

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Notice of Petition and Petition for Rulemaking to Amend  
Hardrock Mining Regulations and Policy)**

**RESOLUTION NO. 21-337**

- 1   **WHEREAS,**    the Constitution of the Tohono O'odham Nation vests the Legislative Council with  
2                    the authority to "promote, protect and provide for public health, peace, morals,  
3                    education and general welfare of the Tohono O'odham Nation and its members"  
4                    (Constitution, Article VI, Section 1(c)(2)); and
- 5   **WHEREAS,**    the Constitution of the Tohono O'odham Nation also vests the Legislative Council  
6                    with the authority to "consult, negotiate and conclude agreements and contracts  
7                    on behalf of the Tohono O'odham Nation with Federal, State and local  
8                    governments and other Indian tribes or their departments, agencies, or political  
9                    subdivisions, or with private persons or organizations on all matters the  
10                   authority of the Tohono O'odham Council" (Constitution, Article VI, Section 1(f));  
11                   and
- 12   **WHEREAS,**    the 1872 Mining Law was written nearly 150 years ago and still governs the mining  
13                    of hardrock minerals such as gold, silver, copper, uranium and other metals; and
- 14   **WHEREAS,**    the U.S. Department of Interior, in the administration of the 1872 Mining Law,  
15                    favors hardrock mining over all other land uses incorrectly limiting the ability of  
16                    the Department of Interior to balance mining with competing uses, including the  
17                    protection of sacred sites, treaty rights, and cultural resources; and
- 18   **WHEREAS,**    the 1872 Mining Law has insufficient environmental standards, which do not  
19                    adequately protect water or wildlife habitats; and
- 20   **WHEREAS,**    the 1872 Mining Law poses a serious threat to tribal sacred sites, water, cultural  
21                    resources, traditional properties, and lifeways; and
- 22   **WHEREAS,**    pursuant to the Federal Land Policy Management Act of 1976 ("FLPMA"), 43 U.S.C.  
23                    §§ 1701 et seq., and 5 U.S.C. § 553(e) of the Administrative Procedure Act ("APA"),  
24                    interested persons may petition for rulemaking; and
- 25   **WHEREAS,**    sovereign Indian tribes and nations and Indigenous organizations and  
26                    conservation organizations have developed a draft petition to the U.S.  
27                    Department of Interior (DOI), by and through the U.S. Bureau of Land  
28                    Management (BLM), for a rulemaking to strengthen and modernize BLM's  
29                    regulations at 43 C.F.R. §§ 3800 et seq. (Hardrock Mining Rules) *entitled Notice of*  
30                    *Petition and Petition for Rulemaking Bringing Hardrock Mining Regulations and*  
31                    *Policy into the 21st Century to Protect Indigenous and Public Lands and*  
32                    *Resources in the West* (hereafter, "Petition"); and

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1     **WHEREAS,**     the Petition is intended to ensure meaningful tribal consultation and Indigenous  
2                   resource protections, provide clarification that federal land managers have  
3                   authority to decide whether or not to approve mining plan of operations and that  
4                   they have authority to reject proposals that may cause substantial irreparable  
5                   harm to important natural and cultural resources, minimize and prohibit harm  
6                   to natural and cultural resources from mining operations, including from mine  
7                   pits, tailings and waste piles, and require mining companies to plan for expected  
8                   impacts of climate change and changing weather patterns; and

9     **WHEREAS,**     the Nation's chairperson, Water Resources, Agricultural and Natural Resources,  
10                   and Cultural Preservation Committees have reviewed the Petition and  
11                   recommend joining as a petitioner.

12     **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council authorizes  
13                   and supports the *Notice of Petition and Petition for Rulemaking Bringing*  
14                   *Hardrock Mining Regulations and Policy into the 21st Century to Protect*  
15                   *Indigenous and Public Lands and Resources in the West* as a petitioner.

16     **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Nation's  
17                   chairperson or official designee is authorized to implement and execute any  
18                   documents necessary to carry out the intent of this resolution.

19     The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup>  
20     day of SEPTEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;  
21     -0- AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by,  
22     Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the  
23     Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
24     Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
25     18, 1934 (48 Stat.984).

26  
27                   **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29                   \_\_\_\_\_  
30                   Timothy Joaquin, Legislative Chairman

31                   10 day of Sept, 2021  
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ATTEST:



Evonne Wilson, Legislative Secretary

9 day of September, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 10 day of Sept, 2021 at 3:57 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

  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 10 day of Sept, 2021

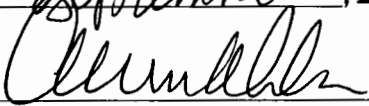
DISAPPROVED

at 4:05 o'clock, p.m.

  
Wanda M. Saunders, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10 day of

September, 2021, at 4:00 o'clock, p.m.



Evonne Wilson, Legislative Secretary

**ACTION: AUTHORIZING NOTICE OF PETITION AND PETITION FOR RULEMAKING TO AMEND HARDROCK MINING REGULATIONS AND POLICY****MOVED: COUNCILMAN DANIEL L.A. PRESTON III****SECOND: COUNCILWOMAN MARLAKAY HENRY****DATE: SEPTEMBER 08, 2021**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ( )	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ( )	116.35	X			
	2. EDWARD D. MANUAL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( )	108.3	X			
	2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ( )	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ( )	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
<b>TOTAL</b>		<b>3,218.0</b>	<b>3,218.0</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>