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	RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Approving a Memorandum of Agreement with the Federal Highway	
1	Admin	istration and other agencies regarding the protection of historic
2	proper	ties and the treatment of human remains at the Marsh Station
3		Traffic Interchange on Interstate 10 East of Tucson)
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5		RESOLUTION NO. <u>96-566</u>
6 7	WHEREAS,	the Federal Highway Administration ("FHWA") and the Arizona
8		Department of Transportation ("ADOT"), acting on behalf of the
9		FHWA, have proposed a highway project at the Marsh Station Traffic
10		
11		Interchange on Interstate 10 East of Tucson, Arizona; and
12	WHEREAS,	the highway project will have an adverse impact on an archaeological
13 14		site known as the Mescal Wash site, AZ EE:2:51 ASM, and therefore
15		the agencies proposing the project must comply with Section 106 of
16		the National Historic Preservation Act, 16 U.S.C. § 470f and its
17		the national instoric reservation net, to c.s.c. 5 for and its
18		implementing regulations, 36 CFR Part 800; and
19	WHEREAS,	pursuant to these regulations, the Tohono O'odham Nation has been
20 21		invited to be a consulting party to the Memorandum of Agreement
21		invited to be a consulting party to the memorandum of Agreement
23		attached hereto, which Memorandum of Agreement contemplates a
24		further Data Recovery Plan which will be drafted by the FHWA and
25		ADOT and will be submitted to the Tohono O'odham Nation for
26		
27		review and concurrence, and which will provide that any human
28		remains and associated objects will be treated in accordance with

	RESOLUTION NO. <u>96-566</u>
	(Approving a Memorandum of Agreement with the Federal Highway
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4	Page 2 of 4
5	
6	Arizona law, A.R.S. §41-844, which requires notice to Indian tribes of
7	the discovery of Native American human remains and the preparation
8 9	of a further agreement regarding treatment of human remains,
10	which agreement is to be coordinated by the Arizona State Museum
11	with all Indian Nations claiming affinity with the human remains;
12	with an indian Mations claiming armity with the numan remains,
13	and
14	WHEREAS, the Cultural Preservation Committee of the Legislative Council has
15	
16	reviewed this Memorandum of Agreement and recommends its
17	approval.
18	NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative
19	NUW, INEREFURE, DE II RESULVED that the Ionono U ounam Legislative
20	Council approves the attached Memorandum of Agreement among the
21	Federal Highway Administration, the Arizona Department of
22	reactar ingiway Automistration, the Arizona Department of
23	Transportation, the Arizona State Land Department, the Arizona State
24	Museum, the Hopi Tribe, the Tohono O'odham Nation, the U.S. Army
25	Muscum, the hopi musc, the ronono o ounam nation, the 0.5. Army
26	Corps of Engineers, the Arizona State Historic Preservation Officer
27	and the Advisory Council on Historic Preservation Regarding Proposed
28	

,	RESOLUTION NO. <u>96-566</u>		
	(Approving a Memorandum of Agreement with the Federal Highway		
1	Administration and other agencies regarding the protection of historic		
2	properties and the treatment of human remains at the Marsh Station Traffic Interchange on Interstate 10 East of Tucson)		
3	Page 3 of 4		
4			
5 6	Improvements to the Marsh Station Traffic Interchange on Interstate		
7	10 East of Tucson, Pima County, Arizona, and authorizes the		
8 9	Chairman of the Tohono O'odham Nation to sign the Memorandum		
10	of Agreement.		
11	The fenerating Perclution was needed by the Tahana O'Odham Council on the 5TH		
12	The foregoing Resolution was passed by the Tohono O'Odham Council on the <u>5TH.</u> day of <u>DECEMBER</u> , <u>1996</u> at a meeting at which a quorum was present with a vote		
13	<u>1,611.0</u> FOR; <u>-0-</u> AGAINST; <u>-0-</u> NOT VOTING; and <u>265.0 [09]</u> ABSENT, pursuant		
14	to the powers vested in the Council by Article VI, Section 1 (f) of the Constitution		
15	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		
16	Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June		
17	18, 1934 (48 Stat. 984).		
18	TOHONO O'ODHAM LEGISLATIVE COUNCIL		
19			
20	alex Fall		
21	Dennis Ramon, Legislative Chairman		
22	OP day of Decenter, 1996		
23			
24	ATTEST:		
25	t. CAT		
26	Frances Antone, Legislative Secretary		
27	In day of December, 19 96		
28	uay of, 19_12		

RESOLUTION NO. 96-566 (Approving a Memorandum of Agreement with the Federal Highway Administration and other agencies regarding the protection of historic properties and the treatment of human remains at the Marsh Station 2 Traffic Interchange on Interstate 10 East of Tucson) 3 Page 4 of 4 4 5 Said Resolution was submitted for approval to the office of the Chairman of the 6 Tohono O'Odham Nation on the O9th day of Documber, 1996 at 7 355 o'clock, 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 8 to either approve or disapprove it within 48 hours of submittal. 10 **TOHONO O'ODHAM LEGISLATIVE COUNCIL** 11 12 Dennis Ramon, Legislative Chairman 13 14 15 _____ day of _______ 1976 on the 10 APPROVED 16 17 at 5:38 o'clock, 1.M. DISAPPROVED 18 19 20 EDWARD D. MANUEL. Chairman $\mathbf{21}$ **TOHONO O'ODHAM NATION** 22 23 24 Returned to the Legislative Secretary on the $1/\frac{7}{2}$ day of 25 ucentur, 1996, at 2:59 o'clock, P.M. 26 us Antone 27 28 Frances Antone, Legislative Secretary