RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing the Advisory Council on Historic Preservation's Proposed Revisions to Section 106 of the National Historic Preservation Act Implementing Regulations and Opposing Any Permitting Reform Legislation That Weakens Section 106 of the National Historic Preservation Act)

RESOLUTION NO. 26-346

WHEREAS, the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative Council with the authority to "promote, protect and provide for public health, peace, morals, education and general welfare of the Tohono O'odham Nation and its members" and to "consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with Federal, State and local governments and other Indian tribes . . ." (Constitution, Article VI, Section 1(c)(2) and Section 1(f); and

WHEREAS, the Constitution also vests the Legislative Council with the authority to "consult with the Congress of the United States and appropriate federal agencies regarding federal activities that affect the Tohono O'odham Nation and all federal appropriation estimates and projects for the benefit of the Tohono O'odham Nation before such estimates and projects are submitted to Congress and other federal agencies" (Constitution, Article VI, Section 1(j)); and

WHEREAS, written comments submitted on the Nation's behalf to federal, state, and local governments on proposed rules, regulations, and laws on actions or proposed actions that may affect the Nation require Legislative Council approval (1 Tohono O'odham Code Chapter 3); and

WHEREAS, on July 24, 2026, the Advisory Council on Historic Preservation, the federal agency tasked with advising the President and Congress on national historic preservation policy, approved a draft Notice of Proposed Rulemaking that drastically revises the implementing regulations for Section 106 of the National Historic Preservation Act (NHPA) codified at 36 C.F.R. Part 800 ("Regulations"); and

WHEREAS, Section 106 of the NHPA and the Regulations mandate that federal agencies consider impacts on historic properties before funding, licensing, permitting, or approving any project affecting these properties and further require federal agencies to engage in government-to-government consultation with tribes to identify and assess impacts on tribal historic properties, which include sacred sites and other places vital to our lifeways and traditional cultural practices; and

WHEREAS, over the past three decades, the Nation has participated in thousands of Section 106 consultations with federal agencies on projects with the potential to impact our sacred sites and cultural resources throughout our ancestral lands, which have provided the Nation the opportunity to advocate for changes to project plans to mitigate or entirely avoid harmful impacts on these sites and resonrces; and

WHEREAS, for years, tribes and historic preservation advocacy groups have advocated for constructive reforms to Section 106 and the Regulations to improve project planning, support more timely federal decision-making, and address ongoing problems such as late consultation, inconsistent implementation, inadequate identification efforts, insufficient protection of sensitive information, and attempts to shift federal responsibilities to tribes; and

WHEREAS, in particular, tribes have advocated for clearer procedures that reqnire earlier and more robust tribal consultation, stronger documentation, increased recognition of Indigenous Knowledge and tribal expertise, improved protection of sensitive information, improved transparency, and prioritization of avoidance of tribal burial sites, human remains, and funerary objects; and

WHEREAS, rather than take these suggested practical reforms into account, ACHP has instead proposed a drastic alteration to the Regulations' existing framework for meeting the federal government's treaty and trust obligations to tribes that includes diminisbing government-to-government consultation, marginalizing tribes and Tribal Historic Preservation Officers, removing recognition of Indigenous Knowledge and tribal expertise, narrowing tbe places and effects federal agencies must consider, and giving federal agencies substantially greater control over decisions affecting sacred sites, gatbering areas, ceremonial and spiritual sites, waterways, burial places, and properties of traditional religious and cultnral importance; and

WHEREAS, some members of tbe United States Congress are also proposing significant changes to Section 106 as part of a broader "permitting reform" package that would reduce pnblic and tribal engagement in federal decision-making, including exempting certain projects from Section 106 entirely and limiting agency accountability by restricting litigation when agencies fail to comply with the law; and

WHEREAS, the Cultural Preservation and Appropriations Committees recommend that the Nation strongly oppose the ACHP's proposed revisions to Section 106 of the NHPA implementing regulations and any permitting reform legislation that weakens or undermines Section 106 of the NHPA, and communicate its opposition to the Nation's congressional delegation and other officials, as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council strongly opposes the Advisory Council on Historic Preservation's proposed revisions to Section 106 of the National Historic Preservation Act implementing regulations and strongly opposes any permitting reform legislation that weakens or undermines Section 106 of the National Historic Preservation Act.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes the Nation's chairperson, with the concurrence of the Cultural Preservation Committee, to submit comments opposing the proposed regulatory revisions to the Advisory Committee on Historic Preservation and to communicate the Nation's position on amendments to Section 106 of the National Historic Preservation Act and its implementing regulations to the Nation's congressional delegation and other officials, as appropriate.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day of SEPTEMBER 2026 at a meeting at which a quorum was present with a vote of 3,080.8 FOR; -0- AGAINST; -0- NOT VOTING; and 240.3[03] ABSENT, pursuant to the powers vested in the Council by Article VI, 1(c)(2), Section 1(f), and Section 1(j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of Jnne 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders

Wavalene M. Saunders, Legislative Chairwoman

19 **day of** September **, 2026**

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

22 **day of** September **, 2026**

RESOLUTION NO. 26-346
(Opposing the Advisory Council on Historic Preservation's Proposed Revisions to Section 106 of the National Historic Preservation Act Implementing Regulations and Opposing Any Permitting Reform Legislation That Weakens Section 106 of the National Historic Preservation Act)

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 29 day of September, 2026 at 8:15 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

Wavalene M. Saunders, Legislative Chairwoman

[X] APPROVED **on the 30 day of September, 2026**

[ ] DISAPPROVED **at 3:46 o'clock, p.m.**

Carla Johnson Vice Chairwoman on behalf of
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30 day of September, 2026, at 4:00 o'clock, p.m.

Evonne Wilson, Legislative Secretary

RESOLUTION NO. 26-346

ACTION: OPPOSING THE ADVISORY COUNCIL ON HISTORIC PRESERVATION'S PROPOSED REVISIONS TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT IMPLEMENTING REGULATIONS AND OPPOSING ANY PERMITTING REFORM LEGISLATION THAT WEAKENS SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

MOVED: COUNCILMAN FRANCIS HOMEWYTEWA **SECOND: COUNCILMAN JESSE NAVARRO**

DATE: SEPTEMBER 22, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA (Dionne Kuth-Le)	125.6 125.6	X X			
SELLS 565.7	1. JANET B. ELEANDO ( ) 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III ( ) 2. JANICE FELIX ( )	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15				X X
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ( )	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA ( ) 2. BENNETT CHEWING ( )	139.8 139.8	X X			
GU ACHI 289.2	1. GLORIA JOHNSON (Rodney T. Aguilla) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ( ) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			X
BABOQUIVARI 398.9	1. JESSE NAVARRO ( ) 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
	TOTAL	3,321.1	3,080.8	-0-	-0-	240.3 [03]