

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Requesting the Secretary of the Interior take into Trust Approximately 3,761.41Acres of Land)**

**RESOLUTION NO. 22-038**

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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**Page 2 of 4**

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 up to 9,880 acres of  
15 replacement lands under the terms of the Gila Bend Indian Reservation Lands  
16 Replacement Act, which lands the Secretary of the Interior “shall hold in trust for  
17 the benefit” of the Nation (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,** by Resolution No. 02-579, the Tohono O’odham Nation requested that the Painted  
22 Rock property be taken into trust by the United States for the benefit of the  
23 Tohono O’odham Nation, to be used as replacement lands under the terms of the  
24 Gila Bend Indian Reservation Lands Replacement Act, Pub. L. 99-503; 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 for the purposes designated  
28 in the Gila Bend Indian Reservation Lands Replacement Act; and  
29 **WHEREAS,** by Resolution No. 21-159, the Tohono O’odham Legislative Council renewed the  
30 Nation’s request that the Secretary of the Interior acquire the Painted Rock  
31 property in trust status on behalf of the Tohono O’odham Nation in accordance  
32 with the Gila Bend Indian Reservation Lands Replacement Act; and  
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**Page 3 of 4**

1 **WHEREAS, an updated survey has determined that the Painted Rock property includes**  
2 **approximately 3,761.41 acres (rather than 3,759.52 indicated in Resolution No.**  
3 **21-159); and**

4 **WHEREAS, the Nation, in consultation with the San Lucy District, finds that it is in the best**  
5 **interest of the District and the Nation that the Painted Rock property application**  
6 **be resubmitted and that the property be acquired by the Secretary of the Interior**  
7 **in trust as a single area for the Nation in accordance with the Gila Bend Indian**  
8 **Reservation Lands Replacement Act.**

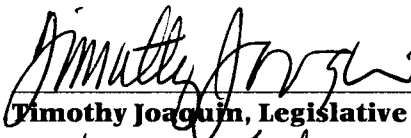
9 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council requests that**  
10 **the Secretary of the Interior acquire the approximately 3,761.41-acre Painted**  
11 **Rock property in trust status on behalf of the Tohono O'odham Nation in**  
12 **accordance with the Gila Bend Indian Reservation Lands Replacement Act.**

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

16 **BE IT FINALLY RESOLVED that this Resolution shall supersede and replace Resolution No. 21-**  
17 **159.**

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 02<sup>ND</sup>**  
19 **day of FEBRUARY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**  
20 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by,**  
21 **Article VI, Section 1(i) and 1(j) and Article XVI, Section 9 of the Constitution of the Tohono**  
22 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**  
23 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**  
24 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

25  
26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 **Timothy Joaquin, Legislative Chairman**  
32 4 day of February, 2022

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35 **ATTEST:**

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38 **Evonne Wilson, Legislative Secretary**

39 3 day of February, 2022  
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**Page 4 of 4**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 4 day of February, 2022 at 11:52 o'clock, a.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 4 day of February, 2022

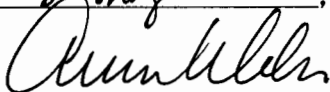
DISAPPROVED

at 12:07 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 APPROXIMATELY 3,761.41ACRES 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 (Absent) (Delma M. Garcia) (Present)	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			
	<b>TOTAL</b>	<b>3,218.0</b>	<b>3,218.0</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>