

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Consenting to the Renewal of the Tucson Electric Power Company Electrical  
Transmission Right-of-Way across the San Xavier District)**

**RESOLUTION NO. 20-023**

- 1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to consult, negotiate and  
2 conclude agreements and contracts on behalf of the Tohono O'odham Nation  
3 ["Nation"] with Federal, State and local governments and other Indian tribes or  
4 their departments, agencies, or political subdivisions, or with private persons or  
5 organizations on all matters within the authority of the Tohono O'odham  
6 Council" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and  
7 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage, protect,  
8 preserve and regulate the use of the property . . . of the Tohono O'odham Nation"  
9 and "[t]o manage and lease or otherwise deal with lands, or interests in land...of  
10 the Tohono O'odham Nation . . ." (Constitution of the Tohono O'odham Nation,  
11 Article VI, Section 1(i)(2) and Section 2(d)); and  
12 **WHEREAS,** "The unallotted lands of the Tohono O'odham Nation and all lands hereafter  
13 acquired by the nation, or held for the use of the nation or its members, are a  
14 valuable public resource and shall be held as national lands forever" and are  
15 subject to the management and control of the Legislative Council (Constitution,  
16 Article XVI, Section 1); and  
17 **WHEREAS,** Tucson Electric Power Company ("TEP") operates a 138kV transmission line built  
18 in October 10, 1968 and currently comprises wood H-frame transmission  
19 structures that will be replaced with monopole structures as they need  
20 replacement; and is a looped system serving Tucson and the surrounding area,  
21 connecting the TEP Midvale Substation to the South Loop Substation; and  
22 **WHEREAS,** the South Loop 138kV Transmission line supports Tohono O'odham Utility  
23 Authority's 46kV back-up source; and  
24 **WHEREAS,** a segment of the transmission line crosses the Tohono O'odham Nation in the San  
25 Xavier District ("SXD") comprising of 103.038 acres, between Pima Mine Road and  
26 Los Reales Road in Township 15 and 16 South, Range 13 East, Sections 1, 12, 13, 23,  
27 24, 25, 26 and 36 of the Gila and Salt River Baseline and Meridian ("Power Line");  
28 and  
29 **WHEREAS,** TEP previously held a 100-foot-wide right-of-way (50 feet on either side of  
30 centerline) ("ROW") for the Power Line, and the current application is for the  
31 same ROW, which crosses twenty allotments in the SXD; and  
32

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1   **WHEREAS,**     **the term for TEP's previous ROW expired on October 9, 2018, and TEP has agreed**  
2                   **with the affected SXD allotment owners and the SXD to a twenty-five (25) year**  
3                   **renewal of the ROW; and**

4   **WHEREAS,**     **the Nation has acquired fractional interests in a number of allotments crossed by**  
5                   **TEP's ROW; and**

6   **WHEREAS,**     **TEP has agreed to pay compensation totaling \$5,600,000.00 in one lump sum for a**  
7                   **25-year easement (which includes rent for the period of use); and**

8   **WHEREAS,**     **TEP has given notice to the affected landowners according to the requirements of**  
9                   **the Bureau of Indian Affairs ("BIA"), of the terms of its offer for the renewed right-**  
10                  **of-way; and**

11   **WHEREAS,**     **BIA has advised SXD that a majority of interest holders, other than the Nation, has**  
12                  **now consented to the renewal of TEP's ROW across the allotted lands of SXD; and**

13   **WHEREAS,**     **the Nation hereby determines that it is in the best interests of the Nation to waive**  
14                  **the requirement for a bond in connection with the ROW in accordance with 25**  
15                  **CFR § 169.103(f)(2); and**

16   **WHEREAS,**     **the Nation conditions its consent to the grant of ROW by BIA to TEP on TEP's**  
17                  **compliance with the Mitigation Measures listed in Section 4 of the attached**  
18                  **"Grant of Easement for Right-of-Way" document from BIA to TEP; and**

19   **WHEREAS,**     **the Agricultural and Natural Resources Committee recommends approval by the**  
20                  **Legislative Council.**

21   **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council consents to**  
22                  **the renewal in the "Grant of Easement for Right-of-Way" from BIA to TEP across**  
23                  **the allotted lands in San Xavier District for the total compensation amount of**  
24                  **\$5,600,000.00.**

25   **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it is in the Nation's**  
26                  **best interest to waive the bond requirement in the "Grant of Easement for Right-**  
27                  **of-Way."**

28   **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council approves the renewal of**  
29                  **Tucson Electric Power Company's Grant of Easement for Right-of-Way across**  
30                  **allotted lands in the San Xavier District, in substantially the form attached, and**  
31                  **authorizes the Nation's chairperson or any designated official to execute it**  
32                  **provided, that any amendments or modifications shall be submitted for prior**  
33                  **approval by the Tohono O'odham Legislative Council.**  
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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup>  
2 day of JANUARY, 2020 at a meeting at which a quorum was present with a vote of 2,534.1 FOR;  
3 641.6 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council  
4 by Article VI, Section 1(f), Section 1(i)(2) and Section 2(d) and Article XVI, Section 1 of the  
5 Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on  
6 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs  
7 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).  
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10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

11   
12 Timothy Joaquin, Legislative Chairman

13  
14 14 day of January, 2020  
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19 ATTEST:

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21  
22 Evonne Wilson, Legislative Secretary

23 14 day of January, 2020  
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26 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
27 O'odham Nation on the 14 day of January, 2020 at 10:27 o'clock, a.m.,  
28 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
29 effective upon his approval or upon his failure to either approve or disapprove it within 48  
30 hours of submittal.  
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32 TOHONO O'ODHAM LEGISLATIVE COUNCIL

33   
34 Timothy Joaquin, Legislative Chairman  
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40  APPROVED

on the 14 day of January, 2020

41  DISAPPROVED

at 3:07 o'clock, P.m.

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46 Ned Norris, Jr., CHAIRMAN  
47 TOHONO O'ODHAM NATION  
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Returned to the Legislative Secretary on the 14 day of  
January, 2020, at 3:40 o'clock, P.m.  
Deanne Fran Jov  
Evonne Wilson, Legislative Secretary

**ACTION: CONSENTING TO THE RENEWAL OF THE TUCSON ELECTRIC POWER COMPANY ELECTRICAL TRANSMISSION RIGHT-OF-WAY ACROSS THE SAN XAVIER DISTRICT**

**MOVED: COUNCILMAN DANIEL L.A. PRESTON III**

**SECOND: COUNCILWOMAN JANICE FELIX**

**DATE: JANUARY 13, 2020**

| DISTRICT                     | LEGISLATIVE REPRESENTATIVES  | # OF VOTES                     | FOR                  | AGAINST              | NOT VOTING | ABSENT      |
|------------------------------|--|--------------------------------|----------------------|----------------------|------------|-------------|
| <b>BABOQUIVARI<br/>384.8</b> | <b>1. LEANDER MASE (Absent)<br/>(Francine Schooling) (Present)</b><br><b>2. ALBERTA J. RAY<br/>(Frances G. Antone)</b>         | <b>192.40</b><br><b>192.40</b> | <b>X</b><br><b>X</b> |                      |            |             |
| <b>CHUKUT KUK<br/>347.5</b>  | <b>1. VIVIAN JUAN-SAUNDERS<br/>(Juanita Homer)</b><br><b>2. MARLAKAY HENRY<br/>(Billman Lopez)</b>                             | <b>173.75</b><br><b>173.75</b> | <b>X</b><br><b>X</b> |                      |            |             |
| <b>GUACHI<br/>279.3</b>      | <b>1. VICTORIA HOBBS<br/>( )</b><br><b>2. TIMOTHY L. JOAQUIN (Absent)<br/>(Louis L. Johnson) (Present)</b>                     | <b>139.65</b><br><b>139.65</b> | <b>X</b><br><b>X</b> |                      |            | <b>X</b>    |
| <b>GU VO<br/>264.5</b>       | <b>1. DALLAS LEWIS<br/>(Nacho Flores)</b><br><b>2. GRACE MANUEL<br/>( )</b>  | <b>132.25</b><br><b>132.25</b> | <b>X</b><br><b>X</b> |                      |            | <b>X</b>    |
| <b>HICKIWAN<br/>213.8</b>    | <b>1. SANDRA D. ORTEGA<br/>( )</b><br><b>2. LOUIS R. LOPEZ<br/>(Delma M. Garcia)</b>   | <b>106.90</b><br><b>106.90</b> | <b>X</b><br><b>X</b> |                      |            | <b>X</b>    |
| <b>PISINEMO<br/>230.7</b>    | <b>1. MONICA K. MORGAN<br/>( )</b><br><b>2. MARIETTA MARTIN<br/>( )</b>  | <b>115.35</b><br><b>115.35</b> | <b>X</b><br><b>X</b> |                      |            |             |
| <b>SAN LUCY<br/>235.6</b>    | <b>1. GLORIA RAMIREZ<br/>( )</b><br><b>2. JANA MONTANA<br/>(Lorraine M. Eller)</b>   | <b>117.80</b><br><b>117.80</b> | <b>X</b><br><b>X</b> |                      |            |             |
| <b>SAN XAVIER<br/>238.9</b>  | <b>1. JANICE FELIX (Absent)<br/>(Adam Andrews) (Present)</b><br><b>2. DANIEL L.A. PRESTON III<br/>(Racheal Vilson-Stone)</b>   | <b>119.45</b><br><b>119.45</b> | <b>X</b><br><b>X</b> |                      |            |             |
| <b>SCHUK TOAK<br/>189.0</b>  | <b>1. QUINTIN C. LOPEZ<br/>(Agnes V. Joaquin)</b><br><b>2. TERESA F. DONAHUE<br/>(Alberta Espinoza)</b>                        | <b>94.50</b><br><b>94.50</b>   |                      | <b>X</b>             |            |             |
| <b>SELLS<br/>547.1</b>       | <b>1. EVELYN JUAN MANUEL<br/>( )</b><br><b>2. ARTHUR WILSON<br/>( )</b>  | <b>273.55</b><br><b>273.55</b> |                      | <b>X</b><br><b>X</b> |            |             |
| <b>SIF OIDAK<br/>244.5</b>   | <b>1. LUCINDA ALLEN (Absent)<br/>(Yolonda Garcia) (Present)</b><br><b>2. MARY LOPEZ (Absent)<br/>(Ann M. Garcia) (Present)</b> | <b>122.25</b><br><b>122.25</b> | <b>X</b><br><b>X</b> |                      |            | <b>X</b>    |
|                              | <b>TOTAL</b>   | <b>3,175.7</b>                 | <b>2,534.10</b>      | <b>641.6</b>         | <b>-0-</b> | <b>[04]</b> |