

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Reclamation Maintenance Plan Agreement for the Reclaimed
Area of the Asarco Mission Mine)**

RESOLUTION NO. 13-018

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult,**
2 **negotiate and conclude agreements and contracts on behalf of the Tohono O'odham**
3 **Nation with Federal, State and local governments..." (Constitution of the Tohono**
4 **O'odham Nation, Article VI, Section 1(f)); and**
- 5 **WHEREAS, on July 1, 2008, the Tohono O'odham Nation ("Nation") entered into a Settlement**
6 **Agreement("Agreement") pursuant to Resolution 08-095 regarding a reclamation plan**
7 **for the Mission Mine; and**
- 8 **WHEREAS, the Agreement included \$33 million to fund reclamation on the tribal portion of the**
9 **Asarco Mission Mine and established a reclamation account; and**
- 10 **WHEREAS, within the leased areas, which consists of a total acreage of 5,120 acres, the Nation**
11 **owns 520 acres, or a 10.16% interest, with the remaining acreage consisting of allotted**
12 **lands; and**
- 13 **WHEREAS, the Agreement also established a Panel of representatives from each of the parties to**
14 **the Agreement, who were responsible for ensuring that the reclamation is completed**
15 **and to expend the settlement funds to accomplish the work outlined in the Mining and**
16 **Reclamation Plan ("MARP"), which was a part of the Agreement; and**
- 17 **WHEREAS, pursuant to the Agreement, \$4 million was transferred by the Panel from the MARP**
18 **reclamation account into a separate Reclamation Maintenance Fund to be used to**
19 **maintain the reclaimed lands in a safe and stable condition; and**
- 20 **WHEREAS, the Agreement provides that this Reclamation Maintenance Fund be managed by**
21 **representatives from the Nation, the San Xavier District, and the San Xavier Allottee**
22 **Association; and**
- 23 **WHEREAS, the Asarco Working Group, which is composed of representatives from the Nation, the**
24 **San Xavier District, and the San Xavier Allottee Association, have drafted a**
25 **Reclamation Maintenance Plan Agreement to establish a maintenance program and**
26 **provide guidelines for expenditures made from the Reclamation Maintenance Fund;**
27 **and**
- 28 **WHEREAS, the Reclamation Maintenance Plan Agreement provides a Committee will be formed**
29 **consisting of one representative from the Nation, the San Xavier District, and the San**
30 **Xavier Allottee Association; and**
- 31 **WHEREAS, the Reclamation Maintenance Plan Agreement provides that maintenance measures**
32 **that may be undertaken by the Committee to maintain the reclaimed lands in a safe**

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1 and stable condition include: (1) erosion repair; (2) maintenance of roads and
2 drainage channels; (3) fence and gate repair; (4) invasive species removal; (5)
3 revegetation; (6) removal and exclusion of livestock; and (7) stormwater maintenance;
4 and

5 **WHEREAS, the Reclamation Maintenance Plan Agreement provides that the San Xavier District,**
6 **Natural Resources Department, will authorize and enforce all contracts approved by**
7 **the Committee, in accordance with San Xavier District contracting processes; and**

8 **WHEREAS, the Reclamation Maintenance Plan provides that the San Xavier District, Natural**
9 **Resources Department, will provide the administrative support associated with**
10 **invoicing and obtaining approvals for work approved by the Committee and will be**
11 **compensated accordingly from the Reclamation Maintenance Fund; and**


12 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the Reclamation**
13 **Maintenance Plan Agreement and recommends that it be presented to the full**
14 **Legislative Council for decision.**

15 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
16 **the Reclamation Maintenance Plan Agreement substantially in the form attached**
17 **hereto and authorizes and directs the Chairman of the Nation to execute it and any**
18 **related documents reasonably necessary to implement the Reclamation Maintenance**
19 **Plan Agreement.**

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day**
21 **of JANUARY, 2013 at a meeting at which a quorum was present with a vote of 2,368.0 FOR; -0-**
22 **AGAINST; 412.60[04] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
23 **by Article VI, Section 1 (f) of the Constitution of the Tohono O'odham Nation, adopted by the**
24 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
25 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
26 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
11 day of January, 2013

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ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

11 day of January, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of January, 2013 at 3:22 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

Timothy Joaquin
Timothy Joaquin, Legislative Chairman

APPROVED

on the 11 day of January, 2013

DISAPPROVED

at 4:35 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

January, 2013, at 4:42 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE RECLAMATION MAINTENANCE PLAN AGREEMENT FOR THE RECLAIMED AREA OF THE ASARCO MISSION MINE

MOVED: COUNCILMAN HILARION CAMPUS

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: JANUARY 09, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X		X	
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35			X	
	2. EDWARD MANUEL (Gerald Fayuant)	100.35			X	
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. MARIA ACKERMAN ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95			X	
	2. MARY LOPEZ ()	105.95			X	X
TOTAL		2,780.60	2,368.0	-0-	412.60 [04]	[02]