

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving the attached Encroachment Permit Application submitted by the Tohono O'odham Utility Authority for an encroachment for utility purposes upon a right-of-way issued by the Bureau of Indian Affairs for BIA Route P-25-2 at a location within the Fresnal Community of the Schuk Toak District and approving the work described therein)**

**RESOLUTION NO. 16-065**

1 **WHEREAS,** Article XVI, Section 1, of the Constitution of the Tohono O'odham Nation  
2 provides that control and management of the lands of the Tohono O'odham  
3 Nation ("Nation") are vested in the Legislative Council of the Nation; and

4 **WHEREAS,** the Nation has approved the issuance of a right-of-way to the Bureau of Indian  
5 Affairs ("BIA") for BIA Route P-25-2 ("BIA ROW"), which includes that portion of  
6 Route P-25-2 that passes through the Fresnal Community of the Schuk Toak  
7 District; and

8 **WHEREAS,** the Tohono O'odham Utility Authority ("TOUA") has proposed a project  
9 ("Project") that will enable TOUA to replace the existing water line with a larger  
10 line which will enable TOUA to provide better service; and

11 **WHEREAS,** in order to provide such service and commence the Project, TOUA will need to  
12 cross the BIA ROW within the Fresnal Village at two locations on Route P-25-2 as  
13 depicted in the map incorporated into its Encroachment Permit Application  
14 which is attached hereto and incorporated herein by this reference; and

15 **WHEREAS,** the BIA will not allow TOUA to do any work within a right-of-way issued to the BIA  
16 until an encroachment permit has been issued; and

17 **WHEREAS,** the BIA has provided, and TOUA has completed, the attached Encroachment  
18 Permit Application for such encroachment permit; and

19 **WHEREAS,** information which must be submitted with the Encroachment Permit  
20 Application includes, among other things, a resolution from the Nation  
21 approving the Encroachment Permit Application; and

22 **WHEREAS,** the Encroachment Permit Application, which does not cite to or incorporate any  
23 provision of federal law or the Code of Federal Regulations, requires that the  
24 approving resolution expressly state that "the tribe agrees with the work  
25 described in the permit request;" and

26 **WHEREAS,** the Schuk Toak District previously consented to the placement of the existing  
27 water line and the District does not oppose the proposed upgrade so long as it is  
28 in substantially the same location as the existing water line; and

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1 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the attached**  
2 **Encroachment Permit Application and supporting materials and the Committee**  
3 **recommends approval by the Legislative Council.**

4 **NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that it does hereby approve the**  
5 **attached proposed Encroachment Permit Application, prepared by TOUA, which**  
6 **is required by the BIA for TOUA to perform work within the right-of-way issued**  
7 **to the BIA for BIA Route P-25-2.**

8 **BE IT FINALLY RESOLVED that the Legislative Council, which is vested by the Nation's**  
9 **Constitution with the authority to manage the Nation's lands, approves the work**  
10 **described in the attached Encroachment Permit Application.**


11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11<sup>TH</sup>**  
12 **day of FEBRUARY, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;**  
13 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
14 **Section 1 of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the**  
15 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
16 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**  
17 **June 18, 1934 (48 Stat.984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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23 **Timothy Joaquin, Legislative Chairman**

24  
25 12 day of February, 2016

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30 **ATTEST:**

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33 **Evonne Wilson, Legislative Secretary**

34  
35 12 day of February, 2016

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38 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
39 **O'odham Nation on the 12 day of February, 2016 at 4:50 o'clock, p .m.,**  
40 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
41 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
42 **hours of submittal.**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


  
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**Timothy Joaquin, Legislative Chairman**

**APPROVED**

on the 16 day of February, 2016

**DISAPPROVED**

at 10:30 o'clock, A.m.

  
\_\_\_\_\_  
**EDWARD D. MANUEL, CHAIRMAN**  
**TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 16 day of**

February, 2016, at 11:38 o'clock, or.m.

  
\_\_\_\_\_  
**Evonne Wilson, Legislative Secretary**

**ACTION: APPROVING THE ATTACHED ENCROACHMENT PERMIT APPLICATION SUBMITTED BY THE TOHONO O'ODHAM UTILITY AUTHORITY FOR AN ENCROACHMENT FOR UTILITY PURPOSES UPON A RIGHT-OF-WAY ISSUED BY THE BUREAU OF INDIAN AFFAIRS FOR BIA ROUTE P-25-2 AT A LOCATION WITHIN THE FRESNAL COMMUNITY OF THE SCHUK TOAK DISTRICT AND APPROVING THE WORK DESCRIBED THEREIN**

**MOTION: COUNCILMAN ANTHONY J. FRANCISCO JR.**

**SECOND: COUNCILMAN BILLMAN LOPEZ**

**DATE: FEBRUARY 11, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			X
	2. VERNON J. SMITH (Absent) (Gloria Zazneta) (Present)	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			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 (Absent) (John Fendenheim) (Present)	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>[03]</b>