## **RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL** (Request that EPA Expedite Cyprus' Permitting Process)

<ul> <li>WHEREAS, the Tohono O'odham Nation ("Nation") has leased certain lands and mineral resources to Cyprus Casa Grande Corporation ("Cyprus") for the mining of copper ores and the operation of the existing concentrates roasting facility ("facility") located thereon; and</li> <li>WHEREAS, the Nation has authorized these mining and mineral processing operations; and</li> <li>WHEREAS, the Legislative Council has determined that: <ol> <li>Cyprus has sought the required environmental permits and has worked to satisfy the environmental permits of both the united States Environmental Protection Agency ("EPA") and the Nation;</li> <li>The EPA, without consultation with the Nation, has demanded that the facility, though an existing facility, must meet the new source prevention of significant deterioration permit requirements of the Clean Air Act;</li> <li>These permit requirements have resulted in delays in necessary repair work to the facility, threaten to delay operations conomically impossible;</li> <li>Delays in the start of operations at the facility will have very harmful economic impacts on the Nation and its members for the following reasons: Nation and its members for the nation due to delay in start-up alone is approximately \$61,750 per month, not inclusive of profits lost to Indian businesses.</li> <li>The only way economically to recover copper from the Nation's mineral deposit leased to Cyprus is by in-stit leaching of copper ores, suga acid produced in the operation of the roaster. Estimates are that the solie in-situ leach program will, when completed, generate for the Nation's mineral deposit leased to Cyprus is by in-stit leaching of copper ores, suga acid produced in the operation of the roaster. Estimates are that the soli in-situ leach program will, when completed, generate for the Nation's mineral deposit leased to cyprus is by in-stit leaching of copper price of \$.85 per pound. These revenues are the sole source of revenue for several of the district governments of the Tohono O'odham Nation; a</li></ol></li></ul>					RES. NO. <u>422-87</u>							
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## RES. NO. <u>422-87</u> (Request that EPA expedite Cyprus' Permitting Process) Page Two (2)

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1	WHEREAS,	the "keynote" of EPA policy on Indian lands is " to
2		give particular consideration to tribal interests in
3		making Agency policy, and to insure the close involve-
4		ment of Tribal Governments in making decisions and
5		making environmental programs affecting reservation
6		lands." (EPA Policy for the Administration of Envi-
		ronmental Programs on Indian Reservations, 11/8/84); and
7	WHEREAS,	Region 9 Indian Policy Implementation Strategy - Prin-
8	-	ciple 1, states, "The agency stands ready to work dir-
9		ectly with Indian Tribal Governments on a one-to-one
10		basis (the Government to Government relationship),
11		rather than as subdivisions of other governments.
12	NUEDEAC	이 이 가 이 감정이 있는 것을 가 못 하는 것이 하는 것이 하는 것이 하는 것을 못 못 했다.
13	WIEKEAS,	EPA policy on Indian lands states that "Where the Tribe
14		has a substantial proprietary interest in the
15		privately owned or managed facility, EPA will " work
16		cooperatively with tribal leadership to develop means to
17		achieve compliance. (Principle 8, EPA Policy for the
18		Administration of Environmental Programs on Indian
19		Reservations, 11/8/84). Clearly the Nation, as lessor
20		of the land on which the facility is located and as a
21		participant in the profits generated from this facility,
22	-	has a substantial proprietary and economic interest in
23		the facility; and
24	WHEREAS,	the President's Federal Indian Policy, published on
		그는 것 같은 것 것 같아요. 그는 것 같아? 집에 집에 많은 것 이야가 잘 못 못 가 갔다. 물 것 같아?

January 24, 1983, stresses the principle of Indian 25 "self-government." The revenues earned by the Nation 26 from these mining and mineral processing facilities are 27 essential to the Nation's self-government. EPA policy 28 on Indian reservations recognizes its federal trust 29 responsibility to Indian Nations. Thus, EPA may not 30 exercise its environmental regulatory authority in such 31 a manner that the larger interests of the Nation and the 32

	RES. NO. <u>422-87</u> (Request that EPA expedite Cyprus' Permitting Process) Page Three (3)							
1	Federal Community, twict regrandibility to the Nation							
2	Federal Government's trust responsibility to the Nation							
3	is circumvented.							
4	NOW, THEREFORE, BE IT RESOLVED for the reasons stated above, that							
5	the Legislative Council formally requests the							
6	Environmental Protection Agency Region 9 give careful							
7	consideration to the interests of the Nation as required							
8	by EPA policy and to expedite the permitting process in							
9	order that mining and mineral processing operations at							
10	the Cyprus Casa Grande operation may begin as soon as							
11	possible.							
12	BE IT FURTHER RESOLVED that the Chairman and other appropriate							
13	officers of the Nation take all steps necessary to							
14	implement the purposes of this resolution.							
15	The foregoing resolution was passed by the Tohono O'odham Council							
16	on the 7th. day of <u>December</u> , <u>1987</u> , at a meeting at which a quorum was present with a vote of <u>1640.0</u> for; <u>-0-</u> against; <u>-0-</u>							
17	not voting; and <u>01</u> absent; pursuant to the powers vested in the Council by Section 1 (f) of Article VI of the Constitution of the							
18 19	on March 6, 1986, pursuant to Section 16 of the Act of June 18,							
20	TOHONO O'ODHAM LEGISLATIVE COUNCIL							
21								
22	Harriet Toro, Legislative Chairperson							
23	15" day of December, 1987.							
24	ATTEST:							
25	ling malan							
26	Teresa M. Choyguha, Legislative Secretary							
27	<u>15th</u> day of <u>December</u> , 19 <u>87</u> .							
28	Said Resolution was submitted for approval to the office of the							
29	Chairman of the Tohono O'odham Nation on the 17 day of							
30	to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure							
31	to either approve or disapprove it within 48 hours of submittal.							
32	TOHONO O'ODHAM LEGISLATIVE COUNCIL							
	For Harriet Toro, Legislative Chairperson							

RES. NO. 422-87 (Request that EPA expedite Cyprus' Permitting Process) Page Four (4) on the <u>2/</u> day of APPROVED ) 1987 at 2:34 o'clock, P.M. DISAPPROVED ) [ ENOS J. FRANCISCO, JF., TOHONO O'ODHAM NATION Chairman Returned to Legislative Secretary on the  $22^{\mu d}$  day of December , 19<u>87</u>, at <u>8:56</u> o'clock, <u>A</u>.M. Teresa M. Choyguha Legislative Secretary 

MOVED: FERNANDO JOAQUIN

SUBJECT: REQUEST THAT EPA EXPEDITE CYPRUS'

SECOND: JOSEPH JUAN

DATE: DECEMBER 7, 1987

PERMITTING PROCESS

RESOLUTION OR OR ANGE # 122-37

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK	1. Nicholas Jose (Letitia Garcia)	69.0	Х			
.38.0	2. Willard Juan, Sr. (Melissa Gregorio)	69.0	Х			
SELLS	1. Andrew Patricio (Daniel Lopez)	128.5	X			
257.0	2. Fred Stevens ( )	128.5	X			
SCHUK ТОАК	1. Julia Carrillo (JoAnn Francisco)	52.5	X			
105.0	2. Joseph Juan (Frances Francisco)	52.5	Х			
SAN XAVIER	1. Eugene Enis (Michael Rios)	63.0	Х			
126.0	2. Tony Felix (Carmelita Mattias)	63.0	Х			
BABOQUIVARI	1. Kenneth Chico, Sr.	120.5	Х			
241.0	2. Joann Garcia (Frances Miguel)	120.5	Х			
GU ACHI	1. Percy Lopez	79.0	Х			
158.0	2. Fernando Joaquin (    )	79.0	Х			
PISINEMO	1. Johnson Jose	58.0	Х			
116.0	2. Edward Manuel (Alex Antone)	58.0	Х			
SAN LUCY	1. Max Jose (Dewey Ortega)	42.5	Х		4-0.	X
85.0	2. John Reno	42.5	Х			
GU VO	1. Virgil Lewis (Roy Montana)	58.5	X			
117.0	2. Cross Antone (Juan Joe Cipriano)	58.5	Х			
HICKIWAN	<ol> <li>Henry Ramon         (Billy Manuel)     </li> </ol>	64.0	X			
128.0	2. Lloyd Francisco (Eleanor Santos)	64.0	Х			
СНИКИТ КИК	<ol> <li>Rosita Ruiz (Rosemary Lopez)</li> </ol>	84.5	Х			
169.0	2. Harriet Toro ( )	84.5	Х			
	TOTALS	1640.0	1,640.0	-0-	-0-	01