

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing the Proposed Rosemont Copper Project)**

RESOLUTION NO. 09-569

- 1 **WHEREAS, it is policy of the Tohono O'odham Nation to promote "enjoyable harmony between the**
2 **members of the Nation and their environment," and to preserve "its historic and**
3 **cultural artifacts and archeological sites" as well as "preserve and cultivate native**
4 **arts, crafts and traditions" (Constitution, Article VI, Section 1(c)(8) and Article XVIII,**
5 **Section 1); and**
- 6 **WHEREAS, it is also the Nation's policy "to seek the return to the Nation of lands and natural**
7 **resources, including minerals and water rights, within or adjacent to the Nation, or**
8 **which originally were a part of the historic Papagueria." (Constitution, Article XVI,**
9 **Section 9); and**
- 10 **WHEREAS, Augusta Resource Corporation has proposed an open pit copper mining project, called**
11 **Rosemont Copper Project, on 995 acres of private land and 3,670 acres of National**
12 **Forest Service land about 30 miles southeast of Tucson, Arizona near the Santa Rita**
13 **Mountains(Federal Register/Vol. 73, No. 50/ Thursday, March 13, 2008/Notices, 13527);**
14 **and**
- 15 **WHEREAS, Augusta Resource Corporation will operate the open pit copper mine on its private,**
16 **patented mining claims, however, Augusta proposes to use unpatented mining claims**
17 **located on public, National Forest Service land to dump the overburden from its**
18 **mining operations; and**
- 19 **WHEREAS, the United States Forest Service is currently preparing a draft Environmental Impact**
20 **Statement on the potential consequences and effects of the open pit mine on National**
21 **Forest Service's lands; and**
- 22 **WHEREAS, the San Xavier District, United States Congress Representatives Grijalva and Giffords,**
23 **the Tucson City Council, the Pima County Board of Supervisors, and various**
24 **community groups such as Save the Scenic Santa Ritas oppose the proposed Rosemont**
25 **Copper Project due to its location and potentially devastating environmental impacts;**
26 **and**
- 27 **WHEREAS, the proposed location of the Rosemont Copper Project is on the Nation's ancestral**
28 **lands and would significantly impact, destroy, or alter cultural and archeological sites**
29 **containing numerous Archaic, Hohokam, and O'odham funerary objects, sacred**
30 **objects, and other archeological and cultural items, as well as permanently alter the**
31 **Cultural and Natural Landscapes of the area; and**
- 32 **WHEREAS, the Archeological Survey for the Proposed Rosemont Copper Mine, Pima County,**
33 **Arizona, March 2009, recorded 96 cultural resource sites, 70 of which were**
34 **recommended eligible for listing in the National Register of Historic Places; and**

1 **WHEREAS, the Nation considers the entire Ce:wi Duag (Santa Rita Mountains) eligible for listing**
2 **as a Traditional Cultural Place/Property under the National Historic Preservation Act,**
3 **16 U.S.C. § 470a(d)(6)(A), as the area was traditionally used by Tohono O'odham people**
4 **for hunting and gathering; and**

5 **WHEREAS, biological studies have not yet been completed for the project, but project consultants**
6 **have indicated that the following threatened and endangered species have been found**
7 **within the project area: lesser long-nosed bat, southwestern willow flycatcher, and**
8 **Chiricahua leopard frog; and**

9 **WHEREAS, threatened and endangered species are likely to be negatively impacted if the**
10 **Rosemont Copper Project is approved as habitat and forage destruction will occur;**
11 **and**

12 **WHEREAS, an unique species of talussnail, the Rosemont talussnail, is likely to be severely**
13 **impacted, if not completely eliminated if this project is approved; and**

14 **WHEREAS, the Nation is familiar with the environmental impacts of open pit copper mining, its**
15 **drain on natural resources and the effect on water quality, contamination of the**
16 **underground aquifer, and introduction of dissolved solids, sulfates, and metals into**
17 **the underlying groundwater; and**

18 **WHEREAS, if approved, the Rosemont Copper Project will be one of the largest copper mines in**
19 **the United States; and**

20 **WHEREAS, the proposed Rosemont Copper Project would adversely impact ancestral lands and**
21 **destroy natural resources and negatively affect the surrounding environment.**

22 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it opposes**
23 **Angusta Resource Corporation's proposed Rosemont Copper Project.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND Day**
25 **of OCTOBER, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
26 **AGAINST; -0- NOT VOTING; and [03]ABSENT, pursuant to the powers vested in the Council by Section**
27 **1 of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
28 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
29 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**
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32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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36 **Verlon M. Jose, Legislative Chairman**

37
38 22 day of October, 2009
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1 ATTEST:

2 *Evonne Wilson*
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4 Evonne Wilson, Legislative Secretary

5
6 22 day of October, 2009.

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
9 Nation on the 22 day of October, 2009 at 6:19 o'clock, P..M.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
11 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
12 submittal.

13 TOHONO O'ODHAM LEGISLATIVE COUNCIL

14 *Verlon M. Jose*
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16 Verlon M. Jose, Legislative Chairman
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21 APPROVED

on the 22 day of October, 2009

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23 DISAPPROVED

at 6:25 o'clock, P..M.

24 *Ned Norris, Jr.*
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27 NED NORRIS, JR., CHAIRMAN
28 TOHONO O'ODHAM NATION
29 VICE CHAIRMAN
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33 Returned to the Legislative Secretary on the 23 day of

34 October, 2009, at 11:31 o'clock, A..M.

35 *Evonne Wilson*
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38 Evonne Wilson, Legislative Secretary
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