

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting Restoration by the United States to the Tohono O'odham Nation of
Lands Known as the Sand Tank Mountains, the Sentinel Plain, and the Lands
Surrounding the Ajo Airport Into Trust and Reservation Status)**

RESOLUTION NO. 99-182

1 **WHEREAS, the lands known as the Sand Tank Mountains (83,554 acres), the Sentinel**
2 **Plain (24,756 acres), and the lands surrounding the Ajo Airport (2,779**
3 **acres), totaling 111,089 acres, are currently within the Barry M. Goldwater**
4 **Air Force Range and are administered jointly by the United States Air**
5 **Force ("Air Force") and the United States Bureau of Land Management**
6 **("BLM") under a "Memorandum of Understanding Between the Bureau**
7 **of Land Management, Phoenix District Office, and the United States Air**
8 **Force, Luke Air Force Base, Concerning the Implementation of the**
9 **Goldwater Amendment to the Lower Gila South Resource Management**
10 **Plan," signed in October 1990 (see Exhibit 1 attached hereto and**
11 **incorporated herein by reference); and**

12 **WHEREAS, the Draft Legislative Environmental Impact Statement prepared by the**
13 **Air Force for the proposed renewal of the Goldwater Range Land**
14 **Withdrawal has identified these three parcels of land as unnecessary for**
15 **the military purposes of the Goldwater Range and possibly available for**
16 **release from the Air Force land withdrawal under Scenario B2 (see Exhibit**
17 **2 attached hereto and incorporated herein by reference); and**

18 **WHEREAS, it is the policy of the Tohono O'odham Nation to seek return of the lands**
19 **in the region known as the historic Papagueria, as stated in the Tohono**
20 **O'odham Constitution in Article XVI, Section 9:**

21 **It shall be the policy of the Tohono O'odham Nation to seek the**

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1 return to the Tohono O'odham Nation of lands and natural resources,
2 including minerals and water rights, within or adjacent to the
3 Tohono O'odham Nation, or which originally were a part of the
4 historic Papaguera.

5
6 **WHEREAS,** the 3 parcels known as the Sand Tank Mountains, the Sentinel Plain, and
7 the Ajo Airport area are all within the historic Papaguera and are lands
8 sacred to the O'odham and contain rich cultural resource sites significant
9 to the Tohono O'odham Nation. The Sand Tank Mountains area contains
10 Javelina Well, an extensive cultural resource site which reveals human
11 occupation from 5000 B.C. to the present. The Sand Tank Mountains were
12 extensively used by the O'odham for hunting, saguaro harvest, travel and
13 plant collecting. O'odham saguaro camps have been documented in this
14 area. Prehistoric use of the Sand Tank Mountains is represented by
15 Archaic, Hohokam, Patayan and Trincheras cultural traditions. Likewise,
16 the Sentinel Plain area and the lands surrounding the Ajo Airport contain
17 cultural sites attributable to both the Patayan and Hohokam cultural
18 traditions, sites which are significant to the Tohono O'odham; and

19 **WHEREAS,** the Tohono O'odham aboriginal use of these three parcels of land has
20 been consistently recognized by both the United States Air Force and the
21 Bureau of Land Management of the Department of the Interior; and

22 **WHEREAS,** the Tohono O'odham Nation submitted Comments to the Draft
23 Legislative Environmental Impact Statement on December 30, 1998 in
24 which the Nation stated, at page 4, that if Congress decides to renew the

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1 Goldwater Range land withdrawal despite the objections of the Tohono
2 O'odham Nation and other Arizona Indian tribes to any renewal of the
3 Goldwater Range, then Congress should select Scenario B2 and release
4 the Sand Tank Mountains, the Sentinel Plain area, and the Ajo Airport
5 area from Air Force management and return these lands to the ownership
6 of the Tohono O'odham Nation to be held in trust by the United States for
7 the benefit of the Tohono O'odham Nation (see Comments of the Tohono
8 O'odham Nation at Exhibit 3, attached hereto and incorporated herein by
9 reference); and

10 **WHEREAS,** in Resolution No. 98-319 the Tohono O'odham Nation expressed its
11 opposition to any renewal of the Goldwater Range and requested instead
12 that the lands of the Goldwater Range in their entirety be set aside as a
13 natural preserve under the joint management and administration of the
14 Tohono O'odham Nation and the Department of the Interior and
15 ultimately be returned to the Tohono O'odham Nation and held in trust
16 by the United States for the benefit of the Nation (see Exhibit 4 attached
17 hereto and incorporated herein by reference); and

18 **WHEREAS,** on March 25, 1996 Chairman Edward D. Manuel issued a statement in
19 response to the proposed Goldwater Range Renewal Legislative
20 Environmental Impact Statement, which statement was approved and
21 supported by Resolution No. 96-124, and which stated on page 1 that

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1 when the Goldwater Range land withdrawal expires on November 6,
2 2001, the surface management responsibility for the lands within the
3 existing Goldwater Range boundary should be transferred to the Tohono
4 O'odham Nation (see Exhibit 5 attached hereto and incorporated herein
5 by reference); and

6 **WHEREAS,** the area described as the Sand Tank Mountains in Exhibit 2 to this
7 Resolution is separated from the current lands and reservation boundary
8 of the Tohono O'odham Nation by less than one mile, and the addition of
9 approximately nine (9) square miles of land currently within the
10 Goldwater Range to this land transfer would make the Sand Tank
11 Mountains parcel contiguous with the current Tohono O'odham
12 reservation lands and would create a two mile wide corridor connecting
13 the Sand Tank Mountains area to the current reservation; and

14 **WHEREAS,** the Natural Resources Committee and the Cultural Preservation
15 Committee of the Legislative Council and the Hia-Ced O'odham Advisory
16 Board have reviewed this proposal and recommend enactment of this
17 Resolution.

18 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Nation requests that
19 the United States restore the Sand Tank Mountains, the Sentinel Plain,
20 and the lands surrounding the Ajo Airport, as depicted in Exhibit 2 of this
21 Resolution, a total of 111,089 acres, supplemented by an additional nine

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1 (9) square miles of Goldwater Range land to make the Sand Tank
2 Mountains area contiguous with the current Tohono O'odham
3 reservation, for a total of approximately 116,849 acres, to the ownership
4 of the Tohono O'odham Nation, and requests the support of the United
5 States Air Force, the United States Department of the Interior including
6 its Bureau of Land Management, and the United States Congress to place
7 these lands into trust and reservation status using the same Congressional
8 legislation which may be proposed to renew the Goldwater Range land
9 withdrawal, in the event Congress decides to renew the Goldwater Range
10 despite the objections of the Tohono O'odham Nation.

11 **BE IT FURTHER RESOLVED** that prior to restoration of these lands to the Tohono
12 O'odham Nation the United States shall ensure that any contamination of
13 these lands by explosives, toxic or other hazardous materials will be
14 cleaned up in accordance with the provisions of Section 8 of Public Law
15 99-606, 100 Stat. 3457, the Act which withdrew the Goldwater Range for
16 military purposes for 15 years (see Exhibit 6 attached hereto and
17 incorporated herein by reference).

18 **BE IT FINALLY RESOLVED** that the Tohono O'odham Nation continues its strenuous
19 opposition to any renewal of the Goldwater Range land withdrawal and
20 requests that the military uses of the Goldwater Range be stopped.

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1 The foregoing Resolution was passed by the Tohono O'odham Council on the 09TH day
2 of APRIL, 1999 at a meeting at which a quorum was present with a vote of 1,927.0 FOR;
3 -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in
4 the Council by Section 9 of Article XVI of the Constitution of the Tohono O'Odham
5 Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by
6 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,
7 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

10 Albert Manuel Jr
11 _____
12 Dennis Ramon, Legislative Chairman

13 9th day of April, 19 99

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16
17 ATTEST:

18
19 Julianna Saraficio
20 _____
21 Julianna Saraficio, Acting Legislative Secretary

22 9th day of April, 19 99.

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26 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
27 O'Odham Nation on the 9th day of April, 19 99 at
28 3:16 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the
29 Constitution and will become effective upon his approval or upon his failure to either
30 approve or disapprove it within 48 hours of submittal.
31

32 TOHONO O'ODHAM LEGISLATIVE COUNCIL

33 Albert Manuel Jr
34 _____
35 Dennis Ramon, Legislative Chairman
36
37

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APPROVED

on the 9th day of April, 1999

DISAPPROVED

at 3:20 o'clock, P.M.



EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 9th day of

April, 1999, at 3:25 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUESTING RESTORATION BY THE UNITED STATES TO THE TOHONO O'ODHAM NATION OF LANDS KNOWN AS THE SAND TANK MOUNTAINS, THE SENTINEL PLAIN, AND THE LANDS SURROUNDING THE AJO AIRPORT INTO TRUST AND RESERVATION STATUS

Moved: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILMAN JOSEPH JUAN

DATE: APRIL 09, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			X
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			X
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			X
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			X
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
TOTAL		1,927.0	1,927.0	-0-	-0-	[04]

****PASSED VOTES**