

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Request for Funding from the SAWRSA Trust Fund (\$309) to conduct an Economic
Valuation of the San Xavier Cooperative, and San Xavier New Farms; and to
Conduct an Economic Valuation of ASARCO Groundwater Contamination)**

RESOLUTION NO. 99-403

1 **WHEREAS, the proposed amendments to the Southern Arizona Water Rights Settlement**
2 **Act (SAWRSA) provide for a cash-out of the federal obligation to build the San**
3 **Xavier New Farm (9B Farm) and the option for the San Xavier Cooperative**
4 **Association (SXCA) to cash-out the federal obligations to rehabilitate and**
5 **extend the Cooperative Farm; and**

6 **WHEREAS, the Bureau of Reclamation (BOR) previously estimated the value of the federal**
7 **obligations to build the San Xavier New Farm and rehabilitate and extend the**
8 **Cooperative Farm at approximately \$25 million each; and**

9 **WHEREAS, the BOR recently revised its estimate for the New Farm downward to**
10 **approximately \$16 million and the BOR has indicated it will revise its estimate**
11 **for the rehabilitation and extension of the Cooperative Farm downward as**
12 **well; and**

13 **WHEREAS, the BOR lacks expertise in the field of agricultural economics, the BOR's**
14 **estimates for the value of the federal obligations to build the farms will be**
15 **used to determine the cash-out amounts in the proposed SAWRSA**
16 **amendments and the BOR's estimates are inexact and may vary greatly**
17 **depending on certain assumptions and how the farms are planned; and**

18 **WHEREAS, the Tohono O'odham Nation, the San Xavier Cooperative Association, the San**
19 **Xavier Allottees Association and the San Xavier District Council will have an**
20 **opportunity to discuss and negotiate the cash-out amounts with the BOR, but**
21 **such negotiations must be completed by the end of July; and**

22 **WHEREAS, the services of an agricultural economist are required to provide an economic**
23 **evaluation of the San Xavier farms and to assist in negotiations with the**
24 **federal government for the valuation of the cash-outs; and**

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1 **WHEREAS, in 1993 San Xavier allottees sued the ASARCO Mining Company, the City of**
2 **Tucson and Farmers Investment Company in Alvarez v. Tucson; and**
3 **WHEREAS, the plaintiffs in Alvarez v. Tucson are seeking damages from ASARCO for the**
4 **contamination of San Xavier Reservation groundwater beneath their**
5 **allotments as a result of ASARCO's mining operations; and**
6 **WHEREAS, the ASARCO Mining Company wants to settle the groundwater contamination**
7 **claim included in the Alvarez v. Tucson lawsuit as part of the amendments to**
8 **SAWRSA and the final settlement of U.S. v. Tucson; and**
9 **WHEREAS, a valuation of the groundwater contamination damages is required for**
10 **settlement negotiations with ASARCO; and**
11 **WHEREAS, the Tohono O'odham Nation and the San Xavier District lack the expertise**
12 **required to produce such a valuation; and**
13 **WHEREAS, the firm of Northwest Economic Associates of Vancouver, Washington has**
14 **performed similar services for the San Xavier District in the past and is**
15 **qualified to provide the required agricultural economist and groundwater**
16 **contamination valuation consultant services.**
17 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that funds**
18 **in the total amount of \$27,034 are hereby appropriated from the SAWRSA §309**
19 **trust fund to the San Xavier District to retain the services of Northwest**
20 **Economic Associates to provide an economic evaluation of the San Xavier**
21 **farms and assist in negotiations with the BOR (Task 1), and to provide an**
22 **economic valuation of the Alvarez v. Tucson plaintiffs' claims against ASARCO**
23 **for groundwater contamination (Task 2). Proposed budgets provided by Dr.**
24 **Robert McKusick of Northwest Economic Associates for Tasks 1 and 2 are**
25 **attached.**

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1 The foregoing Resolution was passed by the Tohono O'odham Council on the 16TH day of
2 JULY, 1999 at a meeting at which a quorum was present with a vote of 1,229.65 FOR; 506.1
3 AGAINST; 207.15 NOT VOTING; and 222.6 [07] ABSENT, pursuant to the powers vested in the
4 Council by Section 1 (d)(2) of Article VI of the Constitution of the Tohono O'Odham Nation,
5 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting
6 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
7 Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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9 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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11 
12 Dennis Ramon, Legislative Chairman

13
14 18 day of July, 19 99

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16 ATTEST:

17 
18
19 Julianna Saraficio, Acting Legislative Secretary

20
21 14 day of July, 19 99.

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23 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
24 O'Odham Nation on the 18 day of July, 19 99 at 7:45 o'clock,
25 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will
26 become effective upon his approval or upon his failure to either approve or disapprove it
27 within 48 hours of submittal.

28 TOHONO O'ODHAM LEGISLATIVE COUNCIL


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31 Dennis Ramon, Legislative Chairman

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35 APPROVED

on the 19 day of July, 19 99

36
37 DISAPPROVED

at 12.55 o'clock, P.M.

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40 
41 EDWARD D. MANUEL, Chairman
42 TOHONO O'ODHAM NATION
43

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Returned to the Legislative Secretary on the 19 day of

July, 19 99, at 4:32 o'clock, P.M.

Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUEST FOR FUNDING FROM THE SAWRSA TRUST FUND (§309) TO CONDUCT AN ECONOMIC VALUATION OF THE SAN XAVIER COOPERATIVE, AND SAN XAVIER NEW FARMS; AND TO CONDUCT AN ECONOMIC VALUATION OF ASARCO GROUNDWATER CONTAMINATION

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN MARY ANN ANTONE

DATE: JULY 16, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			X
SELLS 372.7	1. DENNIS E. JOSE ()	186.35		X		
	2. EVELYN JUAN ()	186.35		X		
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7		X		X
	2. AMBROSE ENCINAS ()	66.7		X		
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			X
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05			X	X
	2. GLORIA RAMIREZ ()	64.05			X	
GU VO 160.0	1. FERN SALCIDO** ()	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05			X	
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3				X
	2. DAVID GARCIA (Mary Audrey Juan)	111.3				X
TOTAL		2,165.5	1,229.65	506.1	207.15	222.6 [07]

****PASSED VOTES**