

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting the Tohono O'odham Nation's Claim for Damages From the A-10 Crash
on May 14, 1998)

RESOLUTION NO. 05-091

1 **WHEREAS, the Tohono O'odham Nation ("Nation") made a claim against the United States Air**
2 **Force ("Air Force") under the Federal Tort Claims Act on May 10, 2000 for damages**
3 **from an A-10 airplane crash in Baboquivari District which occurred on May 14, 1998**
4 **in the amount of \$599,107.00, including \$583,350.00 for damaged or destroyed plants**
5 **and animals, which value was established by Resolution No. 2000-206 and included**
6 **the cultural value of plants and animals; and**

7 **WHEREAS, on March 11, 2002 the Air Force responded with an offer to pay \$48,445.00, valuing the**
8 **plants and animals by their replacement value only and failing to take account of**
9 **their cultural value; and**

10 **WHEREAS, an Air Force letter dated July 19, 2000 questioned under what authority the Nation**
11 **claimed the values for plants and animals stated in the Nation's claim; and**

12 **WHEREAS, on February 8, 2005 the Legislative Council discussed the Air Force's response of**
13 **March 11, 2002 and concluded that the Nation had correctly stated the estimated**
14 **values of plants and animals in its claim, and confirmed the \$583,350.00 valuation for**
15 **plants and animals; and**

16 **WHEREAS, the Legislative Council is the authority for the Nation which has expertise and**
17 **knowledge in the matter of the cultural value of plants and animals; and**

18 **WHEREAS, since the A-10 crash on May 14, 1998, four additional crashes have occurred on the**
19 **Nation's lands, including (1) the crash of two external fuel tanks and one inert**
20 **Maverick missile from an F-15 in Gu Achi District on November 9, 1999; (2) an F-16**
21 **crash in Chukut Kuk District on June 16, 2000; (3) an F-16 crash in Gu Achi District on**
22 **May 29, 2002; and (4) an F-16 crash in Pisinemo District on May 19, 2004.**

23 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council reiterates its**
24 **position taken in Resolution No. 2000-206 that the plants and animals damaged by**
25 **the A-10 crash should be valued at \$583,350.00.**

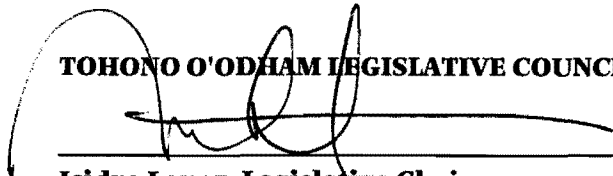
26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH Day**
27 **of FEBRUARY, 2005 at a meeting at which a quorum was present with a vote of 2,463.4 FOR; -0-**
28 **AGAINST; 166.3 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
29 **Section 1 (i) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
30 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
31 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
32 **Stat. 984).**

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Page 2 of 2

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Isidro Lopez, Legislative Chairman

18th day of February, 2005

ATTEST:

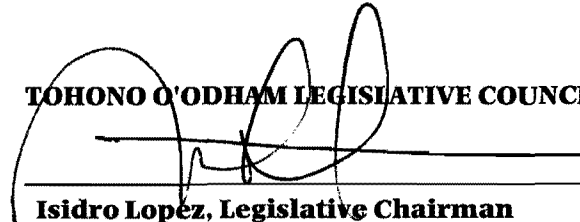


Lucille Lopez, Acting Legislative Secretary

18th day of February, 2005.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 18th day of February, 2005 at 4:01 o'clock, ? .M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



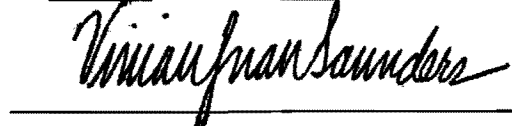
Isidro Lopez, Legislative Chairman

APPROVED

on the 23rd day of February, 2005

DISAPPROVED

at 11:44 o'clock, A.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23rd day of
February, 2005, at 11:49 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: SUPPORTING THE TOHONO O'ODHAM NATION'S CLAIM FOR DAMAGES FROM THE A-10 CRASH ON MAY 14, 1998

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILMAN VERLON JOSE

DATE: FEBRUARY 11, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			X
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Absent) (Olivia Liston-Villegas) (Present)	107.70	X			
	2. DENNIS RAMON (Absent) (Eleanor Hunter) (Present)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15			X	
	2. GLORIA RAMIREZ ()	83.15			X	
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			X
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Absent) (Roberta Picard) (Not Present)	126.80	X			X
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			X
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,463.4	-0-	166.3	[04]

****PASSED VOTES**