

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting the Nation's Preferred Alternative 6 or a combination of Alternatives 4 and 6 to clean up the groundwater contamination at the Cyprus Tohono Corporation Mine Site)

RESOLUTION NO. 22-092

1 **WHEREAS,** the Nation's Constitution provides that the Tohono O'odham Legislative Council
2 "shall have, consistent with federal law, the control and management of these
3 waters and shall have the power to: (a) determine how these waters shall be
4 developed, used, and conserved for the greatest public benefit..." and "to
5 administer land and other public property, and by law, ordinance or resolution...
6 to manage, protect, and regulate the use of the property, wildlife, land, air, and
7 natural resources (including surface and ground waters) of the Tohono O'odham
8 Nation." (Constitution of the Tohono O'odham Nation, Article XVII, Section 2(a)
9 and Article VI, Section 1(i)(2)); and

10 **WHEREAS,** Cyprus Tohono Corporation ("CTC") mining activities caused surface water from
11 the mill tailings impoundment to interact with Nation's groundwater in the
12 surrounding area and has been identified by the Environmental Protection
13 Agency ("EPA") as the primary source of contamination in the Santa Rosa aquifer;
14 and

15 **WHEREAS,** in September 2009, the EPA and CTC entered into an Administrative Order-on-
16 Consent ("AOC") to conduct a Remedial Investigation/Feasibility Study ("RI/FS")
17 to provide alternatives to clean up the contamination at the CTC mine site; and

18 **WHEREAS,** the EPA has completed a Proposed Plan for Public Comment and released the
19 plan for public comment on January 24, 2022 with a 60 day comment period
20 ending on March 25, 2022; and

21 **WHEREAS,** under the Proposed Plan, the EPA is required to provide a Preferred Alternative,
22 which takes into account many factors including not limited to, risk to public
23 health, costs, time to implement an alternative, environmental affects,
24 permanency; and

25 **WHEREAS,** the EPA's Preferred Alternative is Alternative 6, or a combination of Alternatives
26 4 and 6 as provided in the Proposed Plan and is required by the National
27 Contingency Plan Criteria to include the Nation's Preferred Alternative as part of
28 EPA Final Decision making process; and

29 **WHEREAS,** the Water Resources Committee has reviewed the EPA's Preferred Alternative
30 and recommends approval.
31

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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council supports Alternative 6, or a combination of Alternatives 4 and 6 as the Nation's Preferred Alternative under the Environmental Protection Agency's Proposed Plan.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH day of MARCH, 2022 at a meeting at which a quorum was present with a vote of 1,748.55 FOR; 1,469.45 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by, Article XVII, Section 2(a) and Article VI Section 1(i)(2) 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

11 day of March, 2022

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

9 day of March, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of March, 2022 at 8:37 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 11th day of March, 2022

DISAPPROVED

at 2:11 o'clock, P.m.

Ned Norris, Jr.

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

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Returned to the Legislative Secretary on the 11 day of

March, 2022, at 3:07 o'clock, P.m.

Evonne Wilson Jr
Evonne Wilson, Legislative Secretary

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ACTION: SUPPORTING THE NATION'S PREFERRED ALTERNATIVE 6 OR A COMBINATION OF ALTERNATIVES 4 AND 6 TO CLEAN UP THE GROUNDWATER CONTAMINATION AT THE CYPRUS TOHONO CORPORATION MINE SITE

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: MARCH 08, 2022

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			X
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3		X		
	2. SANDRA D. ORTEGA (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	108.3		X		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			X
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (<i>Absent</i>) (Billman Lopez) (<i>Present</i>)	175.8		X		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 (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	194.45	X			
	TOTAL	3,218.0	1,748.55	1,469.45	-0-	[04]