

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting and Authorizing the Submission of Comments on the Draft Environmental
Assessment prepared by Tierra Right of Way Services, Ltd. for the Bureau of Indian
Affairs, U.S. Fish and Wildlife Service, and Granite Construction Company)

RESOLUTION NO. 09-521

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to consult "with**
2 **appropriate federal agencies regarding federal activities that affect the Tohono**
3 **O'odham Nation " (Constitution of the Tohono O'odham Nation, Article VI, Section 1(j);**
4 **and**

5 **WHEREAS, Granite Construction, Inc. ("Granite") proposes to expand by 31 acres an existing, but**
6 **inactive, borrow pit site of 63 acres, located in the Sif Oidak District of the Tohono**
7 **O'odham Nation west of Arizona City in Pinal County, Arizona and improve a portion**
8 **of BIA Highway 422 ("Proposed Action"); and**

9 **WHEREAS, Granite is currently in the process of requesting approval of the Proposed Action from**
10 **the Bureau of Indian Affairs ("BIA") in order to obtain a lease agreement for the**
11 **Proposed Action; and**

12 **WHEREAS, the BIA, in accordance with the requirements of the National Environmental Policy Act**
13 **("NEPA"), released a Notice of Availability of a Draft Environmental Assessment ("DEA"),**
14 **prepared by Tierra Right of Way Services, Ltd., for the Proposed Action on August 6,**
15 **2009 and invited public comment on the DEA to be submitted by August 13, 2009; and**

16 **WHEREAS, the BIA in a letter dated September 14, 2009 subsequently provided notice of a 15-day**
17 **extension to the public comment period because the Nation was not included in the**
18 **initial distribution of the notice and request for public comment; and**

19 **WHEREAS, the Nation's Executive Branch prepared comments ("comments") for submission to**
20 **the BIA on or before the BIA's extended deadline of September 30, 2009; and**

21 **WHEREAS, the Natural Resources Committee of the Legislative Council has reviewed and**
22 **amended the comments and recommends approval of the comments as the Official**
23 **Comments of the Nation.**

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

- 25 **1. Approves the comments of the Nation, to the draft Environmental Assessment**
26 **("DEA"), substantially in the form attached hereto as the Official Comments of the**
27 **Nation; and**
- 28 **2. Authorizes the Chairman of the Nation to sign the Official Comments and submit**
29 **them to the Bureau of Indian Affairs by the BIA's deadline of September 30, 2009.**

30 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30TH. Day**
31 **of SEPTEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,318.50 FOR; -0-**
32 **AGAINST; -0- NOT VOTING; and 277.0[03] ABSENT, pursuant to the powers vested in the Council by**
33 **Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
34 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
35 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
36 **Stat. 984).**

37

RESOLUTION NO. 09-521

(Adopting and Authorizing the Submission of Comments on the Draft Environmental Assessment prepared by Tierra Right of Way Services, Ltd. for the Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and Granite Construction Company)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

30th day of Sept., 2009

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

30 day of September, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 30th day of Sept, 2009 at 2:30 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 30 day of September, 2009

DISAPPROVED

at 2:49 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30 day of

September, 2009, at 2:49 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: ADOPTING AND AUTHORIZING THE SUBMISSION OF COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT PREPARED BY TIERRA RIGHT OF WAY SERVICES, LTD. FOR THE BUREAU OF INDIAN AFFAIRS, U.S. FISH AND WILDLIFE SERVICE, AND GRANITE CONSTRUCTION COMPANY

Moved: COUNCILWOMAN LORRAINE EILER

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: SEPTEMBER 30, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			X
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (<i>Absent</i>) (Agnes Joaquin) (<i>Present</i>)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50				X
	2. VERLON M. JOSE ()	138.50				X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			
TOTAL		2,595.50	2,318.50	-0-	-0-	277.0 [03]