

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Emergency Resolution for National Congress of American Indians Regarding the
Continued Construction of the VERITAS Project on Kitt Peak/Ioligam Doag,
Sacred Lands of the O'odham in Southern Arizona)

RESOLUTION NO. 07-103

1 **WHEREAS, by Public Law 85-816, 72 Stat. 981, in 1958, the United States Congress approved a**
2 **lease, in perpetuity, to the National Science Foundation, of 2,500 acres of the sacred**
3 **lands of the O'odham of southern Arizona, for purposes of building an astronomical**
4 **observatory, a lease that would otherwise have been limited to 25 years by 25 United**
5 **States Code Section 415; and**

6 **WHEREAS, it is the policy of the National Congress of American Indians (NCAI) to continue to**
7 **monitor federal activities in conflict with the spirit of Executive Order 13007 of May**
8 **24, 1996 that cautions against adversely affecting traditional lands and resources**
9 **considered sacred to Indian communities, and Executive Order 13175 of November**
10 **6, 2000 which requires the meaningful and timely consultation of tribal**
11 **governments in formulating federal policies affecting not only their membership,**
12 **but also the cultural and religious significance of their traditional lands; and**

13 **WHEREAS, in August 2004, the Smithsonian Institution, the U.S. Department of Energy, and the**
14 **National Science Foundation began new construction of a telescope facility known**
15 **as the VERITAS project (Very Energetic Radiation Imaging Telescope Array System)**
16 **on Kitt Peak/Ioligam Doag; also known as I'toi's Garden, the sacred lands of the**
17 **O'odham of southern Arizona; and**

18 **WHEREAS, the Tohono O'odham Nation filed a lawsuit in March of 2005 in the United States**
19 **District Court in Arizona, against the Smithsonian Institution and the National**
20 **Science Foundation seeking to stop construction of the VERITAS project to**
21 **encourage compliance with § 106 of the National Historic Preservation Act; and in**
22 **April of 2005, construction of the VERITAS project stopped; and**

23 **WHEREAS, in October 2005 the National Science Foundation, admitting that the construction**
24 **of the VERITAS project had created an "adverse effect" on the sacred lands of the**
25 **O'odham, and that continued construction of the telescope complex known as**
26 **VERITAS would compound this adverse effect upon the lands identified by the**
27 **O'odham as the garden of their creator, I'toi, participated in a Section 106**
28 **consultation under the National Historic Preservation Act and proposed a**
29 **compromise to the Tohono O'odham Nation that was rejected by Tohono O'odham**
30 **Legislative Council Resolution No. 06-808 in December 2006; and**

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1 **WHEREAS, the National Science Foundation and the other federal agencies have now**
2 **terminated the Section 106 consultation process without seriously considering**
3 **alternative sites, and now seek to resume construction of the telescope complex,**
4 **known as the VERITAS project; and this urgent matter was referred to the Advisory**
5 **Council on Historic Preservation in Washington, D.C., and in February 2007, the**
6 **Advisory Council is preparing comments to submit to the National Science**
7 **Foundation.**

8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council calls upon the**
9 **National Congress of American Indians to support the O'odham of southern Arizona**
10 **in their efforts to stop further construction of the VERITAS project on lands of**
11 **religious and cultural significance and to require the National Science Foundation**
12 **and the other federal agencies to build the telescope facility at another location**
13 **consistent with Tohono O'odham Legislative Council Resolution No. 06-808.**

14 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council calls upon the National**
15 **Congress of American Indians to encourage the Advisory Council on Historic**
16 **Preservation to act within its authority to prevent the further desecration of Indian**
17 **sacred sites.**

18 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council calls upon the National**
19 **Congress of American Indians to ask that the United States Congress repeal Public**
20 **Law 85-816, 72 Stat. 981, that approved the lease that is the subject of this emergency**
21 **resolution, an action that would support the rights of Indian peoples to self-**
22 **government that includes the control of their traditional and cultural lands**
23 **consistent with the spirit of Executive Order 13007 and Executive Order 13175.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20TH. Day**
25 **of FEBRUARY, 2007 at a meeting at which a quorum was present with a vote of 2,254.1 FOR; 186.7**
26 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section**
27 **1 (c)(8) & (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
28 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
29 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
30 **Stat. 984).**

31
32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 _____
36 **Verlon M. Jose, Legislative Chairman**

37
38 20 day of February, 2007

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ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

20 day of February, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 20 day of February, 2007 at 4:48 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

Verlon M. Jose
Verlon M. Jose, Legislative Chairman

APPROVED on the 20 day of February, 2007

DISAPPROVED at 4:55 o'clock, P.M.

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

Returned to the Legislative Secretary on the 20 day of

February, 2007, at 5:12 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: EMERGENCY RESOLUTION FOR NATIONAL CONGRESS OF AMERICAN INDIANS REGARDING THE CONTINUED CONSTRUCTION OF THE VERITAS PROJECT ON KITT PEAK/IOLIGAMDOAG, SACRED LANDS OF THE O'ODHAM IN SOUTHERN ARIZONA

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: FEBRUARY 20, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35		X		X
	2. DARLENE ANDREW (Rita Wilson)	93.35		X		
TOTAL		2,440.80	2,254.1	186.7	-0-	[02]

****PASSED VOTES**