

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Supporting Vehicle Barriers and All-weather Road Project Along the International  
Boundary Within the Tohono O'odham Nation)**

**RESOLUTION NO. 04-095**

1 **WHEREAS, the Tucson Sector of the United States Border Patrol ("USBP") is responsible for**  
2 **enforcing homeland security within the United States of America, including the**  
3 **Tohono O'odham Nation ("Nation") lands along the International Boundary with**  
4 **Mexico ("International Boundary"); and**

5 **WHEREAS, illegal immigration and narcotics trafficking and the use of motor vehicles in the**  
6 **furtherance of these crimes has become an increasing problem along the**  
7 **International Boundary; and**

8 **WHEREAS, these incursions by motor vehicles create a human safety risk to civilians and law**  
9 **enforcement personnel, especially tribal residents, and create a detrimental impact**  
10 **on the natural environment of the Nation; and**

11 **WHEREAS, since the September 11, 2001 terrorist attacks and with the increased threat of**  
12 **terrorism including the threat of terrorists obtaining entry into the United States**  
13 **across the International Boundary; and**

14 **WHEREAS, the USBP has developed designs, construction processes, and enforcement**  
15 **techniques utilizing border vehicle barriers and all-weather roads in conjunction**  
16 **with other technologies to prevent and deter illegal entry into the United States by**  
17 **motor vehicles; and**

18 **WHEREAS, the USBP has agreed, subject to Congressional appropriation, to design, build,**  
19 **manage and maintain an effective border enforcement barrier and an all-weather**  
20 **road along the entire International Boundary within the Nation in consultation with**  
21 **the Nation's Districts, Legislative Committees, Legislative Council and Executive**  
22 **Branch, at no cost to the Nation; and**

23 **WHEREAS, the USBP plans to utilize private contractors, United States military units, United**  
24 **States Border Patrol units or any combination thereof in constructing the border**  
25 **vehicle barrier and all-weather road, and will request that, to the extent possible,**  
26 **these construction units utilize employees and subcontractors from the Nation, with**  
27 **the understanding that any federal construction units would utilize their own**  
28 **personnel entirely; and**

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1 **WHEREAS, the USBP plans to construct the border vehicle barrier and road entirely within the**  
2 **sixty-foot strip of land reserved by the Presidential Proclamation of President**  
3 **Theodore Roosevelt dated May 27, 1907 for customs enforcement purposes along the**  
4 **entire International Boundary, except for small areas where the road must be**  
5 **constructed outside the sixty-foot strip of United States reserved land in order to**  
6 **avoid a natural barrier, in which case the road improvement will occur along the**  
7 **same route as the existing road; and**

8 **WHEREAS, the USBP has provided information to the Districts relating to the border vehicle**  
9 **barriers and all-weather road proposal, including information regarding the success**  
10 **of these technologies in other settings; and**

11 **WHEREAS, Chukut Kuk District by Resolution No. 2003-18 and No. 2003-57 and Gu Vo District by**  
12 **Resolution No. GV03-80, all attached hereto, have expressed support for the border**  
13 **vehicle barrier and the all-weather road project and have expressed a preference for**  
14 **the "corral fence" or "rail on rail" design of barrier.**

15 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby supports**  
16 **the USBP's border vehicle barrier and all-weather road construction proposal along**  
17 **the entire International Boundary within the Nation's lands, and supports**  
18 **Congressional appropriation for the project, subject to the following conditions:**

- 19 **1. if required by federal law, the USBP will obtain a right-of-way easement from the**  
20 **Nation and the Bureau of Indian Affairs for any segments where the road is**  
21 **constructed outside the sixty-foot strip of United States reserved land or, if**  
22 **preferred by the applicable federal agencies and the Nation, will enter into a**  
23 **memorandum of agreement regarding use of those segments of the road; and**
- 24 **2. that the USBP will perform cultural resource clearance and fully comply with the**  
25 **National Environmental Policy Act to the extent necessary considering the**  
26 **compliance already performed for the 1992 to 1995 border road construction**  
27 **project; and**
- 28 **3. that the USBP agree to maintain the border vehicle barriers and the all-weather**  
29 **road; and**

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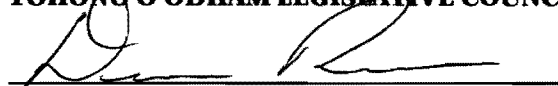
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- 4. that the design of the border vehicle barriers and the all-weather road is subject to the approval of the Nation; and
- 5. the USBP agrees to continue to allow use of the entire length of road by tribal members and the officials, employees and agents of the Nation.

**BE IT FURTHER RESOLVED** that if right-of-way easements are required for segments of the road, the Nation hereby grants approval of those easements, consents to the performance of surveys to describe the easements, and waives its right to require consideration or damages for the grant of such easements.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup> Day of MARCH, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of Article VI 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**



**Dennis Ramon, Legislative Chairman**

8<sup>th</sup> day of March, 2004

**ATTEST:**



**Lucille Lopez, Acting Legislative Secretary**

05 day of March, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 8<sup>th</sup> day of March, 2004 at 5:06 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Dennis Ramon, Legislative Chairman**

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APPROVED

on the 8 day of March, 2004

DISAPPROVED

at 8:55 o'clock, P.M.

  
\_\_\_\_\_  
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 09<sup>th</sup> day of

March, 2004, at 9:16 o'clock, A.M.

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

**ACTION: SUPPORTING VEHICLE BARRIERS AND ALL-WEATHER ROAD PROJECT ALONG THE INTERNATIONAL BOUNDARY WITHIN THE TOHONO O'ODHAM NATION**

**MOVED: COUNCILMAN VERLON JOSE**

**SECOND: COUNCILWOMAN FRANCES MIGUEL**

**DATE: MARCH 05, 2004**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW** (Rita Martinez)	96.30	X			
<b>SELLS</b> 465.6	1. DENNIS E. JOSE** ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> 176.1	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> 215.4	1. FELICIA NUÑEZ (Olivia Liston)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
<b>SAN LUCY</b> 166.3	1. JOHN W. LAWSON, SR. ( )	83.15	X			X
	2. GLORIA RAMIREZ ( )	83.15	X			
<b>PISINEMO</b> 175.4	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ( )	85.15	X			
<b>GU VO</b> 191.4	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES** (Willard Manuel)	95.70	X			
<b>GU ACHI</b> 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
<b>CHUKUT KUK</b> 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> 364.1	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,629.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>

**\*\*PASSED VOTES**