

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Memorandum of Agreement (MOA) among Federal Highway Administration (FHA),
Arizona Department of Transportation, Arizona State Historic Preservation Office (SHPO),
Arizona State Parks, City of Tucson, Pima County, U.S. Bureau of Indian Affairs, Tohono
O'odham Nation and the Pascua Yaqui Tribe Regarding the Treatment of Historic Properties
for the Interstate 19 Widening and Reconstruction Project - San Xavier Road to I-10,
Mileposts 56.3-63.0, 019-A(014), 019 PM 057, H5105 01L, Pima County, Arizona)

RESOLUTION NO. 12-039

- 1 **WHEREAS, the Tohono O'odham and their ancestors, the Archaic Period peoples and the**
2 **Hohokam have inhabited Southern Arizona since time immemorial; and**
- 3 **WHEREAS, the Tohono O'odham Nation (TON) recognizes the need to protect, preserve and**
4 **manage cultural resources on the Nation's lands and on its traditional-use lands; and**
- 5 **WHEREAS, the Tohono O'odham Legislative Council passed the Archaeological Resource**
6 **Protection Ordinance (06-84) in 1984 for "the protection and preservation of**
7 **archaeological resources historically associated with traditional or sacred values and**
8 **beliefs important to the O'odham, and of the physical site, location or context in which**
9 **archaeological resources are found"; and**
- 10 **WHEREAS, the National Historic Preservation Act of 1966 permits Indian Tribes to assume State**
11 **Historic Preservation Office functions (16 U.S.C. 470a (d)); and**
- 12 **WHEREAS, the Tohono O'odham Legislative Council passed Resolution No. 08-249 Approving the**
13 **Application for the TON to establish a Tribal Historic Preservation Office (THPO) as**
14 **part of the Cultural Affairs program to provide Section 106 Compliance under the**
15 **National Historic Preservation Act of 1966 (NHP) (16 U.S.C. 470) for the protection and**
16 **preservation of archaeological resources historically associated with traditional or**
17 **sacred values and beliefs important to the O'odham and of the physical site, location**
18 **or context in which the archaeological resources are found; and**
- 19 **WHEREAS, the Chairman of the TON signed a Memorandum of Agreement with the United States**
20 **National Park Service (NPS) on August 7, 2009 for the assumption by the TON of certain**
21 **responsibilities pursuant to the NHP (16 U.S.C. 470); and**
- 22 **WHEREAS, the TON received notification from the NPS on September 4, 2009, that the TON THPO**
23 **Office application was approved; and**
- 24 **WHEREAS, the Cultural Preservation Committee has reviewed and approves the MOA for the**
25 **Proposed FHA/ADOT I-19 Road Widening and Reconstruction Project; and**
- 26 **WHEREAS, the Tohono O'odham Tribal Historic Preservation Office has reviewed and approves**
27 **the MOA; and**
- 28 **WHEREAS, the MOA has been reviewed and approved by the Attorney General's Office of the**
29 **Tohono O'odham Nation.**

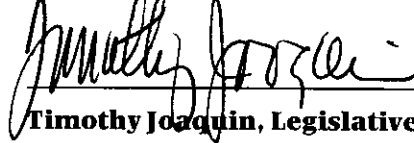
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Page 2 of 3

1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
2 **approve the MOA, in substantially the form attached hereto, for the I-19 Road**
3 **Widening and Reconstruction Project from the San Xavier Road to I-10, Mileposts 56.3-**
4 **63.0, 019-A(014), 019 PM 057 H5105 01L, Pima County, Arizona pursuant to Section 106**
5 **of the National Historic Preservation Act of 1966 (NHPA, 16 U.S.C. 470f, 36 CFR 800.2**
6 **(c)(1)(i), and 800.6(b) and authorizes the Tohono O'odham Nation's Chairman or**
7 **Designated Official to execute the MOA for the Road Widening Project along I-19**
8 **between Mileposts 56.3-63.0, Pima County, Arizona.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26TH Day**
10 **of JANUARY, 2012 a meeting at which a quorum was present with a vote of 2,576.0 FOR; -0- AGAINST;**
11 **-0- NOT VOTING; and 204.60[05] ABSENT, pursuant to the powers vested in the Council by Section**
12 **1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the**
13 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
14 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
15 **18, 1934 (48 Stat. 984).**

16
17 **TORONO O'ODHAM LEGISLATIVE COUNCIL**

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20 **Timothy Joaquin, Legislative Chairman**

21 30 day of January, 2012

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24 **ATTEST:**

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27 **Evonne Wilson, Legislative Secretary**

28 27 day of January, 2012.
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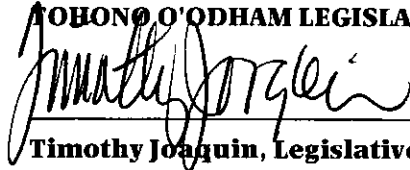
31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
32 **Nation on the 30 day of January, 2012 at 3:07 o'clock, P.M.,**
33 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
34 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
35 **submittal.**

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Page 3 of 3

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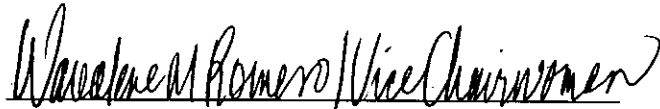
TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

APPROVED

on the 30 day of January, 2012

DISAPPROVED

at 5:10 o'clock, p.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 31 day of

January, 2012, at 9:03 o'clock, a.M.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING MEMORANDUM OF AGREEMENT (MOA) AMONG FEDERAL HIGHWAY ADMINISTRATION (FHA), ARIZONA DEPARTMENT OF TRANSPORTATION, ARIZONA STATE HISTORIC PRESERVATION OFFICE (SHPO), ARIZONA STATE PARKS, CITY OF TUCSON, PIMA COUNTY, U.S. BUREAU OF INDIAN AFFAIRS, TOHONO O'ODHAM NATION AND THE PASCUA YAQUI TRIBE REGARDING THE TREATMENT OF HISTORIC PROPERTIES FOR THE INTERSTATE 19 WIDENING AND RECONSTRUCTION PROJECT - SAN XAVIER ROAD TO I-10, MILEPOSTS 56.3-63.0, 019-A(014), 019 PM 057, H5105 01L, PIMA COUNTY, ARIZONA

Moved: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: JANUARY 26, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			X
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			X
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30				X
	2. JANA MONTANA (Gloria Ramirez)	102.30				X
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON <i>(Absent)</i> (Eugene Enis) <i>(Present)</i>	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE ()	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,576.0	-0-	-0-	204.60 [05]