

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Requesting the Secretary of the Interior Take into Trust 134.88 Acres of Land)**

RESOLUTION NO. 09-049

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to administer land**  
2 **and to "consult with the Congress of the United States and appropriate federal**  
3 **agencies regarding federal activities that affect the Tohono O'odham Nation"**  
4 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(i) and 1(j)); and**  
5 **WHEREAS, San Lucy District is a political subdivision of the Tohono O'odham Nation and is**  
6 **located on the Gila Bend Indian Reservation, adjacent to Gila Bend, Arizona; and**  
7 **WHEREAS, prior to the events that led up to the enactment of the Gila Bend Indian Reservation**  
8 **Lands Replacement Act, Pub. L. 99-503, 100 Stat. 1798 (1986), the Gila Bend Indian**  
9 **Reservation, a part of San Lucy District and the Tohono O'odham Nation,**  
10 **encompassed a 10,297 acre land base; and**  
11 **WHEREAS, throughout the 1950s, the U. S. Army Corps of Engineers designed and constructed**  
12 **the Painted Rock Dam as a flood control project located ten miles downstream of the**  
13 **existing Gila Bend Indian Reservation; and**  
14 **WHEREAS, in 1964 the United States obtained a court-ordered flowage easement giving it the**  
15 **perpetual right to occasionally overflow, flood, and submerge 7,723.82 acres of the**  
16 **Gila Bend Indian Reservation and all structures on the land, and to prohibit the use**  
17 **of the land for human habitation; and**  
18 **WHEREAS, that same year, San Lucy District members of the Tohono O'odham Nation were**  
19 **relocated to the 40-acre San Lucy Village by act of Congress (P.L. 88-462; 78 Stat. 559);**  
20 **and**  
21 **WHEREAS, Gila Bend Indian Reservation lands sustained flooding throughout the late 1970s**  
22 **and early 1980s, destroying a 750-acre farm that was developed at tribal expense,**  
23 **and rendering the remaining acreage unsuitable for economic development; and**  
24 **WHEREAS, under the Gila Bend Indian Reservation Lands Replacement Act, the United States**  
25 **Congress found that, although an earlier public law authorized the Secretary of the**  
26 **Interior "to exchange certain agricultural lands of the Gila Bend Indian Reservation,**  
27 **Arizona, for public lands suitable for farming" that "[a]n examination of public lands**  
28 **within a one hundred mile radius of the reservation disclosed that those which**  
29 **might be suitable for agriculture would require substantial Federal outlays for**  
30 **construction of irrigation systems, roads, education and health facilities." (Pub. L.**  
31 **99-503, Section 2(1) and (2)); and**  
32 **WHEREAS, the Congress concluded that the "lack of an appropriate land base severely retards**  
33 **the economic self-sufficiency of the O'odham people of the Gila Bend Indian**  
34 **Reservation, contributes to their high unemployment and acute health problems,**

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1                   and results in chronic high costs for Federal services and transfer payments.” (Pub.  
2                   L. 99-503, Section 1(3)); and  
3 **WHEREAS,**     the Congress therefore enacted the Gila Bend Indian Reservation Lands  
4                   Replacement Act to “facilitate replacement of reservation lands with lands suitable  
5                   for sustained economic use which is not principally farming and do not require  
6                   Federal outlays for construction, and promote the economic self-sufficiency of the  
7                   O’odham Indian people.” (Pub. L. 99-503, Section 1(4); and  
8 **WHEREAS,**     the Tohono O’odham Nation (“Nation”) is authorized to acquire replacement lands  
9                   under the terms of the Gila Bend Indian Reservation Lands Replacement Act, which  
10                  lands the Secretary of the Interior “shall hold in trust for the benefit” of the Nation  
11                  (Pub. L. 99-503, Section 6(d); and  
12 **WHEREAS,**     under the terms of the Gila Bend Indian Reservation Lands Replacement Act, such  
13                  trust lands shall be deemed an Indian reservation “for all purposes” (Pub. L. 99-503,  
14                  Section 6(d)); and  
15 **WHEREAS,**     in 2003, and at the request of San Lucy District, the Nation purchased 134.88 acres  
16                  of contiguous land in unincorporated Maricopa County, situated at the southwest  
17                  corner of 91<sup>st</sup> Avenue and Northern Avenue, near Glendale and Peoria, Arizona (the  
18                  “Settlement Property”) to replace Gila Bend Indian Reservation lands; and  
19 **WHEREAS,**     the Nation intends to convey the Settlement Property to the United States to be held  
20                  in trust for the Nation, and to request that the Secretary of the Interior take the  
21                  134.88 acres of contiguous land comprising the Settlement Property into trust as one  
22                  parcel or “area” under the terms of the Gila Bend Indian Reservation Lands  
23                  Replacement Act; and  
24 **WHEREAS,**     the Nation intends to use portions of the Settlement Property for gaming purposes  
25                  pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.* (“IGRA”); and  
26 **WHEREAS,**     because the Settlement Property was purchased under the authority of the Gila Bend  
27                  Indian Reservation Lands Replacement Act as part of the settlement of a land claim,  
28                  the Settlement Property is exempted from IGRA’s general prohibition on gaming on  
29                  lands acquired after the date of enactment of IGRA; and  
30 **WHEREAS,**     the San Lucy District and the Nation concur that it is in the best interest of the  
31                  District and the Nation that the Settlement Property be acquired by the Secretary of  
32                  Interior in trust for the Nation.  
33 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O’odham Legislative Council hereby requests  
34                  that the Secretary of the Interior acquire the Settlement Property in trust status on



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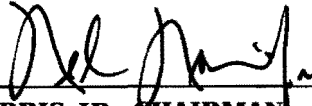
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**APPROVED**

on the 27<sup>th</sup> day of January, 2009

**DISAPPROVED**

at 4:25 o'clock, P.M.

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

**Returned to the Legislative Secretary on the 27 day of**

January, 2009, at 4:30 o'clock, P.M.

  
\_\_\_\_\_  
**Lucille Lopez, Acting Legislative Secretary**

**ACTION: REQUESTING THE SECRETARY OF THE INTERIOR TAKE INTO TRUST 134.88 ACRES OF LAND**

**MOVED: COUNCILWOMAN FRANCES MIGUEL**

**SECOND: COUNCILWOMAN LORRAINE EILER**

**DATE: JANUARY 27, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			X
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			X
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55			X	
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE ROMERO ( )	97.20	X			X
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,443.95</b>	<b>-0-</b>	<b>90.55</b>	<b>[05]</b>

**\*\*PASSED VOTES**