

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Filing of an *Amicus Curiae* Brief in *Protecting Arizona Resources and Children, et al. and Gila River Indian Community v. Federal Highway Administration, et al.*)

RESOLUTION NO. 17-035

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "provide for**
2 **the maintenance of law and order and the administration of justice."**
3 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(6)); and**

4 **WHEREAS, *Protecting Arizona Resources and Children, et al. and Gila River Indian***
5 ***Community v. Federal Highway Administration, et al.* is currently pending in the**
6 **Ninth Circuit Court of Appeals, which challenges the expansion of Loop 202**
7 **through South Mountain; and**

8 **WHEREAS, the challenge to the Loop 202 expansion through South Mountain is based on the**
9 **failure by the Federal Highway Administration and the Arizona Department of**
10 **Transportation to properly assess impacts to the Gila River Indian Community**
11 **("GRIC") pursuant to the National Environmental Policy Act; and**

12 **WHEREAS, the O'odham and their ancestors, the Archaic Period peoples and the Hohokam,**
13 **have inhabited Central and Southern Arizona, including the Project area, since**
14 **time immemorial; and**

15 **WHEREAS, South Mountain is a traditional cultural property that is significant to the**
16 **O'odham and the Project will cause adverse impacts to South Mountain, both**
17 **degrading the traditional cultural property site and destroying individual**
18 **cultural resource sites; and**

19 **WHEREAS, by Resolution No. 14-556, the Legislative Council authorized the submission of**
20 **comments to the Arizona Department of Transportation and the Federal**
21 **Highway Administration opposing construction of the Loop 202 South Mountain**
22 **Freeway Project; and**

23 **WHEREAS, the Office of Attorney General has prepared the attached *amicus curiae* brief in**
24 **support of GRIC's opposition; and**

25 **WHEREAS, the Cultural Preservation Committee has reviewed the brief and recommends**
26 **its approval and filing.**

27 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
28 **authorizes and approves the filing of an *amicus curiae* brief in *Protecting***
29 ***Arizona Resources and Children, et al. and Gila River Indian Community v.***

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Page 2 of 3

***Federal Highway Administration, et al.* in the Ninth Circuit Court of Appeals, in support of GRIC's opposition to the Loop 202 expansion through South Mountain.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23RD day of JANUARY, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0- AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(6) 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).

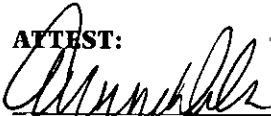
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

24 day of January, 2017

ATTEST:




Evonne Wilson, Legislative Secretary

24 day of January, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of January, 2017 at 2:14 o'clock, P.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. 17-035

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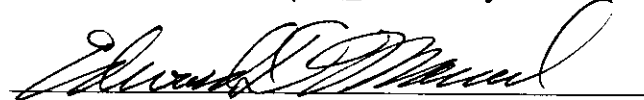
Page 3 of 3

APPROVED

on the 24 day of January, 2017

DISAPPROVED

at 2:43 o'clock, P.m.



**EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 24 day of

January, 2017, at 3:10 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING THE FILING OF AN *AMICUS CURIAE* BRIEF IN *PROTECTING ARIZONA RESOURCES AND CHILDREN, ET AL. AND GILA RIVER INDIAN COMMUNITY V. FEDERAL HIGHWAY ADMINISTRATION, ET AL.*

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILMAN ARTHUR WILSON

DATE: JANUARY 23, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH <i>(Absent)</i> (Gloria Zazueta) <i>(Present)</i>	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			X
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE <i>(Absent)</i> (Caroline D. Garcia) <i>(Present)</i>	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			X
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X		X	
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. <i>(Absent)</i> (Mario J.B. Juan) <i>(Present)</i>	90.3	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	[01]	[03]