

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**

**(Approving TERO Agreement, Royalty Manual, Mine Plan and Environmental Impact Statement for Expanded Cyprus Mine)**

**RESOLUTION NO. 95-132**

1  
2  
3  
4 **WHEREAS, the Tohono O'odham Nation and Cyprus Tohono Corporation entered**  
5  
6 **into a mining lease (Contract No. H50C1427272), as amended by an**  
7  
8 **Addendum, Addendum Number Two and Addendum Number Three**  
9 **(the "Lease"); and**

10 **WHEREAS, Addendum Number Three, which was approved by the Legislative**  
11  
12 **Council pursuant to Resolution 93-370, authorized Cyprus to expand**  
13  
14 **its mining activities under the Lease to include open pit operations;**  
15 **and**

16  
17 **WHEREAS, by Resolution 93-370, the Legislative Council authorized and directed**  
18  
19 **the negotiation of (1) a manual for the calculation of royalties and**  
20  
21 **profit-sharing arrangements for the expanded operations pursuant to**  
22  
23 **Section 6 of the Lease (the "Royalty Manual") and (2) appropriate**  
24  
25 **amendments to the Compliance Plan and Memorandum of**  
26  
27 **Understanding regarding the Nation's Tribal Employment Rights**  
28 **Ordinance, attached as Exhibit "I" to the Lease (the "Amended and**  
**Restated TERO Plan"); and**

**RESOLUTION NO. 95-132**

**(Approving TERO Agreement, Royalty Manual Mine Plan  
and Environmental Impact Statement for Expanded Cyprus Mine)**

**Page 2 of 5**

**WHEREAS, open pit operations further require the negotiation and adoption of  
a mine plan for the expanded operations (the "Mine Plan") which  
conforms to the terms and conditions of the environmental impact  
statement (the "EIS"); and**

**WHEREAS, as a result of negotiations between Cyprus and officials of the  
Nation, the Royalty Manual, Amended and Restated TERO Plan, Mine  
Plan (as amended by letter dated March 1995) and final EIS  
attached hereto have been drafted; and**

**WHEREAS, the Natural Resources Committee recommends approval of each of  
the foregoing documents by the Legislative Council.**

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

- (1) The Legislative Council approves the Royalty Manual, dated  
March 1995, in the form attached hereto.**
- (2) The Legislative Council (a) approves the Amended and Restated  
TERO Plan, dated March 1995, in the form attached hereto and  
(b) authorizes and directs execution of the Plan by the**

**RESOLUTION NO. 95-132**

**(Approving TERO Agreement, Royalty Manual Mine Plan  
and Environmental Impact Statement for Expanded Cyprus Mine)**

**Page 3 of 5**

**Chairman of the Nation, the Director of Mines & Natural  
Resources and the Director of the Tribal Employment Rights  
Office.**

**(3) The Legislative Council approves the Mine Plan dated March  
1995 as amended by letter dated March 1995 in the  
form attached hereto.**

**(4) The Legislative Council approves the proposed final EIS, dated  
March 1995, in the form attached hereto and  
recommends issuance of a record of decision by the  
Department of the Interior.**

**The foregoing Resolution was passed by the Tohono O'Odham Council on the  
22ND, day of MARCH, 1995 at a meeting at which a quorum was present with a  
vote of 1,597.0 FOR; -0- AGAINST; 68.0 NOT VOTING; and 04 ABSENT, pursuant  
to the powers vested in the Council by Section 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).**

RESOLUTION NO. 95-132

(Approving TERO Agreement, Royalty Manual Mine Plan  
and Environmental Impact Statement for Expanded Cyprus Mine)

Page 4 of 5

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

28th day of March, 1995

ATTEST:



Frances Antone, Legislative Secretary

24th day of March, 1995

Said Resolution was submitted for approval to the office of the Chairman of the  
Tohono O'Odham Nation on the 28th day of March,  
1995 at 3:17 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



Alex J. Ramon, Legislative Chairman

RESOLUTION NO. 95-132

(Approving TERO Agreement, Royalty Manual Mine Plan  
and Environmental Impact Statement for Expanded Cyprus Mine)

Page 5 of 5

APPROVED

on the 29 day of March, 19 95

DISAPPROVED

at 12:35 o'clock, P..M.



SYLVESTER LISTO, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 29<sup>th</sup> day of

March, 19 95, at 2:44 o'clock, P..M.



Frances Antone, Legislative Secretary

**ACTION:** APPROVING TERO AGREEMENT, ROYALTY MANUAL, MINE PLAN 7 ENVIRONMENTAL IMPACT STATEMENT FOR EXPANDING CYPRUS MINE

**MOVED:** COUNCILWOMAN MARY ANN ANTONE

**SECOND:** COUNCILMAN ANDREW PATRICIO

**DATE:** MARCH 22, 1995

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			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ( )	56.5	X			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. EDWARD KISTO (Idella Stanley)	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			
	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			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	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>1,597.0</b>	<b>-0-</b>	<b>68.0</b>	<b>98.0</b>

**\*\*PASSED VOTES**