

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Nation's Border Barrier System Comments Opposing Border Wall
Construction and Condemning Failure to Disclose Wall Route, Design, Impacts
to Nation's Resources, and Other Critical Information in Violation of Duty
to Consult, Coordinate, and Protect Tribal Lands and Resources)**

RESOLUTION NO. 26-377

1 **WHEREAS,** **"The unallotted lands of the Tohono O'odham Nation and all lands hereafter**
2 **acquired by the nation, or held for the use of the nation or its members, are a**
3 **valuable public resource and shall be held as national lands forever. Control**
4 **and management thereof are vested in the Tohono O'odham Council, which may**
5 **enact laws governing the use, assignment, permit, lease or other disposition of**
6 **lands, interests in land and resources of the nation consistent with Federal law."**
7 **(Constitution of the Tohono O'odham Nation, Article XVI, Section 1); and**
8 **WHEREAS,** **the Legislative Council has a duty "to manage, protect, preserve and regulate the**
9 **use of the property, wildlife, land, air and natural resources (including surface**
10 **and ground waters) of the Tohono O'odham Nation" and to "administer land and**
11 **other public property, and by law, ordinance or resolution . . . to prevent the**
12 **sale, disposition, lease, use or encumbrance of Tohono O'odham national lands,**
13 **interests in lands, rights-of-way, or other public resources when such sale,**
14 **disposition, lease, use or encumbrance will, in the opinion of the Tohono**
15 **O'odham Council, be injurious to the best interests of the Tohono O'odham**
16 **Nation as a whole" (Constitution, Article VI, Section 1(i)(1) and (2)); and**
17 **WHEREAS,** **the Constitution of the Tohono O'odham Nation vests the Legislative Council**
18 **with the authority to "to promote, protect and provide for public health, peace,**
19 **morals, education and general welfare of the Tohono O'odham Nation and its**
20 **members" and to "consult, negotiate and conclude agreements and contracts on**
21 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
22 **and other Indian tribes or their departments, agencies, or political**
23 **subdivisions" (Constitution, Article VI, Section 1(c)(2) and Section 1(f)); and**
24 **WHEREAS,** **the Constitution also vests the Legislative Council with the authority to "consult**
25 **with the Congress of the United States and appropriate federal agencies**
26 **regarding federal activities that affect the Tohono O'odham Nation"**
27 **(Constitution, Article VI, Section 1(j)); and**
28 **WHEREAS,** **written comments submitted on the Nation's behalf to federal, state, and local**
29 **governments on proposed rules, regulations, and laws or on actions or proposed**
30 **actions that may affect the Nation require Legislative Council approval (1**
31 **Tohono O'odham Code Chapter 3); and**

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1 **WHEREAS,** on September 25, 2026, the U.S. Customs and Border Protection ("CBP")
2 requested that the Nation submit comments on potential impacts of its
3 destructive border wall construction project on the Nation's lands, which the
4 Nation has strongly opposed (Resolution No. 17-053, Resolution No. 18-032,
5 Resolution No. 21-115, Resolution No. 26-264); and

6 **WHEREAS,** the Nation's people, lands, water, animals, natural resources, sacred places,
7 cultural resources, and relationship to the land are interconnected through
8 Himdag, and border wall construction activities and associated ground
9 disturbance threaten these relationships and will adversely impact the Nation's
10 cultural resources and O'odham way of life; and

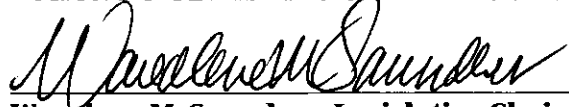
11 **WHEREAS,** it is in the Nation's interest to exercise its inherent sovereign authority to
12 protect its people, land, water, animals, natural resources, culture, and
13 territorial integrity; and

14 **WHEREAS,** the Nation's Border Security Delegation has drafted written comments in
15 response to CBP's notice ("Border Barrier System Comments"), which are
16 incorporated by this reference, and recommends Legislative Council approval.

17 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
18 Nation's Border Barrier System Comments and authorizes and directs the
19 Nation's chairperson to execute and submit the Nation's comments.

20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH
21 day of OCTOBER 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR;
22 -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
23 Article VI, Section 1(c)(2), 1(f), 1(i)(1) and (2), 1(j); Article XVI, Section 1 of the Constitution of the
24 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
25 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
26 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 Wavalene M. Saunders, Legislative Chairwoman

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35 29 day of October, 2026
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ATTEST:

Yvonne Wilson
Evonne Wilson, Legislative Secretary

29 day of October, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 29 day of October, 2026 at 4:20 o'clock, P.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
Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

on the 29TH day of OCTOBER, 2026

☐ DISAPPROVED

at 4:34 o'clock, P.m.

Verlon M. Jose
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 29 day of
October, 2026, at 4:40 o'clock, P.m.

Yvonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING NATION'S BORDER BARRIER SYSTEM COMMENTS OPPOSING BORDER WALL CONSTRUCTION AND CONDEMNING FAILURE TO DISCLOSE WALL ROUTE, DESIGN, IMPACTS TO NATION'S RESOURCES, AND OTHER CRITICAL INFORMATION IN VIOLATION OF DUTY TO CONSULT, COORDINATE, AND PROTECT TRIBAL LANDS AND RESOURCES

MOVED: VICE CHAIRWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN FRANCIS HOMEWYTEWA

DATE: OCTOBER 29, 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. Eiler)	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 <i>(Absent)</i> (Edward D. Manuel) <i>(Present)</i>	120.15	X			X
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega)	111.45	X			
	2. DELMA M. GARCIA ()	111.45	X			X
GU VO 279.6	1. LESLIE LUNA ()	139.8	X			
	2. BENNETT CHEWING ()	139.8	X			
GU ACHI 289.2	1. GLORIA JOHNSON <i>(Absent)</i> (Rodney T. Aguilla) <i>(Present)</i>	144.6	X			
	2. LUCIUS E. LOPEZ <i>(Absent)</i> (Victoria A. Hobbs) <i>(Present)</i>	144.6	X			X
CHUKUT KUK 361.9	1. MARLAKAY HENRY ()	180.95	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	3,321.1	-0-	-0-	[03]