

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Border Vehicle Barrier Design Pursuant to Resolution No. 04-095,
“Supporting Vehicle Barriers and All-weather Road Project Along the International
Boundary Within the Tohono O’odham Nation”)

RESOLUTION NO. 06-465

1 **WHEREAS, the Tohono O’odham Legislative Council is vested with the power to “administer land**
2 **and other public property, and by law, ordinance or resolution . . . to manage, protect,**
3 **preserve and regulate the use of the property, wildlife, land, air and natural resources**
4 **(including surface and ground waters) of the Tohono O’odham Nation” and the power**
5 **to consult “appropriate federal agencies regarding federal activities that affect the**
6 **Tohono O’odham Nation” (Constitution of the Tohono O’odham Nation, Article VI,**
7 **Section 1(i)(2) and 1(j)); and**

8 **WHEREAS, the Tucson Sector of the United States Border Patrol (“USBP”) is responsible for**
9 **enforcing homeland security within the United States of America, including the**
10 **Tohono O’odham Nation (“Nation”) lands along the international boundary with**
11 **Mexico (“International Boundary”); and**

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

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

21 **WHEREAS, pursuant to Resolution No. 04-095, the Tohono O’odham Legislative Council did**
22 **support “the USBP’s border vehicle barrier and all-weather road construction**
23 **proposal along the entire International Boundary within the Nation’s lands, and**
24 **supports Congressional appropriation for the project,” subject to several conditions,**
25 **including that “that the design of the border vehicle barriers and the all-weather road**
26 **is subject to the approval of the Nation”; and**

27 **WHEREAS, Chukut Kuk District, by Resolutions No. 2003-18 and No. 2003-57, and Gu Vo District,**
28 **by Resolution No. GV03-80, previously expressed support for the border vehicle**

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1 **barrier and the all-weather road project, as well as a preference for the "corral fence"**
2 **or "rail on rail" design of barrier; and**

3 **WHEREAS, the USBP is now requesting that the Nation approve the use of three types of vehicle**
4 **barriers, corral (rail-on-rail), temporary (Normandy), and Bollard-style fencing, based**
5 **on terrain features, soil quality, and the presence of cultural or natural resources; and**

6 **WHEREAS, the USBP has made presentations on the use of the three vehicle barriers to the**
7 **Chukut Kuk and Gu Vo Districts, which have passed resolutions supporting the**
8 **installation of a variety of barriers by Chukut Kuk District Resolution No. 2006-35 and**
9 **Gu Vo District Resolution No. GV03-80 as amended by Resolution No. GV06-082; and**

10 **WHEREAS, the USBP has further requested that the vehicle barrier be augmented with cable**
11 **and/or barbed wire fencing to prevent cattle rustling and keep undesirable livestock**
12 **from entering the United States.**

13 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
14 **reaffirms its support for the USBP's border vehicle barrier and all-weather road**
15 **construction project along the International Boundary within the Nation's lands, and**
16 **supports congressional appropriation for the project, subject to the conditions set**
17 **forth in Resolution No. 04-095 and further provided that the barrier contain openings**
18 **at the traditional crossing areas along the border known as San Miguel Gate, Serapo's**
19 **Gate, and Papago Farms Gate with 24 hour surveillance by US Customs and USBP.**

20 **BE IT FURTHER RESOLVED that, pursuant to the terms of Resolution No. 04-095, the Tohono**
21 **O'odham Legislative Council hereby approves the use of (1) Bollard-style, corral (rail-**
22 **on-rail), and/or temporary (Normandy) fencing in the design and construction of the**
23 **USBP's border vehicle barrier as appropriate depending upon factors including the**
24 **location of washes, archaeological sites, mountainous areas and areas deemed**
25 **biologically sensitive to the Nation, etc. and (2) cable and/or barbed wire fencing to**
26 **augment the vehicle barrier to prevent cattle rustling and keep undesirable livestock**
27 **from entering the United States.**

28 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's**
29 **approval of the USBP's border vehicle barrier is subject to the terms and conditions**
30 **set forth in this Resolution and Resolution No. 04-095; the USBP must therefore receive**

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prior approval from the Nation before taking any action contrary to the terms and conditions embodied in these Resolutions.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day of JULY, 2006 at a meeting at which a quorum was present with a vote of 2,440.80FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (i)(2) and 1 (j) 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


Evelyn B. Juan Manuel, Legislative Chairwoman

19th day of July, 2006

ATTEST:


Lucille Lopez, Acting Legislative Secretary

12 day of July, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 19th day of July, 2006 at 4:07 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



Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 19 day of July, 2006

DISAPPROVED

at 6:50 o'clock, P.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 20 day of

July, 2006, at 10:05 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING BORDER VEHICLE BARRIER DESIGN PURSUANT TO RESOLUTION NO. 04-095, "SUPPORTING VEHICLE BARRIERS AND ALL-WEATHER ROAD PROJECT ALONG THE INTERNATIONAL BOUNDARY WITHIN THE TOHONO O'ODHAM NATION"

MOVED: VICE CHAIRMAN VERLON JOSE

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: JULY 12, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			X
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (<i>Absent</i>) (Rita Martinez) (<i>Present</i>)	93.35	X			