

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Supporting Relisting of the Sonoran Desert Bald Eagle under the Endangered Species Act)**

RESOLUTION NO. 08-395

- 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**  
3 **the Congress of the United States and appropriate federal agencies regarding**  
4 **federal activities that affect the Tohono O'odham Nation (Article VI, Section 1(f),**  
5 **1(i)(2), and (j) of the Constitution of the Tohono O'odham Nation); and**
- 6 **WHEREAS, the Bald Eagle is revered and holds an integral and sacred position for and within**  
7 **the Tohono O'odham Nation and indigenous communities throughout the United**  
8 **States and has also become a national symbol for the United States; and**
- 9 **WHEREAS, the Tohono O'odham Legislative Council approved Resolution No. 07-270, "Opposing**  
10 **Delisting of the Bald Eagle and Urging United States Fish and Wildlife Service to List**  
11 **Desert Nesting Bald Eagle as Distinct Population Segment" in opposition of United**  
12 **States Fish and Wildlife's ("FWS") proposed rule to delist (remove) the Bald Eagle**  
13 **from the threatened species list under the Endangered Species Act ("ESA"); and**
- 14 **WHEREAS, the U.S. Fish and Wildlife Service issued a final rule on July 9, 2007, effective August**  
15 **8, 2007 that removed all bald eagles throughout the contiguous 48 states from the**  
16 **threatened species list under the ESA; and**
- 17 **WHEREAS, in a March 6, 2008 court order, U.S. District Court for the District of Arizona (*Center***  
18 ***for Biological Diversity v. Kempthorne, CV 07-0038-PHX-MHM*), the court**  
19 **temporarily reinstated the listing of the bald eagle as a threatened species, but only**  
20 **with respect to the eagles that reside in the Sonoran Desert of central Arizona,**  
21 **effective March 6, 2008; and**
- 22 **WHEREAS, the court further ordered the Fish and Wildlife Service to: 1) conduct a status review**  
23 **to determine whether recognizing the Sonoran Desert bald eagle population as a**  
24 **Distinct Population Segment (DPS) is warranted, and if so, whether listing the DPS**  
25 **as threatened or endangered pursuant to the Endangered Species Act is warranted;**  
26 **and 2) issue by December 5, 2008, a 12-month finding on the results of the status**  
27 **review; and**
- 28 **WHEREAS, in a letter dated June 19, 2008 the Fish and Wildlife Service Regional Director has**  
29 **extended an invitation to the Tohono O'odham Nation to attend a July 3, 2008 multi-**  
30 **agency tribal consultation in Phoenix.**

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**NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby:**

- 1. Calls upon the United States Fish and Wildlife Service to engage in meaningful and formal government-to-government consultation with the Tohono O'odham Nation and other Arizona tribes during its status review of the Sonoran Desert bald eagle population pursuant to its trust responsibilities under Secretarial Order 3206.**
- 2. Urges the United States Fish and Wildlife Service to relist the Sonoran Desert bald eagle as a Distinct Population Segment under the protection of the Endangered Species Act upon completion of its status review.**

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

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27<sup>TH</sup> Day of JUNE, 2008 at a meeting at which a quorum was present with a vote of 2,217.6 FOR; -0- AGAINST; -0- NOT VOTING; and 316.9 [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (f)(1)(2) & (j) 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**

  
\_\_\_\_\_  
**Verlon M. Jose, Legislative Chairman**

1 day of July, 2008

**ATTEST:**

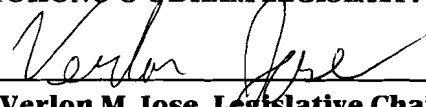
  
\_\_\_\_\_  
**Lucille Lopez, Acting Legislative Secretary**

27 day of June, 2008.

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1 day of July, 2008 at 4:02 o'clock, P. M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
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**Verlon M. Jose, Legislative Chairman**

**APPROVED**

on the 01 day of July, 2008

**DISAPPROVED**

at 4:00 o'clock, P.M.

  
\_\_\_\_\_  
**NED NORRIS, JR., CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 01 day of

July, 2008 at 4:31 o'clock, P.M.

  
\_\_\_\_\_  
**Lucille Lopez, Acting Legislative Secretary**

ACTION: SUPPORTING RELISTING OF THE SONORAN DESERT BALD EAGLE UNDER THE ENDANGERED SPECIES ACT

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: JUNE 27, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta Harvey) ( <i>Present</i> )	158.45				X
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith)( <i>Present</i> )	158.45				X
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			X
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE SAUNDERS ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,217.6</b>	<b>-0-</b>	<b>-0-</b>	<b>316.9</b> <b>[05]</b>

\*\*PASSED VOTES