

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Special Use Permit for Southwest Transmission Cooperative, Inc. to
conduct pre-development studies, to continue its use of the expired Right-of-Way
pending negotiations of a new Right-of-Way, and to conduct general upkeep
of the expired Right-of-Way which is located within the Schuk Toak District)**

RESOLUTION NO. 16-067

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the authority to "administer land and other public property, and by law,**
3 **ordinance or resolution . . . to manage, protect, preserve and regulate the use of**
4 **the property, wildlife, land, air and natural resources (including surface and**
5 **ground waters) of the Tohono O'odham Nation"; and**

6 **WHEREAS, on September 28, 1961 Trico Electric Cooperative, Inc. ("Trico") submitted an**
7 **application for a Grant of Easement for a fifty foot wide Right-of-Way for the**
8 **construction of a 115,000 volt power transmission line ("Transmission Line") to**
9 **traverse the western boundary line of the Tohono O'odham Nation ("Nation"),**
10 **Sections 14, 23 and 26, Township 14 South, Range 10 East, Gila and Salt River**
11 **Meridian, which crosses the Garcia Strip a half-mile west of the Garcia Ranch in**
12 **the Schuk Toak District; and**

13 **WHEREAS, on March 04, 1962 the Schuk Toak District Council, by Resolution, gave its**
14 **approval for the issuance of a Right-of-Way to Trico for a period of fifty years,**
15 **such approval included Trico's construction of two gates located at each end of**
16 **the Right-of-Way at the exterior boundaries of the reservation for ingress and**
17 **egress onto the Right-of-Way; and**

18 **WHEREAS, on April 6, 1962, the Papago Council approved, by Resolution No. 1226, Trico's**
19 **application for the Right-of-Way which included the payment of \$10 for each**
20 **pole and each anchor placed within the 50 foot wide Right-of-Way, for a period of**
21 **50 years including the right to construct and maintain two gates located at each**
22 **end of the Right-of-Way at the exterior boundaries of the reservation for ingress**
23 **and egress onto the Right-of-Way; and**

24 **WHEREAS, in 1990 Arizona Electric Power Cooperative, Inc. ("AEPSCO") purchased the**
25 **Transmission Line from Trico; and**

26 **WHEREAS, on or about January 24, 1992 AEPSCO staff contacted the Bureau of Indian Affairs**
27 **to discuss the procedure for transferring the original Trico Right-of-Way to**
28 **AEPSCO and was directed to contact the Schuk Toak District Council; and**

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1 **WHEREAS, on October 28, 2012 the Garcia Strip Community, by Resolution No.GS-10-28-12**
2 **#1 advised AEPCO to leave the Right-of-Way granted to Trico in place until it**
3 **expired on May 24, 2012 but recognized AEPCO as the owner of the Right-of-Way;**
4 **and**

5 **WHEREAS, in 2001 the AEPCO Board of Directors divided the company into three separate**
6 **entities one of which was Southwest Transmission Cooperative, Inc. ("SWTC");**
7 **and**

8 **WHEREAS, the SWTC became the owner of the Transmission Line after the restructuring**
9 **and is the owner and operator today; and**

10 **WHEREAS, the AEPCO transferred the Trico Right-of-Way for the Transmission Line to**
11 **SWTC; and**

12 **WHEREAS, on May 24, 2012, the original Trico Right-of-Way for the Transmission Line**
13 **expired; and**

14 **WHEREAS, on May 1, 2012, SWTC submitted a new Right-of-Way application to the Nation's**
15 **Realty Office for a 50 year Right-of-Way for the Transmission Line which**
16 **includes the right to have a fiber optic (or optical) ground wire installed and for**
17 **the right to add a 20-30 foot-wide access road from Sandario Road through the**
18 **farm lands to the Garcia Ranch located in the Schuk Toak District; and**

19 **WHEREAS, the SWTC met with the Garcia Strip Community on October 28, 2012, within the**
20 **Schuk Toak District, to discuss the expired Right-of-Way and to request approval**
21 **to conduct pre-development studies for the new Right-of-Way application; and**

22 **WHEREAS, the Schuk Toak District Council, by Resolution No. ST-12-19-12-104, supported**
23 **the SWTC proposal to conduct their pre-development studies that includes their**
24 **land survey appraisal, environmental and cultural surveys, and route**
25 **documentation while also allowing the SWTC to continue to use the expired**
26 **Right-of-Way pending negotiations of the new Right-of-Way and permitting**
27 **SWTC to conduct general upkeep of the expired Right-of-Way, provided that no**
28 **other work would be done by SWTC until and unless further negotiations and an**
29 **agreement is completed; and**

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1 **WHEREAS, the Schuk Toak District Council, by Resolution No. ST-12-19-12-104, gave SWTC a**
2 **period of one year, effective from the date such approval is given by the Tohono**
3 **O’odham Legislative Council to complete their pre-development studies; and**

4 **WHEREAS, the SWTC will inform the Nation’s Realty Office, the Tohono O’odham Legislative**
5 **Council, the Garcia Strip Community, and the Schuk Toak District Council when**
6 **its pre-development studies are completed, will present to them its findings,**
7 **and will provide copies of its studies, together with any deadlines associated**
8 **with submitting comments to each respective study, if applicable, to the**
9 **Nation’s Realty Office.**

10 **WHEREAS, this Resolution and the attached, proposed Special Use Permit to the SWTC have**
11 **been reviewed by the Agricultural and Natural Resources Committee, which**
12 **recommends approval by the Legislative Council.**

13 **NOW, THEREFORE, BE IT RESOLVED the Tohono O’odham Legislative Council, hereby**
14 **authorizes Southwest Transmission Cooperative, Inc. (“SWTC”) to commence**
15 **with their pre-development studies for a period of one year, and to allow the**
16 **SWTC to continue use of the expired Right-of-Way pending negotiations and**
17 **agreement of a new Right-of-Way, and to allow SWTC to conduct general upkeep**
18 **within the expired Right-of-Way subject to the terms of this resolution.**

19 **The foregoing Resolution was passed by the Tohono O’odham Legislative Council on the 11TH**
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 [03] 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 Tohono**
23 **O’odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
24 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934**
25 **(48 Stat.984).**

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28 **TOHONO O’ODHAM LEGISLATIVE COUNCIL**

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32 **Timothy Joaquin, Legislative Chairman**

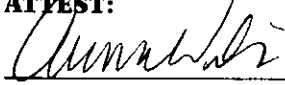
33
34 12 day of February, 2016
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1 ATTEST:

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4 Evonne Wilson, Legislative Secretary

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6 12 day of February, 2016

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 12 day of February, 2016 at 9:00 o'clock, P.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.

13 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 Timothy Joaquin, Legislative Chairman

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22 APPROVED

on the 16 day of February, 2016

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24 DISAPPROVED

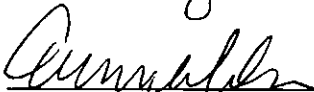
at 10:37 o'clock, A.m.

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28 EDWARD D. MANUEL, CHAIRMAN
29 TOHONO O'ODHAM NATION

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34 Returned to the Legislative Secretary on the 16 day of

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

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40 Evonne Wilson, Legislative Secretary

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ACTION: APPROVING SPECIAL USE PERMIT FOR SOUTHWEST TRANSMISSION COOPERATIVE, INC. TO CONDUCT PRE-DEVELOPMENT STUDIES, TO CONTINUE ITS USE OF THE EXPIRED RIGHT-OF-WAY PENDING NEGOTIATIONS OF A NEW RIGHT-OF-WAY, AND TO CONDUCT GENERAL UPKEEP OF THE EXPIRED RIGHT-OF-WAY WHICH IS LOCATED WITHIN THE SCHUK TOAK DISTRICT

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 (<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			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			
TOTAL		3,021.4	3,021.4	-0-	-0-	[03]