

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving The Extension Of Encroachment Permit No. 2010-0016 For A New  
Five (5) Year Period By The United States Customs And Border Protection For  
BIA Indian Reservation Road 15 At A Location Within the Sif Oidak District)**

**RESOLUTION NO. 15-324**

1 **WHEREAS, Article XVI, Section 1, of the Constitution of the Tohono O'odham Nation (the**  
2 **"Nation") provides that the unallotted lands of the Nation "shall be held as**  
3 **national lands forever" and are under the control and management of the**  
4 **Legislative Council; and**

5 **WHEREAS, the Nation has approved the issuance of a right-of-way to the Bureau of Indian**  
6 **Affairs (BIA) for BIA Route 15, which includes that portion of Route 15 that passes**  
7 **through national lands within the Sif Oidak District; and**

8 **WHEREAS, the United States Customs and Border Protection (CBP) has received prior**  
9 **approval from the Nation through Legislative Council Resolution No. 10-388 to**  
10 **establish a tactical checkpoint located on the BIA Indian Reservation Road (IRR)**  
11 **15 and IRR 42, specifically at Mile Marker 30, which included the approval for**  
12 **the BIA Transportation Division to issue an Encroachment Permit to CBP for a**  
13 **five-year period; and**

14 **WHEREAS, CBP's checkpoint has been in operation since August 17, 2010, and CBP has**  
15 **made it known that their Encroachment Permit No. 2010-0016 will expire on**  
16 **August 17, 2015; and**

17 **WHEREAS, the BIA requires approval from the Nation through resolution to extend their**  
18 **current Encroachment Permit for an additional 5-year period commencing on**  
19 **August 18, 2015 and expiring on August 17, 2020; and**

20 **WHEREAS, the BIA will not allow anyone to do any work within a right-of-way issued to the**  
21 **BIA until an encroachment permit has been issued; and**

22 **WHEREAS, information which must be submitted with the Encroachment Permit**  
23 **Application includes, among other things, an approved tribal resolution stating**  
24 **that "the tribe agrees with the work described in the permit request"; and**

25 **WHEREAS, this resolution has been reviewed by the Domestic Affairs, and the Agricultural**  
26 **and Natural Resources Committees, which recommend approval by the**  
27 **Legislative Council.**

28 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**  
29 **the attached Bureau of Indian Affairs Encroachment Permit Application which**  
30 **is required by the BIA for CBP to continue the operation for an additional five-**  
31 **year period of its tactical checkpoint solely at the identified location within the**

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1                    **right-of-way issued to the BIA for BIA IRR 15 beginning August 18, 2015 provided**  
2                    **that the Nation reserves the right to revoke approval by subsequent resolution,**  
3                    **and further provided that the CBP personnel shall:**

- 4                    **1. Consult and coordinate with the Nation's Department of Public Safety**  
5                    **(TODPS) to the maximum extent possible, and work with a liaison**  
6                    **appointed by the TODPS Director to provide public information and**  
7                    **address concerns.**
- 8                    **2. Respect the human and civil rights of the Nation's members and respond**  
9                    **in a timely manner to concerns regarding these issues.**
- 10                   **3. Minimize any environmental impacts of their operations by not**  
11                   **destroying vegetation, littering, or otherwise injuring the Nation's lands,**  
12                   **including by not widening, or otherwise expanding existing roads**  
13                   **without the advance, written consent of the Legislative Council.**
- 14                   **4. Consult with the Nation's Cultural Affairs Office to prevent damage to**  
15                   **cultural sites and with districts and communities to prevent any**  
16                   **interruption of traditional ceremonies or celebrations and to**  
17                   **immediately notify the Cultural Affairs Office upon gaining knowledge of**  
18                   **any such damage that might occur.**
- 19                   **5. Refrain from harassing the Tohono O'odham and comply with all**  
20                   **applicable federal laws, including but not limited to those governing**  
21                   **searches, seizures, vehicle and other stops.**
- 22                   **6. With advance Legislative Council approval, consider improving existing**  
23                   **roads serving the Nation's members and its communities as a means of**  
24                   **improving community relations, lawful transportation,**  
25                   **communications, and access.**
- 26                   **7. Remove vehicles abandoned by smugglers and drug traffickers but**  
27                   **refrain from destroying or unnecessarily damaging such vehicles, which**  
28                   **are often stolen from the Nation's members or other innocent victims.**
- 29                   **8. Request and receive authorization from the Legislative Council prior to**  
30                   **installing buildings or otherwise establishing Route 15 tactical**

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1                   checkpoint infrastructure that is not readily removable, including but  
2                   not limited to telephone, electricity and other utility delivery systems.

3                   9.       Report on IRR 15 checkpoint operations on a regular basis as requested  
4                   by the Nation's Chairperson or the Legislative Chairperson, and on a  
5                   monthly basis to the Domestic Affairs Committee and the Sif Oidak  
6                   District Council.

7                   10.      Generate and present a written annual report on IRR 15 checkpoint  
8                   operations to the Legislative Council.

9       **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council agrees with the use  
10                   described in the attached permit request; provided that CBP cannot install any  
11                   temporary or permanent infrastructure or technology, or otherwise disturb any  
12                   Nation's lands outside the area covered by the Encroachment Permit without  
13                   Legislative Council approval.

14       The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>  
15       day of AUGUST, 2015 at a meeting at which a quorum was present with a vote of 2,810.4 FOR; -0-  
16       AGAINST; -0- NOT VOTING; and 204.9 [04] ABSENT, pursuant to the powers vested in the Council  
17       by Article VI, Section 1(f) and 1(i)(1) and Section 2(d); and Article XVI, Section 1 of the  
18       Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on  
19       January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs  
20       (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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23                   TOHONO O'ODHAM LEGISLATIVE COUNCIL

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25                   \_\_\_\_\_  
26                   Timothy Joaquin, Legislative Chairman

27                   10 day of August, 2015

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32       **ATTEST:**

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34       \_\_\_\_\_  
35       Evonne Wilson, Legislative Secretary

36       10 day of August, 2015

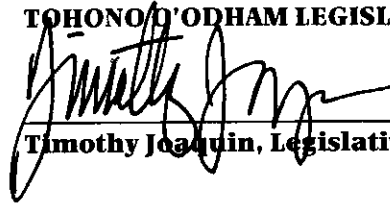
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39       Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
40       O'odham Nation on the 10 day of August, 2015 at 11:42 o'clock, a.m.,  
41       pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
42       effective upon his approval or upon his failure to either approve or disapprove it within 48  
43       hours of submittal.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Timothy Joaquin, Legislative Chairman**

on the 10 day of August, 2015  
at 5:30 o'clock, P.m.

**APPROVED**

**DISAPPROVED**



**EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 11 day of**

August, 2015, at 8:33 o'clock, a.m.

  
**Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING THE EXTENSION OF ENCROACHMENT PERMIT NO. 2010-0016 FOR A NEW FIVE (5) YEAR PERIOD BY THE UNITED STATES CUSTOMS AND BORDER PROTECTION FOR BIA INDIAN RESERVATION ROAD 15 AT A LOCATION WITHIN THE SIF OIDAK DISTRICT**

**MOVED: COUNCILMAN BILLMAN LOPEZ**

**SECOND: COUNCILWOMAN ETHEL GARCIA**

**DATE: AUGUST 07, 2015**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.1	1. FRANCES MIGUEL (Roberta E. Harvey)	183.55	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.55	X			
CHUKUT KUK 331.9	1. ETHEL GARCIA (Marlakay K. Henry)	165.95	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	165.95	X			
GUACHI 265.1	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.55	X			
	2. LORETTA LEWIS ( )	132.55	X			
GU VO 249.6	1. GRACE MANUEL (Dallas Lewis)	124.8	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	124.8	X			
HICKIWAN 204.9	1. LOUIS R. LOPEZ (Shirley Molina)	102.45				X
	2. SANDRA ORTEGA ( )	102.45				X
PISINEMO 220.0	1. CHESTER ANTONE (Tony Murrietta)	110.0	X			X
	2. MONICA K. MORGAN ( )	110.0	X			
SAN LUCY 222.9	1. DIANA MANUEL ( )	111.45	X			
	2. JANA MONTANA (Gloria Ramirez)	111.45	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.3	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.1	1. ARTHUR WILSON (Beverly Rivas)	256.55	X			
	2. BARBARA HAVIER ( )	256.55	X			
SIF OIDAK 231.5	1. LUCINDA ALLEN (Nicholas Jose)	115.75	X			
	2. MARY LOPEZ ( )	115.75	X			
<b>TOTAL</b>		<b>3,015.3</b>	<b>2,810.40</b>	<b>-0-</b>	<b>-0-</b>	<b>204.9</b> <b>[04]</b>