

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving an Amended Programmatic Agreement with the Bureau  
of Land Management, Arizona State Historic Preservation  
Officer and the Advisory Council on Historic  
Preservation for Treatment of Historic Properties  
During Mineral Development Associated with the  
Cyprus Mining Operations in Sif Oidak District)**

**RESOLUTION NO. 94-428**

**WHEREAS, the Nation authorized the Cyprus Casa Grande Corporation (now known as the Cyprus Tohono Corporation, and hereinafter referred to as "Cyprus") to expand its mining operations at the mine located in Sif Oidak District; and**

**WHEREAS, the authorized expansion will include an open pit mine; and**

**WHEREAS, the Bureau of Land Management (BLM) is required to mitigate the mining operation's effect on cultural and historic properties, including archaeological properties, which are located at the mine site; and**

**WHEREAS, in March 1994, Cyprus proposed to BLM a Programmatic Agreement as a plan for dealing with the cultural, historic and archaeological properties for compliance with the National Historic Preservation Act, 16 U.S.C. §§ 470 et seq.; and**

**WHEREAS, the Programmatic Agreement was developed by Cyprus in consultation with the Cultural Preservation**

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**Committee of the Legislative Council and representatives of Sif Oidak District Council; and**

**WHEREAS, based upon representations made to the Cultural Preservation Committee that all parties to the Programmatic Agreement were in agreement with its terms, the Committee presented the Programmatic Agreement to the Legislative Council for approval; and**

**WHEREAS, by Resolution No. 94-133, the Legislative Council approved the Programmatic Agreement; and**

**WHEREAS, the Nation's Chairman executed the Programmatic Agreement on April 14, 1994, and the chairwoman of Sif Oidak District executed the Programmatic Agreement on April 15, 1994; and**

**WHEREAS, the Programmatic Agreement was delivered to BLM for execution by the remaining parties; and**

**WHEREAS, on July 6, 1994, the Advisory Council on Historic Preservation rejected the Programmatic Agreement and requested changes to the Agreement; and**

**WHEREAS, the Cultural Preservation Committee met with**

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**representatives from BLM and Cyprus to discuss the changes requested by the Advisory Council; and**

**WHEREAS, the Cultural Preservation Committee, in consultation with the Chairwoman and Vice Chairman of Sif Oidak District, prepared and delivered to BLM a proposed amendment to the Programmatic Agreement which addressed both the changes requested by the Advisory Council and the requirements of the Nation as expressed in the Programmatic Agreement as approved by the Legislative Council; and**

**WHEREAS, the Advisory Council has accepted the terms of the Committee's proposed amendment to the Programmatic Agreement, a copy of which is attached hereto and incorporated herein by reference; and**

**WHEREAS, the Programmatic Agreement will require Cyprus, in consultation with the Nation, Sif Oidak District, and BLM, to develop a Treatment Plan which shall designate how all cultural and historic properties that may be affected by the mining project will be handled; and**

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**WHEREAS, the Cultural Preservation Committee recommends the approval of the Programmatic Agreement in the form attached hereto.**

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. the Legislative Council approves the Programmatic Agreement in the form attached hereto;**
- 2. the consulting and concurring parties, their agents, employees and subcontractors, shall comply with all applicable federal and tribal laws including the Nation's Archeological Resources Protection Ordinance, Ordinance 06-84;**
- 3. the Cultural Preservation Committee, the Chairperson of Sif Oidak District and the Nation's Chairman are designated as the representatives of the Nation with the authority to develop, accept, and execute the Treatment Plan and data recovery plans required by the Programmatic Agreement; and**
- 4. the Nation's Chairman is authorized to execute the**

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**Programmatic Agreement on behalf of the Tohono O'odham Nation.**

**The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 11TH day of OCTOBER, 1994 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; -0- AGAINST; -0- NOT VOTING; and 03 ABSENT, pursuant to the powers vested in the Council by Section 1(i)(1) & (2); 2(d) of Article VI 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**

  
**Alex J. Ramon, Legislative Chairman**  
11th day of October, 1994

**ATTEST:**

  
**Acting Legislative Secretary**  
11th day of October, 1994.

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11 day of Oct, 1994 at 4:29 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.**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



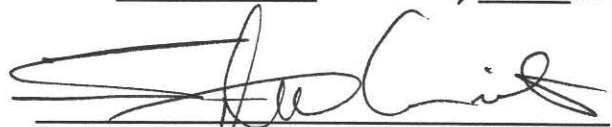
**Alex J. Ramon, Legislative Chairman**

**APPROVED**

on the 12 day of October, 1994

**DISAPPROVED**


at 8:58 o'clock, A.M.



**SYLVESTER LISTO, Chairman  
TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 12<sup>th</sup> day of**

October, 1994, at 9:37 o'clock, A.M.

  
**Acting Legislative Secretary**

**ACTION:** APPROVING AN AMENDED PROGRAMMATIC AGREEMENT WITH THE BUREAU OF LAND MANAGEMENT, ARIZONA STATE HISTORIC PRESERVATION OFFICER AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION FOR TREATMENT OF HISTORIC PROPERTIES DURING MINERAL DEVELOPMENT ASSOCIATED WITH THE CYPRUS MINING OPERATIONS IN SIF Oidak DISTRICT

**MOVED:** COUNCILWOMAN FRANCES FRANCISCO

**SECOND:** COUNCILMAN WILLARD JUAN, SR.

**DATE:** OCTOBER 11, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ( )	56.5	X			
	2. KENNETH J. ANTONE ( )	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ( )	67.5	X			
	2. DENNIS RAMON ( )	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ( )	115.0	X			
	2. EARL A. FRANCISCO ( )	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ( )	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			X
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ( )	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. EMILIO LEWIS ( )	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			X
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	X			X
	2. LLOYD FRANCISCO ( )	68.0	X			
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	89.0	X			
	2. KENNETH WILLIAMS ( )	89.0	X			
<b>TOTAL</b>		<b>1,763.0</b>	<b>1,763.0</b>	<b>-0-</b>	<b>-0-</b>	<b>03</b>

**\*\*PASSED VOTES**