

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Permitting Additional Improvements to the Border Road
in the Chukut Kuk and Gu Vo Districts along the
U.S. - Mexico International Boundary)

RESOLUTION NO. 92-350

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4 **WHEREAS,** *the United States Border Patrol has requested assistance from the*
5 *United States Department of Defense, Joint Task Force Six (JTF-*
6 *6) to improve the border road along the International Boundary*
7 *between the United States and Mexico from Christmas Gate in*
8 *Chukut Kuk District to the foot of Ajo Mountains in Gu Vo*
9 *District; and*

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12 **WHEREAS,** *JTF-6, a unit of the Department of Defense designed to combat*
13 *the flow of illegal drugs entering this country, has enlisted the*
14 *services of the United States Army Corps of Engineers (COE) to*
15 *design and implement the border road improvement project; and*

16
17 **WHEREAS,** *in compliance with the National Environmental Policy Act, COE*
18 *performed an environmental assessment on the proposed road*
19 *improvement project and has issued a finding of no significant*
20 *impact on the climate, geology, faunal biological resources,*
21 *regional socioeconomics, land use or local municipal services;*
22 *and*

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25 **WHEREAS,** *for compliance with the National Historic Preservation Act, JTF-6*
26 *(as the lead agency) and COE have proposed a plan which*
27 *requires that all construction activity avoid all archeological sites*
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*determined to be eligible for inclusion on the National Register of
Historic Places and that all construction activity avoid all plants
on the threatened or endangered species lists, which plan is
contained in the proposed Programmatic Agreement (a copy of
which is attached hereto and incorporated herein by reference);
and*

WHEREAS, *COE has retained Geo-Marine, Inc. pursuant to a Scope of Work
dated May 26, 1992, as revised by Scope of Work dated August
26, 1992, copies of which are attached hereto and incorporated
herein by reference, to perform the archeological and biological
surveys of the intended road project site, as well as to perform the
monitoring of the construction project to ensure compliance with
the Programmatic Agreement; and*

WHEREAS, *the Work Plan of Geo-Marine, Inc. for Archeological and
Biological Assessments of the Border Road within Chukut Kuk
and Gu Vo Districts, a copy of which is attached hereto and
incorporated herein by reference, provides for the employment of
a tribal member on the survey and monitoring crews at all times
during the survey and construction phases of the project; and*

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***WHEREAS, the actual construction work will be performed by the 46th
Engineer Battalion of the United States Army pursuant to the
attached construction proposal, which construction work is
scheduled to commence in late September 1992 and continue for
approximately 45 work days; and***

***WHEREAS, the above-stated proposals have been presented to the residents of
Chukut Kuk and Gu Vo Districts and by Chukut Kuk Council
Resolution No. 92-14 and Gu Vo Council Resolution No. 04-25-
92, the Districts have approved the proposed road improvement
project and have requested the support and approval of the
Nation's Legislative Council.***

***NOW, THEREFORE, BE IT RESOLVED that the Legislative Council respects
the requests of Chukut Kuk and Gu Vo Districts and approves the
proposal of the Corps of Engineers, the 46th Engineer Battalion
of the U.S. Army and Geo-Marine, Inc., to make those
improvements to the border road in Chukut Kuk and Gu Vo
Districts between Christmas Gate and Ajo Mountains presented to
the Legislative Council on September 14, 1992 and as proposed
in the above-referenced documents, subject to the following terms***

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and conditions:

1. The above-referenced Scope of Work between COE and Geo-Marine, the Revised Scope of Work between COE and Geo-Marine and the Work Plan of Geo Marine are fully and completely implemented and followed, subject to the following amendments:

a. Section 5, Paragraph 3 of the Scope of Work and the Revised Scope of Work is amended to require the prior written 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 the Scope of Work or the Revised Scope of Work.

b. Section 5, Paragraph 4 of the Scope of Work and the Revised Scope of Work is amended by replacing the second sentence with the following: "All such materials are to remain subject to the terms and conditions of the Programmatic Agreement affecting

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*the Christmas Gate - Ajo Mt. sector of the border road
project."*

*c. Section 5, Paragraph 5 of the Scope of Work and the
Revised Scope of Work is amended to require that in
addition to the prior approval of the CE Technical
Representative, the Contractor must also obtain the
prior written approval of the Tohono O'odham Nation
for publication or presentation of reports or articles
utilizing work or information performed or gathered
upon the Tohono O'odham Nation.*

*2. JTF-6, the Corps of Engineers, the 46th Engineer Battalion,
Geo-Marine, Inc., their agents, employees and subcontractors
shall comply with all applicable federal and tribal laws
including the Nation's Archeological Resources Protection
Ordinance, Ordinance 06-84.*

*3. All draft survey documents, final survey reports, monitoring
reports, or final reports shall be treated as confidential and
may not be released or disseminated without the prior written
approval of the Tohono O'odham Nation, except that copies*

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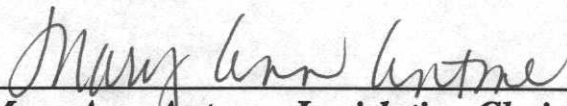
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shall be provided to the Bureau of Land Management and the
State Historic Preservation Officer under the terms of
Stipulations I(D) and I(E) of the Programmatic Agreement,
which shall not be disseminated further.

BE IT FURTHER RESOLVED that the Legislative Council approves the
attached Programmatic Agreement and authorizes the Nation's
Chairman to execute the Programmatic Agreement on behalf of
the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative
Council on the 14TH day of SEPTEMBER, 1992 at a meeting at which a
quorum was present with a vote of 1,376.5 FOR; 127.0 AGAINST; 220.5 NOT
VOTING; and 03 ABSENT, pursuant to the powers vested in the Council by
Sections 1 (i)(1) & (2); and 2(d) of Article VI and 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

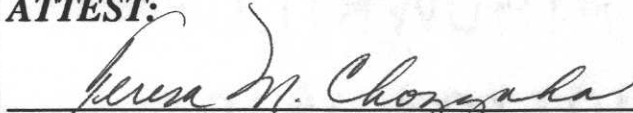
15th day of September, 1992

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ATTEST:

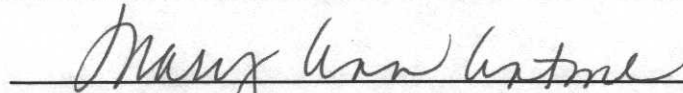


Teresa M. Choyguha, Legislative Secretary

15th day of September, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15th day of September, 1992, at 3:40 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.

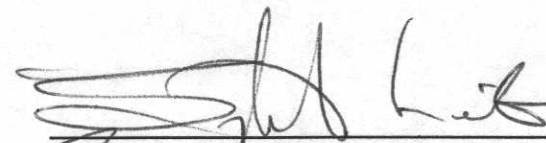
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Mary Ann Antone, Legislative Chairwoman

APPROVED on the 15 day of September, 1992

DISAPPROVED) at 15:56 o'clock, P.M.



**JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 16th day of September,
19 92, at 1:56 o'clock, p.M.

Guacinda Allen for:
Teresa M. Choyguha, Legislative Secretary

FIDUR & TAIN (S) (P)
SOUTH WORTH CO. U.S.A.
29% COTTON FIBER

MOVED: COUNCILMAN KENNETH WILLIAMSSUBJECT: PERMITTING ADDITIONAL IMPROVEMENTS TO THESECOND: COUNCILWOMAN FRANCES MIGUELBORDER ROAD IN THE CHUKUT KUK AND GU VO DISTRICTSDATE: SEPTEMBER 14, 1992ALONG THE U.S.-MEXICO INTERNATIONAL BOUNDARY

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5			X	
	2. Manuel Osequeda, Jr. ()	62.5	X			
GU VO 114.0	1. Michael Flores	57.0	X			X
	2. Emilio Lewis (Anthony Flores)	57.0	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			X
	2. John Reno ()	53.0	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0	X			
	2. Willard Anita ()	83.0	X			
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Frances Miguel ()	114.5	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			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	1,376.5	127.0	220.5	03

**PASSED VOTES