

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Comments to the December 21, 2006 Draft Study Required by Section 1813**  
**of the Energy Policy Act of 2005)**

**RESOLUTION NO. 07-066**

1 **WHEREAS, Section 1813 of the Energy Policy Act of 2005 (P.L. 109-58) required the U.S.**  
2 **Departments of Energy and Interior to conduct a study of issues regarding energy**  
3 **rights-of-way across tribal lands; and**

4 **WHEREAS, Section 1813 required the Departments to submit to Congress a report on the findings**  
5 **of the study, including (1) an analysis of historic rates of compensation paid for energy**  
6 **rights-of-way on tribal land; (2) recommendations for appropriate standards and**  
7 **procedures for determining fair and appropriate compensation to Indian tribes for**  
8 **grants, expansions, and renewals of energy rights-of-way on tribal land; (3) an**  
9 **assessment of the tribal self-determination and sovereignty interests implicated by**  
10 **application for the grant, expansion, or renewal of energy rights-of-way on tribal land;**  
11 **and (4) an analysis of relevant national energy transportation policies relating to**  
12 **grants, expansions, and renewals of energy rights-of-way on tribal land; and**

13 **WHEREAS, certain industry representatives seek to eliminate the current valuation**  
14 **methodologies and also want to eliminate the need for tribal consent on the premise**  
15 **that continuing these procedures is contrary to national security and consumer**  
16 **interests; and**

17 **WHEREAS, after conducting consultation sessions and public meetings, and soliciting comments,**  
18 **the Departments distributed their second draft report on December 21, 2006 with**  
19 **findings that energy costs to consumers have not increased significantly as a result of**  
20 **the exercise of tribal consent in rights-of-way negotiations and that there is no threat**  
21 **to national energy transportation security as a result of the exercise of tribal consent**  
22 **in rights-of-way negotiation; and**

23 **WHEREAS, despite these findings the draft report, still presents to Congress options for**  
24 **consideration by Congress which undermine tribal sovereignty and self**  
25 **determination; and**

26 **WHEREAS, the power of tribes to consent to the use of tribal lands is a critical element of tribal**  
27 **sovereignty that is deeply rooted in federal law; and**

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1 **WHEREAS, Indian tribes are an integral part of the energy security of the United States in that**  
2 **tribes have permitted critical energy facilities to be used pending negotiations even**  
3 **in cases where rights-of-way have expired; and**

4 **WHEREAS, the Natural Resources Committee of the Legislative Council has reviewed the attached**  
5 **Comments and recommends approval by the Legislative Council.**

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

- 7 **1. Approves the Comments of the Tohono O'odham Nation, substantially in the form**  
8 **attached hereto, to the December 21, 2006 draft study required by Section 1813 of**  
9 **the Energy Policy Act of 2005;**
- 10 **2. Urges the Departments to endorse their findings in the Final Report and to**  
11 **unequivocally recommend that Congress take no action at this time with regard to**  
12 **altering or impairing the tribal right to consent in rights-of-way negotiations; and**
- 13 **3. Authorizes the Chairwoman of the Nation to submit these comments to the**  
14 **respective Departments prior to the deadline of February 5, 2007, for inclusion in**  
15 **the record related to the Study of Energy Rights-of-Way under Section 1813 of the**  
16 **Energy Policy Act of 2005.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30<sup>TH</sup> Day**  
18 **of JANUARY, 2007 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-**  
19 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
20 **Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
21 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
22 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
23 **Stat. 984).**

24  
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 **Verlon M. Jose, Legislative Chairman**

30  
31 31 day of January, 2007

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33 **ATTEST:**

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37 **Lucille Lopez, Acting Legislative Secretary**

38  
39 30 day of January, 2007.

**RESOLUTION NO. 07-066**

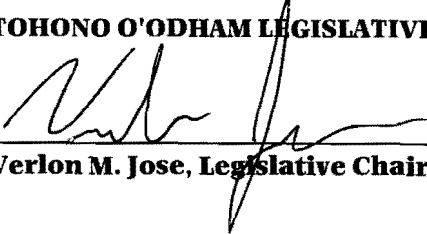
**(Approving Comments to the December 21, 2006 Draft Study Required by Section 1813 of the Energy Policy Act of 2005)**

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Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 31 day of January, 2007 at 12:02 o'clock, 7 .M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 31 day of January, 2007

DISAPPROVED

at 4:20 o'clock, 7 .M.

  
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 01 day of

February, 2007, at 8:42 o'clock, A .M.

  
Lucille Lopez, Acting Legislative Secretary

**ACTION: APPROVING COMMENTS TO THE DECEMBER 21, 2006 DRAFT STUDY REQUIRED BY SECTION 1813 OF THE ENERGY POLICY ACT OF 2005**

**MOVED: COUNCILWOMAN FRANCES ANTONE**

**SECOND: COUNCILMAN GERALD FAYUANT**

**DATE: JANUARY 30, 2007**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>310.8</b>	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			X
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK</b> <b>258.7</b>	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> <b>221.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			X
<b>GU VO</b> <b>193.1</b>	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> <b>167.4</b>	1. SHIRLEY SANTOS-MOLINA ( )	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> <b>171.8</b>	1. BARBARA SALVICIO ( )	85.90	X			X
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY</b> <b>169.0</b>	1. LORRAINE EILER ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
<b>SAN XAVIER</b> <b>193.8</b>	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
<b>SCHUK TOAK</b> <b>146.9</b>	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> <b>421.0</b>	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
<b>SIF OIDAK</b> <b>186.7</b>	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,440.80</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>

**\*\*PASSED VOTES**