

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Memorandum of Agreement Among Federal Highway Administration (FHA),
Tohono O'odham Nation Tribal Historic Preservation Office (TON THPO), Arizona
Department of Transportation (ADOT), Advisory Council on Historic Preservation,
U.S. Army Corps of Engineers and the Bureau of Indian Affairs - Western Regional
Office (BIA) Regarding the FHA and ADOT Planning of a Road Widening Project
along Arizona State Route 86 Between Mileposts 137.10 and 141.19 (Project
No. STP-086-A (206)A, TRACS No. 086 PM 137 H7403 01C 086-A(200)
A - Pima County, Arizona)

RESOLUTION NO. 10-288

- 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 (the "Nation") recognizes the need to protect, preserve**
4 **and manage cultural resources on the Nation's lands and on its traditional-use lands;**
5 **and**
- 6 **WHEREAS, the Tohono O'odham Legislative Council passed the Archaeological Resource**
7 **Protection Ordinance (06-84) in 1984 for "the protection and preservation of**
8 **archaeological resources historically associated with traditional or sacred values and**
9 **beliefs important to the O'odham, and of the physical site, location or context in which**
10 **archaeological resources are found"; and**
- 11 **WHEREAS, the National Historic Preservation Act of 1966 ("NHPA") permits Indian Tribes to**
12 **assume State Historic Preservation Office functions (16 U.S.C. 470a (d)) through the**
13 **establishment of a Tribal Historic Preservation Office ("THPO"); and**
- 14 **WHEREAS, the Tohono O'odham Legislative Council passed Resolution No. 08-249, to approve the**
15 **Nation's application to establish a THPO as part of the Nation's Cultural Affairs**
16 **Program to, in part, ensure Section 106 compliance pursuant to NHPA for the**
17 **protection and preservation of archaeological resources historically associated with**
18 **traditional or sacred values and beliefs important to the O'odham and of the physical**
19 **site, location or context in which the archaeological resources are found; and**
- 20 **WHEREAS, Legislative Council Resolution No. 08-249 designated the Manager of the Nation's**
21 **Cultural Affairs Program as the Tribal Historic Preservation Officer for the Nation's**
22 **THPO; and**
- 23 **WHEREAS, the Chairman of the Nation signed a Memorandum of Agreement with the United**
24 **States Department of the Interior, National Park Service (NPS) on August 7, 2009 for**
25 **the assumption by the Nation of certain responsibilities, including responsibilities**
26 **related to the establishment of a THPO for the Nation; and**

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1 **WHEREAS, the Nation received notification from the NPS on September 4, 2009, that the Nation's**
2 **Application to establish a THPO for the Nation was approved; and**

3 **WHEREAS, the Natural Resources Committee, Cultural Preservation Committee and the Domestic**
4 **Affairs Committee has reviewed and approves the MOA for the Proposed FHA / ADOT**
5 **Road Widening Project on Arizona; and**

6 **WHEREAS, the Nation's THPO has reviewed and approves the MOA and Treatment Plan report;**
7 **and**

8 **WHEREAS, the Nation's Attorney General's Office reviewed and approves, as to form, the MOA.**

9 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
10 **approve the MOA, in substantially the form attached hereto, for the Road Widening**
11 **project along Arizona State Route 86 Between Mileposts 137.10 and 141.10 (Project No.**
12 **086-STP 086-AA(200)A - TRACS No. 086 PM 137 H7403 01C) pursuant to Section 106 of**
13 **the National Historic Preservation Act of 1966 (NHPA, 16 U.S.C. 470f, 36 CFR 800.2**
14 **(c)(1)(i), and 800.6(b)) and authorizes the Tohono O'odham Nation Tribal Historic**
15 **Preservation Officer to sign the MOA for the Road Widening Project along State Route**
16 **86 between Mileposts 137.10 and 141.10, Tohono O'odham Nation, Pima County,**
17 **Arizona.**

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH Day**
19 **of JULY, 2010 at a meeting at which a quorum was present with a vote of 2,408.40 FOR; -0- AGAINST;**
20 **187.10[01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article**
21 **VI, Section 1 (d)(2) and (3) of the Constitution of the Tohono O'odham Nation, adopted by the**
22 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
23 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
24 **18, 1934 (48 Stat. 984).**

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

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28 
29 _____
30 **Verlon M. Jose, Legislative Chairman**

31
32 **19 day of July, 2010**
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ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

19 day of July, 2010.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of July, 2010 at 3:25 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 20 day of JULY, 2010

DISAPPROVED

at 9:12 o'clock, A. M.

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

Returned to the Legislative Secretary on the 20 day of

July, 2010, at 9:55 o'clock, A. M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING MEMORANDUM OF AGREEMENT AMONG FEDERAL HIGHWAY ADMINISTRATION (FHA), TOHONO O'ODHAM NATION TRIBAL HISTORIC PRESERVATION OFFICE (TON THPO), ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT), ADVISORY COUNCIL ON HISTORIC PRESERVATION, U.S. ARMY CORPS OF ENGINEERS AND THE BUREAU OF INDIAN AFFAIRS - WESTERN REGIONAL OFFICE (BIA) REGARDING THE FHA AND ADOT PLANNING OF A ROAD WIDENING PROJECT ALONG ARIZONA STATE ROUTE 86 BETWEEN MILEPOSTS 137.10 AND 141.19 (PROJECT NO. STP-086-A (206)A, TRACS NO. 086 PM 137 H7403 01C 086-A(200)A - PIMA COUNTY, ARIZONA

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: JULY 16, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55			X	X
	2. GLORIA RAMIREZ ()	93.55			X	
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,408.40	-0-	187.10 -01-	[03]