

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Recommendations to the Bureau of Indian Affairs Regarding
Appendix C to Subpart C, 25 CFR Part 170, Question 10)

RESOLUTION NO. 10-350

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with the power to consult with "appropriate federal agencies regarding**
3 **federal activities that affect the Tohono O'odham Nation" (Constitution, Article VI,**
4 **Section 1(j)); and**

5 **WHEREAS, the Indian Reservation Roads ("IRR") is a vital program for federally recognized**
6 **tribes throughout the United States as a means to provide safe and adequate**
7 **transportation within and to tribal lands, while contributing to the economic**
8 **development, self-determination, and employment of American Indians and Alaska**
9 **Natives; and**

10 **WHEREAS, the revised IRR policies, procedures, and funding formula were proposed during the**
11 **1999-2002 negotiated rulemaking process and were finalized in the July 19, 2004, 25**
12 **CFR Part 170; and**

13 **WHEREAS, the IRR funding is distributed based on the Tribal Transportation Allocation**
14 **Methodology for required takedowns and the Tribal Transportation Planning, High**
15 **Priority Project, and Population Adjustment Factor programs, and includes the**
16 **Relative Need Distribution Factor ("RNDF"), a factor for distributing tribal-specific**
17 **construction allocations; and**

18 **WHEREAS, the eligible public routes to be included in the calculation of the RNDF incorporate**
19 **state, urban, county, and federal routes (non-Bureau of Indian Affairs and non-tribal**
20 **routes), in addition to Bureau of Indian Affairs ("BIA") and tribally owned public**
21 **routes; and**

22 **WHEREAS, all eligible public routes, regardless of ownership, generate funding; and**

23 **WHEREAS, the consequences of BIA's implementation of RNDF has been a five-year trend of**
24 **favoring non-BIA and non-tribal routes, and as a result the majority of funds have**
25 **been redirected to BIA regions with tribes incorporating high mileages of non-BIA**
26 **and non-tribal routes; and**

27 **WHEREAS, non-BIA and non-tribal routes, unlike BIA and tribally owned routes, can be funded**
28 **utilizing non-IRR sources; and**

29 **WHEREAS, the majority of tribes in the BIA Western Region, a region with limited non-BIA and**
30 **non-tribal route mileage, have been experiencing drastic funding reductions as a**

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1 **result of the BIA's inclusion of county and other roadways in the RNDF; and**
2 **WHEREAS, tribes in Arizona, including the Tohono O'odham Nation, rely primarily on IRR funds,**
3 **since they are not eligible for state transportation funds; and**
4 **WHEREAS, the BIA Division of Transportation has recognized that the most notable IRR issue**
5 **impacting all tribes has been the funding formula, its implementation, and the**
6 **resulting funding trend; and**
7 **WHEREAS, Appendix C to Subpart C, 25 CFR, Part 170, Question 10 continues to be unresolved**
8 **and negatively impacts the Tohono O'odham Nation; and**
9 **WHEREAS, Inter Tribal Council of Arizona ("ITCA") member tribes are recommending to the BIA**
10 **that non-BIA and non-tribal routes be calculated in the Relative Need Distribution**
11 **Factor at a rate that would result in more IRR funding for BIA and tribal routes such**
12 **as those on the Tohono O'odham Nation (ITCA Resolution No. 0710).**
13 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council recommends**
14 **to the Bureau of Indian Affairs that public non-BIA and non-tribal routes be**
15 **calculated in the Relative Need Distribution Factor at a zero percent federal share or**
16 **at a maximum of five to twenty percent non-federal share.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH Day**
18 **of AUGUST, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
19 **AGAINST; -01- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
20 **Section 1 (j) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
21 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
22 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
23 **Stat. 984).**
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25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 **Verlon M. Jose, Legislative Chairman**

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31 16th day of August, 2010

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33 **ATTEST:**

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35 _____
36 **Evonne Wilson, Legislative Secretary**

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38 16 day of August, 2010.
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1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
2 **Nation on the 16th day of August, 2010 at 7:11 o'clock, P.M.,**
3 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
4 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
5 **submittal.**

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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10 Felicia Nunez
11 **Verlon M. Jose, Legislative Chairman**

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16 **APPROVED**

on the 16 day of August, 2010

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18 **DISAPPROVED**

at 4:40 o'clock, P.M.

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21 Ned Norris, Jr.
22 **NED NORRIS, JR., CHAIRMAN**
23 **TOHONO O'ODHAM NATION**

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28 **Returned to the Legislative Secretary on the 16 day of**

29 August, 2010, at 4:51 o'clock, P.M.

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31 Evonne Wilson
32 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING RECOMMENDATIONS TO THE BUREAU OF INDIAN AFFAIRS REGARDING APPENDIX C TO SUBPART C, 25 CFR PART 170, QUESTION 10

Moved: COUNCILWOMAN FRANCES G. ANTONE

SECOND: COUNCILWOMAN PAMELA ANGHILL

DATE: AUGUST 16, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X		X	
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			X
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			X
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-01-	[03]