

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Submitting Comments on Proposed Marketing Criteria for Boulder Canyon Project)**

RESOLUTION NO. 13-022

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" and to "consult, negotiate and**  
4 **conclude agreements and contracts on behalf of the Tohono O'odham Nation with**  
5 **Federal, State and local governments and other Indian tribes or their departments,**  
6 **agencies, or political subdivisions, or with private persons or organizations on all**  
7 **matters within the authority of the Tohono O'odham Council" (Constitution of the**  
8 **Tohono O'odham Nation, Article VI, Section 1(j) and 1(f)); and**

9 **WHEREAS, in 1928, Congress enacted the Boulder Canyon Project Act which authorized**  
10 **construction of Hoover Dam and a power plant to generate electricity from the dam**  
11 **(Act of December 21, 1928, 45 Stat. 1057, codified at 43 U.S.C. § 617 et seq.); and**

12 **WHEREAS, Congress authorized the allocation of this federal hydropower to partnering state and**  
13 **municipal entities in Arizona, Nevada and California under fifty-year contracts**  
14 **extending from 1937 to 1987; and**

15 **WHEREAS, in 1984, Congress authorized installation of upgrades at the power plant that, among**  
16 **other things, increased power production capacity, allocated power from the dam**  
17 **again to many of the same state and municipal entities over and above their contract**  
18 **entitlements, and directed that the contracts be extended for another thirty years,**  
19 **until 2017; and**

20 **WHEREAS, in 2011, Congress enacted the Hoover Power Allocation Act, Pub. L. 112-72, 125 Stat.**  
21 **777, codified at 43 U.S.C. § 619a et seq. that, among other things, reallocates a portion**  
22 **of the power from the dam for delivery October 1, 2017 to "new allottees," including**  
23 **federally recognized Indian tribes, and permits tribes to contract directly with the**  
24 **Western Area Power Administration, a division of the United States Department of**  
25 **Energy ("Western"), to obtain this reallocated power from the dam; and**

26 **WHEREAS, on October 30, 2012, Western published proposed marketing criteria for the**  
27 **reallocated power from the dam ("the Draft Criteria") in the Federal Register and**  
28 **invited public comment by January 11, 2013; and**

29 **WHEREAS, pursuant to 1 T.O.C. Chapter 3, Section 3102, "The Nation's written comments to**  
30 **federal, state, and local governments on laws and rules proposed by those entities**  
31 **must be approved by the Tohono O'odham Legislative Council.;" and**

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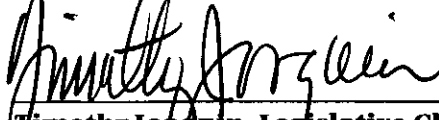
1 **WHEREAS, the Water Resources Committee has reviewed and recommends that the Legislative**  
2 **Council approve comments on the Draft Criteria substantially in the form attached**  
3 **hereto (the "Nation's Comments"); and**

4 **WHEREAS, it is in the best interests of the Nation to submit comments on the Draft Criteria.**

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the**  
6 **Nation's Comments in substantially the form attached hereto and authorizes and**  
7 **directs the Nation's Chairperson to timely submit the Nation's comments to the United**  
8 **States Department of Energy.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>TH</sup> Day**  
10 **of JANUARY, 2013 at a meeting at which a quorum was present with a vote of 2,594.30 FOR; -0-**  
11 **AGAINST; [01] NOT VOTING; and 186.30[02] ABSENT, pursuant to the powers vested in the Council**  
12 **by Article VI, Section 1 (j) and (f) of the Constitution of the Tohono O'odham Nation, adopted by the**  
13 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
14 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
15 **18, 1934 (48 Stat. 984).**

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17 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 **Timothy Joaquin, Legislative Chairman**  
22  
23 10 day of January, 2013  
24

25 **ATTEST:**

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28 **Evonne Wilson, Legislative Secretary**

29  
30 10 day of January, 2013.  
31

32 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**  
33 **Nation on the 10 day of January, 2013 at 2:59 o'clock, P.M.,**  
34 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
35 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**  
36 **submittal.**

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39 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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43 **Timothy Joaquin, Legislative Chairman**  
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APPROVED

on the 11 day of January, 2013

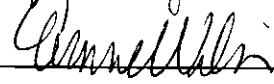
DISAPPROVED

at 11:52 o'clock, A.M.

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

Returned to the Legislative Secretary on the 11 day of

January, 2013, at 12:12 o'clock, P.M.

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

ACTION: SUBMITTING COMMENTS ON PROPOSED MARKETING CRITERIA FOR BOULDER CANYON PROJECT

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILMAN FREDERICK JOSE

DATE: JANUARY 10, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
<b>CHUKUT KUK</b> 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> 244.9	1. TIMOTHY L. JOAQUIN ( )	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X		X	
<b>GU VO</b> 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ( )	113.35	X			
<b>HICKIWAN</b> 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15				X
	2. SANDRA ORTEGA ( )	93.15				X
<b>PISINEMO</b> 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> 204.6	1. LORRAINE EILER ( )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
<b>SCHUK TOAK</b> 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. MARIA ACKERMAN ( )	237.85	X			
<b>SIF OIDAK</b> 211.9	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,594.30</b>	<b>-0-</b>	<b>[01]</b>	<b>186.30 [02]</b>