

TOHONO O'ODHAM NATION

OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN

We:sij T-we:m

ALL OF US TOGETHER

NED NORRIS JR.

CHAIRMAN

ISIDRO LOPEZ

VICE CHAIRMAN

February 11, 2010

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Recommended Designation for Tohono O'odham Nation Lands within Pinal County for the 24-hour $PM_{2.5}$, annual $PM_{2.5}$, and PM_{10} National Ambient Air Quality Standards

Dear Mr. Blumenfeld:

In response to your letters dated October 14, 2009, and December 30, 2009, the Tohono O'odham Nation ("TON") provides the following designation recommendation for the U.S. EPA's consideration for the Nation's lands located within Pinal County for 24-hour $PM_{2.5}$, annual $PM_{2.5}$, and PM_{10} national ambient air quality standards ("NAAQS"). This recommendation is supported by the attached resolution by the Tohono O'odham Legislative Council.

As background for your consideration, the TON owns land within Pinal County that is estimated at 270,696 acres. There are nine TON communities located in Pinal County. The TON receives Section 103 Clean Air Act ("CAA") grant funding in order to develop an Emissions Inventory/Needs Assessment ("EI/NA") for the Nation. The EI/NA will help the Nation to establish a baseline for the quality of the Nation's air shed and develop an air monitoring program.

The TON recommendation for Nation lands within Pinal County is for the designation to be attainment/unclassifiable for 24-hour $PM_{2.5}$, annual $PM_{2.5}$, and PM_{10} NAAQS. This designation is appropriate as the Nation has yet to develop an air monitoring program, and thus lacks data to support any other type of designation. Once the TON has established an air monitoring program and has gathered data for three (3) consecutive years, this recommendation may change.

We are highly committed to working with Pinal County and the U.S. EPA to find the optimum strategies for protecting human health and the environment. If you have any questions about any aspect of this recommendation or need more information, please contact Lorinda Sam, Manager, Environmental Protection Office at (520) 383-8681.

Sincerely,



Dr. Ned Norris Jr., Chairman
Tohono O'odham Nation

Cc: Isidro Lopez, TON Vice-Chairman
Colleen McKaughan, EPA Region 9
Maeve Foley, EPA Region 9
Jan Brewer, Governor, State of Arizona
Don Gabrielson, Pinal County Air Quality
TON Domestic Affairs Committee
Lorinda Sam, EPO

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting and Authorizing the Submission of Recommended Designation Letter
Regarding 24-Hour PM_{2.5}, Annual PM_{2.5}, and PM₁₀)

RESOLUTION NO. 10-034

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "administer land**
2 **and other public property, and by law, ordinance or resolution...to manage, protect,**
3 **preserve and regulate the use of the property, wildlife, land, air and natural resources**
4 **(including surface and ground waters) of the Tohono O'odham Nation" and to consult**
5 **"appropriate federal agencies regarding federal activities that affect the Tohono**
6 **O'odham Nation" (Constitution of the Tohono O'odham Nation, Article VI, Section**
7 **1(i)(2) and 1(j)); and**

8 **WHEREAS, the Legislative Council is further vested with the power to "consult, negotiate and**
9 **conclude agreements and contracts on behalf of the Tohono O'odham Nation with**
10 **Federal, State and local governments and other Indian tribes or their departments,**
11 **agencies, or political subdivisions... on all matters within the authority of the Tohono**
12 **O'odham Council." (Constitution, Article VI, Section 1(f)); and**

13 **WHEREAS, the Nation's chairperson is the chief executive officer of the Tohono O'odham Nation**
14 **and is vested with the power to "oversee the administration and management of the**
15 **government in accordance with an administrative plan adopted by the Tohono**
16 **O'odham Council"; to "oversee the implementation of all laws, ordinances, resolutions**
17 **and rules made by the Tohono O'odham Council"; and to "act as the official**
18 **representative of the Tohono O'odham Nation" (Constitution, Article VII, Section 2(a),**
19 **(c), and (f)); and**

20 **WHEREAS, the United States Environmental Protection Agency ("EPA") is responsible for reducing**
21 **national ambient air quality standard ("NAAQS") pollutants and other toxic pollutants,**
22 **in accordance with the Clean Air Act; and**

23 **WHEREAS, the EPA has decided to promulgate area designations for Pinal County for fine**
24 **particles, including 24-hour PM_{2.5}, annual PM_{2.5}, and PM₁₀; and**

25 **WHEREAS, the Tohono O'odham Nation owns land that is situated within Pinal County; and**

26 **WHEREAS, the EPA has requested that the Nation provide a recommended designation for Nation**
27 **lands situated within Pinal County; and**

28 **WHEREAS, the Nation has yet to develop an air monitoring program and thus the appropriate**
29 **designation under the Clean Air Act is attainment/unclassifiable; and**

RESOLUTION NO. 10-034

(Adopting and Authorizing the Submission of Recommended Designation Letter Regarding 24-Hour PM_{2.5}, Annual PM_{2.5}, and PM₁₀)

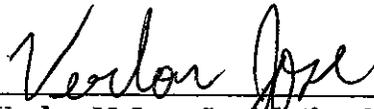
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1 WHEREAS, the Domestic Affairs Committee reviewed and approved the recommended
2 designation letter as the Nation's official position on this issue.

3 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the
4 recommended designation letter regarding the Nation's classification as
5 attainment/unclassifiable under the Clean Air Act with respect to 24-hour PM_{2.5},
6 annual PM_{2.5}, and PM₁₀ in Pinal County and authorizes the Nation's Chairman to sign
7 the letter and submit it to EPA.

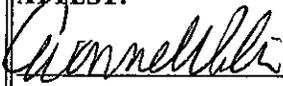
8 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day
9 of FEBRUARY, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-
10 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article
11 VI, Section 1 (i)(2) and (j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
12 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
13 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
14 Stat. 984).

15
16 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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18 
19 _____
20 Verlon M. Jose, Legislative Chairman

21
22 11 day of February, 2010

23
24 ATTEST:

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26 _____
27 Evonne Wilson, Legislative Secretary

28
29 11 day of February, 2010.

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31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
32 Nation on the 11 day of February, 2010 at 5:19 o'clock, P. M.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
34 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Verlon M. Jose, Legislative Chairman

RESOLUTION NO. 10-034

(Adopting and Authorizing the Submission of Recommended Designation Letter Regarding 24-Hour PM_{2.5}, Annual PM_{2.5}, and PM₁₀)

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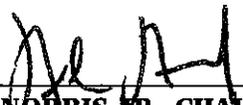
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APPROVED

on the 11th day of February, 2010

DISAPPROVED

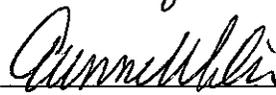
at 5:39 o'clock, P.M.



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

Returned to the Legislative Secretary on the 11 day of

February, 2010, at 5:43 o'clock, P.M.



Evonne Wilson, Legislative Secretary