

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Consent to Grant of Easement for Right-of-Way to the Bureau of Indian Affairs
for Federal Route 232)**

RESOLUTION NO. 06-310

- 1 **WHEREAS, the Bureau of Indian Affairs Papago Agency has requested that the Tohono O'odham**
2 **Nation ("Nation") consent to a Grant of Easement for Right-of-Way for road**
3 **construction and improvement, including road paving, on 9.3 miles of Federal Route**
4 **232, which is currently a dirt road known as the Sikul Himatk road; and**
- 5 **WHEREAS, the Bureau of Indian Affairs has performed a satisfactory archaeological survey and**
6 **biological survey of the right-of-way property, has consulted with the Arizona State**
7 **Historic Preservation Office, the United States Fish and Wildlife Service, and the**
8 **Tohono O'odham Nation Cultural Affairs Office and the Wildlife and Vegetation**
9 **Management Program, and has prepared an Environmental Assessment and issued**
10 **a Finding of No Significant Impact under the National Environmental Policy Act; and**
- 11 **WHEREAS, the Bureau of Indian Affairs has conducted a Section 7 formal consultation with the**
12 **United States Fish and Wildlife Service regarding potential impacts on endangered**
13 **species from the project, and the Fish and Wildlife Service has issued a Biological**
14 **Opinion which concludes that the project as proposed is not likely to jeopardize the**
15 **continued existence of the Cactus Ferruginous Pygmy Owl or to cause an incidental**
16 **take of this species; and**
- 17 **WHEREAS, the Bureau of Indian Affairs has agreed that 135 of the 139 saguaros which will be**
18 **removed by the project to facilitate construction will be transplanted; and**
- 19 **WHEREAS, the Bureau of Indian Affairs attended community meetings at Gu Achi District on April**
20 **8, 2000, at Sikul Himatk on January 18, 2005, at Gu Achi District on January 21, 2005,**
21 **and at Sells District on February 15, 2005, to review plans for the project and to receive**
22 **suggestions from community members, and has incorporated those suggestions into**
23 **the project plan; and**
- 24 **WHEREAS, the Natural Resources Committee of the Legislative Council has reviewed the BIA's**
25 **request for consent and recommends that the Nation provide consent, on the**
26 **condition that the Nation retains all rights and authority over the land and activities**
27 **conducted within the right-of-way that are not inconsistent with the rights granted to**
28 **the United States in the right-of-way documents.**

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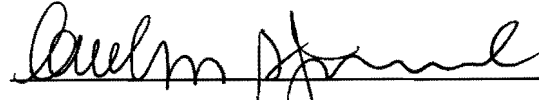
**(Consent to Grant of Easement for Right-of-Way to the Bureau of Indian Affairs for Federal Route 232)
Page 2 of 3**

1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Nation consents to the Grant of
2 **Easement for Right-of-Way for Federal Route 232 of 100 feet in width for a distance of**
3 **7,250 feet and of 150 feet in width for a distance of 42,050 feet, for a total distance of**
4 **49,300 feet, as described in the attached documents, on the condition that the Nation**
5 **retains all rights and authority over the land and activities conducted within the right-**
6 **of-way that are not inconsistent with the rights granted to the United States in the**
7 **right-of-way documents.**

8 **BE IT FURTHER RESOLVED** that the Tohono O'odham Nation, in accordance with 25 Code of
9 **Federal Regulations Section 169.12, waives the payment of any consideration for the**
10 **grant of right-of-way referred to herein.**

11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH day**
12 **of MAY, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- AGAINST;**
13 **-0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1(i)(1)**
14 **of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
15 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -Indian Affairs**
16 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 **Evelyn B. Juan Manuel, Legislative Chairwoman**

22
23 11th day of May, 2006

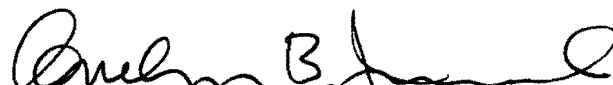
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25 **ATTEST:**

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29 **Lucille Lopez, Acting Legislative Secretary**

30
31 11th day of May, 2006.

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33 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
34 **O'Odham Nation on the 11th day of May, 2006 at 2:35 o'clock, P.M.,**
35 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
36 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
37 **submittal.**

38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 **Evelyn B. Juan Manuel, Legislative Chairwoman**

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APPROVED

on the 11 day of May, 2006

DISAPPROVED

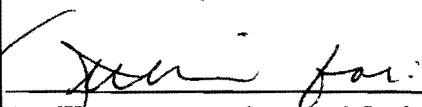
at 3:30 o'clock, P.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11th day of

May, 2006, at 4:34 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: CONSENT TO GRANT OF EASEMENT FOR RIGHT-OF-WAY TO THE BUREAU OF INDIAN AFFAIRS FOR FEDERAL ROUTE 232

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN CYNTHIA MANUEL

DATE: MAY 08, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Lucilda J. Valenzuela (Norris)) (<i>Present</i>)	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			X
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Kimberly Listo) (<i>Present</i>)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			X
TOTAL		2,440.80	2,440.80	-0-	-0-	[04]

**PASSED VOTES