

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Installation of Two Additional Monitor Wells by Cyprus Tohono
Corporation Near the Community of North Komelik)**

RESOLUTION NO. 11-097

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "administer land**
2 **and other public property." (Constitution of the Tohono O'odham Nation, Article VI,**
3 **Section 1(i)); and**

4 **WHEREAS, Cyprus Tohono Corporation ("Cyprus Tohono") is currently performing a Groundwater**
5 **Remedial Investigation/Feasibility Study ("RI/FS") under the oversight of the United**
6 **States Environmental Protection Agency ("EPA"), the Nation's Natural Resources and**
7 **Water Resources Departments, and the Bureau of Land Management to provide**
8 **information about the quality of the groundwater aquifer in the vicinity of the Cyprus**
9 **Tohono mine and the community of North Komelik; and**

10 **WHEREAS, EPA, the Nation's Natural Resources and Water Resources Departments, and Cyprus**
11 **Tohono have reviewed the existing groundwater quality data and have agreed on the**
12 **need for and location of two additional monitor wells which will provide additional**
13 **information pertaining to the groundwater aquifer; and**

14 **WHEREAS, sixteen monitor well locations on the Nation's land outside of the Cyprus Tohono**
15 **Mining Lease and Business Lease and identified on the attached map were approved**
16 **pursuant to Sif Oidak District Council Resolutions and Tohono O'odham Nation**
17 **Legislative Council Resolutions dated from 2002 through 2008; and**

18 **WHEREAS, the two additional proposed monitoring well locations, identified on the attached map**
19 **as CTC-A and CTC-B, will provide additional information regarding the extent of**
20 **groundwater contamination in the area; and**

21 **WHEREAS, the two additional proposed monitoring wells and their locations have been approved**
22 **by the Sif Oidak District Council by Resolution SODC-11-012, on February 12, 2011; and**

23 **WHEREAS, the two additional monitor wells on the Nation's land outside of the Cyprus Tohono**
24 **leases will be drilled and constructed by a contractor of Cyprus Tohono according to**
25 **specifications of Cyprus Tohono which will be reviewed and approved by the Nation's**
26 **Water Resources Department, and the EPA, and the two wells will be owned by the**
27 **Nation; and**

28 **WHEREAS, the Natural Resources and Water Resources Committees have reviewed and approve**
29 **of the resolution.**

30

RESOLUTION NO. 11-097

(Authorizing the Installation of Two Additional Monitor Wells by Cyprus Tohono Corporation Near the Community of North Komelik)

Page 2 of 3

1 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it:**

- 2 **1. Approves the drilling and construction of two monitor wells near North Komelik**
3 **at the locations shown as CTC-A and CTC-B, inclusive, on the attached map, which**
4 **wells will be owned by the Nation upon completion of construction.**
- 5 **2. Authorizes Cyprus Tohono personnel and their consultants to access the well sites**
6 **and the wells after completion of construction for the purposes of the groundwater**
7 **monitoring program related to the Cyprus Tohono mine, on the condition that**
8 **Cyprus Tohono provide to the Nation's Water Resources Department any data**
9 **obtained from these wells and agrees that the Nation's Water Resources**
10 **Department can obtain split samples of the drill cuttings and water samples.**

11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day**
12 **of MARCH, 2011 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
13 **AGAINST; [01] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
14 **Article VI, Section 1 (i) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
15 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
16 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
17 **Stat. 984).**

18
19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

20
21 
22
23 **Verlon M. Jose, Legislative Chairman**

24
25 16 day of March, 2011

26
27
28
29 **ATTEST:**

30 
31
32 **Evonne Wilson, Legislative Secretary**

33
34 16 day of March, 2011.

35
36 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
37 **Nation on the 16 day of March, 2011 at 2:13 o'clock, P.M.,**
38 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
39 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
40 **submittal.**

41
42
43
44

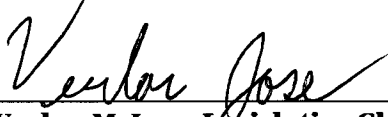
RESOLUTION NO. 11-097

(Authorizing the Installation of Two Additional Monitor Wells by Cyprus Tohono Corporation Near the Community of North Komelik)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TOHONO O'ODHAM LEGISLATIVE COUNCIL



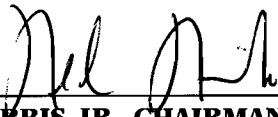
Verlon M. Jose, Legislative Chairman

APPROVED

on the 16 day of March, 2011

DISAPPROVED

at 4:35 o'clock, 8.M.



**NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 17 day of

March, 2011, at 9:07 o'clock, A.M.



Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING THE INSTALLATION OF TWO ADDITIONAL MONITOR WELLS BY CYPRUS TOHONO CORPORATION NEAR THE COMMUNITY OF NORTH KOMELIK

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN PAMELA ANGHILL

DATE: MARCH 09, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			X
SELLS 449.6	1. KIMBERLY MULL ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (<i>Absent</i>) (Eugene Enis) (<i>Present</i>)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X		X	
PISINEMO 184.5	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	[01]	[01]