

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Installation of Three Additional Monitor Wells by Cyprus Tohono Corporation
Near the Community of North Komelik and Approving Additional Geophysical Testing)

RESOLUTION NO. 07-722

1 **WHEREAS, Cyprus Tohono Corporation ("Cyprus Tohono") continues to work with the Tohono**
2 **O'odham Nation ("Nation") and Sif Oidak District ("District") in providing information**
3 **about the quality of the groundwater aquifer in the vicinity of the Cyprus Tohono mine**
4 **and the community of North Komelik; and**

5 **WHEREAS, in preparation for a non-listing Remedial Investigation/Feasibility Study ("RI/FS") to**
6 **be performed with oversight by the United States Environmental Protection Agency,**
7 **the Nation's Natural Resources Department, the Bureau of Land Management, and**
8 **Cyprus Tohono have reviewed the existing groundwater quality data and have agreed**
9 **on the location of an additional nine monitor wells which will help provide additional**
10 **information pertaining to the groundwater aquifer; and**

11 **WHEREAS, three of the nine proposed monitor well locations are on the Nation's land outside of**
12 **the Cyprus Tohono Mining Lease and Business Lease and are identified as locations**
13 **B, C, and D on the attached map, and the remaining six monitor well locations are**
14 **within the Cyprus Tohono leases; and**

15 **WHEREAS, the three monitor wells on the Nation's land outside of the Cyprus Tohono leases will**
16 **be drilled and constructed by a contractor of Cyprus Tohono; and**

17 **WHEREAS, the authority to grant access to the Nation's groundwater aquifers lies with the Tohono**
18 **O'odham Legislative Council; and**

19 **WHEREAS, at a meeting on Saturday, October 13, 2007, the Sif Oidak District Council discussed the**
20 **monitor well drilling proposal and approved the location of the three wells outside the**
21 **Cyprus Tohono leases in Sif Oidak District Council Resolution No. 10-07-02; and**

22 **WHEREAS, the Water Resources and the Natural Resources Committees have reviewed this**
23 **proposal and recommend approval by the Tohono O'odham Legislative Council.**

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

25 **1. Approves the drilling, borehole geophysical logging, and construction of three**
26 **monitor wells near North Komelik at the locations shown on the attached map, on**
27 **the following conditions:**

28 **1.1 The wells will be owned by the Nation;**

29 **1.2 Cyprus Tohono will construct the wells in accordance with well specifications**

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- 1 **provided by Cyprus Tohono that have been reviewed by the Nation's Water**
2 **Resources Study Program and which are compatible with Arizona Department of**
3 **Water Resources requirements;**
- 4 **1.3 The well construction will be performed by a well driller licensed by the State**
5 **of Arizona;**
- 6 **1.4 Cyprus Tohono will provide borehole geophysical logs and split drilling**
7 **samples from each borehole to the Nation's Water Resources Study Program;**
- 8 **1.5 Prior to taking water samples, Cyprus Tohono will contact the Nation's Water**
9 **Resources Study Program so that a representative of the Program can be present,**
10 **if desired, at the site when the water sample is taken to take a duplicate sample for**
11 **the Nation;**
- 12 **1.6 Cyprus Tohono will pump water only for the purposes of well development,**
13 **sampling and monitoring, in an amount no more than is necessary for such**
14 **purposes;**
- 15 **1.7 If any aquifer pump testing is to be performed, Cyprus Tohono will consult**
16 **with the Nation's Water Resources Study Program prior to the test to coordinate**
17 **specifications of the test;**
- 18 **1.8 Cyprus Tohono will provide to the Nation's Water Resources Study Program**
19 **copies of the results of any laboratory tests for water quality and of any reports on**
20 **measurements taken at the well sites, and will make the original laboratory**
21 **reports available for inspection by the Nation upon request;**
- 22 **1.9 Cyprus Tohono will exercise care while conducting any activities at any well**
23 **to prevent the introduction of contaminants into the well, and will cover and**
24 **secure the wells when not in use in such a manner as to effectively deter tampering**
25 **with the well or the introduction of foreign matter;**
- 26 **1.10 In the event that groundwater is not encountered in any borehole, Cyprus**
27 **Tohono will discuss with the Nation's Water Resources Study Program whether to**
28 **backfill and plug the borehole in accordance with Arizona Department of Water**
29 **Resources standards; and**
- 30 **2. Authorizes Cyprus Tohono personnel and their consultants to access the well sites**

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and the wells after completion of construction for the purposes of the groundwater monitoring program related to the Cyprus Tohono mine; and

3. Authorizes the additional surface geophysical testing outside the lease boundaries using the "electrical resistivity method" on the condition that any data obtained from such testing will be shared with the Nation's Water Resources Study Program.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH. Day of NOVEMBER, 2007 at a meeting at which a quorum was present with a vote of 1,948.95 FOR; -0- AGAINST; 386.35 NOT VOTING; and 199.2[03] ABSENT, pursuant to the powers vested in the Council by Section 2(a), 2(b) and 2(c) of Article XVII 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


Verlon M. Jose, Legislative Chairman

9 day of November, 2007

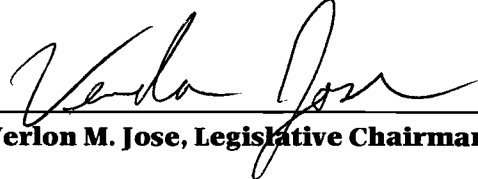
ATTEST:


Lucille Lopez, Acting Legislative Secretary

07 day of November, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 9 day of November, 2007 at 1:30 o'clock, .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


Verlon M. Jose, Legislative Chairman

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APPROVED

on the 09 day of November, 2007

DISAPPROVED

at 4:05 o'clock, P.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 09 day of

November, 2007, at 4:18 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING INSTALLATION OF THREE ADDITIONAL MONITOR WELLS BY CYPRUS TOHONO CORPORATION NEAR THE COMMUNITY OF NORTH KOMELIK AND APPROVING ADDITIONAL GEOPHYSICAL TESTING

MOVED: COUNCILWOMAN LORRAINE EILER

SECOND: COUNCILWOMAN PHYLLIS CACHORA

DATE: NOVEMBER 07, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	158.45	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45			X	
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	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 (<i>Absent</i>) (Frederick Jose) (<i>Present</i>)	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			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	1,948.95	-0-	386.35	199.2 [03]

****PASSED VOTES**