

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(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 Traffic Interchange on Interstate 10 East of Tucson)

RESOLUTION NO. 96-566

WHEREAS, the Federal Highway Administration ("FHWA") and the Arizona Department of Transportation ("ADOT"), acting on behalf of the FHWA, have proposed a highway project at the Marsh Station Traffic Interchange on Interstate 10 East of Tucson, Arizona; and

WHEREAS, the highway project will have an adverse impact on an archaeological site known as the Mescal Wash site, AZ EE:2:51 ASM, and therefore the agencies proposing the project must comply with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f and its implementing regulations, 36 CFR Part 800; and

WHEREAS, pursuant to these regulations, the Tohono O'odham Nation has been invited to be a consulting party to the Memorandum of Agreement attached hereto, which Memorandum of Agreement contemplates a further Data Recovery Plan which will be drafted by the FHWA and ADOT and will be submitted to the Tohono O'odham Nation for review and concurrence, and which will provide that any human remains and associated objects will be treated in accordance with

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Arizona law, A.R.S. §41-844, which requires notice to Indian tribes of the discovery of Native American human remains and the preparation of a further agreement regarding treatment of human remains, which agreement is to be coordinated by the Arizona State Museum with all Indian Nations claiming affinity with the human remains; and

WHEREAS, the Cultural Preservation Committee of the Legislative Council has reviewed this Memorandum of Agreement and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the attached Memorandum of Agreement among the Federal Highway Administration, the Arizona Department of Transportation, the Arizona State Land Department, the Arizona State Museum, the Hopi Tribe, the Tohono O'odham Nation, the U.S. Army Corps of Engineers, the Arizona State Historic Preservation Officer and the Advisory Council on Historic Preservation Regarding Proposed

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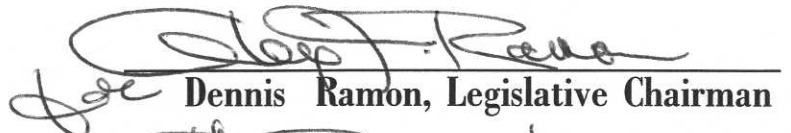
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Improvements to the Marsh Station Traffic Interchange on Interstate 10 East of Tucson, Pima County, Arizona, and authorizes the Chairman of the Tohono O'odham Nation to sign the Memorandum of Agreement.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 5TH day of DECEMBER, 1996 at a meeting at which a quorum was present with a vote 1,611.0 FOR; -0- AGAINST; -0- NOT VOTING; and 265.0 [09] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (f) 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


Joe Dennis Ramon, Legislative Chairman
09th day of December, 1996

ATTEST:


Frances Antone, Legislative Secretary

9th day of December, 1996


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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 09th day of December, 1996 at 3:58 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


for Dennis Ramon, Legislative Chairman

APPROVED

on the 10th day of December, 1996

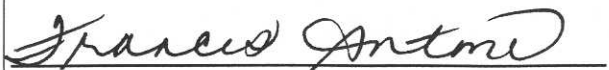
DISAPPROVED

at 5:38 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11th day of

December, 1996, at 2:59 o'clock, P.M.


Frances Antone, Legislative Secretary