

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

**RESOLUTION NO. 16-053**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult,**  
2 **negotiate, and conclude agreements on behalf of the Tohono O'odham Nation**  
3 **("Nation") with the Federal, state, and local governments..." (Constitution of the**  
4 **Tohono O'odham Nation, Article VI, Section 1(f); and**

5 **WHEREAS, Western Area Power Administration ("Western"), an agency of the US**  
6 **Department of Energy, operates the Tucson-Apache 115kV transmission line**  
7 **built in the 1950s and currently comprises wood H-frame and 3-pole turning**  
8 **transmission structures and appurtenant facilities that runs from Western's**  
9 **Tucson substation near Grant and Flowing Wells roads in Tucson, Arizona; and**

10 **WHEREAS, a segment of this transmission line crosses the Tohono O'odham Nation in the**  
11 **San Xavier District ("SXD") comprising 2.9 linear miles (52.870 acres) between**  
12 **Los Reales Road and South Nogales Highway in Township 15 South, Range 13**  
13 **East, Sections 23, 24, 25 and 36 of the Gila and Salt River Baseline and Meridian;**  
14 **and**

15 **WHEREAS, Western previously held a 100-foot ROW (50 feet on either side of centerline) in**  
16 **the Project area; the current ROW application is for 150 feet of ROW (50 feet west**  
17 **of centerline, 100 feet east of centerline) all of which crosses eleven allotments**  
18 **in the northeast corner of San Xavier District (District) lands; and**

19 **WHEREAS, in negotiations for renewal, Western has announced its intent to upgrade the**  
20 **line's capacity to a double-circuit 230 kV transmission line comprised of tubular**  
21 **steel monopoles; and**

22 **WHEREAS, the term for Western's previous rights-of-way for the Tucson-Apache 115-kV**  
23 **transmission line expired on March 26, 2000, and Western has requested a fifty-**  
24 **eight year renewal of said rights-of-way; and**

25 **WHEREAS, the Nation has acquired fractional interests in a number of allotments crossed**  
26 **by Western's 115-kV electrical transmission line; and**

27 **WHEREAS, the District procured an appraisal of the present value of a renewal of Western's**  
28 **right of way, and Western has agreed to compensation totaling \$3,500,000**

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1 payable in one lump sum for a 58 year easement, and including rent for the  
2 period of trespass, which is consistent with that appraisal; and

3 **WHEREAS,** Western has given notice to the affected landowners according to the  
4 requirements of the Bureau of Indian Affairs, of the terms of its offer for the  
5 renewed right of way; and

6 **WHEREAS,** the Bureau of Indian Affairs has advised the District that a majority of interest  
7 holders, other than the Tohono O'odham Nation, has now consented to the  
8 renewal of Western's electrical transmission rights-of-way across the allotted  
9 lands of the District; and

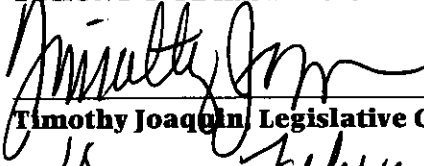
10 **WHEREAS,** the Agricultural and Natural Resources Committee recommends approval by  
11 the Legislative Council.

12 **NOW, THEREFORE, BE IT RESOLVED** the Tohono O'odham Legislative Council hereby believes  
13 it is in the best interest of the landowners to accept the present offer and grant  
14 Western a renewal of its right of way according to the terms of the proposed  
15 application for Grant of Easement attached hereto.

16 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council hereby approves the  
17 renewal for Western's Grant of Easement for Right-of-Way across allotted lands  
18 in the San Xavier District, in substantially the form attached hereto.

19 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup>  
20 day of FEBRUARY, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;  
21 -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by  
22 Article XVI, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the  
23 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
24 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of  
25 June 18, 1934 (48 Stat.984).  
26

27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 Timothy Joaquin, Legislative Chairman

32  
33 18 day of February, 2016  
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1 **ATTEST:**

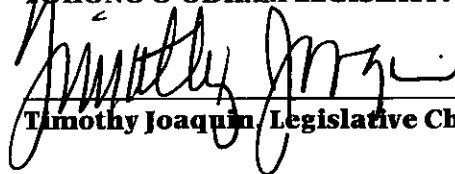
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4 **Evonne Wilson, Legislative Secretary**

5 9 day of February, 2016  
6

7  
8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 10 day of February, 2016 at 9:28 o'clock, a .m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.  
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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

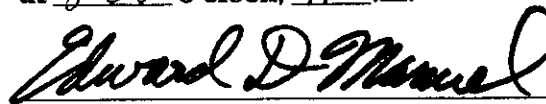
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16 \_\_\_\_\_  
17 **Timothy Joaquin, Legislative Chairman**  
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23  **APPROVED**

on the 11<sup>th</sup> day of February, 2016

24  
25  **DISAPPROVED**

at 8:38 o'clock, A .m.

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29 **EDWARD D. MANUEL, CHAIRMAN**  
30 **TOHONO O'ODHAM NATION**  
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35 **Returned to the Legislative Secretary on the 11 day of**

36 February, 2016, at 9:21 o'clock, a .m.  
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40 **Evonne Wilson, Legislative Secretary**  
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**ACTION: CONSENTING TO RENEWAL OF THE WESTERN AREA POWER ADMINISTRATION ELECTRICAL TRANSMISSION RIGHT-OF-WAY ACROSS THE SAN XAVIER DISTRICT**

**MOTION: COUNCILMAN BILLMAN LOPEZ**

**SECOND: COUNCILMAN DANIEL L.A. PRESTON, III**

**DATE: FEBRUARY 09, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH ( <i>Absent</i> ) (Gloria Zazueta) ( <i>Present</i> )	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ( )	109.95	X			X
	2. MONICA K. MORGAN ( )	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ( )	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.30	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.30	X			
	2. QUINTIN C. LOPEZ ( <i>Absent</i> ) (John Fendenheim) ( <i>Present</i> )	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ( )	115.80	X			
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>