

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting the United States in Defending a Freedom of Information Act Lawsuit
to Prevent Release of the Nation's Information on Pygmy-Owls)

RESOLUTION NO. 04-102

1 **WHEREAS, a land development company called Tangerine Road Associates in Tucson has filed**
2 **a Freedom of Information Act lawsuit against the United States Fish and Wildlife**
3 **Service in federal district court, Case No. CIV 02 614 TUC WDB, seeking to obtain**
4 **copies of pygmy-owl detection forms which were submitted to the United States in**
5 **compliance with protocols under the federal Endangered Species Act by consultants**
6 **working within the Nation's lands; and**

7 **WHEREAS, the Tohono O'odham Nation has objected to releasing these detection forms to the**
8 **plaintiffs in the Tangerine Road lawsuit because the detection forms contain**
9 **information regarding the specific locations of pygmy-owls, and the Nation takes the**
10 **position that, based on the religious belief of O'odham, information about owls**
11 **should not be released to the public because owls are to be respected and not**
12 **disturbed; and**

13 **WHEREAS, the Tohono O'odham believe that releasing information about owl locations**
14 **interferes with the O'odham duty to protect owls on the lands of the Nation; and**

15 **WHEREAS, the Chairwoman of the Nation and Jefford Francisco have submitted affidavits as an**
16 **exhibit to the United States' brief which explain the O'odham religious belief**
17 **regarding a duty to respect and protect owls; and**

18 **WHEREAS, the Cultural Preservation Committee of the Legislative Council and the Chairwoman**
19 **of the Nation have reviewed the matter and recommend that the Nation continue to**
20 **oppose the release of the information regarding owl locations.**

21 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**
22 **supports the efforts of the United States to defend the lawsuit brought by Tangerine**
23 **Road Associates to prevent the release of information about owl locations on the**
24 **Nation's lands.**

25 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes**
26 **the Chairwoman of the Nation, in consultation with the Cultural Preservation**
27 **Committee of the Legislative Council, to consider settlement of the lawsuit if it is in**
28 **the Nation's best interest for the United States to settle the case.**

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Page 2 of 3

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23RD Day of MARCH, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [-0-] ABSENT, pursuant to the powers vested in the Council by Section 1 ((i)(2)) of Article VI 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



Dennis Ramon, Legislative Chairman

24th day of March, 2004

ATTEST:



Lucille Lopez, Acting Legislative Secretary

23rd day of March, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 24th day of March, 2004 at 3:25 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



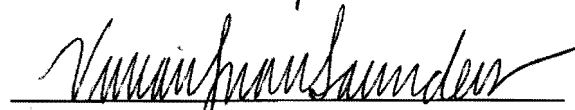
Dennis Ramon, Legislative Chairman

APPROVED

on the 25 day of March, 2004

DISAPPROVED

at 3:57 o'clock, P.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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Page 3 of 3

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Returned to the Legislative Secretary on the 25th day of

March, 2004, at 4:09 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: SUPPORTING THE UNITED STATES IN DEFENDING A FREEDOM OF INFORMATION ACT LAWSUIT TO PREVENT RELEASE OF THE NATION'S INFORMATION ON PYGMY-OWLS

MOVED: COUNCILMAN VERLON JOSE

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: MARCH 23, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ** ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Olivia Liston)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,629.7	-0-	-0-	-0-

****PASSED VOTES**