

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting Submission of the Nation's Comments on Near Term Colorado River Options
Based on the Lower Basin States' Alternative and Re-Issuance of a Draft Supplemental
Environmental Impact Statement)

RESOLUTION NO. 23-246

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that "[a]ll waters which
2 originate in or flow in, into or through the Tohono O'odham Nation, or which are
3 stored in the Tohono O'odham Nation, whether found on the surface or
4 underground, are a valuable public resource of the Tohono O'odham Nation to be
5 protected for the present and future use of the Tohono O'odham Nation as a
6 whole" (Constitution, Article XVII, Section 1); and

7 **WHEREAS,** the Constitution vests the Legislative Council with the power to "consult with the
8 Congress of the United States and appropriate federal agencies regarding federal
9 activities that affect the Tohono O'odham Nation . . ." (Constitution, Article VI,
10 Section 1(j)); and

11 **WHEREAS,** under the Southern Arizona Water Rights Settlement Act, Pub. L. 97-293 (1982)
12 (SAWRSA), as amended by the Arizona Water Settlements Act, Pub. L. 108-451
13 (2004) (AWSA), the Nation gave up its significant claims concerning damages to
14 groundwater and surface water on the Nation's reservation lands in the Tucson
15 Active Management Area, in return for reliable, affordable, and long-term access
16 to Central Arizona Project (CAP) water, as well as on-reservation groundwater
17 protections; and

18 **WHEREAS,** while SAWRSA settled the Nation's water rights claims to a little over 100,000
19 acres, the vast majority of the Nation's federal reserved water rights underlying
20 its two million acre reservation, remain unquantified; and

21 **WHEREAS,** Colorado River Basin water delivery operations, including allocations for the
22 CAP, are currently managed under the 2007 Interim Guidelines, as modified by
23 the Lower Colorado Basin Drought Contingency Plan and other authorities; and

24 **WHEREAS,** due to unprecedented drought in the Colorado River basin and other factors, the
25 flows of the Colorado River have been reduced and the water levels in Lake Mead
26 and Lake Powell have decreased to levels not seen since the filling of those
27 reservoirs; and

28 **WHEREAS,** the Bureau of Reclamation is considering alternatives that would further modify
29 the 2007 Interim Guidelines in a way that may directly affect the Nation's access
30 to water from the Colorado River, and is accepting comments from Tribes and

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1 others on these alternatives on an accelerated time frame in order to address
2 drought conditions; and

3 **WHEREAS,** the Nation has a significant interest in proposed adjustments to the allocation of
4 Colorado River Water during the current and perceived drought conditions going
5 forward – not only to protect its existing resolved water rights but to protect the
6 Nation's claims to water rights that have yet to be quantified and/or resolved; and

7 **WHEREAS,** consistent with the Nation's Government Comment Guidelines, I TOC Section
8 3105, the Nation's Chairperson, with the concurrence of the Water Resources
9 Committee, authorized the Nation to submit timely comments (attached and
10 incorporated herein by this reference) to the Bureau of Reclamation that outline
11 the Nation's concerns and present the Nation's position on issues that the Bureau
12 needs to be considered in the identification of any alternative that might impact
13 the Nation's interest in water from the Colorado River.

14 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council supports the
15 Nation's comments as submitted to the Bureau of Reclamation addressing near
16 term impacts on Colorado River water allocations.

17 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH
18 day of JULY, 2023 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;
19 -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by,
20 Article XVII, § 1 and Article VI, § 1(j) of the Constitution of the Tohono O'odham Nation, adopted
21 by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
22 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
23 Act of June 18, 1934 (48 Stat.984).

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

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28 _____
29 Alberta J. Ray, Legislative Vice Chairwoman

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31 _____
32 13 day of July, 2023

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34 **ATTEST:**

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36 _____
37 Evonne Wilson, Legislative Secretary

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39 _____
40 12 day of July, 2023
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of July, 2023 at 8:12 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


Alberta J. Ray, Legislative Vice Chairwoman

APPROVED

on the 13 day of July, 2023


DISAPPROVED

at 10:35 o'clock, a.m.


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

Returned to the Legislative Secretary on the 13 day of

July, 2023, at 11:40 o'clock, A.m.


Evonne Wilson, Legislative Secretary

ACTION: SUPPORTING SUBMISSION OF THE NATION'S COMMENTS ON NEAR TERM COLORADO RIVER OPTIONS BASED ON THE LOWER BASIN STATES' ALTERNATIVE AND RE-ISSUANCE OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

MOVED: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN DELISA M. RAMON

DATE: JULY 10, 2023

| 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>) (Shella 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 | | | X |
| | 2. JANICE FELIX () | 121.3 | X | | | |
| SAN LUCY 243.8 | 1. 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 (<i>Present</i>) (Dallas Lewis) (<i>Present</i>) | 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 (<i>Absent</i>) (Francine Schooling) (<i>Absent</i>) | 194.45 | X | | | |
| TOTAL | | 3,218.0 | 3,218.0 | -0- | -0- | [02] |