

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Agreement Between the Tohono O'odham Nation and the United States
Environmental Protection Agency for Groundwater Sampling on the San Xavier
Reservation to Evaluate the Presence of Per- and Polyfluoroalkyl Substances)**

RESOLUTION NO. 23-320

1 **WHEREAS, the Tohono O'odham Legislative Council is authorized to "conclude agreements**
2 **and contracts on behalf of the Tohono O'odham Nation with Federal, State and**
3 **local governments." (TON Const., Art. VI, § 1(f)); and**

4 **WHEREAS, the Tohono O'odham Legislative Council is authorized to "manage, protect, and**
5 **regulate the use of the property, wildlife, land, air and natural resources**
6 **(including surface and ground waters) of the Tohono O'odham Nation." (TON**
7 **Const., Art. VI, § 1(i)(2)); and**

8 **WHEREAS, the United States Environmental Protection Agency ("USEPA") and Arizona**
9 **Department of Environmental Quality ("ADEQ") are currently evaluating the**
10 **presence of per- and polyfluoroalkyl substances ("PFAS") in groundwater at the**
11 **Tucson International Airport Area Superfund site ("TIAA Site"); and**

12 **WHEREAS, exposure to PFAS may lead to adverse health outcomes; and**

13 **WHEREAS, on July 20, 2023, USEPA submitted a request to the Water Resources Department**
14 **of the Tohono O'odham Nation to include wells located within the San Xavier**
15 **Reservation in its TIAA site PFAS evaluation; and**

16 **WHEREAS, USEPA's document entitled "Request for Access to Tohono O'odham Nation**
17 **Property to Conduct Groundwater Sampling" is incorporated into this Resolution**
18 **by this reference;**

19 **WHEREAS, USEPA represents that including the San Xavier Reservation in its evaluation**
20 **would allow for a more complete environmental assessment of the TIAA Site; and**

21 **WHEREAS, USEPA requests consent for USEPA and ADEQ to access the San Xavier Reservation**
22 **for: the collection of soil, water, air and waste samples; the installation,**
23 **maintenance, and removal or monitoring wells or reasonable replacement**
24 **monitoring wells; and other investigations and response actions as necessary**
25 **and within the authority of USEPA; and**

26 **WHEREAS, other investigations and response actions may include the removal of hazardous**
27 **substances, including water, from monitoring wells, and the temporary storage**
28 **or use of necessary equipment on the San Xavier Reservation for the purpose of**
29 **obtaining samples; and**

30 **WHEREAS, water is a valuable public resource of the Tohono O'odham Nation to be protected**
31 **for present and future use; and**

RESOLUTION NO. 23-320

(Approving Agreement Between the Tohono O'odham Nation and the United States Environmental Protection Agency for Groundwater Sampling on the San Xavier Reservation to Evaluate the Presence of Per- and Polyfluoroalkyl Substances)

Page 2 of 3

1 **WHEREAS, approving USEPA's request would benefit the human health of Members and**
2 **improve the Tohono O'odham Nation's knowledge of the region's water quality;**
3 **and**

4 **WHEREAS, the Water Resources Committee has reviewed USEPA's Request for Access to**
5 **Tohono O'odham Nation Property to Conduct Groundwater Sampling and**
6 **recommends its approval.**

7 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
8 **United States Environmental Protection Agency's Request for Access to Tohono**
9 **O'odham Nation Property to Conduct Groundwater Sampling; provided that the**
10 **Nation's Water Resources Department shall be the Nation's point-of-contact with**
11 **the United States Environmental Protection Agency.**

12 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham**
13 **Nation chairperson or a designated official is hereby authorized to sign the**
14 **Request for Access to Tohono O'odham Nation Property to Conduct Groundwater**
15 **Sampling, provided that any amendments or modifications shall be submitted**
16 **for prior approval by the Tohono O'odham Legislative Council.**


17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11th**
18 **day of AUGUST 2023 at a meeting at which a quorum was present with a vote of 3,263.3 FOR;**
19 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by,**
20 **Art. VI, §§ 1(f), (1)(i)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
21 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
22 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934**
23 **(48 Stat.984).**

24
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26
27
28 
29 **Wavalene M. Saunders, Legislative Chairwoman**

30
31 16th day of August, 2023

32
33
34
35 **ATTEST:**

36 
37
38 **Evonne Wilson, Legislative Secretary**

39
40 16 day of August, 2023
41

RESOLUTION NO. 23-320

(Approving Agreement Between the Tohono O'odham Nation and the United States Environmental Protection Agency for Groundwater Sampling on the San Xavier Reservation to Evaluate the Presence of Per- and Polyfluoroalkyl Substances)

Page 3 of 3

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16th day of August, 2023 at 4:50 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



Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 17 day of August, 2023

DISAPPROVED

at 8:20 o'clock, p.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of August, 2023, at 10:55 o'clock, a.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR GROUNDWATER SAMPLING ON THE SAN XAVIER RESERVATION TO EVALUATE THE PRESENCE OF PER- AND POLYFLUOROALKYL SUBSTANCES

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: AUGUST 11, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling)	197.1	X			
	2. JESSE NAVARRO (Alberta J. Ray)	197.1	X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	177.35	X			
	2. MARLAKAY HENRY ()	177.35	X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin)	141.35	X			
	2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35	X			
GU VO 276.0	1. DALLAS LEWIS ()	138.0	X			
	2. LESLIE LUNA (Grace Manuel)	138.0	X			
HICKIWAN 220.5	1. DELMA M. GARCIA ()	110.25	X			
	2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25	X			
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan)	118.1	X			
	2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1	X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews)	128.8	X			
	2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8	X			
SAN XAVIER 244.5	1. JANICE FELIX ()	122.25	X			
	2. DANIEL L.A. PRESTON III ()	122.25	X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco)	95.9	X			X
	2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9	X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston)	279.0	X			
	2. JANET B. ELEANDO ()	279.0	X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa)	123.55	X			
	2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55	X			
TOTAL		3,263.30	3,263.30	-0-	-0-	[01]