

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Permitting the U.S. Army Corps of Engineers to make
improvements to the Border Road in Chukut Kuk District
along the U.S.-Mexico International Boundary)**

RES. NO. 91-406

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3 **WHEREAS,** *the Department of Defense Joint Task Force 6 (JTF-6) made a*
4 *presentation to the Legislative Council of the Tohono O'Odham Nation*
5 *on September 12, 1991, presenting plans for road improvements to*
6 *the border road in Chukut Kuk District which runs along the U.S.-*
7 *Mexico International Boundary; and*

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9 **WHEREAS,** *the JTF-6 road improvement proposal is based on the U.S. Border*
10 *Patrol's request to the U.S. Army Corps of Engineers for improvement*
11 *of the existing border road to assist the Border Patrol's surveillance*
12 *and interdiction activities along the international boundary; and*

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14 **WHEREAS,** *the JTF-6 road improvement work is to be performed by the U.S.*
15 *Army Corps of Engineers within the scope of work as presented to the*
16 *Legislative Council on September 12, 1991, and as contained in the*
17 *"Course of Action #4" (attached hereto and made a part hereof), and*
18 *the map prepared by the 46th Engineer Battalion (CBT) (HVY), Fort*
19 *Rucker, Alabama, dated 30 June 1991, and entitled "Arizona*
20 *Roadway"; and*

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22 **WHEREAS,** *the U.S. Army Corps of Engineers has contracted with the engineering*
23 *and environmental services firm of Geo-Marine Inc. to perform the*
24 *archeological survey and monitoring of the road improvement project*
25 *pursuant to a scope of work contained in Contract No.*
26 *DACA63-90-D-0061, D.O. 0011 (attached hereto and made a part*
27 *hereof), and the "Work Plan of Geo-Marine, Inc. for Archeological and*
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Biological Assessments of the Border Patrol Road within the Chukut Kuk District" (attached hereto and made a part hereof), which scope of work and work plan include the hiring of one tribal member to be included on the survey and monitoring staff of Geo-Marine, Inc. at all times during the survey and improvement project; and

WHEREAS, *the above-stated proposals have been presented to the residents of Chukut Kuk District who, through their District Council, have approved the proposed road improvement project by Chukut Kuk Council Resolution No. 02-91; and*

WHEREAS, *the Chukut Kuk District Council has by Resolution No. 06-91 requested the approval of the Legislative Council for the road improvement project.*

NOW, THEREFORE, BE IT RESOLVED *that the Legislative Council permits the U.S. Army Corps of Engineers and their subcontractors Geo-Marine, Inc. to come onto the Tohono O'Odham Nation for purposes of making those improvements to the border road in Chukut Kuk District along the U.S.-Mexico International Boundary as proposed to the Legislative Council on September 12, 1991 and proposed in the Course of Action #4 and the above-referenced map, expected to commence on September 26, 1991 for a duration of approximately 29 construction days, with the archeological survey to commence on or about September 18, 1991, provided that the archeological survey as*

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proposed in the attached Scope of Work and Work Plan of Geo-Marine, Inc. is fully and completely implemented and followed, and provided further that the U.S. Army Corps of Engineers and their sub-contractors comply with all applicable federal and tribal laws.

BE IT FURTHER RESOLVED that the Scope of Work for Geo-Marine, Inc.

DACA63-90-D-0061, Section 5, Paragraph 3 is amended to require consent of the Tohono O'Odham Nation for release or publication of any sketch, photograph, report or other material of any nature derived or prepared under that Scope of Work, and Section 11 of the Scope of Work is amended to require prior approval of the Tohono O'odham Nation for the archaeologists' final report to the CE.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 13th. day of September, 1991 at a meeting at which a quorum was presented with a vote of 1,560.0 FOR; -0- AGAINST; 57.0 NOT VOTING; and 107.0 [7] ABSENT, pursuant to the powers vested in the Council by Section 1 (i) (1) & (2) and Section 2(d) of Article VI and by Section 1 of Article XVI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Mary Ann Antone, Legislative Chairwoman

16th day of September, 1991

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ATTEST:

Gucinda Allen for:
Teresa M. Choyguha, Legislative Secretary

16th day of September 19 91.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16th day of September, 1991, 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

Mary Ann Antone
Mary Ann Antone, Legislative Chairwoman

APPROVED on the 16 day of September, 19 91

DISAPPROVED) at 3:18 o'clock, P.M.

Josiah Moore
JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17th day of September
19 91, at 8:35 o'clock, A.M.

Gucinda Allen for:
Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN KENNETH WILLIAMSSUBJECT: PERMITTING THE U.S. ARMY CORPS OF ENGINEERSSECOND: COUNCILWOMAN ALBERTA LOPEZTO MAKE IMPROVEMENTS TO BORDER ROAD IN CHUKUT KUKDATE: SEPTEMBER 13, 1991DIST. ALONG US/MEXICO INTERNATIONAL BORDER

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico Sr.)	114.5	X			
	2. Frances Miguel ()	114.5	X			X
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0	X			X
	2. Willard Anita ()	83.0	X			
GU VO 114.0	1. Virgil Lewis (Michael Flores)	57.0			X	
	2. Emilio Lewis (Anthony Flores)	57.0	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Manuel Osequeda Jr. ()	62.5	X			X
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			X
	2. Chester Antone (Fernando Valentine)	59.5	X			
SAN LUCY 106.0	1. Albert Manuel Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			X
SAN XAVIER 127.0	**1. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5				X
	2. Frances Francisco (Joseph Juan)	53.5				X
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Lucille Encinas)	155.0	X			
SIF OIDAK 158.0	** 1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,560.0	-0-	57.0	107.0 [7]

**PASSED VOTES