

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting the Secretary of the Interior take into Trust 110.3 Acres of Land)

RESOLUTION NO. 22-037

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

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1 disclosed that those which might be suitable for agriculture would require
2 substantial Federal outlays for construction of irrigation system, roads,
3 education and health facilities." (Pub. L. 99-503, Section 2(1) and (2)); and
4 **WHEREAS,** the Congress concluded that the "lack of an appropriate land base severely
5 retards the economic self-sufficiency of the O'odham people of the Gila Bend
6 Indian Reservation, contributes to their high unemployment and acute health
7 problems, and results in chronic high costs for Federal services and transfer
8 payments." (Pub. L. 99-503, Section 1(3)); and
9 **WHEREAS,** the Congress therefore enacted the Gila Bend Indian Reservation Lands
10 Replacement Act to "facilitate replacement of reservation lands with lands
11 suitable for sustained economic use which is not principally farming and do not
12 require Federal outlays for construction, and promote the economic self-
13 sufficiency of the O'odham Indian people." (Pub. L. 99-503, Section 1(4)); and
14 **WHEREAS,** the Tohono O'odham Nation is authorized to acquire replacement lands under
15 the terms of the Gila Bend Indian Reservation Lands Replacement Act, which
16 lands the Secretary of the Interior "shall hold in trust for the benefit" of the Nation
17 (Pub. L. 99-503, Section 6(d)); and
18 **WHEREAS,** under the terms of the Gila Bend Indian Reservation Lands Replacement Act,
19 such trust lands shall be deemed an Indian reservation "for all purposes" (Pub. L.
20 99-503, Section 6(d)); and
21 **WHEREAS,** the Tohono O'odham Nation has acquired title to 110.3 acres of land in
22 unincorporated Maricopa County near the intersection the Northern Parkway
23 and Arizona State Route 303 (the "Far West Valley property") so that it may be
24 taken into trust by the United States for the benefit of the Tohono O'odham Nation
25 and be used as replacement lands under the terms of the Gila Bend Indian
26 Reservation Lands Replacement Act, Pub. L. 99-503; and
27 **WHEREAS,** the Nation intends to use the Far West Valley property, which has been surveyed
28 to include 110.3 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 a Far West Valley property fee-to-trust
32 application be submitted and that the property be acquired by the Secretary of
33 the Interior in trust as a single area for the Nation in accordance with the Gila
34 Bend Indian Reservation Lands Replacement Act.

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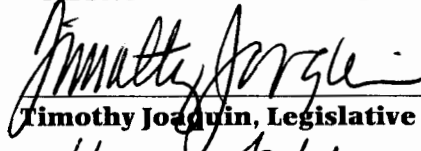
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1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council requests that
2 **the Secretary of the Interior acquire the 110.3-acre Far West Valley property in**
3 **trust status on behalf of the Tohono O'odham Nation in accordance 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 02ND**
9 **day of FEBRUARY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**
10 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by,**
11 **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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20 **Timothy Joaquin, Legislative Chairman**

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22 4 day of February, 2022

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25 **ATTEST:**

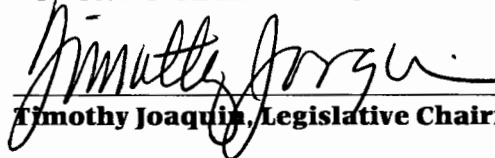
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28 **Evonne Wilson, Legislative Secretary**

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30 3 day of February, 2022

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33 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
34 **O'odham Nation on the 4 day of February, 2022 at 11:54 o'clock, a .m.,**
35 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
36 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
37 **hours of submittal.**

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39 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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43 **Timothy Joaquin, Legislative Chairman**

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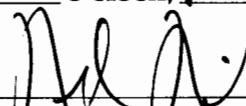
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APPROVED

on the 4 day of February, 2022

DISAPPROVED

at 12:06 o'clock, P.m.



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

Returned to the Legislative Secretary on the 4 day of

February, 2022, at 12:08 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: REQUESTING THE SECRETARY OF THE INTERIOR TAKE INTO TRUST 110.3 ACRES OF LAND

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: FEBRUARY 02, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	108.3	X			X
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
	TOTAL	3,218.0	3,218.0	-0-	-0-	[01]