions***
19 ***under which members of the Nation and nature can exist in productive harmony and***
20 ***fulfill the social, economic, and other requirements of present and future***
21 ***generations of members of the Tohono O'odham Nation."*; and**
- 22 **WHEREAS, the Tohono O'odham Nation has factual information that a hazardous waste disposal**
23 **facility, initially known as *"La Choya"* and now known as *"CEGIR"* is planned to be**
24 **constructed near Sonoyta, Sonora (hereinafter referred to as the *"Hazardous Waste***
25 ***Project"*); and**
- 26 **WHEREAS, the Hazardous Waste Project is not intended to provide treatment or recycling**
27 **operations, but is instead intended to be a final hazardous waste disposal facility; and**

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1 **WHEREAS, as a final hazardous waste disposal facility, the site is projected to have, among**
2 **numerous other provisions, a 50-year active life span with an average of 45,000 tons**
3 **of hazardous waste received annually; and**

4 **WHEREAS, in light of the potential impacts of the construction and operation of the Hazardous**
5 **Waste Project, it is essential that the Agreement on Cooperation for the Protection**
6 **and Improvement of the Environment and Transboundary Problems, North**
7 **American Agreement on Environmental Cooperation (NAFTA Environmental**
8 **Supplemental Agreement), Border 2012 agreements, and all other applicable treaties**
9 **and agreements be reviewed prior to final approval or construction of the Hazardous**
10 **Waste Project to ensure compliance; and**

11 **WHEREAS, a delegation of representatives from the Tohono O'odham Nation's legislature, both**
12 **of the Nation's border districts, Chukut Kuk and Gu Vo, respectively, and the**
13 **Executive Branch have met on numerous occasions over the course of the past three**
14 **months to learn more about the Hazardous Waste Project and discuss the potential**
15 **impacts the Hazardous Waste Project may have on the ancestral lands and members**
16 **of the Tohono O'odham Nation in Mexico including the potential impacts to the**
17 **Nation's members and existing lands in the United States; and**

18 **WHEREAS, this delegation of Nation's representatives has questioned and expressed concerns**
19 **related to the Hazardous Waste Project to appropriate members of CIGIRSA (the**
20 **Hazardous Waste Project owners) and developers for "CIGIR", Mexico's Secretariat**
21 **of the Environment and Natural Resources ("SEMARNAT"), the Office of the Emergency**
22 **Management Director for the State of Sonora, the Arizona Department of**
23 **Environmental Quality; and United States Environmental Protection Agency – Waste**
24 **Management Division; and**

25 **WHEREAS, these questions and concerns were raised at various meetings in Rio Rico, Arizona;**
26 **Hermosillo, Sonora; Ensenada, Baja California; and Tucson, Arizona; and**

27 **WHEREAS, it was the consensus of the Nation's delegation that the attached document titled**
28 ***"Tohono O'odham Nation – Concerns about the Proposed Hazardous Waste Facility***

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1 *near Quitovac, Sonora*" be developed in an effort to bring to light the potential
2 impact this Hazardous Waste Project could have, not only to the ancestral lands and
3 members of the Nation in Mexico, but the potential impacts to the Nation's members
4 and land in the United States as well; and

5 WHEREAS, it would not be in the best interest of the Tohono O'odham Nation within the United
6 States of America and or the best interest of the Nation within the ancestral lands of
7 the O'odham in Mexico to allow the establishment of a Hazardous Waste Project at
8 the proposed identified location near Quitovac, Sonora; and

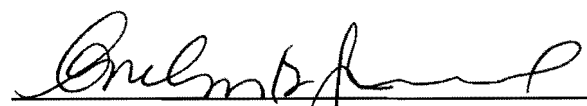
9 WHEREAS, it was the consensus of the Legislative Council Domestic Affairs Committee and the
10 Office of the Chairwoman and appropriate Executive Branch departments that the
11 Tohono O'odham Nation opposes the establishment of the Hazardous Waste Project
12 for the reasons outlined in the attached document and for other reasons not
13 immediately known to the Nation.

14 NOW, THEREFORE BE IT RESOLVED that the Tohono O'odham Nation Legislative Council hereby
15 (1) adopts the *"Tohono O'odham Nation - Concerns about the Proposed Hazardous*
16 *Waste Facility near Quitovac, Sonora,"* as its official position and (2) opposes the
17 establishment of any proposed Hazardous Waste Project for the reasons outlined in
18 that document and for reasons not immediately known to the Tohono O'odham
19 Nation.

20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH. Day
21 of JUNE, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- AGAINST;
22 -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council under Article VI,
23 Section 1(c)(2) and 1(i)(2); Article XVI, Section 9; Article XVII; and Article XVIII, Section 2 of the
24 Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January
25 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on
26 March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

15th day of June, 2006

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ATTEST:

Juliana Sarajicis
Lucille Lopez, Acting Legislative Secretary for
15th day of June, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 15th day of June, 2006 at 3:27 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

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

APPROVED on the 16 day of June, 2006
 DISAPPROVED at 7:29 o'clock, P.M.

Vivian Juan Saunders
VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of
June, 2006, at 9:04 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: OPPOSING PROPOSED HAZARDOUS WASTE FACILITY NEAR QUITOVAC, SONORA AND ADOPTING CONCERNS DOCUMENT AS NATION'S OFFICIAL POSITION

Moved: COUNCILWOMAN CYNTHIA MANUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: JUNE 07, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			X
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			X
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ** ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ** ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ** ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.8	2,440.80	-0-	-0-	[04]

**PASSED VOTES