

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Request the EPA Enforce Environmental Laws Against the Mineral
Processing Operations of Ferber Mining U.S.A.)

RES. NO. 424-87

1 WHEREAS, the Legislative Council is informed that Ferber Mining
2 U.S.A., Inc. ("Ferber") has started a 3-stage
3 construction of a mineral processing facility on
4 patented lands located within the borders of the Tohono
5 O'odham Nation ("Nation"); and

6 WHEREAS, in the first stage of construction Ferber plans to build
7 an ore concentrate roaster; in the second stage to
8 construct agitator tanks with a chemical leach; and the
9 third stage includes a tailings pond; and

10 WHEREAS, to the Council's best information, Ferber has not
11 obtained or even applied for any of the required
12 environmental construction and operating permits or
13 water use permits; and

14 WHEREAS, the Council is concerned about the potential
15 environmental pollution this new source may create; and

16 WHEREAS, the Nation has no proprietary or economic interest in
17 Ferber's operations; and

18 WHEREAS, the United States Environmental Protection Agency
19 ("EPA") is responsible for assuring compliance with
20 environmental statutes and regulations on Indian Lands.
21 (See EPA Region 9 Indian Policy Implementation Strategy,
22 August 14, 1986; EPA Policy for the Administration of
23 Environmental Programs on Indian Reservations, October
24 8, 1984); and

25 WHEREAS, when the EPA retains responsibility for environmental
26 regulations on Indian Lands, "The keynote of this effort
27 will be to give special consideration to tribal
28 interests in making agency policy, and to insure the
29 close involvement of tribal governments in making
30 decisions and managing environmental programs affecting
31 reservation lands." (EPA Policy for the Administration
32 of Environmental Programs on Indian Reservations October
8, 1984).

1 NOW, THEREFORE, BE IT RESOLVED that the Legislative Council
 2 formally requests the Environmental Protection Agency,
 3 Region 9 to immediately begin procedures to enforce
 4 those provisions of the Clean Air Act and of other
 5 federal environmental laws which may apply to the
 6 operations of Ferber Mining U.S.A. within the Tohono
 7 O'odham Nation.

8 BE IT FURTHER RESOLVED that the Chairman and other appropriate
 9 officers of the Nation take all appropriate
 10 actions necessary to implement the purposes of
 11 this resolution.


12 The foregoing resolution was passed by the Tohono O'odham Council
 13 on the 7th day of December, 1987, at a meeting at which a quorum
 14 was present with a vote of 1,640.0 for; -0- against; -0- not
 15 voting; and 02 absent; pursuant to the powers vested in the
 16 Council by Section 1 (f) of Article VI of the Constitution of the
 17 Tohono O'odham Nation on January 18, 1986, and approved by the
 18 Acting Deputy Assistant Secretary - Indian Affairs (Operations)
 19 on March 6, 1986, pursuant to Section 16 of the Act of June 18,
 20 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

21 
 22 _____
 23 Harriet Toro, Legislative Chairperson

24 16th day of December, 1987.

25 ATTEST:

26 
 27 _____
 28 Teresa M. Choygaha, Legislative Secretary

29 16th day of December, 1987.

30 Said Resolution was submitted for approval to the office of the
 31 Chairman of the Tohono O'odham Nation on the 17 day of
 32 Dec., 1987, at 9:55 o'clock, A.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

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 35 For Harriet Toro, Legislative Chairperson

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APPROVED) on the 21 day of Dec.,
 DISAPPROVED) 19 87, at 2:36 o'clock, P..M.

for Enos J. Francisco, Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to Legislative Secretary on the 23rd day of
December, 19 87, at 8:58 o'clock, A.M.

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary

MOVED: Willard Juan

SUBJECT: Request the EPA Enforce Environmental
Laws Against the Mineral Processing
Operations of Ferber Mining, U.S.A

SECOND: John Reno

DATE: December 7, 1987

RESOLUTION OR ORDINANCE # 424-87

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138.0	1. Nicholas Jose (Letitia Garcia) 2. Willard Juan, Sr. (Melissa Gregorio)	69.0 69.0	X X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez) 2. Fred Stevens ()	128.5 128.5	X X			
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco) 2. Joseph Juan (Frances Francisco)	52.5 52.5	X X			
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X X			
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. () 2. Joann Garcia (Frances Miguel)	120.5 120.5	X X			
GU ACHI 158.0	1. Percy Lopez () 2. Fernando Joaquin ()	79.0 79.0	X X			
PISINEMO 116.0	1. Johnson Jose () 2. Edward Manuel (Alex Antone)	58.0 58.0	X X			X
SAN LUCY 85.0	1. Max Jose (Dewey Ortega) 2. John Reno ()	42.5 42.5	X X			X
GU VO 117.0	1. Virgil Lewis (Roy Montana) 2. Cross Antone (Juan Joe Cipriano)	58.5 58.5	X X			
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro ()	84.5 84.5	X X			
TOTALS		1640.0	1,640.0	-0-	-0-	02