

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Bureau of Indian Affairs to Conduct Road Repairs of Specific Roads
on the Tohono O'odham Nation Using Funding Transferred from the United States
Department of Homeland Security Customs and Border Protection)

RESOLUTION NO. 20-422

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

5 **WHEREAS, the Constitution of the Tohono O'odham Nation also vests the Legislative Council**
6 **with the authority to "promote, protect and provide for public health, peace,**
7 **morals, education and general welfare of the Tohono O'odham Nation and its**
8 **members" and to "consult, negotiate and conclude agreements and contracts on**
9 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
10 **. . . or their departments, agencies, or political subdivisions . . . (Constitution,**
11 **Article VI, Section 1(c)(2) and Section 1(f)); and**

12 **WHEREAS, the United States Congress by H.R. 1865-166 appropriated \$15,000,000.00 to**
13 **Customs and Border Protection/United States Border Patrol ("CBP/USBP") to**
14 **transfer to the Bureau of Indian Affairs "to supplement any other funding**
15 **available for reconstruction or repair of roads owned by the Bureau of Indian**
16 **Affairs . . ."; and**

17 **WHEREAS, by Resolution No. 19-342, the Legislative Council approved the FY 2020 Planning**
18 **and Economic Development Department Roads Program Project PIR 21(4) Santa**
19 **Cruz to Papago Farms Budget, which expended a large portion of the**
20 **\$15,000,000.00 appropriation; and**

21 **WHEREAS, the Nation and CBP identified nine road maintenance and improvement**
22 **projects, which are listed in the "CBP Priority List" and incorporated by this**
23 **reference (hereafter referred to as, "CBP Roads Priority List"), and provided the**
24 **CBP Roads Priority List to the Bureau of Indian Affairs ("BIA"); and**

25 **WHEREAS, the designated roads described in attachments "A" Graph depicting roads to be**
26 **maintained and repaired, "B" Road map of the overall project, "C" Inter-Agency**
27 **Agreement, and "D" Chairman Norris' letter of support to the BIA; and**

28 **WHEREAS, improving the roads identified on the CBP Roads Priority List would improve**
29 **USBP patrol efforts on the Nation and directly benefit the Tohono O'odham**
30 **Nation and its members, the Nation's communities, and the environment; and**

RESOLUTION NO. 20-422

(Approving the Bureau of Indian Affairs to Conduct Road Repairs of Specific Roads on the Tohono O'odham Nation Using Funding Transferred from the United States Department of Homeland Security Customs and Border Protection)

Page 2 of 4

1 **WHEREAS, the roads on the CBP Roads Priority List are primarily used by the Tohono**
2 **O'odham, who would benefit from road improvements as some of these roads**
3 **have deteriorated over time and may have become impassable; and**

4 **WHEREAS, USBP and the BIA have entered into an Inter-Agency Agreement, with the consent**
5 **of the Tohono O'odham Nation, to utilize the remaining \$5,000,000.00 for**
6 **additional road repairs after the completion of Federal Route 21; and**

7 **WHEREAS, the dirt roads described are in dire need of repair due to lack of maintenance and**
8 **repair, along with moon dust pits eroding the roadway and not allowing vehicles**
9 **to drive the road in a safe manner; and**

10 **WHEREAS, the Nation's Planning and Economic Development Department Roads Program,**
11 **in collaboration with the USBP Liaisons, have presented and obtained supporting**
12 **resolutions from the Pisinemo, Chukut Kuk, Gu Vo, and Sells District (Pisinemo**
13 **District Council Resolution 21-P-03, Chukut Kuk District Resolution No. 2020-33,**
14 **Gu Vo District Resolution GV-20-065, Sells District Resolution SD-130-20); and**

15 **WHEREAS, USBP Liaisons and the Nation's Planning and Economic Development**
16 **Department Roads Program will provide the affected districts with a schedule**
17 **once a contractor is selected and a notice to proceed is provided by the BIA; and**

18 **WHEREAS, the Domestic Affairs, Budget and Finance, and Agricultural and Natural**
19 **Resources Committees have reviewed and recommend approval of the**
20 **resolution.**

21 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council approves the BIA to conduct road**
22 **repairs for the roads listed in the CBP Roads Priority List using the funding**
23 **transferred from the Department of Homeland Security Customs and Border**
24 **Protection, provided that:**

25 **(1) The Nation's Planning and Economic Development Department and BIA**
26 **shall provide notice to the Nation's Realty Office, Environmental**
27 **Protection Office, Wildlife and Vegetation Management Program, and the**
28 **Pisinemo, Chukut Kuk, Gu Vo, and Sells Districts before commencing**
29 **repairs, maintenance, and improvements.**

30 **(2) All work is conducted in accordance with applicable federal and Nation's**
31 **laws, including environmental and cultural protections.**

32 **(3) The Nation's Tribal Historic Preservation Office ("THPO") shall review the**
33 **CBP Roads Priority List and identify cultural resource sites significant to**
34 **the Nation prior to any work commencing and BIA contractors shall take**

RESOLUTION NO. 20-422

(Approving the Bureau of Indian Affairs to Conduct Road Repairs of Specific Roads on the Tohono O'odham Nation Using Funding Transferred from the United States Department of Homeland Security Customs and Border Protection)

Page 3 of 4

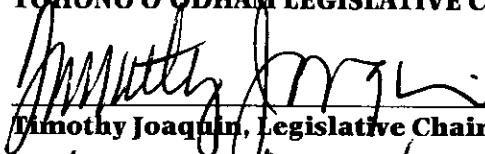
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

all necessary precautions to prevent any harm or damage to the identified sites.

- (4) The Nation's Planning and Economic Department and BIA shall coordinate with the Wildlife and Vegetation Management Program when maintenance, repair work, or improvements are being done in critical habits for threatened or endangered species to avoid disturbance to those species during breeding season.


The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH day of DECEMBER, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2), Article VI, Section 1(f), Article XVI, Section 1 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



Timothy Joaquin, Legislative Chairman
11 day of December, 2020

ATTEST:



Evonne Wilson, Legislative Secretary
11 day of December, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of December, 2020 at 12:45 o'clock, P.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



Timothy Joaquin, Legislative Chairman

RESOLUTION NO. 20-422

(Approving the Bureau of Indian Affairs to Conduct Road Repairs of Specific Roads on the Tohono O'odham Nation Using Funding Transferred from the United States Department of Homeland Security Customs and Border Protection)

Page 4 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

APPROVED

on the 14 day of December, 2020

DISAPPROVED

at 3:40 o'clock, P.m.



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

Returned to the Legislative Secretary on the 14 day of

December, 2020, at 4:30 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE BUREAU OF INDIAN AFFAIRS TO CONDUCT ROAD REPAIRS OF SPECIFIC ROADS ON THE TOHONO O'ODHAM NATION USING FUNDING TRANSFERRED FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION

MOVED: COUNCILWOMAN MONICA K. MORGAN

SECOND: COUNCILWOMAN JANICE FELIX

DATE: DECEMBER 08, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GU ACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	[01]