

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting a Scoping Meeting in Chukut Kuk District, Tohono O'odham Nation,
Arizona, for the Supplemental Programmatic Environmental Impact Statement
for Border Patrol and JTF-6 Activities along the Border)**

RESOLUTION NO. 98-482

WHEREAS, the Border Patrol of the Immigration and Naturalization Service in the United States Department of Justice, the Customs Service of the United States Treasury Department, and Joint Task Force Six ("JTF-6") of the United States Department of Defense all perform law enforcement activities on the lands of the Tohono O'odham Nation ("Nation") adjacent to the United States border with Mexico; and

WHEREAS, the Nation acknowledges the need for law enforcement along the border with Mexico, and has previously requested the assistance of the federal law enforcement agencies in protecting Nation members from illegal activity and mistreatment by undocumented aliens and drug smugglers, and supports the efforts of the federal law enforcement agencies in that regard; and

WHEREAS, the activities of these federal agencies have also had environmental impacts on the lands, the cultural resources, and the people of the Nation; and

WHEREAS, some of the environmental impacts identified to date include damage to dirt roads and arroyos caused by tire dragging; trash accumulation along the border and at sites where undocumented persons are picked up; damage to vegetation and archaeological resources from off road driving of vehicles; and harassment of tribal members in their vehicles and in their homes by Border Patrol agents; and

WHEREAS, the U.S. Army Corps of Engineers is holding Scoping Meetings for the preparation of a Supplemental Programmatic Environmental Impact Statement on the impacts of Border Patrol and JTF-6 activities along the border, and has held Scoping Meetings in Sierra Vista, Arizona, on October

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relationship and to ensure that each agency adheres to principles of respect for Indian tribal governments and honors the United States' responsibility to Indian tribes.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council requests that the U. S. Army Corps of Engineers hold an additional Scoping Meeting in Chukut Kuk District, Tohono O'odham Nation, Arizona, in preparation for the Supplemental Programmatic Environmental Impact Statement, to allow members of the Nation to have their voices heard on issues related to the impacts of Border Patrol and JTF-6 activities within the Tohono O'odham Nation.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council respectfully requests the U.S. Army Corps of Engineers, the U.S. Border Patrol, the U.S. Customs Service, and JTF-6 to implement the directives of President Clinton's Executive Memorandum of April 29, 1994 and the Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations With Indian Tribes by dealing with the Nation on a government to government basis and by consulting with the Nation on the environmental impacts of federal agency activities along the international border.

The foregoing Resolution was passed by the Tohono O'odham Council on the 05TH. day of NOVEMBER, 1998 at a meeting at which a quorum was present with a vote of 1,785.0 FOR; -0- AGAINST; -0- NOT VOTING; and 142.0 [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (j) 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

9th day of November, 19 98

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(Requesting a Scoping Meeting in Chukut Kuk District, Tohono O'odham Nation, Arizona, for the Supplemental Programmatic Environmental Impact Statement for Border Patrol and JTF-6 Activities along the Border)

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6 and in Yuma, Arizona, on October 8, 1998 and in nine other locations; and

WHEREAS, Edward D. Manuel, Chairman of the Nation, has requested in a letter dated October 2, 1998, that the Corps of Engineers hold an additional Scoping Meeting in Sells, Arizona, to accommodate members of the Nation who were unable to travel to the Scoping Meetings in Sierra Vista and Yuma and who have information regarding the environmental impacts of the federal agency activities along the border; and

WHEREAS, the Tohono O'odham Legislative Council supports the request of Chairman Manuel and joins in a request to the U.S. Army Corps of Engineers to hold an additional Scoping Meeting in Chukut Kuk District, Tohono O'odham Nation, Arizona; and

WHEREAS, the scoping process is open until December 16, 1998, and therefore the Corps of Engineers should schedule this additional Scoping Meeting as soon as possible; and

WHEREAS, President Bill Clinton issued an Executive Memorandum on April 29, 1994 entitled "Government-to-Government Relations With Native American Tribal Governments" (attached hereto) which instructs all executive departments and agencies to implement their activities which affect Native American tribal rights or trust resources "in a knowledgeable, sensitive manner respectful of tribal sovereignty," and to consult with tribal governments in a government-to-government manner before taking actions which affect the Indian tribe; and

WHEREAS, the United States Department of Justice, of which the Border Patrol is a part, has issued a "Department of Justice Policy on Indian Sovereignty and Government-to-government Relations With Indian Tribes," dated June 1, 1995, (attached hereto) which directs all components of the Department of Justice to relate to Indian tribes within a government-to-government

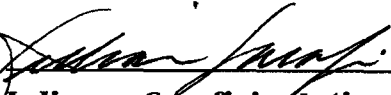
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ATTEST:



Julianna Saraficio, Acting Legislative Secretary

5th day of November, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9th day of November, 19 98 at 11:20 o'clock, A.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




Dennis Ramon, Legislative Chairman

APPROVED

on the 12th day of November, 19 98

DISAPPROVED

at 9:38 o'clock, A.M.



EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12th day of

November, 19 98, at 10:03 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUESTING A SCOPING MEETING IN CHUKUT KUK DISTRICT, TOHONO O'ODHAM NATION, ARIZONA, FOR THE SUPPLEMENTAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR BORDER PATROL AND JTF-6 ACTIVITIES ALONG THE BORDER

MOVED: COUNCILMAN LOUIS JOHNSON

SECOND: VICE CHAIRMAN ALBERT MANUEL, JR.

DATE: NOVEMBER 05, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas) 2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5 94.5	X X			X
HICKIWAN 146.0	1. ALEX JOSE () 2. LLOYD FRANCISCO (Susan Sam)	73.0 73.0	X X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana) 2. GLORIA MONTANA (Phillip Antone)	71.0 71.0				X X
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman) 2. ALBERT MANUEL, JR. (Jana Montana)	57.0 57.0	X X			
PISINEMO 139.0	1. BARBARA SALVICIO () 2. JOHNSON JOSE ()	69.5 69.5	X X			
GU ACHI 190.0	1. LOUIS JOHNSON () 2. ALEX J. RAMON ()	95.0 95.0	X X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL () 2. FRANCES G. ANTONE (Edward N. Kisto)	129.0 129.0	X X			
SAN XAVIER 146.0	1. TONY BURRELL () 2. DENNIS RAMON ()	73.0 73.0	X X			
SCHUK TOAK 120.0	1. JOSEPH JUAN () 2. AMBROSE ENCINAS ()	60.0 60.0	X X			
SELLS 322.0	1. DENNIS E. JOSE () 2. EVELYN JUAN ()	161.0 161.0	X X			
SIF Oidak 161.0	1. RITA MARTINEZ (Maxine Norris) 2. MARY ANN ANTONE (Darlene Andrew)	80.5 80.5	X X			
TOTAL		1,927.0	1,785.0	-0-	-0-	142.0 [03]

****PASSED VOTES**