

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Endorsing the Final Draft of 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. 97-467**

**WHEREAS, on July 8, 1996, in Resolution No. 96-258, the Tohono O'odham  
Legislative Council endorsed an Intergovernmental  
Agreement ("IGA") which has since that time been revised in  
significant respects by the parties to the IGA with the  
participation of the Tohono O'odham Nation ("Nation"), the  
San Xavier District and the San Xavier Allottee Association and  
is now being presented to the Legislative Council a second  
time for endorsement; and**

**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 Nation, the San Xavier District, and the San Xavier Allottee  
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 IGA  
between the BLM, the BIA, and the Arizona Department of  
Environmental Quality ("ADEQ"), for the purpose of providing**

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4 for BLM enforcement on Indian lands of a State of Arizona  
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**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**

**WHEREAS, it is in the Nation's interest to endorse the IGA because the IGA  
provides a mechanism for the federal agencies (BLM and BIA)  
to protect the Nation's trust resources; and**

**WHEREAS, the San Xavier District Council has reviewed and endorsed the  
IGA, as evidenced by district resolution No. SXDC 11-97-01  
attached hereto; and**

**WHEREAS, the Natural Resources Committee of the Legislative Council  
has reviewed this final draft of the IGA and recommends its  
endorsement by the Legislative Council.**

**NOW, THEREFORE, BE IT RESOLVED that the Legislative Council of the  
Tohono O'odham Nation endorses the final draft of the IGA in  
the form attached hereto.**

**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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**BE IT FURTHER RESOLVED** that the Legislative Council endorsement comes with the express understanding that the IGA in no way diminishes the authority of the United States to exercise its trust responsibility over the Indian lands and ground water resources referred to in the IGA.

The foregoing Resolution was passed by the Tohono O'odham Council on the **6TH. day of NOVEMBER, 1997** at a meeting at which a quorum was present with a vote of **1,262.5 FOR; 591.5 AGAINST; 73.0 NOT VOTING; and [04] ABSENT**, pursuant to the powers vested in the Council by Section **1(i)(2)** 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**

*Albert Manuel*  
for **Dennis Ramon, Legislative Chairman**  
7<sup>th</sup> day of November, 1997

**ATTEST:**

*Julianna Saraficio*  
**Julianna Saraficio, Acting Legislative Secretary**

7<sup>th</sup> day of November, 1997.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 7<sup>th</sup> day of November, 1997 at 3:11 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**

*for Albert Manuel Jr*  
**Dennis Ramon, Legislative Chairman**

**APPROVED**

on the 11<sup>th</sup> day of November, 1997

**DISAPPROVED**

at 11:55 o'clock, A.M.

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

Returned to the Legislative Secretary on the 12<sup>th</sup> day of  
November, 1997, at 8:35 o'clock, A.M.

*Linda L. Myers for*  
**Julianna Saraficio, Acting Legislative Secretary**

**ACTION:** ENDORSING THE FINAL DRAFT OF 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:** COUNCILMAN TONY BURRELL

**SECOND:** COUNCILWOMAN FRANCES MIGUEL

**DATE:** NOVEMBER 6, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> <b>189.0</b>	1. DAVID GARCIA (Marvin Thomas)	94.5		X		
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5		X		X
<b>HICKIWAN</b> <b>146.0</b>	1. ALEX JOSE ( )	73.0			X	
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
<b>GU VO</b> <b>142.0</b>	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
<b>SAN LUCY</b> <b>114.0</b>	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
<b>PISINEMO</b> <b>139.0</b>	1. BARBARA SALVICIO ( )	69.5	X			X
	2. JOHNSON JOSE ( )	69.5	X			
<b>GU ACHI</b> <b>190.0</b>	1. LOUIS JOHNSON ( )	95.0	X			
	2. ALEX J. RAMON ( )	95.0	X			X
<b>BABOQUIVARI</b> <b>258.0</b>	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			X
<b>SAN XAVIER</b> <b>146.0</b>	1. TONY BURRELL ( )	73.0	X			
	2. DENNIS RAMON ( )	73.0	X			
<b>SCHUK TOAK</b> <b>120.0</b>	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			
<b>SELLS</b> <b>322.0</b>	1. DENNIS E. JOSE ( )	161.0		X		
	2. EVELYN JUAN ( )	161.0		X		
<b>SIF OIDAK</b> <b>161.0</b>	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5		X		
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,262.5</b>	<b>591.5</b>	<b>73.0</b>	<b>[04]</b>