

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Pinaleno Cotton Cache Repatriation Agreement between the
Tohono O'odham Nation and the United States Forest Service)

RESOLUTION NO. 08-250

1 **WHEREAS, the Tohono O'odham and their ancestors, the Archaic Period peoples and the**
2 **Hohokam have inhabited Southern Arizona since time immemorial; and**

3 **WHEREAS, the Tohono O'odham Nation recognizes the need to protect, preserve and manage**
4 **cultural resources on its traditional-use lands; and**

5 **WHEREAS, the Tohono O'odham Legislative Council passed the Archaeological Resource**
6 **Protection Ordinance (06-84) in 1984 for "the protection and preservation of**
7 **archaeological resources historically associated with traditional or sacred values and**
8 **beliefs important to the O'odham, and of the physical site, location or context in which**
9 **archaeological resources are found."; and**

10 **WHEREAS, the Tohono O'odham Nation supports the Native American Graves Protection and**
11 **Repatriation Act, 25 USC 3001 et seq ("NAGPRA") and its implementing regulations, 43**
12 **CFR 10.1-10.17 that provides definitions and procedures for the repatriation to**
13 **culturally affiliated Indian tribes of certain objects of cultural patrimony in the**
14 **possession of federal agencies; and**

15 **WHEREAS, the Tohono O'odham Nation is a federally recognized Indian tribe and has the status**
16 **to make a claim for repatriation under NAGPRA; and**

17 **WHEREAS, the Pinaleno Cotton Cache consists of prehistoric ceramics, baskets, cotton, insects,**
18 **faunal material and hair (see attached list); and**

19 **WHEREAS, the United States Forest Service-Coronado National Forest posted on the Federal**
20 **Register on November 20, 2007 a Notice to Repatriate the Pinaleno Cotton Cache as an**
21 **object of cultural patrimony, in accordance with the Native American Graves**
22 **Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005; and**

23 **WHEREAS, the Tohono O'odham Nation filed a repatriation claim in accordance with NAGPRA, by**
24 **a letter sent from Chairwoman Vivian Juan--Saunders of the Tohono O'odham Nation**
25 **on April 24, 2007; and**

26 **WHEREAS, the Tohono O'odham Nation received a notice from the United States Forest Service-**
27 **Coronado National Forest concerning the completion of the repatriation in a letter**
28 **sent on April 11, 2008 to Chairman Ned Norris of the Tohono O'odham Nation and**
29 **requesting that the Tohono O'odham Nation sign the repatriation agreement that**

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1 **would also be signed by the Regional Forester representing the United States Forest**
2 **Service; and**

3 **WHEREAS, the representatives of the Southwestern Region of the U.S. Department of Agriculture,**
4 **Forest Service have engaged in consultations with representatives of the Tohono**
5 **O'odham Nation (Cultural Affairs Program and Legislative Cultural Preservation**
6 **Committee) regarding the Pinaleno Cotton Cache and the place and manner of the**
7 **repatriation of certain objects of cultural patrimony from the Safford Ranger District**
8 **of the Coronado National Forest; and**

9 **WHEREAS, the Cultural Preservation Committee has reviewed and approves the Pinaleno Cotton**
10 **Cache Repatriation Agreement.**

11 **WHEREAS, the Repatriation Agreement for the Pinaleno Cotton Cache has been reviewed and**
12 **approved by the Attorney General's Office of the Tohono O'odham Nation.**

13 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
14 **approve the Pinaleno Cotton Cache Repatriation Agreement pursuant to the Native**
15 **American Graves Protection and Repatriation Act, 25 USC 3001 et seq. and its**
16 **implementing regulations, 43 CFR 10.1-10.17 and authorizes the Chairman of the**
17 **Tohono O'odham Nation to sign the Pinaleno Cotton Cache Agreement.**

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day**
19 **of MAY, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;**
20 **-0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of**
21 **Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
22 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
23 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

24
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 _____
30 **Verlon M. Jose, Legislative Chairman**

31 15 day of May, 2008

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33 **ATTEST:**

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36 _____
37 **Lucille Lopez, Acting Legislative Secretary**

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39 09 day of May, 2008.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15 day of May, 2008 at 12:10 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

Verlon Jose
Verlon M. Jose, Legislative Chairman

APPROVED

on the 19th day of May, 2008

DISAPPROVED

at 11:02 o'clock, A..M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of

May, 2008, at 10:59 o'clock, A..M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING PINALENO COTTON CACHE REPATRIATION AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE UNITED STATES FOREST SERVICE

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MAY 09, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			X
	2. (RAYMOND VICTOR) ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[02]

****PASSED VOTES**