

1 **RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
2 **(Authorizing Submission of a Self-Determination Act (25 U.S.C. 450 et seq.)**  
3 **Contract Proposal to the Secretary of the Interior for the Purpose of Acquiring**  
4 **Scientific and Technical Advice to Assist the Nation Monitor the Plan**  
5 **Decommissioning and Environmental Remediation at the Minerec Mining**  
6 **Company Facility located in the San Xavier District)**

7 **RESOLUTION NO. 95-458**

8 **WHEREAS, the Tohono O'odham Legislative Council has been informed of the**  
9 **situation at the Minerec Mining Company from time to time, over**  
10 **the past several years; and**

11 **WHEREAS, on May 18, 1995, the Tohono O'odham Legislative Council passed**  
12 **Resolution No. 95-271, Formal Request to the United States**  
13 **Environmental Protection Agency and to the Federal District Court**  
14 **Judge, the Honorable Judge Bilby to order the Minerec Mining**  
15 **Company (Arizona Mining Products), to cease all production**  
16 **operations, to immediately remove all chemicals and related**  
17 **equipment and to fully remediate any and all environmental**  
18 **damage;; and**

19 **WHEREAS, in June 1995, the Tohono O'odham Legislative Council considered**  
20 **whether the Nation should appropriate funds to support plant**  
21 **decommissioning and environmental remediation activities at the**  
22 **Minerec Mining Company; and**

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Facility located in the San Xavier District)**

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**WHEREAS, in June 1995, the Tohono O'odham Legislative Council expressly  
declined to fund these activities from the Nations funds.**

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

- 1. The Tohono O'odham Legislative Council authorizes the  
submission of the attached Self-Determination Act Contract  
proposal to the Secretary of the Interior for the purpose of  
acquiring scientific and technical advice to assist the Nation  
monitor plant decommissioning and environmental remediation  
at the Minerec Mining Facility located in the San Xavier  
District.**
- 2. The Tohono O'odham Legislative Council finds that the subject  
matter of this Self-Determination Contract proposal is a  
contractible federal function, well within the Secretary of the  
Interior's general statutory obligation to protect the Nation's  
natural resources, including the environment.**

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3. The Tohono O'odham Legislative Council finds that, had the Secretary of the Interior exercised appropriate regulatory authority and withheld approval of the initial property lease agreement until all statutory environmental requirements were fully satisfied, that the present Minerec situation, addressed in this Self-Determination Act Contract proposal, would not have occurred.

**FURTHER BE IT RESOLVED** that in the event that the Secretary declines to enter into the herein authorized Self-Determination Act contract, the Executive is hereby instructed to pursue any and all available remedies to secure such a contract.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 25TH. day of SEPTEMBER, 1995 at a meeting at which a quorum was present with a vote of 1,255.0 FOR; 251.0 AGAINST; 370.0 NOT VOTING; and [08] ABSENT, pursuant to the powers vested in the Council by Section 3 of Article II and Article VI Section 1(f) 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

28<sup>th</sup> day of September, 1995

ATTEST:



Frances Antone, Legislative Secretary

28<sup>th</sup> day of September, 1995

Said Resolution was submitted for approval to the office of the Chairman of the  
Tohono O'Odham Nation on the 28<sup>th</sup> day of September, 1995 at  
4:57 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



Dennis Ramon, Legislative Chairman

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**APPROVED**

on the 29<sup>th</sup> day of September, 19 95

**DISAPPROVED**

at 1:23 o'clock, P.M.



**EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 29 day of  
September, 19 95, at 2:44 o'clock, P.M.**



**Frances Antone, Legislative Secretary**

RESOLUTION NO. 95-458

**ACTION:** AUTHORIZING SUBMISSION OF A SELF-DETERMINATION ACT CONTRACT PROPOSAL TO THE SECRETARY OF THE INTERIOR FOR THE PURPOSE OF ACQUIRING SCIENTIFIC AND TECHNICAL ADVICE TO THE NATION MONITOR THE PLANT DECOMMISSIONING AND ENVIRONMENTAL REMEDIATION AT THE MINEREC MINING COMPANY FACILITY LOCATED IN THE SAN XAVIER DISTRICT

**MOVED:** COUNCILMAN JOHN RENO

**SECOND:** COUNCILMAN JOHNSON JOSE

**DATE:** SEPTEMBER 25, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			X
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ( )	58.5		X		X
	2. MARY JANE JUAN-MOORE ( )	58.5		X		
SAN XAVIER 142.0	1. DENNIS RAMON ( )	71.0	X			
	2. TONY BURRELL ( )	71.0	X			X
BABOQIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
GU ACHI 187.0	1. ALEX J. RAMON (Marian Johnson)	93.5			X	
	2. WILLARD ANITA (Louis Johnson)	93.5			X	X
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ( )	67.5	X			
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ( )	52.5	X			X
	2. JOHN RENO (Mary Hoffman)	52.5	X			
GU VO 134.0	1. MICHAEL FLORES ( )	67.0		X		X
	2. FERN SALCIDO (Larry Montana)	67.0		X		
HICKIWAN 142.0	1. LLOYD FRANCISCO ( )	71.0	X			X
	2. ALEX JOSE ( )	71.0	X			
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ( )	91.5			X	X
	2. DAVID GARCIA (Marvin Thomas)	91.5			X	
<b>TOTAL</b>		<b>1,876.0</b>	<b>1,255.0</b>	<b>251.0</b>	<b>370.0</b>	<b>[08]</b>