

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Consent to Two Grants of Easement for Right-of-Way to the Bureau of Indian Affairs
for Federal Routes 22 and 221)**

RESOLUTION NO. 02-325

- 1 **WHEREAS, the Bureau of Indian Affairs Papago Agency has requested that the Tohono O'odham**
2 **Nation ("Nation") consent to two Grants of Easement for Right-of-Way for road**
3 **construction and improvement, including road paving, one for Federal Route 22 and**
4 **one for Federal Route 221, which jointly create a 2.4 mile length of existing dirt road**
5 **extending from State Route 86 near Covered Wells community to Mountain Village**
6 **community; and**
- 7 **WHEREAS, the Bureau of Indian Affairs has performed a satisfactory archaeological survey and**
8 **biological survey of the right-of-way property, which have been reviewed by the**
9 **Nation's staff, and has prepared an Environmental Assessment and issued a Finding**
10 **of No Significant Impact under the National Environmental Policy Act; and**
- 11 **WHEREAS, the Bureau of Indian Affairs has conducted a Section 7 consultation with the United**
12 **States Fish and Wildlife Service regarding potential impacts on endangered species**
13 **from the project, and the Fish and Wildlife Service has issued a Biological Opinion**
14 **which concludes that the project as proposed is not likely to jeopardize the continued**
15 **existence of the Cactus Ferruginous Pygmy Owl; and**
- 16 **WHEREAS, the Bureau of Indian Affairs has agreed that 94 percent of the 140 saguaros which will**
17 **be affected by the project will be transplanted; and**
- 18 **WHEREAS, the Bureau of Indian Affairs attended a community meeting in Covered Wells on**
19 **November 29, 2000 at which representatives of Mountain Village community and Gu**
20 **Achi District and the Nation's cultural resources and biological resources staff of the**
21 **Natural Resources Department reviewed plans for the project and made suggestions**
22 **for the project which were incorporated by the BIA; and**
- 23 **WHEREAS, the Legislative Council's Natural Resources Committee has reviewed the BIA's**
24 **request for consent and recommends that the Nation provide consent, with the**
25 **condition that the Nation retains all rights and authority over the land and activities**
26 **conducted within the right-of-way that are not inconsistent with the rights granted**
27 **to the United States in the right-of-way documents.**
- 28 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation consents to**
29 **the two Grants of Easement for Right-of-Way for Federal Route 22 and 221 as**

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(Consent to Two Grants of Easement for Right-of-Way to the Bureau of Indian Affairs for Federal Routes 22 and 221)

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1 **described in the attached documents, with the condition that the Nation retains all**
2 **rights and authority over the land and activities conducted within the right-of-way**
3 **that are not inconsistent with the rights granted to the United States in the right-of-**
4 **way documents.**


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6 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15th. Day**
7 **of JULY, 2002 at a meeting at which a quorum was present with a vote of 2,256.8 FOR; -0- AGAINST;**
8 **160.7 NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Section 1 (i)(1)**
9 **of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
10 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
11 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 **Rita A. Martinez, Legislative Chairwoman**

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19 17th day of July, 20 02

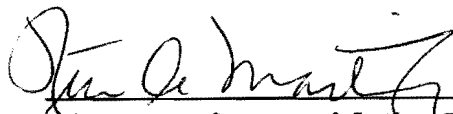
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22 **ATTEST:**

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26 **Julianna Saraficio, Acting Legislative Secretary**

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28 15th day of July, 20 02.

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31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
32 **Nation on the 17th day of July, 20 02 at 4:57 o'clock, P.M.,**
33 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
34 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
35 **submittal.**

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37 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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41 **Rita A. Martinez, Legislative Chairwoman**

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APPROVED

on the 18th day of July, 20 02

DISAPPROVED


at 11:30 o'clock, A.M.



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

Returned to the Legislative Secretary on the 18th day of

July, 20 02, at 2:02 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: CONSENT TO TWO GRANTS OF EASEMENT FOR RIGHT-OF-WAY TO THE BUREAU OF INDIAN AFFAIRS FOR FEDERAL ROUTES 22 AND 221

MOVED: VICE CHAIRMAN CAMILLUS LOPEZ

SECOND: COUNCILWOMAN EVELYN JUAN

DATE: JULY 15, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
GU VO 188.3	1. FERN SALCIDO** ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			X
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35			X	X
	2. GLORIA RAMIREZ ()	80.35			X	
SAN XAVIER 184.7	1. FELICIA NUNEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			X
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,256.8	-0-	160.7	[07]

****PASSED VOTES**