

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Repatriation Agreement between the Tohono O'odham Nation and the
USDA Forest Service, Southwestern Region, Coronado National Forest)

RESOLUTION NO. 09-395

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 recognizes the need to protect, preserve and manage**
4 **cultural resources 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 Tohono O'odham Nation supports the Native American Graves Protection and**
11 **Repatriation Act, 25 USC 3001 et seq ("NAGPRA") and its implementing regulations, 43**
12 **CFR 10.1-10.17 that provides definitions and procedures for the repatriation to**
13 **culturally affiliated Indian tribes of human remains, associated funerary objects,**
14 **unassociated funerary objects, sacred objects and objects of cultural patrimony in the**
15 **possession of federal agencies; and**

16 **WHEREAS, the Tohono O'odham Nation is a federally recognized Indian tribe and has the status**
17 **to make a claim for repatriation under NAGPRA; and**

18 **WHEREAS, the items to be repatriated consist of human remains, associated funerary objects and**
19 **unassociated funerary objects located on Coronado National Forest lands: from**
20 **Ramanote Cave near Nogales; the Anamax-Rosemont Project in the Santa Rita**
21 **Mountains; the Pima Canyon Site in the Catalina Mountains; the Patagonia School Site**
22 **near Patagonia, Arizona and the Romero Ruin Site located north of Tucson; and**

23 **WHEREAS, the Notices of Inventory Completion concerning the human remains and associated**
24 **funerary objects described herein and attached as Exhibits D, E, and F were published**
25 **in the Federal Register on September 18, 1997 and March 12, 2009 and that A Notice of**
26 **Intent to Repatriate concerning unassociated funerary objects described herein and**
27 **attached as Exhibit G was published in the Federal Register on March 12, 2009 and that**
28 **a Notice of Intended Disposition concerning human remains described herein and**
29 **attached as Exhibit H was published for the second time in the Arizona Daily Star on**
30 **April 13, 2009 in accordance with the Native American Graves Protection and**

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1 **WHEREAS, Exhibits A, B and C attached to the Repatriation Agreement contain the inventory lists**
2 **and descriptions of the human remains, associated and unassociated funerary objects**
3 **to be repatriated; and**

4 **WHEREAS, the Tohono O'odham Nation filed repatriation claims in accordance with NAGPRA, by**
5 **letters sent from the Cultural Affairs Office of the Tohono O'odham Nation on July 8,**
6 **2008 and March 17, 2009; and**

7 **WHEREAS, the Tohono O'odham Nation received a notice from the USDA Forest Service,**
8 **Southwestern Region, Coronado National Forest requesting that the Tohono O'odham**
9 **Nation sign the repatriation agreement that would also be signed by the Regional**
10 **Forester representing the USDA Forest Service, Southwestern Region; and**

11 **WHEREAS, the representatives of the USDA Forest Service, Southwestern Region, Coronado**
12 **National Forest have engaged in consultations with representatives of the Tohono**
13 **O'odham Nation (Cultural Affairs Program and Legislative Cultural Preservation**
14 **Committee) regarding this repatriation from the USDA Forest Service, Southwestern**
15 **Region, Coronado National Forest; and**

16 **WHEREAS, the Cultural Preservation Committee has reviewed and approves this Repatriation**
17 **Agreement with the USDA Forest Service, Southwestern Region, Coronado National**
18 **Forest; and**

19 **WHEREAS, the Repatriation Agreement with the USDA Forest Service, Southwestern Region,**
20 **Coronado National Forest has been reviewed and approved by the Attorney General's**
21 **Office of the Tohono O'odham Nation.**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
23 **approve the Repatriation Agreement, in substantially the form attached hereto, with**
24 **the USDA Forest Service, Southwestern Region, Coronado National Forest, pursuant**
25 **to the Native American Graves Protection and Repatriation Act, 25 USC 3001 et seq.**
26 **and its implementing regulations, 43 CFR 10.1-10.17 and authorizes the Chairman of**
27 **the Tohono O'odham Nation to sign the Repatriation Agreement with USDA Forest**
28 **Service, Southwestern Region, Coronado National Forest.**

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 8TH. Day**
30 **of JULY, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0- AGAINST;**
31 **-0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI**
32 **Section 1 (c)(8)(f)&(j) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
33 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
34 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
35

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Muney Jr
Verlon M. Jose, Legislative Chairman
15th day of July, 2009

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
8 day of July, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15th day of July, 2009 at 10:32 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

Felicia Muney Jr
Verlon M. Jose, Legislative Chairman

APPROVED on the 15 day of July, 2009

DISAPPROVED at 1:05 o'clock, P.M.
Ned Norris Jr
NED NORRIS, JR., CHAIRMAN

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of July, 2009, at 2:13 o'clock, P.M.
Evonne Wilson

ACTION: APPROVING REPATRIATION AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE USDA FOREST SERVICE, SOUTHWESTERN REGION, CORONADO NATIONAL FOREST

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: JULY 08, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			X
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			