

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Opposing Sierrita Gas Pipeline LLC's Proposed Pipeline in the Altar Valley and  
Authorizing the Nation to Intervene in the Federal Energy Regulatory  
Commission Proceedings)**

**RESOLUTION NO. 13-119**

1 **WHEREAS, the Tohono O'odham way of life is to promote "enjoyable harmony between members**  
2 **of the Nation and their environment" (Constitution, Article XVIII, Section 1); and**

3 **WHEREAS, the Tohono O'odham Nation is charged with the responsibility to preserve "its historic**  
4 **and cultural artifacts and archeological sites" as well as "preserve and cultivate native**  
5 **arts, crafts and traditions" (Constitution, Article XVIII, Section 1, and Article VI,**  
6 **Section 1(c)(8)); and**

7 **WHEREAS, Sierrita Gas Pipeline, LLC, an indirect subsidiary of Kinder Morgan, Inc. and Kinder**  
8 **Morgan Energy Partners, L.P., has filed an application pursuant to Section 7(c) of the**  
9 **Natural Gas Act before the Federal Energy Regulatory Commission requesting a**  
10 **Certificate of Public Convenience and Necessity authorizing the construction and**  
11 **operation of a new interstate natural gas pipeline, and a second application under**  
12 **Section 3 of the Natural Gas Act for a Presidential Permit to cross the border with the**  
13 **pipeline; and**

14 **WHEREAS, the Sierrita Pipeline Project ("Project") is being proposed to provide natural gas**  
15 **supplies to power plants in Mexico; and**

16 **WHEREAS, the Project consists of approximately 59 miles of 36 inch natural gas pipeline in a 100**  
17 **foot right-of-way located between Tucson and Sasabe, Arizona, and a 60 foot segment**  
18 **of pipeline which crosses the border; and**

19 **WHEREAS, the Project proposes to follow a western route through the Altar Valley which will cut**  
20 **through remote and pristine areas of the Altar Valley located to the west of the Buenos**  
21 **Aires National Wildlife Refuge; and**

22 **WHEREAS, the alternative eastern route, which was initially considered but dropped due to the**  
23 **Buenos Aires National Wildlife Refuge's opposition, would co-locate the pipeline along**  
24 **the existing State Route 286 and low-voltage power line corridor, crossing within the**  
25 **boundaries of the Refuge; and**

26 **WHEREAS, the Tohono O'odham Nation presented comments on the proposal at a Federal Energy**  
27 **Regulatory Commission scoping meeting held in Three Points in October 2012; and**

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**Page 2 of 4**

1 **WHEREAS, the Project will adversely affect 40-60 cultural resource sites which are regarded as**  
2 **sacred and significant to the Tohono O'odham Nation and which are associated with**  
3 **the Hohokam or the Tohono O'odham and include several village sites, trash mounds,**  
4 **and quarry sites; and**

5 **WHEREAS, the Project will adversely affect Baboquivari Peak, which is listed as a Traditional**  
6 **Cultural Place under the National Historic Preservation Act, 16 U.S.C. §470a(d)(6)(A),**  
7 **as an area sacred to Tohono O'odham and the home of I'ittoi; and**

8 **WHEREAS, the Project will adversely impact Traditional-Use Lands of the Tohono O'odham**  
9 **Nation and destroy natural resources and negatively affect the surrounding**  
10 **environment; and**

11 **WHEREAS, the Project creates a new north-south corridor and service road which will**  
12 **undoubtedly be used for illegal traffic, Border Patrol, and recreational users; and**

13 **WHEREAS, the Project creates habitat fragmentation in an otherwise pristine area; and**

14 **WHEREAS, the Project will adversely impact the Pima County Sonoran Desert Conservation Plan**  
15 **which seeks to preserve and protect natural and cultural landscapes of the Altar**  
16 **Valley and other areas in Pima County and has been supported by the Tohono**  
17 **O'odham Nation; and**

18 **WHEREAS, the Project will have an adverse impact on the Buenos Aires National Wildlife Refuge**  
19 **and on the jaguar habitat recovery plan being developed by the United States Fish and**  
20 **Wildlife Service; and**

21 **WHEREAS, Pima County, the Altar Valley Conservation Alliance, and the United States Border**  
22 **Patrol all oppose the Project; and**

23 **WHEREAS, the Cultural Preservation Committee has reviewed this resolution and recommends**  
24 **its approval.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council opposes the**  
26 **Sierrita Gas Pipeline, LLC, Project as set out in its application for a Certificate of Public**  
27 **Convenience and Necessity and its application for a Presidential Permit and**  
28 **authorizes the Office of Attorney General to intervene in both Federal Energy**  
29 **Regulatory Commission proceedings.**

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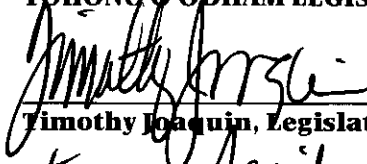
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Page 3 of 4

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04<sup>TH</sup> Day of APRIL, 2013 at a meeting at which a quorum was present with a vote of 2,667.25 FOR; 113.65 AGAINST; [02] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (c)(8) and Article XVIII, Section 1 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, Legislative Chairman  
5 day of April, 2013

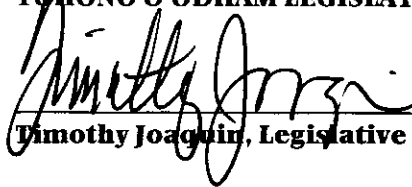
ATTEST:

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

4 day of April, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 5 day of April, 2013 at 11:51 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, Legislative Chairman

APPROVED

on the 08 day of April, 2013

DISAPPROVED

at 9:13 o'clock, A.M.

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

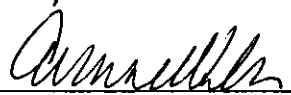
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**Page 4 of 4**

1 Returned to the Legislative Secretary on the 8 day of

2 April, 2013, at 10:15 o'clock, a.M.

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7 **Evonne Wilson, Legislative Secretary**

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**ACTION: OPPOSING SIERRITA GAS PIPELINE LLC'S PROPOSED PIPELINE IN THE ALTAR VALLEY AND AUTHORIZING THE NATION TO INTERVENE IN THE FEDERAL ENERGY REGULATORY COMMISSION PROCEEDINGS**

**MOVED: COUNCILWOMAN FRANCES STEPHANS**

**SECOND: COUNCILMAN HILARION CAMPUS**

**DATE: APRIL 04, 2013**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>342.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	171.0	X		X	
<b>CHUKUT KUK</b> <b>302.2</b>	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X		X	
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> <b>244.9</b>	1. TIMOTHY L. JOAQUIN ( )	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
<b>GU VO</b> <b>226.7</b>	1. GRACE MANUEL (Floyd Flores)	113.35		X		
	2. PAMELA ANGHILL ( )	113.35	X			
<b>HICKIWAN</b> <b>186.3</b>	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
<b>PISINEMO</b> <b>200.7</b>	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> <b>204.6</b>	1. LORRAINE EILER (Diana Manuel)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> <b>215.8</b>	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
<b>SCHUK TOAK</b> <b>169.8</b>	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> <b>475.7</b>	1. ARTHUR WILSON ( <i>Absent</i> ) (Kimberly Mull)( <i>Present</i> )	237.85	X			X
	2. MARIA ACKERMAN ( )	237.85	X			
<b>SIF OIDAK</b> <b>211.9</b>	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			X
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,667.25</b>	<b>113.35</b>	<b>[02]</b>	<b>[02]</b>