

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving El Paso Natural Gas Twin Buttes Right-of-Way
on the San Xavier Reservation)

RES. NO. 79-89

1 WHEREAS, El Paso Natural Gas Company has filed an application
2 dated November 2, 1989, for a right-of-way renewal of
3 forty (40) feet in width for a term of twenty (20) years
4 for the continuing operation, maintenance, and repair of
5 a natural gas pipeline across tribal and allotted lands
6 on the San Xavier Reservation; and
7 WHEREAS, the purpose of the pipeline is to serve gas to the Duval
8 mining area and involved construction, twenty (20) years
9 ago, from El Paso Natural Gas Company's main trans-
10 mission lines in a north and south direction across
11 643.4 rods of tribal lands in Sections 26 and 35,
12 Township 15 South, Range 12 East, and 1664.0 rods of
13 allotted lands in Sections 2, 11, 14, 23 and 26,
14 Township 16 South, range 12 East; and
15 WHEREAS, El Paso Natural Gas Company has consented to tender
16 payment of \$40,000.00 and twenty annual payments each in
17 the amount of \$5,000.00 as consideration for the right-
18 of-way renewal across tribal and allotted lands of the
19 San Xavier Reservation totaling 2,289.4 rods; and
20 WHEREAS, El Paso Natural Gas Company has deposited with the
21 Bureau of Indian Affairs, Sells, Arizona, \$50,000.00
22 representing the one-time payment of \$40,000.00 and two
23 annual payments each in the amount of \$5,000.00 for the
24 years 1988 and 1989. Said payments will be divided
25 proportionately between the tribe and allottees
26 according to their interest. Distribution of funds will
27 be made by the Bureau of Indian Affairs in accordance
28 with applicable regulations. El Paso Natural Gas
29 Company further agrees that if for any reasons the use
30 of the pipeline is discontinued, El Paso Natural Gas
31 Company will continue the payments as outlined above for
32 the full twenty (20) year term ending on April 27, 2008;
and

1 WHEREAS, in connection with the renewal of this right-of-way,
2 eleven (11) allotments are crossed involving
3 approximately one hundred seventy-five (175) allottees.
4 The consent to the renewal by the individual allottees
5 will be secured by the attached form marked "Exhibit A"
6 attached hereto and made a part hereof. In connection
7 with acquiring the necessary consents of the individual
8 allottees, El Paso Natural Gas Company will employ
9 members of the Tohono O'odham Nation as approved by the
10 San Xavier District administration in accordance with
11 the form marked "Exhibit B" attached hereto and made a
12 part hereof. All costs associated with securing the
13 allottees consent will be paid by El Paso Natural Gas
14 Company; and

15 WHEREAS, El Paso Natural Gas Company agrees that insurance will
16 be maintained on its facilities during the term of this
17 right-of-way as evidenced on "Exhibit C" attached hereto
18 and made a part hereof; and

19 WHEREAS, El Paso Natural Gas Company has agreed to abide by the
20 regulations in 25 CFR Part 169.

21 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legisla-
22 tive Council hereby consents to El Paso Natural Gas
23 Company's continuing operation, maintenance and repair
24 of a natural gas pipeline across the above-described
25 tribal and allotted lands for a twenty year term ending
26 on April 27, 2008.

27 The foregoing Resolution was passed by the Tohono O'odham Council
28 on the 28th day of February, 1989 at a meeting at which a
29 quorum was present with a vote of 1,577.0 for; 63.0 against;
30 -0- not voting; and 02 absent, pursuant to the powers vested in
31 the Council by Section 2 (d) of Article VI of the Constitution
32 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

Harriet Toro

Harriet Toro, Legislative Chairperson

10th day of March, 1989.

ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary

10th day of March, 1989.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 10th day of March, 1989, at 8:36 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

Harriet Toro

Harriet Toro, Legislative Chairperson

APPROVED) on the 15th day of March, 1989.
 DISAPPROVED) at 8:34 o'clock, A.M.

Enos J. Francisco, Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15th day of March, 1989, at 9:01 o'clock, A.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: Fernando Joaquin

SUBJECT: Approving El Paso Natural

SECOND: Eugene Enis, Sr.

Gas Twin Buttes Right-of-Way on

DATE: _____

San Xavier Reservation

RESOLUTION # 79-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			X
	2. Harriet Toro ()	84.5	X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos)	64.0	X			
	2. Henry Ramon (Billy Manuel)	64.0	X			X
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano)	58.5	X			
	2. Virgil Lewis (Roy Montana)	58.5	X			
SAN LUCY 85.0	1. John Reno ()	42.5	X			
	2. Max Jose (Dewey Ortega)	42.5	X			
PISINEMO 116.0	1. Edward Manuel (Alex Antone)	58.0	X			
	2. Johnson Jose ()	58.0	X			
GU ACHI 158.0	1. Fernando Joaquin ()	79.0	X			
	2. Percy Lopez ()	79.0	X			
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel)	120.5	X			
	2. Kenneth Chico, Sr. ()	120.5	X			
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias)	63.0		X		
	2. Eugene Enis (Michael Rios)	63.0	X			
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco)	52.5	X			
	2. Julia Carrillo (JoAnn Francisco)	52.5	X			
SELLS 257.0	1. Fred Stevens ()	128.5	X			
	2. Andrew Patricio (Daniel Lopez)	128.5	X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
	2. Nicholas Jose (Letitia Garcia)	69.0	X			
TOTAL		1,640.0	1,577.0	63.0	-0-	02