

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Grant of Easement for Right-Of-Way to the Bureau of Indian Affairs**  
**for Federal Route 25)**

**RESOLUTION NO. 06-345**

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 2.97 miles of Federal Route**  
4 **25, which is currently a dirt road known as the Fresnal Road and Fresnal Loop; 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 the Lesser Long-nosed**  
16 **Bat, or to cause an incidental take of either species; and**

17 **WHEREAS, the Bureau of Indian Affairs has agreed that 8 of the 9 saguaros which will be removed**  
18 **by the project to facilitate construction will be transplanted, and one will be lost**  
19 **because it is in no condition to be transplanted; and**

20 **WHEREAS, the Bureau of Indian Affairs attended a community meeting at Fresnal Village**  
21 **Community Church on April 20, 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 reserves for itself such rights and authority for purposes**  
27 **including, without limitation, judicial jurisdiction, police powers, and taxation over**  
28 **the property and activities conducted within the right-of-way that are not**

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**(Approving Grant of Easement for Right-Of-Way to the Bureau of Indian Affairs for Federal Route 25)  
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**inconsistent with federal law or the rights granted herein.**

**NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation approves the Grant of Easement for Right-of-Way for Federal Route 25 that is 80 feet, 115 feet, and 190 feet in width over a distance of 0.6 miles for Fresnal Loop, and that is 150 feet, 250 feet, and 350 feet in width over a distance of 1.37 miles for Fresnal Road, on the condition that the Nation reserves for itself such rights and authority for purposes including, without limitation, judicial jurisdiction, police powers, and taxation over the property and activities conducted within the right-of-way that are not inconsistent with federal law or the rights granted herein.**

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

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06<sup>TH</sup> Day of JUNE, 2006 at a meeting at which a quorum was present with a vote of 2,347.45 FOR; -0- AGAINST; 93.35 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (i)(1) & (3) 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**

  
Evelyn B. Juan Manuel, Legislative Chairwoman

14<sup>th</sup> day of June, 2006

**ATTEST:**

  
Lucille Lopez, Acting Legislative Secretary

06 day of June, 2006.


**Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 14<sup>th</sup> day of June, 2006 at 9:19 o'clock, A.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.**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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

**APPROVED**

on the 15 day of June, 2006

**DISAPPROVED**

at 10:55 o'clock, a.M.

  
**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15<sup>th</sup> day of

June, 2006, at 12:00 o'clock, P.M.

  
**Lucille Lopez, Acting Legislative Secretary for:**

ACTION: APPROVING GRANT OF EASEMENT FOR RIGHT-OF-WAY TO THE BUREAU OF INDIAN AFFAIRS FOR FEDERAL ROUTE 25

MOVED: COUNCILWOMAN DELMA GARCIA

SECOND: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

DATE: JUNE 06, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 310.8	1. FRANCES MIGUEL ( <i>Absent</i> ) (Vernon J. Smith) ( <i>Present</i> )	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK</b> 258.7	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> 193.1	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			X
<b>SAN LUCY</b> 169.0	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
<b>SAN XAVIER</b> 193.8	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
<b>SCHUK TOAK</b> 146.9	1. FRANCES B. CONDE ( )	73.45	X			X
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> 421.0	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
<b>SIF OIDAK</b> 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35			X	
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,347.45</b>	<b>-0-</b>	<b>93.35</b>	<b>[02]</b>

\*\*PASSED VOTES