

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Agreement with the Bureau of Indian Affairs Regarding Trust Status
for San Lucy Farm)

RESOLUTION NO. 04-340

- 1 **WHEREAS, the Tohono O'odham Nation ("Nation") purchased the 3,200 acre Schramm Ranch**
2 **near Arizona City, Pinal County, Arizona, and certain adjacent state land lease rights,**
3 **now known as San Lucy Farm (the "Property"), in 1987 pursuant to the provisions of**
4 **the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503, 100 Stat.**
5 **1798; and**
- 6 **WHEREAS, the Nation requested by Resolution No. 397-87 in November 1987 that the United**
7 **States acquire the Property in trust for the benefit of the Nation; and**
- 8 **WHEREAS, delays in taking the land into trust have occurred because of (1) a dispute between the**
9 **Nation and the United States regarding the allocation of Central Arizona Project**
10 **construction costs to the Property and the payment of irrigation charges assessed by**
11 **the Central Arizona Irrigation and Drainage District ("CAIDD"), and (2) the discovery**
12 **of environmental contamination on the Property; and**
- 13 **WHEREAS, the dispute regarding the allocation of construction costs and payment of irrigation**
14 **charges was resolved in 1998 through a Cost Allocation Agreement and a Water**
15 **Service Agreement reached between the United States, CAIDD and the Nation, in**
16 **which the issue of whether the existence of liens on the Property prevented the United**
17 **States from taking the property into trust was resolved and the Nation's repayment**
18 **obligation for certain construction costs was cancelled or deferred; and**
- 19 **WHEREAS, the environmental contamination matters have been addressed either through**
20 **completed cleanup or an agreement for future cleanup which is contained in the**
21 **attached Agreement Between the Tohono O'odham Nation and the Bureau of Indian**
22 **Affairs, United States Department of the Interior ("Agreement"); and**
- 23 **WHEREAS, the Nation and the Bureau of Indian Affairs ("BIA") have jointly performed various**
24 **environmental surveys and Phase 1 and Phase 2 environmental site assessments on**
25 **the Property, which have resulted in removal of certain contaminated soils, the**
26 **relocation of a septic tank, and other remedial actions at the Property; and**
- 27 **WHEREAS, after completion of these environmental site assessments and remedial actions at**
28 **the Property the BIA has concluded that it is prepared to take the land into trust**

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1 **subject to the condition that the Nation, its political subdivisions or enterprises,**
2 **perform certain remaining corrective actions after the Property is taken into trust;**
3 **and**

4 **WHEREAS, the corrective actions identified in the attached Agreement include the demolition**
5 **of two unoccupied buildings within 180 days after the Property is taken into trust, the**
6 **prohibition of residential construction within 50 feet of the location of a former**
7 **underground storage tank, and the agreement of the Nation to prevent use of the**
8 **water well at the farm headquarters for human consumption so long as the water**
9 **does not meet federal Safe Drinking Water Act standards; and**

10 **WHEREAS, the United States has previously stated that the date of trust acquisition, once**
11 **administratively complete, will be recorded as May 3, 1988, which is the date of the**
12 **warranty deeds conveying the Property to the United States in trust for the Nation;**
13 **and**

14 **WHEREAS, this Agreement has been reviewed and approved by the San Lucy District Council, the**
15 **Tohono O'odham Farming Authority Board, and the Natural Resources and**
16 **Agriculture Committees of the Legislative Council.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 18 **1. Approves the Agreement Between the Tohono O'odham Nation and the Bureau of**
19 **Indian Affairs, United States Department of the Interior, substantially in the form**
20 **attached hereto, and authorizes the Chairwoman of the Nation to execute the**
21 **Agreement.**
- 22 **2. Renews its request to the Department of the Interior, first stated in Resolution No.**
23 **397-87 in November 1987, to take the San Lucy Farm property into trust for the**
24 **benefit of the Nation, and requests that the Department of the Interior complete**
25 **this action as soon as possible.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19TH Day**
27 **of JULY, 2004 at a meeting at which a quorum was present with a vote of 2,367.1 FOR; 179.45**
28 **AGAINST; 83.15 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
29 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
30 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
31 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
32 **Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

for Isidro Lopez, Legislative Chairman
21st day of July, 2004

ATTEST:

Rosita N. Ruiz
Rosita N. Ruiz, Legislative Secretary
21 day of July, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 21st day of July, 2004 at 1:46 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

for Isidro Lopez, Legislative Chairman

APPROVED
 DISAPPROVED

on the 22 day of July, 2004
at 11:40 o'clock, a.M.

Vivian Juan-Saunders
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of
July, 2004, at 12:39 o'clock, P.M.

Rosita N. Ruiz
Rosita N. Ruiz, Legislative Secretary

ACTION: APPROVING AN AGREEMENT WITH THE BUREAU OF INDIAN AFFAIRS REGARDING TRUST STATUS FOR SAN LUCY FARM

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILMAN DENNIS RAMON

DATE: JULY 19, 2004

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|---|----------------|----------------|---------------|--------------|-------------|
| SIF OIDAK 192.6 | 1. ISIDRO LOPEZ (Nicholas Jose) | 96.30 | X | | | |
| | 2. DARLENE ANDREW (Rita Martinez) | 96.30 | | X | | |
| SELLS 465.6 | 1. DENNIS E. JOSE () | 232.80 | X | | | |
| | 2. EVELYN JUAN () | 232.80 | X | | | |
| SCHUK TOAK 176.1 | 1. FRANCES B. CONDE () | 88.05 | X | | | |
| | 2. PHYLLIS JUAN () | 88.05 | X | | | |
| SAN XAVIER 215.4 | 1. FELICIA NUÑEZ (Olivia Liston-Villegas) | 107.70 | X | | | |
| | 2. DENNIS RAMON (Eleanor Hunter) | 107.70 | X | | | |
| SAN LUCY 166.3 | 1. JOHN W. LAWSON, SR. () | 83.15 | | X | | |
| | 2. GLORIA RAMIREZ () | 83.15 | | | X | |
| PISINEMO 175.4 | 1. BARBARA SALVICIO () | 87.70 | X | | | |
| | 2. PATRICIA CRUZ () | 87.70 | X | | | |
| HICKIWAN 170.3 | 1. DELMA GARCIA (Mary E. Sam) | 85.15 | X | | | |
| | 2. SANDRA ORTEGA () | 85.15 | X | | | |
| GU VO 191.4 | 1. RAYMOND VICTOR () | 95.70 | X | | | |
| | 2. MICHAEL FLORES (Willard Manuel) | 95.70 | X | | | |
| GU ACHI 253.6 | 1. TIMOTHY L. JOAQUIN (Jonas Robles) | 126.80 | X | | | |
| | 2. JEROME JOAQUIN (Absent) (Roberta Picard)(Present) | 126.80 | X | | | |
| CHUKUT KUK 258.9 | 1. KENNETH WILLIAMS (Juanita Homer) | 129.45 | X | | | |
| | 2. VERLON M. JOSE (David Garcia) | 129.45 | X | | | X |
| BABOQUIVARI 364.1 | 1. FRANCES MIGUEL (Lucilda Norris-Valenzuela) | 182.05 | X | | | |
| | 2. FRANCES G. ANTONE () | 182.05 | X | | | |
| TOTAL | | 2,629.7 | 2,367.1 | 179.45 | 83.15 | [01] |

**PASSED VOTES