

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Submitting Comments on Proposed Rules for Residential, Business, and Wind
and Solar Resource Leases on Indian Land)

RESOLUTION NO. 12-038

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult with the**
2 **Congress of the United States and appropriate federal agencies regarding federal**
3 **activities that affect the Tohono O'odham Nation" (Constitution of the Tohono**
4 **O'odham Nation, Article VI, Section 1(j)); and, "subject to approval by the Secretary of**
5 **the Interior or his authorized representative, but only to the extent and for so long as**
6 **such approval is expressly required by federal statutes," the power to "manage and**
7 **lease or otherwise deal with lands, or interests in land" (Constitution of the Tohono**
8 **O'odham Nation, Article VI, Section 2(d)); and**

9 **WHEREAS, like many tribes, the Nation has entered into numerous land leases, and has long had**
10 **to deal with the cumbersome federal bureaucracy that has impeded efficient Indian**
11 **land leasing; and**

12 **WHEREAS, on November 29, 2011, the United States Department of the Interior ("DOI") published**
13 **in the Federal Register proposed rules for residential, business, and wind and solar**
14 **resources leases on Indian lands (the "Proposed Rules"), which would amend the**
15 **existing regulations at 25 C.F.R. Part 162; and**

16 **WHEREAS, while the Proposed Rules are, on the whole, a marked improvement over the DOI's**
17 **current regulations governing Indian land leasing, additional revision is necessary**
18 **in order to ensure that, if implemented, the Proposed Rules preserve the Nation's**
19 **interest in existing and future leases; and**

20 **WHEREAS, it is in the Nation's interest to comment on the Proposed Rules; and**

21 **WHEREAS, the Nation's Office of Attorney General, in coordination with applicable departments**
22 **and tribal entities, has compiled comments in response to the Proposed Rules; and**

23 **WHEREAS, the Legislative Agriculture and Natural Resources Committee has reviewed and**
24 **recommends that the Legislative Council approve the comments in response to the**
25 **Proposed Rules.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the**
27 **Tohono O'odham Nation's comments on the proposed rules for residential, business,**
28 **and wind and solar resources leases on Indian lands, which would amend the existing**
29 **regulations at 25 C.F.R. Part 162, in substantially the form attached hereto and**
30 **authorizes and directs the Nation's Chairman to timely submit the Nation's comments**
31 **to the United States Department of the Interior.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26TH Day of JANUARY, 2012 a meeting at which a quorum was present with a vote of 1,660.70 FOR; 342.0 AGAINST; 777.90 [04] NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1 (j) and 2(d) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

26 day of January, 2012

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

26 day of January, 2012.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 26 day of January, 2012 at 3:51 o'clock, P.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 27th day of January, 2012

DISAPPROVED

at 1:20 o'clock, P.M.

Ned Norris, Jr.

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

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Returned to the Legislative Secretary on the 30 day of

January, 2012, at 9:00 o'clock, a.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: SUBMITTING COMMENTS ON PROPOSED RULES FOR RESIDENTIAL, BUSINESS, AND WIND AND SOLAR RESOURCE LEASES ON INDIAN LAND

Moved: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN PAMELA ANGHILL

DATE: JANUARY 26, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0		X		X
	2. FRANCES G. ANTONE (Vernon Smith)	171.0		X		
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10			X	X
	2. BILLMAN LOPEZ ()	151.10			X	
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X		X	
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (<i>Absent</i>) (Eugene Enis) (<i>Present</i>)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE ()	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			X
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85			X	
	2. EVELYN B. JUAN MANUEL ()	237.85			X	
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	1,660.70	342.0	777.90 [04]	[05]