



# Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT  
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Ned Norris, Jr.  
Chairman

Wavalene M. Romero  
Vice Chairwoman



June 16, 2014

Robin Brigode, Clerk  
Administrative Division  
130 W. Congress, 5<sup>th</sup> Floor  
Tucson, AZ 85701

RE: Written Comments of the Tohono O'odham Nation on Agenda Item Number 17: Kinder Morgan Sierrita Pipeline

Dear Madam Clerk:

The Tohono O'odham Nation has reviewed the document entitled Sierrita Gas Pipeline LLC Mitigation Agreement and Agreement for Easements ("Agreement") and the associated Memorandum submitted by County Administrator Huckleberry and submits these comments for the Board of Supervisors' consideration.

County Administrator Huckleberry has accurately indicated in his memorandum that the Nation has expressed concerns both to FERC and to the County regarding cultural resources located along the proposed pipeline route that are likely to be damaged or destroyed. Although the vast majority of the 32 sites are likely to be avoided during construction, the real concern arises from the long term impact of the pipeline. As has been mentioned in connection with revegetation issues along the corridor, cultural resource sites are vulnerable to vandalism and other use issues that arise from increased access to sites provided by the pipeline corridor to both migrant traffic and recreational users. Additionally, erosion and other weathering impacts that are increased due to adjacent disturbance areas threaten these resources.

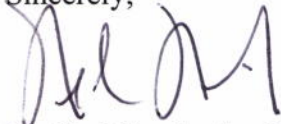
To address these concerns, the Nation would like to see a monitoring provision for cultural resources in the Agreement. The Nation respectfully suggests that an archeologist revisit the sites every two years to ensure both the integrity of the sites and that the sites are not being negatively impacted by the project. If any negative impact on the site is noted, that issue should be turned over to the management strategies group as discussed on page 3 of the Long-term Monitoring Plan of Exhibit C to the Agreement, of which the Nation respectfully requests to be a stakeholder.

Finally, the Nation would like the Board of Supervisors to be aware of the fact that FERC has failed to adequately consult with the Nation in accordance with Section 106 of the National Historic Preservation Act. As you are aware, the pipeline route is a part of the Papagueria, a

region in which our people have lived since time immemorial. However, to-date FERC has not submitted a Memorandum of Agreement under Section 106 of the National Historic Preservation Act for the Nation's comments and consideration. With that backdrop, it seems unlikely that the Nation's cultural resource concerns will be appropriately addressed through that process.

Thank you for your consideration of the Nation's comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ned Norris, Jr.", written in a cursive style.

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