

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

RESOLUTION NO. 08-478

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 Water 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 approximately twelve monitor wells which will provide additional**
10 **information pertaining to the groundwater aquifer; and**

11 **WHEREAS, eight of the twelve proposed monitor well locations are on the Nation's land outside**
12 **of the Cyprus Tohono Mining Lease and Business Lease and are identified as locations**
13 **A through H on the attached map, and the remaining four monitor well locations are**
14 **within the Cyprus Tohono leases; and**

15 **WHEREAS, the eight 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 according to**
17 **specifications of Cyprus Tohono which have been reviewed and approved by the**
18 **Nation's Water Resources Department, and the eight wells will be owned by the Nation;**
19 **and**

20 **WHEREAS, the authority to grant access to the Nation's groundwater aquifers lies with the Tohono**
21 **O'odham Legislative Council, and approval of Cyprus Tohono's well drilling program**
22 **must also be obtained from the Nation's Legislative Council; and**

23 **WHEREAS, Cyprus Tohono has also requested permission to perform additional geophysical**
24 **testing outside the lease boundaries using the "electrical resistivity method," which**
25 **testing shall be undertaken in the same manner as previously approved by the Sif**
26 **Oidak District Council and the Legislative Council; and**

27 **WHEREAS, at a meeting on July 12, 2008 the Sif Oidak District Council passed Resolution No.**
28 **SODC-08-087 and thereby approved the monitor well drilling program and**
29 **geophysical testing, including the locations for wells "A" through "G" located outside**

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1 the leases; and

2 **WHEREAS, since July 12 the number of wells outside of the lease boundaries has changed from**
3 **seven to eight, due to further investigation of well site "H" as shown on the attached**
4 **map, which Cyprus Tohono has proposed moving a few hundred yards to the west in**
5 **order to gain access to the site without destroying vegetation, which re-located well**
6 **site will be reviewed with the Sif Oidak District Council before the well is drilled.**

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

8 **(1) Approves the drilling and construction of seven monitor wells near North**
9 **Komelik at the locations shown as "A" through "G", and approves the eighth**
10 **monitor well at location "H" contingent upon approval of the site by the Sif Oidak**
11 **District Council, all as shown on the attached map, which wells will be owned by**
12 **the Nation upon completion of construction; and**

13 **(2) Authorizes Cyprus Tohono personnel and their consultants to access the well**
14 **sites and the wells after completion of construction for the purposes of the**
15 **groundwater monitoring program related to the Cyprus Tohono mine, on the**
16 **condition that Cyprus Tohono provide to the Nation's Water Resources**
17 **Department any data obtained from these wells and agrees that the Nation's**
18 **Water Resources Department can obtain split samples of the drill cuttings and**
19 **water samples; and**

20 **(3) Authorizes the additional geophysical testing outside the lease boundaries using**
21 **the "electrical resistivity method" on the condition that any data obtained from**
22 **such testing be shared with the Nation's Water Resources Department.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH. Day**
24 **of AUGUST, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-**
25 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article**
26 **XVII, Section 2 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
27 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
28 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
29 **Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

13 day of August, 2008

RESOLUTION NO. 08-478

(Approving Installation of Eight Additional Monitor Wells by Cyprus Tohono Corporation Near the Community of North Komelik and Approving Additional Geophysical Testing)

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1 ATTEST:


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5 Lucille Lopez, Acting Legislative Secretary

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7 04 day of August, 2008.

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9 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
10 Nation on the 13 day of August, 2008 at 12:20 o'clock, P..M.,
11 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
12 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
13 submittal.

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

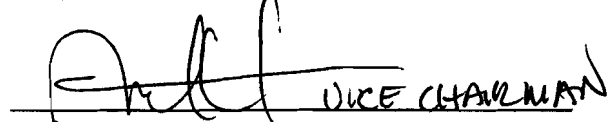
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19 Verlon M. Jose, Legislative Chairman

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23 APPROVED

on the 15 day of AUGUST, 2008

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25 DISAPPROVED

at 11:01 o'clock, A..M.

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29 NEED NORRIS, JR., CHAIRMAN
30 TOHONO O'ODHAM NATION

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34 Returned to the Legislative Secretary on the 15 day of

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36 August, 2008, at 11:25 o'clock, A..M.

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40 Lucille Lopez, Acting Legislative Secretary

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

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN PHYLLIS CACHORA

DATE: AUGUST 06, 2008

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. RAYMOND VICTOR ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	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			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[01]

**PASSED VOTES