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2009 DEC -4 A 11: 56

2009 DEC -8 PM 5: 00

Trustee Resolution

REGIONAL DIRECTOR

ENVIRONMENTAL MANAGEMENT

and

Phase I Restoration Plan to Compensate for Past Lost Use of Groundwater Natural Resource

UNITED STATES OF AMERICA and TOHONO O'ODHAM NATION v. CYPRUS TOHONO CORPORATION

Department of the Interior
Fund Account #0372

Handwritten notes: 100 copy, 420, 620 EQS, 620 EQS, JK

WHEREAS, the settlement funds jointly recovered by the Tohono O'odham Nation ("Nation") and the United States of America, on behalf of the Secretary of the Interior, acting by and through the United States Fish and Wildlife Service ("USFWS") and the Bureau of Indian Affairs ("BIA"), (collectively, "the Trustees") pursuant to the Consent Decree filed in the United States District Court, District of Arizona, in United States of America and Tohono O'odham Nation v. Cyprus Tohono Corporation, Civil Action No. 09-296, having been deposited into the Department of the Interior Natural Resource Damage Assessment and Restoration Fund Account ("DOI Restoration Account");

WHEREAS, the objectives of the Consent Decree includes resolving Cyprus Tohono Corporations' Natural Resource Damages liability for Past Lost Use of Groundwater;

WHEREAS, Groundwater injury includes, but is not limited to, impairment of the North Komelik community and residential water distribution system, resulting in contamination and loss of groundwater natural resource services;

WHEREAS, injury to the North Komelik Community and residential water distribution system required the North Komelik Community to install a new water supply line to the water distribution system.

WHEREAS, the new water supply line will operate more efficiently, deliver enhanced groundwater services, and will conserve groundwater resources with the installation of new appliances and fixtures to upgrade the water distribution system and improve the quality of water delivered to the community.

WHEREAS, the Trustees by unanimous consent (see signatures of the Trustee representatives), agree that \$78,710.00 is required to compensate North Komelik Community for injury to the community and residential water distribution system and such compensation is in furtherance of the objective set forth in Consent Decree:

A total of \$78,710.00 and any proportionate interest accrued shall be disbursed as soon as possible after the date of the final signature on this Trustee Resolution, payable to the Tohono O'odham Nation for the North Komelik Community. The funds shall be distributed to the North Komelik Community and its members as damages for injury to the North Komelik community and residential water distribution system.

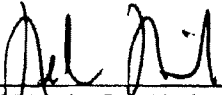
WHEREAS, the amount of \$78,710.00 and any proportionate interest accrued shall be electronically transferred to the Tohono O'odham Nation according to the following instructions:

RECEIVER: Tohono O'odham Nation
ACCOUNT NO: [REDACTED] *MC 9/21/11*
ABA Routing Number: [REDACTED] *MC 9/21/11*
REF: Past Lost Use of Groundwater Natural Resource Damages – North Komelik Community

WHEREAS, the remainder of the Tohono Cyprus Corporation Natural Resource Damage funds are to remain in the DOI Restoration Account to be used for an appropriate restoration project as agreed upon by the Trustees.

NOW THEREFORE BE IT RESOLVED that the Cyprus Tohono Trustee Council agrees by unanimous consensus that the above-described funds should be withdrawn from the Account and distributed for the purposes set out above, in accordance with applicable law.

TOHONO O'ODHAM NATION

By: 

Ned Norris, Jr., Chairman



Date

UNITED STATES DEPARTMENT OF THE INTERIOR

By: Catherine Wilson

ACTING Allen Anspach, Regional Director
Western Region, Bureau of Indian Affairs
Authorized Official

12/16/09
Date