

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Programmatic Agreement (PA) among Federal Highway Administration (FHA), Tohono O'odham Nation Tribal Historic Preservation Office (TON THPO), Arizona Department of Transportation (ADOT), Advisory Council on Historic Preservation (ACHP), Arizona State Land Department (ASLD), Bureau of Land Management (BLM) and Arizona State Historic Preservation Office (SHPO) Regarding the Effects to Cultural Resources along State Route 86 as part of FHA and ADOT Road Widening Project along Arizona State Route 86 between Mileposts 53.00 and 137.10)

RESOLUTION NO. 11-527

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 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 and the Domestic Affairs Committee has**
25 **reviewed and approves the PA Regarding Effects to Cultural Resources for the**
26 **Proposed FHA/ADOT Road Widening Project on Arizona State Route 86; and**

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Page 2 of 3


1 **WHEREAS, the Tohono O'odham Tribal Historic Preservation Office has reviewed and approves**
2 **the PA Regarding Effects to Cultural Resources for the Proposed FHA/ADOT road**
3 **Widening Project on Arizona State Route 86; and**

4 **WHEREAS, the PA Regarding Effects to Cultural Resources for the Proposed FHA/ADOT road**
5 **Widening Project on Arizona State Route 86 has been reviewed and approved by the**
6 **Attorney General's Office of the Tohono O'odham Nation.**

7 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
8 **approves the PA Regarding Effects to Cultural Resources in substantially the form**
9 **attached hereto, for the Road Widening project along Arizona State Route 86 between**
10 **Mileposts 53.00 and 137.10 pursuant to Section 106 of the National Historic**
11 **Preservation Act of 1966 (NHPA, 16 U.S.C. 470f, 36 CFR 800.2 (c)(1)(i), and 800.6(b) and**
12 **authorizes the Tohono O'odham Nation's Tribal Historic Preservation Officer to sign**
13 **the PA for the Road Widening Project along State Route 86 between Mileposts 53.00**
14 **and 137.10, Tohono O'odham Nation, Pima County, Arizona.**

15 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15th Day**
16 **of NOVEMBER, 2011 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**
17 **AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
18 **Section 1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by**
19 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
20 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
21 **18, 1934 (48 Stat. 984).**

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23 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 **Timothy Joaquin, Legislative Chairman**

28
29 29 day of November, 2011

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31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**

35
36 29 day of November, 2011

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(Approving Programmatic Agreement (PA) among Federal Highway Administration (FHA), Tohono O'odham Nation Tribal Historic Preservation Office (TON THPO), Arizona Department of Transportation (ADOT), Advisory Council on Historic Preservation (ACHP), Arizona State Land Department (ASLD), Bureau of Land Management (BLM) and Arizona State Historic Preservation Office (SHPO) Regarding the Effects to Cultural Resources along State Route 86 as part of FHA and ADOT Road Widening Project along Arizona State Route 86 between Mileposts 53.00 and 137.10)

Page 3 of 3

1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
2 Nation on the 29 day of November, 2011 at 4:09 o'clock, P.M.,
3 pursuant to the provisions of Section 4 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL




Timothy Joaquin, Legislative Chairman

APPROVED

on the 29 day of November, 2011

DISAPPROVED

at 4:11 o'clock, P.M.



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

Returned to the Legislative Secretary on the 30 day of

November, 2011, at 10:48 o'clock, A.M.



Evonne Wilson, Legislative Secretary

ACTION: Approving Programmatic Agreement (PA) among Federal Highway Administration (FHA), Tohono O'odham Nation Tribal Historic Preservation Office (TON THPO), Arizona Department of Transportation (ADOT), Advisory Council on Historic Preservation (ACHP), Arizona State Land Department (ASLD), Bureau of Land Management (BLM) and Arizona State Historic Preservation Office (SHPO) Regarding the Effects to Cultural Resources along State Route 86 as part of FHA and ADOT Road Widening Project along Arizona State Route 86 between Mileposts 53.00 and 137.10

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: NOVEMBER 15, 2011

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|----------------------------------------------------------------------------|-----------------|-----------------|------------|-------------|-------------|
| BABOQUIVARI 342.0 | 1. FRANCES MIGUEL (Roberta Harvey) | 171.0 | X | | | |
| | 2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith)(<i>Present</i>) | 171.0 | X | | | |
| CHUKUT KUK 302.2 | 1. ETHEL GARCIA (<i>Absent</i>) (Sara Mae Williams)(<i>Present</i>) | 151.10 | X | | | |
| | 2. BILLMAN LOPEZ () | 151.10 | X | | | 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 | | | X |
| GU VO 226.7 | 1. GRACE MANUEL (Floyd Flores) | 113.35 | X | | | |
| | 2. PAMELA ANGHILL (Angela Ortiz) | 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 () | 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 (Eugene Enis) | 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 | | 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 | 2,780.60 | -0- | [01] | [03] |