

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving United States Department of Homeland Security Customs and Border  
Protection Construction of a High Water Crossing Across the Vamori Wash Along  
the International Boundary on the Tohono O'odham Nation)**

**RESOLUTION NO. 21-048**

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 (Article XVI,**  
4                   **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**  
10                  **governments...or their departments, agencies, or political subdivisions..."**  
11                  **(Constitution, Article VI, Section 1(c)(2) and Section 1(f)); and**

12   **WHEREAS,**     **the Nation approved the issuance of a grant of right-of-way by the Bureau of**  
13                   **Indian Affairs for the Tohono O'odham Nation Integrated Fixed Tower Project,**  
14                   **which includes a portion of the Traditional Northern Road that passes through**  
15                   **the Chukut Kuk District (Resolution No. 19-088); and**

16   **WHEREAS,**     **the United States Customs and Border Protection ("CBP") has received prior**  
17                   **approval from the Nation through Legislative Council Resolution No. 19-088,**  
18                   **"Consenting to Grants of Easement for Rights-of-Way across Nation's lands for the**  
19                   **United States Customs and Border Protection's Integrated Fixed Tower Project";**  
20                   **and**

21   **WHEREAS,**     **the CBP presented to the Chukut Kuk District and received a supporting**  
22                   **resolution from the Chukut Kuk District Council, Resolution No. 2020-29**  
23                   **"Supporting the United States Department of Homeland Security and Customs**  
24                   **and Border Protection for Construction of a High Water Crossing Across the**  
25                   **Vamori Wash Along the International Boundary"; and**

26   **WHEREAS,**     **the existing staging area known as the San Miguel staging area would be utilized**  
27                   **as the construction staging area for the construction of the Vamori High Water**  
28                   **Crossing; and**

29   **WHEREAS,**     **aside from the San Miguel staging area, the construction of the Vamori High**  
30                   **Water Crossing will be confined to a 60-foot-wide strip of land located along the**  
31                   **International Boundary of the United States and Mexico, and would tie into the**  
32                   **Traditional Northern Road along the International Boundary; and**  
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1 **WHEREAS, the Domestic Affairs, Cultural Preservation, and Agricultural and Natural**  
2 **Resources Committees have reviewed this resolution and supporting documents**  
3 **for the construction of the Vamori High Water Crossing and recommend approval**  
4 **by the Legislative Council.**

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
6 **United States Department of Homeland Security Customs and Border Protection**  
7 **to construct a High Water Crossing across the Vamori Wash along the**  
8 **International Boundary on the Tohono O'odham Nation, provided that:**

- 9 1. **CBP shall provide advance, written notice to the Nation's Realty Office,**  
10 **Environmental Protection Office, Wildlife and Vegetation Management**  
11 **Program, and the Chukut Kuk District before commencing construction.**  
12 2. **All work is conducted in accordance with applicable federal and Nation's**  
13 **laws, including environmental and cultural protections.**  
14 3. **CBP shall coordinate with the Nation's Tribal Historic Preservation Office**  
15 **to take all necessary precautions to prevent any harm or damage to the**  
16 **Nation's natural and cultural resources.**  
17 4. **CBP shall also coordinate with the Wildlife and Vegetation Management**  
18 **Program if construction is done in critical habitats for threatened or**  
19 **endangered species to avoid disturbance to those species during breeding**  
20 **season.**

21 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup>**  
22 **day of FEBRUARY, 2021 at a meeting at which a quorum was present with a vote of 3,175.7 FOR;**  
23 **-0- AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by**  
24 **Article VI, Section 1(c)(2), Article VI, Section 1(f), Article XVI, Section 1 of the Constitution of the**  
25 **Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**  
26 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**  
27 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 **Timothy Joaquin, Legislative Chairman**

36 17 day of February, 2021  
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**RESOLUTION NO. 21-048**

**(Approving United States Department of Homeland Security Customs and Border Protection Construction of a High Water Crossing Across the Vamori Wash Along the International Boundary on the Tohono O'odham Nation)**

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1 **ATTEST:**

2 *Evonne Wilson*  
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4 **Evonne Wilson, Legislative Secretary**

5  
6 16 day of February, 2021  
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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
9 **O'odham Nation on the 18 day of February, 2021 at 3:27 o'clock, P .m.,**  
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
11 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
12 **hours of submittal.**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

15 *Timothy C. Joaquin*  
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18 **Timothy Joaquin, Legislative Chairman**  
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23  **APPROVED**

24 on the 18 day of February, 2021

25  **DISAPPROVED**

26 at 3:50 o'clock, P .m.

27 *Ned Norris, Jr.*  
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29 **NED NORRIS, JR., CHAIRMAN**  
30 **TOHONO O'ODHAM NATION**  
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35 **Returned to the Legislative Secretary on the 19 day of**  
36 *February*, 2021, at 4:01 o'clock, P .m.

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38 *Evonne Wilson*  
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41 **Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING UNITED STATES DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION CONSTRUCTION OF A HIGH WATER CROSSING ACROSS THE VAMORI WASH ALONG THE INTERNATIONAL BOUNDARY ON THE TOHONO O'ODHAM NATION**

**MOVED: COUNCILWOMAN MONICA K. MORGAN**

**SECOND: COUNCILWOMAN VIVIAN JUAN-SAUNDERS**

**DATE: FEBRUARY 09, 2021**

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 ( <i>Absent</i> ) (Louis L. Johnson) ( <i>Present</i> )	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			
	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			
<b>TOTAL</b>		<b>3,175.7</b>	<b>3,175.7</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>