

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Memorandum of Agreement Regarding Archeological Data  
Recovery at the Punta de Agua Site Complex)**

**RESOLUTION NO. 97-158**

**WHEREAS, by Resolution No. 93-296, the Legislative Council enacted the Ordinance for the Regulation of Gaming Activities within the Nation; and**

**WHEREAS, by Resolution No. 93-311, the Legislative Council adopted the Charter of the Tohono O'odham Gaming Authority as the entity of the Nation charged with developing, operating and maintaining the Nation's gaming facilities; and**

**WHEREAS, pursuant to Section 4(d) of the Charter of the Gaming Authority, the Gaming Authority is required to produce the maximum economic return to the Nation consistent with the fair and reasonable expectations of gaming activity patrons; and**

**WHEREAS, by Resolution No. 94-467, the Legislative Council directed the Gaming Authority to develop additional class III gaming facilities within the Nation taking into account the recommendations of the feasibility study; and**

**WHEREAS, in accordance with Resolution No. 94-467 and the feasibility study, the Gaming Authority recommends the construction of a new class III gaming facility to be located within the San**

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**Xavier District (hereinafter referred to as the "new casino");**

**and**

**WHEREAS, the proposed site for the new casino is located on allotted land near the Papago Road interchange of Interstate 19, and includes a known archeological site designated by the Arizona State Museum as the Punta de Agua Site Complex; and**

**WHEREAS, in accordance with the Nation's Archaeological Resources Protection Ordinance, Ordinance No. 06-84, mitigation of archaeological resources is required prior to development at the site; and**

**WHEREAS, the Gaming Authority will enter into a lease with the allottees, and in accordance with Article XVI, Section 5 of the Nation's Constitution and Section 5(d)(6) of the Charter of the Gaming Authority, the lease must be approved by the Legislative Council and the Secretary of Interior; and**

**WHEREAS, the Bureau of Indian Affairs is delegated authority to approve such leases on behalf of the Secretary of Interior; and**

**WHEREAS, the Bureau of Indian Affairs requires as a condition of lease approval compliance with Section 106 of the National**

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**Historic Preservation Act, 16 U.S.C. § 470f (Public Law 89-665), which states that prior to a federal undertaking the effect of the undertaking on historic property be taken into account and that the Advisory Council on Historic Preservation be given a reasonable opportunity to comment with regard to such undertaking; and**

**WHEREAS, the Bureau of Indian Affairs is of the opinion that approval of a lease as required by 25 U.S.C. § 415 is an undertaking within the meaning of Section 106 of the National Historic Preservation Act; and**

**WHEREAS, to satisfy Section 106 compliance the Bureau of Indian Affairs has proposed a Memorandum of Agreement, a copy of which is attached hereto and incorporated herein by this reference; and**

**WHEREAS, the Cultural Preservation Committee recommends approval of the Memorandum of Agreement in the form attached hereto.**

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. The Memorandum of Agreement Regarding Archeological Data Recovery at the Historic Property Punta de Agua Site Complex, in the form attached**

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**hereto, is hereby approved.**

**2. All parties to the Memorandum of Agreement shall comply with all applicable laws of the Nation.**

**3. The Chairman of the Nation is authorized and directed to execute the Memorandum of Agreement on behalf of the Nation, as well as such other documents or permits which may be required for completion of data recovery and mitigation, including the issuance of such permits as may be required by Ordinance No. 06-84.**

**The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 8TH. day of MAY, 1997 at a meeting at which a quorum was present with a vote of 1,741.0 FOR; -0- AGAINST; -0- NOT VOTING; and 135.0 [10] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) 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**

  
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**Dennis Ramon, Legislative Chairman**

9<sup>th</sup> day of May, 1997

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**ATTEST:**

*Frances G. Antone*

**Frances G. Antone, Legislative Secretary**

*9th* day of *May*, 19*97*.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 9<sup>th</sup> day of May, 1997 at 9:44 o'clock, A.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**

*Dennis Ramon*

**Dennis Ramon, Legislative Chairman**

**APPROVED**

on the 12 day of May, 1997

**DISAPPROVED**

at 9:30 o'clock, A.M.

*Edward D. Manuel*

**EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 12<sup>th</sup> day of  
May, 1997, at 9:48 o'clock, A.M.

Frances G. Antone  
**Frances G. Antone, Legislative Secretary**

ACTION: **APPROVING MEMORANDUM OF AGREEMENT REGARDING ARCHEOLOGICAL DATA RECOVERY AT THE PUNTA DE AGUA SITE COMPLEX**

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN JOSEPH JUAN

DATE: MAY 8, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>160.0</b>	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
<b>SELLS</b> <b>314.0</b>	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			X
<b>SCHUK TOAK</b> <b>117.0</b>	1. KENNETH J. ANTONE ( )	58.5	X			X
	2. JOSEPH JUAN ( )	58.5	X			
<b>SAN XAVIER</b> <b>142.0</b>	1. DENNIS RAMON ( )	71.0	X			
	2. TONY BURRELL ( )	71.0	X			X
<b>BABOQUIVARI</b> <b>257.0</b>	1. EDWARD KISTO (Idella Stanley)	128.5	X			X
	2. FRANCES MIGUEL ( )	128.5	X			
<b>GU ACHI</b> <b>187.0</b>	1. WILLARD ANITA (Louis Johnson)	93.5	X			
	2. ALEX J. RAMON (Marian Johnson)	93.5	X			X
<b>PISINEMO</b> <b>135.0</b>	1. JOHNSON JOSE (Roseleen Antone)	67.5				X
	2. BARBARA SALVICIO ( )	67.5				X
<b>SAN LUCY</b> <b>105.0</b>	1. ALBERT MANUEL, JR. ( )	52.5	X			
	2. JOHN RENO (Mary Hoffman)	52.5	X			X
<b>GU VO</b> <b>134.0</b>	1. GLORIA MONTANA ( )	67.0	X			X
	2. FERN SALCIDO (Larry Montana)	67.0	X			
<b>HICKIWAN</b> <b>142.0</b>	1. LLOYD FRANCISCO ( )	71.0	X			
	2. ALEX JOSE ( )	71.0	X			X
<b>CHUKUT KUK</b> <b>183.0</b>	1. KENNETH WILLIAMS ( )	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
<b>TOTAL</b>		<b>1876.0</b>	<b>1,741.0</b>	<b>-0-</b>	<b>-0-</b>	<b>135.0</b> <b>[10]</b>

\*\*PASSED VOTES