

**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

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

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

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

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

24 **WHEREAS,** Section 106 of the NHPA and the Regulations mandate that federal agencies
25 consider impacts on historic properties before funding, licensing, permitting,
26 or approving any project affecting these properties and further require federal
27 agencies to engage in government-to-government consultation with tribes to
28 identify and assess impacts on tribal historic properties, which include sacred
29 sites and other places vital to our lifeways and traditional cultural practices;
30 and
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1 **WHEREAS,** over the past three decades, the Nation has participated in thousands of Section
2 **106 consultations with federal agencies on projects with the potential to impact**
3 **our sacred sites and cultural resources throughout our ancestral lands, which**
4 **have provided the Nation the opportunity to advocate for changes to project**
5 **plans to mitigate or entirely avoid harmful impacts on these sites and resources;**
6 **and**

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

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

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

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

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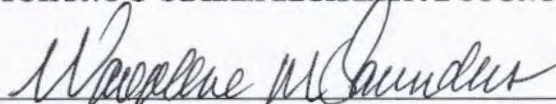
1 **WHEREAS, the Cultural Preservation and Appropriations Committees recommend that the**
2 **Nation strongly oppose the ACHP's proposed revisions to Section 106 of the NHPA**
3 **implementing regulations and any permitting reform legislation that weakens**
4 **or undermines Section 106 of the NHPA,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

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

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

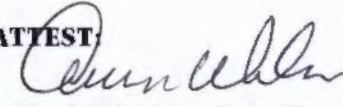
18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND**
19 **day of SEPTEMBER 2026 at a meeting at which a quorum was present with a vote of 3,080.8 FOR;**
20 **-0- AGAINST; -0- NOT VOTING; and 240.3[03] ABSENT, pursuant to the powers vested in the**
21 **Council by Article VI, 1(c)(2), Section 1(f), and Section 1(j) of the Constitution of the Tohono**
22 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved**
23 **by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
24 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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

28
29 
30 _____
31 **Wavalene M. Saunders, Legislative Chairwoman**

32
33 29 day of September, 2026
34

35
36 **ATTEST:**

37 
38 _____
39 **Evonne Wilson, Legislative Secretary**

40 29 day of September, 2026
41

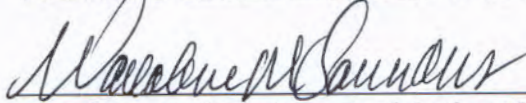
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 29 day of September, 2026 at 8:15 o'clock, a.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



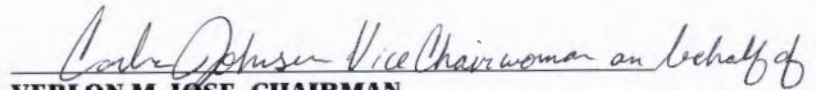
Wavalene M. Saunders, Legislative Chairwoman

☒ **APPROVED**

on the 30 day of September, 2026

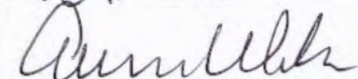
☐ **DISAPPROVED**

at 3:46 o'clock, p.m.


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

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)	125.6	X			
	2. FRANCIS HOMEWYTEWA (Dionne Kuth-Le)	125.6	X			
SELLS 565.7	1. JANET B. ELEANDO ()	282.85	X			
	2. EVELYN JUAN MANUEL (Juan Buendia)	282.85	X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine)	97.65	X			
	2. DELISA M. RAMON (Quintin C. Lopez)	97.65	X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III ()	124.9	X			
	2. JANICE FELIX ()	124.9	X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eller)	133.15	X			
	2. ROGER MANUEL (Christina Andrews)	133.15	X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	120.15				X
	2. NAOMI MONTE (Edward D. Manuel)	120.15				X
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega)	111.45	X			
	2. DELMA M. GARCIA ()	111.45	X			
GU VO 279.6	1. LESLIE LUNA ()	139.8	X			
	2. BENNETT CHEWING ()	139.8	X			
GU ACHI 289.2	1. GLORIA JOHNSON (Rodney T. Aguilla)	144.6	X			
	2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6	X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ()	180.95	X			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95	X			
BABOQUIVARI 398.9	1. JESSE NAVARRO ()	199.45	X			
	2. NED NORRIS, JR. (Leander Mase)	199.45	X			
TOTAL		3,321.1	3,080.8	-0-	-0-	240.3 [03]