



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85147

RESOLUTION GR-129-10

A RESOLUTION GRANTING A CONSERVATION EASEMENT TO THE GILA RIVER INDIAN COMMUNITY DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF RESTORATION, PROTECTION, AND PRESERVATION OF THE PEE-POSH WETLANDS, LOCATED ON COMMUNITY TRUST LAND IN DISTRICT SEVEN OF THE GILA RIVER INDIAN RESERVATION AND DESIGNATED AS DRAWING NO. 40710-0198

WHEREAS, the Gila River Indian Community Council (the "Community Council") is the governing body of the Gila River Indian Community (the "Community"); and

WHEREAS, the Constitution and Bylaws of the Gila River Indian Community (approved March 17, 1960), art. XV(1)(a)(13) empowers the Community Council to administer all Community property; and

WHEREAS, the Department of Land Use Planning and Zoning ("LUPZ") is charged with the planning, zoning, surveying and management of Community lands; and

WHEREAS, the Department of Environmental Quality ("DEQ") is charged with environmental management, protection, and enhancement of Community lands; and

WHEREAS, the Community's consent to grant a conservation easement is required in order to protect the Pee Posh wetlands as a wetland habitat for native flora and fauna; and

WHEREAS, the Pee Posh wetlands cover parts of Sections 34 and 35, as shown in the Results of Survey drawing entitled "Pee Posh Wetlands Restoration Site," attached hereto as Exhibit 1 and legally described as Drawing No. 40710-0198:

BEING A PARCEL WITHIN SECTION 34 AND 35, TOWNSHIP 1 NORTH, RANGE 1 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, IN DISTRICT 7, GILA RIVER INDIAN COMMUNITY, AS SHOWN ON DRAWING NO. 40710-0198 ATTACHED AND MADE A PART HEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 EAST, SAID POINT MARKED BY A G.L.O. CORE:

THENCE NORTH 00°19'12" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1322.54 FEET, SAID POINT MARKED BY A PK NAIL;

THENCE NORTH 00°18'43" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 616.38 FEET, TO A POINT;

THENCE SOUTH 89°41'17" EAST, A DISTANCE OF 398.04 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056" AND THE **POINT OF BEGINNING**

THENCE NORTH 86°54'19" EAST, A DISTANCE OF 3413.26 FEET, TO A POINT;

THENCE NORTH 56°45'30" EAST, A DISTANCE OF 873.99 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE NORTH 73°09'36" EAST, A DISTANCE OF 653.16 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE SOUTH 79°23'24" EAST, A DISTANCE OF 391.38 FEET, TO A POINT;

THENCE NORTH 53°42'53" EAST, A DISTANCE OF 1245.21 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE SOUTH 40°46'23" EAST, A DISTANCE OF 77.39 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056" AS THE BOUNDARY CORNER FOR THE GILA RIVER INDIAN COMMUNITY;

THENCE CONTINUING SOUTH 40°46'23" EAST, A DISTANCE OF 195.24 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE SOUTH 40°07'27" WEST A DISTANCE OF 1398.69 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE NORTH 79°23'17" WEST, A DISTANCE OF 969.91 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE SOUTH 46°57'41" WEST, A DISTANCE OF 810.60 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE SOUTH 83°35'18" WEST, A DISTANCE OF 3922.91 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056";

THENCE NORTH 01°28'09" EAST, A DISTANCE OF 571.38 FEET, SAID POINT MARKED BY AN IRON PIN WITH CAP STAMPED "RLS 13056" AND THE **POINT OF BEGINNING**

CONTAINING 3,085,416 SQ. FT. OR 70.8314 ACRES, MORE OR LESS.

WHEREAS, the Community desires to consent to and grant a conservation easement to DEQ in order for DEQ to restore, protect, and preserve wetland and surrounding habitat in the Pee Posh Wetlands; and

WHEREAS, the Community approves the DEQ to conduct restoration projects in the Pee Posh Wetlands utilizing the Arizona Game and Fish Department under the 2008 Memorandum of Understanding the Community entered with Arizona Game and Fish Department and with funding from the U.S. Army Corp of Engineers; and

WHEREAS, the Natural Resources Standing Committee recommends granting the conservation easement and approval to conduct restoration projects to the DEQ and forwards to the Community Council with recommendation for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Community Council hereby consents to and grants a conservation easement in perpetuity to the Department of Environmental Quality for the purpose of restoring, protecting, managing, maintaining, and enhancing the functional value of the Pee Posh Wetlands, legally described herein, for the conservation of natural values including fish and wildlife and their habitat, fluvial diversity, open space, and aesthetic values on the land described herein and grants the Department of Environmental Quality approval to conduct the restoration projects.

BE IT FURTHER RESOLVED, that DEQ shall work with the LUPZ and the Cultural Resources Management Program to address any necessary issues if cultural property is located within the parcel of land described as Drawing No. 40710-0198.

BE IT FURTHER RESOLVED, that the parcel of land described herein shall be maintained in an undeveloped and natural condition. No use shall be made of the land described herein and no activity shall be permitted thereon, which is inconsistent with the intent of this resolution, that being the perpetual protection and preservation of the land.

BE IT FINALLY RESOLVED, that the Community Council authorizes and directs the Governor, or in the Governor's absence, the Lieutenant Governor, to execute any necessary documents and take all other necessary steps to affect the intent of this resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (13), (18), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing resolution was adopted on the 18 of August 2010, at a regular Community Council meeting held in District 3, Sacaton, Arizona at which a quorum of 14 Members were present by a vote of: 14 FOR; 0 OPPOSE; 0 ABSTAIN; 2 ABSENT; 1 VACANCIES.

GILA RIVER INDIAN COMMUNITY


GOVERNOR 8-23-10

ATTEST:


COMMUNITY COUNCIL SECRETARY
8-24-10