

**RESOLUTION OF THE TOHONO O’ODHAM LEGISLATIVE COUNCIL  
(Requesting the Secretary of the Interior take into Trust 3,759.52 Acres of Land)**

**RESOLUTION NO. 21-159**

1 **WHEREAS, Article XVI, Section 9 of the Constitution of the Tohono O’odham Nation provides,**  
2 “It shall be the policy of the Tohono O’odham Nation to seek the return to the  
3 Tohono O’odham Nation of lands . . . within or adjacent to the Tohono O’odham  
4 Nation, or which originally were a part of the historic Papagueria.”; and

5 **WHEREAS, the Tohono O’odham Legislative Council is vested with the power to acquire and**  
6 **administer land and to “consult with the Congress of the United States and**  
7 **appropriate federal agencies regarding federal activities that affect the Tohono**  
8 **O’odham Nation” (Constitution of the Tohono O’odham Nation, Article VI, Section**  
9 **1(i) and 1(j)); and**

10 **WHEREAS, San Lucy District is a political subdivision of the Tohono O’odham Nation and is**  
11 **located on the Gila Bend Indian Reservation, adjacent to Gila Bend, Arizona; and**

12 **WHEREAS, prior to the events that led up to the enactment of the Gila Bend Indian**  
13 **Reservation Lands Replacement Act, Pub. L. 99-503, 100 Stat. 1798 (1986), the Gila**  
14 **Bend Indian Reservation, a part of San Lucy District and the Tohono O’odham**  
15 **Nation, encompassed a 10,297 acre land base; and**

16 **WHEREAS, throughout the 1950s, the U.S. Army Corps of Engineers designed and constructed**  
17 **the Painted Rock Dam as a flood control project located ten miles downstream of**  
18 **the existing Gila Bend Indian Reservation; and**

19 **WHEREAS, in 1964, the United States obtained a court-ordered flowage easement giving it**  
20 **the perpetual right to occasionally overflow, flood, and submerge 7,723.82 acres**  
21 **of the Gila Bend Indian Reservation and all structures on the land, and to prohibit**  
22 **the use of the land for human habitation; and**

23 **WHEREAS, the same year, San Lucy District community members of the Tohono O’odham**  
24 **Nation were relocated to the 40-acre San Lucy Village by act of Congress (P.L. 88-**  
25 **462; 78 Stat. 559); and**

26 **WHEREAS, Gila Bend Indian Reservation lands sustained flooding throughout the late 1970s**  
27 **and early 1980s, destroying a 750-acre farm that was developed at tribal expense,**  
28 **and rendering the remaining acreage unsuitable for economic development; and**

29 **WHEREAS, under the Gila Bend Indian Reservation Lands Replacement Act, the United**  
30 **States Congress found that, although an earlier public law authorized the**  
31 **Secretary of the Interior “to exchange certain agricultural lands of the Gila Bend**  
32 **Indian Reservation, Arizona, for public lands suitable for farming” that “[a]n**  
33 **examination of public lands within a one hundred mile radius of the reservation**  
34 **disclosed that those which might be suitable for agriculture would require**

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1                   substantial Federal outlays for construction of irrigation system, roads,  
2                   education and health facilities.” (Pub. L. 99-503, Section 2(1) and (2)); and  
3 **WHEREAS,**       the Congress concluded that the “lack of an appropriate land base severely  
4                   retards the economic self-sufficiency of the O’odham people of the Gila Bend  
5                   Indian Reservation, contributes to their high unemployment and acute health  
6                   problems, and results in chronic high costs for Federal services and transfer  
7                   payments.” (Pub. L. 99-503, Section 1(3)); and  
8 **WHEREAS,**       the Congress therefore enacted the Gila Bend Indian Reservation Lands  
9                   Replacement Act to “facilitate replacement of reservation lands with lands  
10                  suitable for sustained economic use which is not principally farming and do not  
11                  require Federal outlays for construction, and promote the economic self-  
12                  sufficiency of the O’odham Indian people.” (Pub. L. 99-503, Section 1(4)); and  
13 **WHEREAS,**       the Tohono O’odham Nation is authorized to acquire replacement lands under  
14                  the terms of the Gila Bend Indian Reservation Lands Replacement Act, which  
15                  lands the Secretary of the Interior “shall hold in trust for the benefit” of the Nation  
16                  (Pub. L. 99-503, Section 6(d)); and  
17 **WHEREAS,**       under the terms of the Gila Bend Indian Reservation Lands Replacement Act,  
18                  such trust lands shall be deemed an Indian reservation “for all purposes” (Pub. L.  
19                  99-503, Section 6(d)); and  
20 **WHEREAS,**       by Resolution No. 02-579, the Tohono O’odham Nation requested that 3,766 acres  
21                  (the “Painted Rock property”) be taken into trust by the United States for the  
22                  benefit of the Tohono O’odham Nation, to be used as replacement lands under the  
23                  terms of the Gila Bend Indian Reservation Lands Replacement Act, Pub. L. 99-503;  
24                  and  
25 **WHEREAS,**       the Department of Interior’s consideration of the lands-into-trust application for  
26                  the Painted Rock property was suspended at the Nation’s request in 2009; and  
27 **WHEREAS,**       the Nation intends to use the Painted Rock property, which has been surveyed to  
28                  include 3,759.52 acres, for the purposes designated in the Gila Bend Indian  
29                  Reservation Lands Replacement Act; and  
30 **WHEREAS,**       the Nation, in consultation with the San Lucy District, finds that it is in the best  
31                  interest of the District and the Nation that the Painted Rock property application  
32                  be resubmitted and that the property be acquired by the Secretary of the Interior  
33                  in trust as a single area for the Nation in accordance with the Gila Bend Indian  
34                  Reservation Lands Replacement Act.  
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1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council requests that  
2 **the Secretary of the Interior acquire the 3,759.52-acre Painted Rock property in**  
3 **trust status on behalf of the Tohono O'odham Nation in accordance with the Gila**  
4 **Bend Indian Reservation Lands Replacement Act.**

5 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the Nation's  
6 **chairperson and other members of the Nation's Economic Development**  
7 **Delegation to take all necessary actions to carry out the intent of this resolution.**


8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup>**  
9 **day of MAY, 2021 at a meeting at which a quorum was present with a vote of 2,961.9 FOR; -0-**  
10 **AGAINST; -0- NOT VOTING; and 213.8 [02] ABSENT, pursuant to the powers vested in the Council**  
11 **by Article VI, Section 1(i) and 1(j) and Article XVI, Section 9 of the Constitution of the Tohono**  
12 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**  
13 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**  
14 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 \_\_\_\_\_  
20 **Timothy Joaquin, Legislative Chairman**

21  
22 18 day of May, 2021

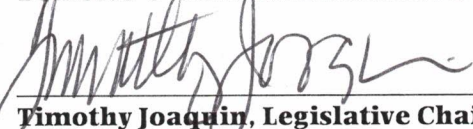
23  
24  
25 **ATTEST:**

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27 \_\_\_\_\_  
28 **Evonne Wilson, Legislative Secretary**

29  
30 17 day of May, 2021

31  
32 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
33 **O'odham Nation on the 19 day of May, 2021 at 11:30 o'clock, 9 .m.,**  
34 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
35 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
36 **hours of submittal.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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41 \_\_\_\_\_  
42 **Timothy Joaquin, Legislative Chairman**

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APPROVED

on the 20 day of May, 2021

DISAPPROVED

at 1:40 o'clock, P.m.

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

Returned to the Legislative Secretary on the 20 day of

May, 2021, at 2:00 o'clock, P.m.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

ACTION: REQUESTING THE SECRETARY OF THE INTERIOR TAKE INTO TRUST 3,759.52 ACRES OF LAND

MOVED: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILWOMAN JANICE FELIX

DATE: MAY 14, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GU ACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN ( )	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90				X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90				X
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55	X			
	2. ARTHUR WILSON ( )	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
<b>TOTAL</b>		<b>3,175.7</b>	<b>2,961.9</b>	<b>-0-</b>	<b>-0-</b>	<b>213.8</b> <b>[01]</b>