

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving and Authorizing Submission of Written Comments, Requesting Copy of AZPDES
General Permit for Stormwater Discharges Associated with Industrial Activity – Mineral
Industry (MSGP), Requesting the Implementation of a Stormwater Pollution Prevention
Plan (SWPPP), Requesting an Extension of the Comment Period, Requesting Government-to-
Government Consultation, and Urging U.S. Forest Service to Require an Environmental
Assessment of the Barksdale Resources Corporation San Antonio Exploration Drilling
Project in the Patagonia Mountains)

RESOLUTION NO. 20-365

- 1 **WHEREAS,** it is the policy of the Tohono O'odham Nation to promote “enjoyable harmony
2 between the members of the Nation and their environment,” and to preserve “its
3 historic and cultural artifacts and archeological sites” as well as “preserve and
4 cultivate native arts, crafts and traditions” (Constitution, Article VI, Section
5 1(c)(8) and Article XVIII, Section 1); and
- 6 **WHEREAS,** the Constitution of the Tohono O'odham Nation also provides that:
7 All waters which originate in or flow in, into or through the Tohono O'odham
8 Nation, or which are stored in the Tohono O'odham Nation, whether found on the
9 surface or underground, are a valuable public resource of the Tohono O'odham
10 Nation to be protected for the present and future use of the Tohono O'odham
11 Nation as a whole.
12 (Constitution, Article XVII, Section 1); and
- 13 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
14 the authority to “consult, negotiate and conclude agreements and contracts on
15 behalf of the Tohono O'odham Nation with Federal, State and local governments.
16 . . . or their departments, agencies, or political subdivisions. . .” (Constitution,
17 Article VI, Section 1(f)); and
- 18 **WHEREAS,** Barksdale Resources Corporation, a mining company, has proposed the San
19 Antonio Exploration Drilling Project in the Patagonia Mountains south of the San
20 Xavier District of the Tohono O'odham Nation to focus on the untested, shallow
21 Cosmos porphyry copper target (“Project”); and
- 22 **WHEREAS,** because the San Antonio Exploration Drilling Project is located within the
23 Coronado National Forest administered by the U.S. Forest Service, the U.S. Forest
24 Service issued a public Scoping Notice on September 2, 2020 seeking comments,
25 concerns, questions and suggestions from the public; and
- 26 **WHEREAS,** the Nation's Government Comment Guidelines requires Legislative Council
27 approval of written comments submitted on the Nation's behalf to federal, state,
28 and local governments on proposed rules, regulations, laws, and proposed
29 actions that may affect the Nation (Section 3101, 1 Tohono O'odham Code Chapter
30 3); and

RESOLUTION NO. 20-365

(Approving and Authorizing Submission of Written Comments, Requesting Copy of AZPDES General Permit for Stormwater Discharges Associated with Industrial Activity – Mineral Industry (MSGP), Requesting the Implementation of a Stormwater Pollution Prevention Plan (SWPPP), Requesting an Extension of the Comment Period, Requesting Government-to-Government Consultation, and Urging U.S. Forest Service to Require an Environmental Assessment of the Barksdale Resources Corporation San Antonio Exploration Drilling Project in the Patagonia Mountains)

Page 2 of 4

1 **WHEREAS,** the Nation's Department of Natural Resources and Department of Water
2 Resources have prepared the Nation's written comments, which are
3 incorporated by this reference; and

4 **WHEREAS,** the Nation requests a copy of the AZPDES General Permit for Stormwater
5 Discharges Associated with Industrial Activity – Mineral Industry ("MSGP"), and
6 requests that the Project be required to implement a Stormwater Pollution
7 Prevention Plan ("SWPPP"); and

8 **WHEREAS,** although the deadline to submit comments is Monday, October 19, 2020, the
9 appropriate Legislative Council committees were only notified of the U.S. Forest
10 Service Scoping Notice on October 9, 2020 and urge additional time to submit
11 further written comments and requests ongoing government-to-government
12 consultation on this Project; and

13 **WHEREAS,** based upon the location of the San Antonio Exploration Drilling Project, the
14 possible effects to the ground water, and potential adverse impact to nearby
15 cultural sites, the Agricultural and Natural Resources, Water Resources, and
16 Cultural Preservation Committees recommend urging the U.S. Forest Service to
17 require an environmental assessment of the San Antonio Exploration Drilling
18 Project in accordance with the National Environmental Policy Act.

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

- 20 1. Approves and authorizes the submission of the Nation's written comments to
21 the San Antonio Exploration Drilling Project to the U.S. Forest Service;
- 22 2. Requests a copy of the AZPDES General Permit for Stormwater Discharges
23 Associated with Industrial Activity – Mineral Industry ("MSGP"), and requests
24 that the Project be required to implement a Stormwater Pollution Prevention
25 Plan ("SWPPP");
- 26 3. Urges the U.S. Forest Service to extend the Public Scoping comment period for
27 an additional 30 days, and to commence government-to-government
28 consultation on the Project; and
- 29 4. Urges the U.S. Forest Service to require an environmental assessment of the
30 San Antonio Exploration Drilling Project in accordance with the National
31 Environmental Policy Act.

32
33

RESOLUTION NO. 20-365

(Approving and Authorizing Submission of Written Comments, Requesting Copy of AZPDES General Permit for Stormwater Discharges Associated with Industrial Activity - Mineral Industry (MSGP), Requesting the Implementation of a Stormwater Pollution Prevention Plan (SWPPP), Requesting an Extension of the Comment Period, Requesting Government-to-Government Consultation, and Urging U.S. Forest Service to Require an Environmental Assessment of the Barksdale Resources Corporation San Antonio Exploration Drilling Project in the Patagonia Mountains)

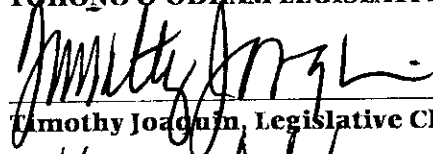
Page 3 of 4

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

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes the Nation's chairperson or official designee to execute and submit any documents to further the intent of this resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH day of OCTOBER, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(8), Article VI, Section 1(f), Article XVII, Section 1, and Article XVIII, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

16 day of October, 2020

ATTEST:

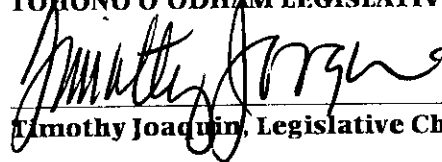


Evonne Wilson, Legislative Secretary

16 day of October, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of October, 2020 at 10:50 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



Timothy Joaquin, Legislative Chairman

RESOLUTION NO. 20-365

(Approving and Authorizing Submission of Written Comments, Requesting Copy of AZPDES General Permit for Stormwater Discharges Associated with Industrial Activity - Mineral Industry (MSGP), Requesting the Implementation of a Stormwater Pollution Prevention Plan (SWPPP), Requesting an Extension of the Comment Period, Requesting Government-to-Government Consultation, and Urging U.S. Forest Service to Require an Environmental Assessment of the Barksdale Resources Corporation San Antonio Exploration Drilling Project in the Patagonia Mountains)

Page 4 of 4

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

APPROVED

on the 19 day of October, 2020

DISAPPROVED

at 2:54 o'clock, p.m.



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

Returned to the Legislative Secretary on the 19 day of

October, 2020, at 3:24 o'clock, p.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING AND AUTHORIZING SUBMISSION OF WRITTEN COMMENTS, REQUESTING COPY OF AZPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY – MINERAL INDUSTRY (MSGP), REQUESTING THE IMPLEMENTATION OF A STORMWATER POLLUTION PREVENTION PLAN (SWPPP), REQUESTING AN EXTENSION OF THE COMMENT PERIOD, REQUESTING GOVERNMENT-TO-GOVERNMENT CONSULTATION, AND URGING U.S. FOREST SERVICE TO REQUIRE AN ENVIRONMENTAL ASSESSMENT OF THE BARKSDALE RESOURCES CORPORATION SAN ANTONIO EXPLORATION DRILLING PROJECT IN THE PATAGONIA MOUNTAINS

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: OCTOBER 16, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	[01]