

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a 25-Year Agricultural Lease Agreement between the Tohono O'odham Nation,
the Secretary of the Interior and the San Xavier Cooperative Association, Inc.)

RESOLUTION NO. 22-332

- 1 **WHEREAS, the Tohono O'odham Legislative Council is authorized "to manage, protect,**
2 **preserve and regulate the use of the property...of the Tohono O'odham Nation"**
3 **and "to manage and lease or otherwise deal with lands, or interests in land...of**
4 **the Tohono O'odham Nation..." (Constitution of the Tohono O'odham Nation,**
5 **Article VI, Section 1(i)(2) and Section 2(d)); and**
- 6 **WHEREAS, the Tohono O'odham Nation ("Nation"), the Secretary of the Interior ("Secretary"),**
7 **and the San Xavier Cooperative Association, Inc. ("Association") wish to enter into**
8 **a 25-Year Agricultural Lease Agreement ("Agreement") subject to the authority of**
9 **25 U.S.C. § 416, and the governing regulations found in 25 C.F.R. Part 162, Subpart**
10 **B; and**
- 11 **WHEREAS, the purpose of the Agreement is to enable the Association to fulfill its mandate:**
12 **(1) to promote and improve the education, social conditions and economic**
13 **welfare of its members; (2) to promote, foster and encourage the business of**
14 **farming and livestock production, and the production of agricultural and**
15 **livestock products; (3) to encourage better and more economic methods of**
16 **agricultural and livestock production, to secure better results in grading,**
17 **packing, marketing and advertising its products; (4) to promote and encourage**
18 **business of manufacturing of any agricultural, farm or livestock implement or**
19 **machinery of any kind; (5) to engage in the marketing, selling, exchanging or**
20 **preserving of any agricultural or livestock production, or the by-products of any**
21 **farm animal or product, or in the purchase or distribution of any merchandise or**
22 **supplies that may be required in the growing or production of any agricultural,**
23 **livestock or farm product whatsoever; and (6) to do everything necessary, proper,**
24 **advisable or convenient for the accomplishment of the purposes set forth above,**
25 **and to do all things incidental thereto or connected therewith, which are not**
26 **prohibited by the Nation's laws or the Charter; and**
- 27 **WHEREAS, Indian Landowners, represented by the Secretary, who are also members of the**
28 **Association own numerous parcels of allotted land sought to be leased by the**
29 **Association under the terms of the Agreement; and**
- 30 **WHEREAS, the Nation is also a landowner of tribal tracts sought to be leased by the**
31 **Association under the terms of the Agreement; and**

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1 **WHEREAS, the Association previously entered into an original lease and then a subsequent**
2 **5-year lease to farm 1071.83 acres of land within the San Xavier District of the**
3 **Nation; and**

4 **WHEREAS, the Southern Arizona Water Rights Settlement Act of 1982 (Pub. L. No. 97-293)**
5 **("SAWRSA"), provided federal funds to rehabilitate the original farm and build a**
6 **pipeline to deliver Central Arizona Project ("CAP") water to agricultural fields**
7 **within the farm. Rehabilitation of the farm was completed in 2007; and**

8 **WHEREAS, SAWRSA, as amended by the Arizona Water Settlement Act of 2004 (Pub. L. No. 108-**
9 **451, 118 Stat. 3478) ("AWSA"), directed the Secretary to pay for the design and**
10 **construction of a farm extension at no expense to the Association; and**

11 **WHEREAS, in 2011, the Association, the Bureau of Reclamation, the Nation, and the San**
12 **Xavier District established the "footprint" for the farm extension would be 1,094**
13 **acres. In June 2012, the Association formally adopted the 1,094 acre footprint, and**
14 **the farm extension development commenced with a farm planning and economic**
15 **analysis effort beginning in July 2014; and**

16 **WHEREAS, on January 16, 2017, George Cairo Engineering, Inc., issued its Final Appraisal**
17 **Report for the farm and farm extension—which found that the fair market rent**
18 **for "farmable acres" is \$135 per acre. This appraisal has been accepted by BIA for**
19 **use in the Agreement; and**

20 **WHEREAS, in January 2019, the U.S. Department of the Interior, by and through the Bureau**
21 **of Reclamation, issued its Final Environmental Assessment for the farm**
22 **extension—which identified that 835 acres of the 1,094 acres contained within the**
23 **farm extension could be cultivated; and**

24 **WHEREAS, on or about January 19, 2022, the BIA adjusted the total acreage contained within**
25 **the original farm from 1,071.83 to 1052.80 and the farm extension from 1,094 to**
26 **1105.83, inclusive of both tribal tracts and allotments; and**

27 **WHEREAS, the farm extension has not been fully subjugated and is still in the design phase**
28 **with not more than 30% of the farm extension having been designed for farming**
29 **purposes as contemplated by Section 304(c) of AWSA. The Secretary is withholding**
30 **additional funds earmarked for design and construction of the farm extension**
31 **until the Agreement is duly executed by the parties and approved by the**
32 **Secretary; and**

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1 **WHEREAS, the parties wish to enter into the Agreement, which provides for a new 25-year**
2 **lease which extends the farm and allows the Association to subjugate the farm**
3 **extension as contemplated by Section 304(c) of AWSA; and**

4 **WHEREAS, the Agreement is in the best interest of the Nation and Indian Landowners**
5 **because it puts the land to beneficial agricultural use and will promote and**
6 **advance the Nation and Indian Landowners' history, traditions, and cultural**
7 **practices; and**

8 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the Agreement**
9 **and supporting documentation, attached hereto and incorporated herein as**
10 **Attachment 1, and recommends that the Nation approve the Agreement.**

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

- 12 **1. The Tohono O'odham Nation supports and approves the Superintendent of the**
13 **Papago Agency as well as the Nation in executing the 25-Year Agricultural Lease**
14 **Agreement between the Tohono O'odham Nation, the Secretary of the Interior**
15 **and the San Xavier Cooperative Association, Inc.**
- 16 **2. The Nation understands and agrees that 61.87 acres of the Nation's unallotted**
17 **land shall be included for use under the Agreement as well as 2,096.76 acres of**
18 **individual Indian allotted lands, all which are located within the exteriors**
19 **boundaries of the Nation's reservation lands.**
- 20 **3. The Nation's chairperson, or his official designee, is authorized to take any and**
21 **all reasonable steps as well as execute any documents reasonably necessary to**
22 **implement this resolution, provided that any amendments or modifications**
23 **must be submitted for prior approval to the Tohono O'odham Legislative**
24 **Council.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
26 **day of SEPTEMBER, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**
27 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by,**
28 **Article VI, Section 1(f); and 1(i)(2), and Section 2(d) of the Constitution of the Tohono O'odham**
29 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
30 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
31 **16 of the Act of June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

16 day of September, 2022

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

15 day of September, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16 day of September 2022 at 8:14 o'clock, A .m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 16 day of September, 2022

DISAPPROVED

at 12:35 o'clock, P .m.

Ned Norris, Jr.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of September, 2022, at 10:13 o'clock, a .m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

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ACTION: APPROVING A 25-YEAR AGRICULTURAL LEASE AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION, THE SECRETARY OF THE INTERIOR AND THE SAN XAVIER COOPERATIVE ASSOCIATION, INC.

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: SEPTEMBER 14, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON (<i>Absent</i>) (Shelia Espino) (<i>Present</i>)	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			X
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
	TOTAL	3,218.0	3,218.0	-0-	-0-	[01]