




P.O. Box 837  
Sells, Arizona 85634

**TOHONO O'ODHAM LEGISLATIVE  
BRANCH**

Telephone: (520) 383-5260  
Fax No.: (520) 383-5246

**PUBLIC NOTICE**

**TO:** All Members of the Public and Districts of the Tohono O'odham Nation

**FROM:** Billman Lopez, Chairperson   
Agricultural and Natural Resources Committee

**DATE:** May 21, 2015

**SUBJECT:** Nonmember Hunting Illegal

On May 15, 2015 Ordinance No. 32, 19 Tohono O'odham Code Chapter 4, Article 1 – Nonmember Hunting Permits was suspended by enactment of the attached Resolution No. 15-148, <http://www.tolc-nsn.org/docs/Title19Ch4Art1.pdf>. Resolution No. 15-148 establishes a moratorium on hunting by nonmembers within the Nation's lands. (Because there was no existing system for issuing nonmember hunting permits under Ordinance No. 32, nonmember hunting on the Nation was illegal for many years prior to the passage of Resolution No. 15-148.)

Individuals who are not enrolled Nation's members are prohibited from hunting within the Nation's boundaries until at least May 17, 2017, when the moratorium expires. Nonmembers found hunting or attempting to hunt are subject to high civil fines, civil forfeiture proceedings, and removal and exclusion pursuant to 4 Tohono O'odham Code Chapter 2.

Resolution No. 15-148 does *not* prevent enrolled Nation's members from hunting, but it does provide that members and others who are subject to the Nation's criminal jurisdiction may be criminally prosecuted for "assisting, accompanying, or guiding a non-member hunting or for otherwise violating the Nation's laws" and "shall be subject to forfeiture of weapons, communications technology, vehicles, or other property used in the commission of such an offense in accordance with the procedure set forth in 7 T.O.C. Chapter 1, Section 1.17."

The Agricultural and Natural Resources Committee will collaborate with the Natural Resources Department and gather public input on future nonmember hunting regulations that will protect the Nation's natural resources for the benefit of the Tohono O'odham while honoring our culture and traditions.

Attachment

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Suspending 19 Tohono O'odham Code Chapter 4, Article 1 – Nonmember Hunting  
Permits and Establishing Moratorium on Hunting by Nonmembers)**

**RESOLUTION NO. 15-148**

1   **WHEREAS,**    the Nation's Constitution vests the Legislative Council with the authority to  
2                    "promote, protect, and provide for public health, peace, morals, education and  
3                    general welfare of the Tohono O'odham Nation and its members," "to manage,  
4                    protect, preserve and regulate the use of the property, wildlife, land, air and  
5                    natural resources (including surface and ground waters) of the Tohono  
6                    O'odham Nation," and to "provide for removal or exclusion from the Tohono  
7                    O'odham Nation of non-members whose presence may be injurious to the peace,  
8                    health or welfare of the Tohono O'odham" (Constitution, Article VI, Section  
9                    1(c)(2), Section 1(l)(2), and Section 1(c)(7)); and  
10   **WHEREAS,**    on April 4, 1958, the Papago Council enacted Ordinance No. 32, which was  
11                    subsequently compiled as 19 Tohono O'odham Code Chapter 4, Article 1,  
12                    governing the issuance of hunting permits to persons who were not enrolled  
13                    members of the Papago Tribe ("non-members"); and  
14   **WHEREAS,**    Ordinance No. 32 provides a process for non-members to apply to the chairman  
15                    of the Papago Council or tribal treasurer for a permit to hunt game on the  
16                    Tohono O'odham Nation, but no system for issuing such permits or effectively  
17                    regulating non-member hunting currently exists; and  
18   **WHEREAS,**    non-member hunting of game, including mountain sheep, all species of deer,  
19                    and javelina, without the benefit of updated biological and environmental  
20                    information may damage the Nation's resources, undermine members'  
21                    beneficial use of these species, and injure cultural values; and  
22   **WHEREAS,**    it is in the Nation's best interest to prohibit non-member hunting on the Nation  
23                    and allow the respective oversight committees, with assistance from the  
24                    biological and cultural resources staff, to evaluate whether and under what  
25                    conditions non-member hunting should be authorized; and  
26   **WHEREAS,**    the Agricultural and Natural Resources Committee recommends suspending 19  
27                    Tohono O'odham Code Chapter 4, Article 1 – Nonmember Hunting Permits and  
28                    imposing a moratorium on non-member hunting on the Nation.  
29   **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it  
30                    suspends Ordinance No. 32, 19 Tohono O'odham Code Chapter 4, Article 1 –  
31                    Nonmember Hunting Permits and prohibits hunting, which means the  
32                    pursuing, shooting, shooting at, trapping, netting, capturing or attempt to

**RESOLUTION NO. 15-148**

**(Suspending 19 Tohono O'odham Code Chapter 4, Article 1 - Nonmember Hunting Permits and Establishing Moratorium on Hunting by Nonmembers)**

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1 capture of any non-domestic animal, on the Nation's lands by any person who is  
2 not an enrolled member of the Tohono O'odham Nation ("non-member").

3 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that a non-member  
4 hunting or attempting to hunt on the Tohono O'odham Nation shall be subject to

- 5 (1) a civil fine of up to \$10,000 per violation;  
6 (2) civil forfeiture of weapons, communications technology, vehicles or  
7 other property in accordance with the procedure set forth in 7 T.O.C.  
8 Chapter 1, Section 1.17; and  
9 (3) remove and exclusion in accordance with 4 T.O.C. Chapter 2 - Removal  
10 and Exclusion of Non-Members.

11 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that nothing in this  
12 resolution prevents an enrolled Nation's member from hunting within the  
13 exterior boundaries of the Tohono O'odham Nation, provided that:

14 a person subject to the Nation's criminal jurisdiction may be prosecuted for  
15 Criminal Damage to Public Property, Conspiracy, Solicitation, Aiding and  
16 Abetting, Unlawful Assembly, or other offenses for assisting, accompanying, or  
17 guiding a non-member hunting or for otherwise violating the Nation's laws and  
18 shall be subject to forfeiture of weapons, communications technology, vehicles,  
19 or other property used in the commission of such an offense in accordance with  
20 the procedure set forth in 7 T.O.C. Chapter 1, Section 1.17.

21 **BE IT FINALLY RESOLVED** that the provisions of this resolution to suspend Ordinance No. 32  
22 and establish a moratorium on hunting by nonmembers shall expire on May 17,  
23 2017, at which time Ordinance No. 32 shall again be in effect and the  
24 moratorium on non-member hunting shall be lifted.

25 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>  
26 day of MAY, 2015 at a meeting at which a quorum was present with a vote of 1,483.6 FOR; 1,443.3  
27 AGAINST; [01] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by  
28 Article VI, Section 1(c)(2) Section 1(i)(2), Section 1(c)(7) and Section 1(l) of the Constitution of the  
29 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and  
30 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,  
31 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).  
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**RESOLUTION NO. 15-148**

**(Suspending 19 Tohono O'odham Code Chapter 4, Article 1 - Nonmember Hunting Permits and Establishing Moratorium on Hunting by Nonmembers)**


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TOHONO O'ODHAM LEGISLATIVE COUNCIL


  
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Timothy Joaquin, Legislative Chairman  
14 day of May, 2015

ATTEST:

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
14 day of May, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14 day of May, 2015 at 2:51 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

  
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Timothy Joaquin, Legislative Chairman

APPROVED

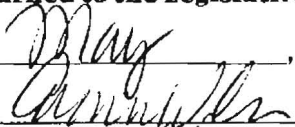
on the 15 day of May, 2015

DISAPPROVED

at 4:10 o'clock, P.m.

  
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NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of

May, 2015, at 4:37 o'clock, P.m.  
  
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Evonne Wilson, Legislative Secretary