

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Endorsing the Intergovernmental Agreement between the Bureau of Land
Management, the Bureau of Indian Affairs, and the Arizona Department
of Environmental Quality relating to groundwater protection
at the ASARCO mine)

RESOLUTION NO. 96-258

WHEREAS, ASARCO operates a copper mine on the San Xavier Reservation that
is partly on Indian lands and partly on non-Indian lands; and

WHEREAS, the Tohono O'odham Nation ("Nation"), the San Xavier District, and
the San Xavier Allottees Association, with the Bureau of Land
Management ("BLM") and the Bureau of Indian Affairs ("BIA"), have
been involved in negotiations with ASARCO on issues involving
groundwater monitoring, reclamation standards, a federal mine plan
of operation, bond amounts, and other matters; and

WHEREAS, these negotiations have included preparation of an Intergovernmental
Agreement ("IGA") between the BLM, the BIA, and the Arizona
Department of Environmental Quality ("ADEQ"), for the purpose of
providing for BLM enforcement on Indian lands of a State of Arizona
Aquifer Protection Permit which will regulate groundwater discharges
from the ASARCO mine on both Indian and non-Indian land; and

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WHEREAS, the Nation is not a party to the IGA, but has an opportunity to review and endorse the IGA because the IGA seeks to protect the Nation's resources; and

WHEREAS, the San Xavier District Council has reviewed and approved the IGA, as evidenced by the district council resolution attached hereto; and

WHEREAS, the Natural Resources Committee and the Water Resources Committee of the Legislative Council have reviewed and approved the IGA.

NOW, THEREFORE, BE IT RESOLVED that the Nation endorses the IGA in the form attached hereto, including any minor editorial modifications which may be made and agreed to by the Nation's Office of Attorney General in order to finalize the IGA.

BE IT FURTHER RESOLVED that this IGA shall not extend ADEQ or other state regulatory authority to the San Xavier Reservation nor limit the Nation's or the District's regulatory authority within their territorial jurisdiction.

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The foregoing Resolution was passed by the Tohono O'Odham Council on the 8TH day of JULY, 1996 at a meeting at which a quorum was present with a vote 1,457.5 FOR; 325.0 AGAINST; 93.5 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (i) 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



Dennis Ramon, Legislative Chairman

11th day of July, 1996

ATTEST:



Frances Antone, Legislative Secretary

10th day of July, 1996

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11th day of July, 1996 at 8:45 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.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

APPROVED

on the 11th day of July, 1996

DISAPPROVED

at 7:45 PM o'clock, P.M.

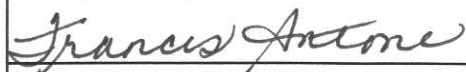


EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12th day of

July, 1996, at 12:25 o'clock, P.M.



Frances Antone, Legislative Secretary

ACTION: ENDORSING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE BUREAU OF LAND MANAGEMENT, THE BUREAU OF INDIAN AFFAIRS, AND THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO GROUNDWATER PROTECTION AT THE ASARCO MINE

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILMAN TONY BURRELL

DATE: JULY 08, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 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			
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ()	58.5	X			X
	2. JOSEPH JUAN ()	58.5	X			
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0	X			
	2. TONY BURRELL ()	71.0	X			
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5		X		
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
GU ACHI 187.0	1. WILLARD ANITA (Louis Johnson)	93.5	X			
	2. ALEX J. RAMON (Marian Johnson)	93.5			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		
	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			
	2. ALEX JOSE ()	71.0	X			
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5		X		
TOTAL		1,876.0	1,457.5	325.0	93.5	[02]

****PASSED VOTES**