

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Submission of Comments to the United States Fish and Wildlife
Service on the Proposed Endangered Status and Critical Habitat Designation
for Acuña Cactus)**

RESOLUTION NO. 12-469

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult with the**
2 **Congress of the United States and appropriate federal agencies regarding federal**
3 **activities that affect the Tohono O'odham Nation" (Constitution of the Tohono**
4 **O'odham Nation, Article VI, Section 1(j)); and**
- 5 **WHEREAS, on October 3, 2012, the United States Fish and Wildlife Service ("USFWS") published**
6 **notice of a proposed rule which would afford the Acuña Cactus endangered status and**
7 **designate critical habitat; and**
- 8 **WHEREAS, included in the area proposed for critical habitat designation are 5,575 acres of Nation**
9 **trust lands; and**
- 10 **WHEREAS, the Acuña Cactus is a culturally significant plant, as are all cacti; and**
- 11 **WHEREAS, it is unclear to Nation's Natural Resources staff that the Acuña Cactus is a distinct taxa**
12 **eligible for endangered species listing; and**
- 13 **WHEREAS, the Nation is waiting on a definitive study to determine the Acuña Cactus' eligibility for**
14 **listing; and**
- 15 **WHEREAS, critical habitat designations on the Nation's lands impinges upon the Nation's rights**
16 **to self-governance and self-determination; and**
- 17 **WHEREAS, in 2003, the Nation entered into a Statement of Relationship with the USFWS, which**
18 **includes a high level of cooperation and collaboration; and**
- 19 **WHEREAS, before the Acuña Cactus is listed as endangered and critical habitat is designated, the**
20 **Nation requests a meeting in accordance with the Statement of Relationship to discuss**
21 **alternatives to critical habitat designation; and**
- 22 **WHEREAS, it is in the Nation's best interest to submit these comments on the proposed**
23 **endangered status and critical habitat designation for the Acuña Cactus; and**
- 24 **WHEREAS, the Agriculture and Natural Resources Committee has reviewed and recommends that**
25 **the Legislative Council approve the comments in response to the proposed**
26 **endangered status and critical habitat designation for the Acuña Cactus.**
- 27 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council adopts the Tohono**
28 **O'odham Nation's comments on the proposed endangered status and critical habitat**
29 **designation for the Acuña Cactus, which oppose the listing and designation of critical**
30 **habitat at this time, in substantially the form attached hereto and authorizes and**

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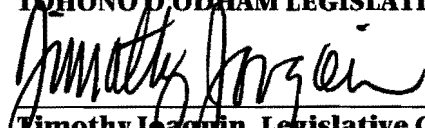
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directs the Nation's Chairman to timely submit the Nation's comments to the USFWS before the December 3, 2012 deadline.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH Day of NOVEMBER, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; [01] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(j) 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).

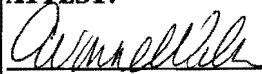
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

30 day of November, 2012

ATTEST:

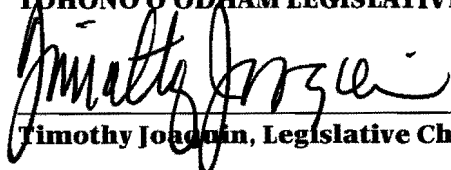


Evonne Wilson, Legislative Secretary

30 day of November, 2012.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 30 day of November, 2012 at 9:53 o'clock, A .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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



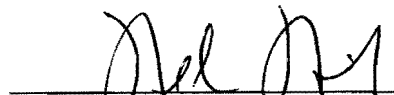
Timothy Joaquin, Legislative Chairman

on the 30 day of November, 2012

at 1:36 o'clock, P .M.

APPROVED

DISAPPROVED


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

RESOLUTION NO. 12-469

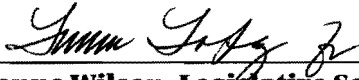
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Returned to the Legislative Secretary on the 30 day of

November, 2012, at 2:25 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING THE SUBMISSION OF COMMENTS TO THE UNITED STATES FISH AND WILDLIFE SERVICE ON THE PROPOSED ENDANGERED STATUS AND CRITICAL HABITAT DESIGNATION FOR ACUÑA CACTUS

MOVED: COUNCILWOMAN FRANCES STEPHENS

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: NOVEMBER 29, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	171.0	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	171.0	X		X	
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			X
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			X
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Maria Ackerman) (<i>Present</i>)	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	[01]	[04]