

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Installation of Monitor Wells by Asarco LLC on Tract 2 and on Property
Previously Known as Tract 1 of the Asarco Mission Mine)

RESOLUTION NO. 07-562

1 **WHEREAS, Asarco LLC ("Asarco") continues to operate the Mission Mine located partly within the**
2 **San Xavier District (the "District") of the Tohono O'odham Nation (the "Nation"); and**

3 **WHEREAS, Asarco has engaged in a study to characterize the waste dumps, the pit lake, and**
4 **other potentially discharging facilities located on Tract 2, Tract 3 and the property**
5 **formerly known as Tract 1, including a drilling and sampling program in the waste**
6 **dumps and the construction of monitor wells along the lease boundary; and**

7 **WHEREAS, the authority to grant access to the Nation's groundwater aquifers lies with the**
8 **Tohono O'odham Legislative Council and, in the absence of a permitting program**
9 **organized under a water code, the Tohono O'odham Legislative Council grants**
10 **permission to drill wells on a case by case basis; and**

11 **WHEREAS, Asarco has requested permission to drill and construct up to 4 monitor wells at the**
12 **approximate locations shown on the attached aerial photo depicting the portion of**
13 **the Mission Mine on Indian lands; and**

14 **WHEREAS, representatives of the Nation, the District, the San Xavier Allottees Association and**
15 **the Department of the Interior have approved the 3 monitor well locations proposed**
16 **by Asarco and a 4th location to be agreed upon by the Nation, the District and Asarco;**
17 **and**

18 **WHEREAS, the Water Resources and Natural Resources Committees have reviewed this proposal**
19 **and recommend approval by the Legislative Council.**

20 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**
21 **installation of 3 monitor wells at the approximate locations proposed by Asarco and**
22 **a 4th monitor well at a location to be agreed upon by the Nation, the District and**
23 **Asarco, as shown on the attached aerial photo, on the following conditions:**

- 24 **1. Asarco will pump water only for the purposes of sampling and monitoring, in an**
25 **amount no more than is necessary for such purposes.**
- 26 **2. Asarco will drill a borehole at each selected site, and will provide split drilling**
27 **samples from each borehole drilled to the Nation's Water Resources Study**

- 1 **Program. Each borehole where groundwater is encountered will be completed**
2 **as a monitor well.**
- 3 **3. Prior to taking water samples, Asarco will contact the Water Resources Study**
4 **Program so that a representative of the Program can be present at the site when**
5 **the water quality sample is taken to take a duplicate sample for the Nation.**
- 6 **4. Asarco will construct all wells in accordance with well specifications that are**
7 **compatible with those required by the Arizona Department of Water Resources**
8 **and have been reviewed by the Nation's Water Resources Study Program.**
- 9 **5. The well construction will be performed by a well driller licensed by the State of**
10 **Arizona.**
- 11 **6. If any aquifer pump testing is to be performed, Asarco will consult with the**
12 **Nation's Water Resources Study Program prior to the test to coordinate**
13 **specifications of the test.**
- 14 **7. Asarco will provide to the Nation's Water Resources Study Program and to the**
15 **District's Water Rights Office copies of the results of any laboratory tests for water**
16 **quality and of any reports on measurements taken at the well sites, and will make**
17 **the original laboratory reports available for inspection by the Nation and the**
18 **District upon their request.**
- 19 **8. Asarco will exercise care while conducting any activities at any well to prevent the**
20 **introduction of contaminants into the well. Asarco will cap the wells when not in**
21 **use in such a manner as to effectively deter tampering with the well or the**
22 **introduction of foreign matter.**
- 23 **9. In the event that groundwater is not encountered in any of the boreholes, such**
24 **boreholes will be backfilled and plugged according to Arizona Department of**
25 **Water Resources standards.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH, Day**
27 **of SEPTEMBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-**
28 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
29 **Section 2(a), 2(b), and 2(c) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted**
30 **by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
31 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
32 **18, 1934 (48 Stat. 984).**

RESOLUTION NO. 07-562

(Approving Installation of Monitor Wells by Asarco LLC on Tract 2 and on Property Previously Known as Tract 1 of the Asarco Mission Mine)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Munoz for
Verlon M. Jose, Legislative Chairman

13th day of September, 2007

ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

13 day of September, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of Sept, 2007 at 6:07 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Munoz for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 18 day of September, 2007

DISAPPROVED

at 2:45 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

September, 2007, at 3:55 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING INSTALLATION OF MONITOR WELLS BY ASARCO LLC ON TRACT 2 AND ON PROPERTY PREVIOUSLY KNOWN AS TRACT 1 OF THE ASARCO MISSION MINE

Moved: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILWOMAN KIMBERLY LISTO

DATE: SEPTEMBER 12, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ()	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			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. MICHAEL FLORES ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	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			
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			
TOTAL		2,534.5	2,534.5	-0-	-0-	[02]

**PASSED VOTES