

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 76-71

WHEREAS, the American Smelting and Refining Company, hereinafter referred to as "ASARCO", has a mineral lease on the following described tract of land, San Xavier District of the Papago Reservation:

West Half of Section 13; West Half of Section 24; Section 25, Township 16 South, Range 12 East; Section 30, Township 16 South, Range 13 East, Gila and Salt River Meridian, San Xavier Reservation, Pima County, State of Arizona, and containing 1,994.37 acres, more or less,

and such tract of land is known to contain an ore body, hereinafter referred to as the "South Ore Body", and

WHEREAS, ASARCO owns properties south of the San Xavier District, which properties are known as the "Mission Properties"; and

WHEREAS, ASARCO's mining plan is to extend its Mission pit northward onto the Reservation and into the South Ore Body; and

WHEREAS, the presence of the Pima Mine Road, a County road, along the South boundary of the San Xavier District of the Papago Reservation is one of the obstacles to the execution of such mining plan; and

WHEREAS, ASARCO also has a mineral lease to a tract of land in the San Xavier District of the Papago Reservation, which tract of land is described as follows:

East Half of Section 14; Northeast Quarter and North Half of Southeast Quarter, Section 23, all in Township 16 South, Range 12 East, Gila and Salt River Meridian, San Xavier Reservation, Pima County, State of Arizona, and containing 560 acres, more or less,

and such tract of land is known to contain an ore body, hereinafter referred to as the "North Ore Body", and

WHEREAS, the North Ore Body is separate and distinct from the South Ore Body, and ASARCO has plans also to mine the North Ore Body; and

WHEREAS, the presence of the Twin Buttes Road, a County road, at its present location is a hindrance to the execution of ASARCO's plans to mine the North Ore Body; and

WHEREAS, it is in the best interests of the Allottees of the lands encompassed by the aforesaid mineral leases and the Papago Tribe that such roads be relocated so as to facilitate ASARCO's mining plans;

NOW, THEREFORE, BE IT RESOLVED BY THE PAPAGO COUNCIL:

1. That the Papago Tribe of Arizona consents to, and approves, the relocation of the Pima Mine Road and the Twin Buttes Road, substantially as shown on Exhibit "A", attached hereto and by reference made a part hereof.
2. That the Papago Tribe of Arizona requests that the Pima County Board of Supervisors relocate such roads substantially as shown on the attached Exhibit "A".
3. That the Chairman of The Papago Council, the General Counsel for The Papago Tribe, and such other persons as the Chairman of The Papago Council shall deem appropriate and shall so designate, be authorized to make appearances before the Board of Supervisors of Pima County in aid of any applications made by ASARCO to have Pima Mine and Twin Buttes Roads relocated, substantially as shown on the attached Exhibit "A".

The foregoing Resolution was duly enacted by The Papago Council on the 28th day of October, 1971, at a meeting at which a quorum was present with a vote of 19 for, 0 against, 1 not voting, and 2 absent, pursuant to authority vested in The Papago Council by Sections 2(a) and (h), and 3(i) and (k) of Article V of the Constitution and By-Laws of The Papago Tribe of Arizona ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to review by the Secretary of the Interior.

ATTEST:

Betsy J. Norris
 BETSY J. NORRIS
 Secretary

THE PAPAGO COUNCIL

By: Augustine B. Lopez
 AUGUSTINE B. LOPEZ
 Chairman

Joseph M. Lucero
 JOSEPH M. LUCERO
 Superintendent
 The Papago Agency

APPROVED: Nov. 3, 1971