

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Delisting of the Bald Eagle and Urging United States Fish and Wildlife
Service to List Desert Nesting Bald Eagle as Distinct Population Segment)**

RESOLUTION NO. 07-270

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to preserve and**
2 **protect wildlife of the Tohono O'odham Nation as well as the power to consult with the**
3 **Congress of the United States and appropriate federal agencies regarding federal**
4 **activities that affect the Tohono O'odham Nation (Article VI, Section 1(f), 1(i)(2), and (j)**
5 **of the Constitution of the Tohono O'odham Nation); and**
- 6 **WHEREAS, the Bald Eagle is revered and holds a very integral and sacred position for and within**
7 **the Tohono O'odham Nation and indigenous communities throughout and has also**
8 **become a national symbol for the United States; and**
- 9 **WHEREAS, the United States Department of the Interior Fish and Wildlife Service is mandated to**
10 **make a decision whether to delist (remove) the Bald Eagle from the Endangered**
11 **Species Act by June 29, 2007; and**
- 12 **WHEREAS, while the population of Bald Eagles nationally has increased since its protection under**
13 **the Endangered Species Act, the Southwest Desert Nesting Bald Eagle, which resides**
14 **primarily in the Sonoran Desert within Arizona, remains one of the rarest birds on**
15 **Earth with fewer than 100 surviving members; and**
- 16 **WHEREAS, on August 11, 2006, a Fish and Wildlife panel recommended that the Arizona**
17 **population of Desert Nesting Bald Eagles not be delisted: "[W]e do not believe that the**
18 **Southwest Bald Eagle population is secure, and we question whether even current**
19 **numbers can be sustained without active management and habitat protection. USFWS**
20 **may wish to reconsider the possibilities of designating the Southwest recovery region**
21 **as a Distinct Population Segment (DPS) and deferring delisting of the Southwest**
22 **population until data are available that demonstrate the population is sufficiently**
23 **large and self-sustaining."; and**
- 24 **WHEREAS, delisting will threaten all Bald Eagles' habitat and, is likely to result in the ultimate**
25 **extinction of the Desert Nesting Bald Eagle; and**
- 26 **WHEREAS, Secretarial Order 3206 American Indian Tribal Rights, Federal-Tribal Trust**
27 **Responsibilities, and the Endangered Species Act ("Order") clarifies the**
28 **responsibilities of the component agencies, bureaus and offices of the Department of**

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1 **the Interior and the Department of Commerce, when actions taken under authority**
2 **of the Act and associated implementing regulations affect, or may affect, Indian lands,**
3 **tribal trust resources, or the exercise of American Indian tribal rights, as defined in**
4 **this Order; and**

5 **WHEREAS, Section 5, Responsibilities, Principle 4 of the Order requires the Departments of**
6 **Interior and Commerce to take into consideration “the impacts of their actions and**
7 **policies under the Act on Indian use of listed species for cultural and religious**
8 **purposes” and**

9 **WHEREAS, Arizona tribes, including the Tohono O’odham Nation, oppose the delisting proposal**
10 **as undermining tribal cultural and religious purposes and values and have**
11 **accordingly voiced their opposition to delisting to various federal agencies and**
12 **specifically at a meeting held in Phoenix Arizona on May 9, 2007 with Fish and Wildlife**
13 **Service personnel.**

14 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Nation fervently opposes the**
15 **delisting of the Bald Eagle from protection under the Endangered Species Act and calls**
16 **upon the United States Fish and Wildlife Service to designate the Southwest recovery**
17 **region as a Distinct Population Segment and defer delisting the Southwest Desert**
18 **Nesting Bald Eagle population.**

19 **BE IT FINALLY RESOLVED that the Chairperson of the Tohono O’odham Nation along with**
20 **members of the Tohono O’odham Legislative Council are authorized and directed to**
21 **take all necessary steps to communicate and advocate the Nation’s position with all**
22 **federal agencies and officials.**

23 **The foregoing Resolution was passed by the Tohono O’odham Legislative Council on the 10TH. Day**
24 **of MAY, 2007 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- AGAINST;**
25 **-0-NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1 (f)**
26 **1(i)(2) and (j) of Article VI of the Constitution of the Tohono O’odham Nation, adopted by the Tohono**
27 **O’odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
28 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
29 **Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Verlon Jose
Verlon M. Jose, Legislative Chairman

5 day of June, 2007

ATTEST:

Yvonne Lopez
Lucille Lopez, Acting Legislative Secretary

10 day of May, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 5 day of June, 2007 at 3:24 o'clock, .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

Verlon Jose
Verlon M. Jose, Legislative Chairman

APPROVED on the 6 day of June, 2007

DISAPPROVED at 11:59 o'clock, a.M.

Vivian Juan-Saunders
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 06 day of

June, 2007, at 12:16 o'clock, P.M.

Yvonne Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: OPPOSING DELISTING OF THE BALD EAGLE AND URGING UNITED STATES FISH AND WILDLIFE SERVICE TO LIST DESERT NESTING BALD EAGLE AS DISTINCT POPULATION SEGMENT

Moved: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN WAVALENE ROMERO

DATE: MAY 10, 2007

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 (Lucilda J. Valenzuela (Norris))	155.40	X			X
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			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. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			X
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50	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			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			X
TOTAL		2,440.80	2,440.80	-0-	-0-	[05]

****PASSED VOTES**