

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Settlement Proposal and Consent Decree for Cyprus Tohono Mine
Natural Resources Damage Assessment)**

RESOLUTION NO. 07-572

- 1 **WHEREAS, the Tohono O'odham Nation, with the support of Sif Oidak District through Sif Oidak**
2 **District Council Resolution No. 01-05-03, entered into a Memorandum of**
3 **Understanding with the United States Department of the Interior, dated July 21, 2005,**
4 **approved by Legislative Council Resolution No. 05-069, to create a Trustee Council to**
5 **negotiate with Cyprus Tohono Corporation regarding payment of damages for**
6 **injuries to natural resources at the Cyprus Tohono mine; and**
- 7 **WHEREAS, the Tohono O'odham Nation, pursuant to that Memorandum of Understanding,**
8 **approved a Cooperative Agreement between the Cyprus Tohono Mine Natural**
9 **Resource Trustee Council, the Tohono O'odham Nation including Sif Oidak District,**
10 **and the Cyprus Tohono Corporation in August 2005, by Legislative Council Resolution**
11 **No. 05-442, under which the parties agreed to negotiate the claims rather than to**
12 **litigate them; and**
- 13 **WHEREAS, after two years of negotiations, the Trustee Council and Cyprus Tohono Corporation**
14 **have reached a tentative agreement, subject to the approval of the U.S. Department**
15 **of Justice, the Sif Oidak District Council, and the Tohono O'odham Legislative**
16 **Council, to pay \$825,000.00 to settle claims relating to injuries to wildlife and damage**
17 **to the North Komelik community water system and household appliances; and**
- 18 **WHEREAS, the settlement proposal includes \$78,710.00 for damage to the North Komelik water**
19 **system and household appliances, which funds shall be expended for the benefit of**
20 **North Komelik community, and \$746,290.00 for injuries to wildlife, which funds shall**
21 **be expended primarily within Sif Oidak District; and**
- 22 **WHEREAS, the Sif Oidak District Council approved the settlement proposal at a regular meeting**
23 **on August 11, 2007 by Sif Oidak District Council Resolution No. 08-07-14; and**
- 24 **WHEREAS, the Natural Resources Committee has reviewed the settlement proposal and**
25 **recommends approval by the Council.**
- 26 **NOW, THEREFORE, BE IT RESOLVED that:**
- 27 **1. The Tohono O'odham Legislative Council approves the proposed settlement**
28 **between the Natural Resources Trustee Council (composed of the U.S. Fish and**
29 **Wildlife Service, the Bureau of Indian Affairs, and the Tohono O'odham Nation**

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including Sif Oidak District) and the Cyprus Tohono Corporation for injuries to natural resources in the amount of \$825,000.00.

2. The Tohono O'odham Legislative Council authorizes the Chairperson of the Nation to execute a Consent Decree substantially in the form attached hereto, which is to be filed in federal court, in which the Nation is named as a co-plaintiff with the United States, with the understanding that the Consent Decree is still subject to minor editing by the attorneys for the parties, and to execute any other documentation reasonably necessary to implement the settlement.

3. The settlement proposal includes \$78,710.00 for damage to the North Komelik water system and household appliances, which funds shall be spent for the benefit of North Komelik community, and \$746,290.00 for injuries to wildlife, which funds shall be spent primarily within Sif Oidak District; provided that all such funds shall be received by the Treasurer of the Nation and held by the Nation's accounting department until being dispersed to the District for expenditure in accordance with budgets approved by resolutions of the district council and approved by the Legislative Council as required by Article IX, Section 7 of the Constitution of the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14th. Day of SEPTEMBER, 2007 at a meeting at which a quorum was present with a vote of 2,434.9 FOR; 99.60 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1(i)(2) and Section 2(d) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Alvarez for
Verlon M. Jose, Legislative Chairman

19th day of Sept., 2007

ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

14 day of September, 2007.

RESOLUTION NO. 07-572

(Approving Settlement Proposal and Consent Decree for Cyprus Tohono Mine Natural Resources Damage Assessment)

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 20th day of Sept, 2007 at 12:53 o'clock, a.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 Munez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 24th day of September, 2007

DISAPPROVED

at 12:28 o'clock, P.M.

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

Returned to the Legislative Secretary on the 24 day of

September, 2007, at 12:34 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING SETTLEMENT PROPOSAL AND CONSENT DECREE FOR CYPRUS TOHONO MINE NATURAL RESOURCES DAMAGE ASSESSMENT

Moved: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: SEPTEMBER 14, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ()	158.45	X			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			
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			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	2,434.9	99.60	-0-	[03]

**PASSED VOTES