

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing United States Customs and Border Protection to Conduct Initial Site
Visits within the Tohono O'odham Nation for the Integrated Fixed Tower Program)**

RESOLUTION NO. 12-121

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

8 **WHEREAS, the southern border of the Tohono O'odham Nation (“Nation”) includes 75 miles of the**
9 **United States and Mexico international boundary (“International Boundary”) and as**
10 **a result the Nation’s members experience the direct negative impacts from illegal**
11 **immigration and drug trafficking across the international border, including damage**
12 **to the Nation’s cultural resources, increased demands on tribal law enforcement,**
13 **violence and crime, illegal dumping, and environmental degradation; and**

14 **WHEREAS, the Tucson Sector of the United States Border Patrol (“USBP”), as part of Customs and**
15 **Border Protection of the Department of Homeland Security (“CBP”), is responsible for**
16 **securing the border along the International Boundary, including the areas within and**
17 **around the Nation; and**

18 **WHEREAS, the USBP has proposed constructing and operating the Integrated Fixed Tower**
19 **Program (“IFT Program”) within the boundaries of the Tohono O'odham Nation; and**

20 **WHEREAS, the IFT Program is described as a system that would allow USBP to track, identify and**
21 **classify items of interest along the US borders through a series of fixed sensor towers**
22 **equipped with sensor suites and communication equipment that provides automated**
23 **persistent capability to protect the US border between ports of entry; and**

24 **WHEREAS, the IFT Program will consist of 14 tower sites to be located on unallotted land within**
25 **the Nation within approximately 100' x 100' areas with towers up to 180 feet tall placed**
26 **on concrete pads, and each site will have a propane generator, solar panels, a shelter**
27 **and a 12' tall fence topped with barb wire with fencing buried 1.5' underground; and**

28 **WHEREAS, the USBP has acknowledged that any previous waivers issued by the Secretary of the**
29 **Department of Homeland Security pursuant to section 102(c) of the Illegal**
30 **Immigration Reform and Immigrant Responsibility Act of 1996, as amended, do not**

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1 **apply to the construction and operation of such IFT Program, and that the IFT**
2 **Program would remain subject to federal and Nation's environmental, cultural**
3 **resources, realty, and other laws; and**

4 **WHEREAS, the Department of Homeland Security, Customs and Border Protection, and the Office**
5 **of Technology Innovation and Acquisition (OTIA) has requested consent for the initial**
6 **phase of the IFT Program on the Tohono O'odham Nation; and**

7 **WHEREAS, the initial phase will involve site visits to the 14 proposed IFT sites located along the**
8 **southern and western exterior boundaries of the Tohono O'odham Nation within the**
9 **Chukut Kuk, Hickiwan, and Gu-Vo Districts; and**

10 **WHEREAS, the USBP will coordinate the site visits with the Nation's staff and with the Chukut Kuk,**
11 **Hickiwan, and Gu-Vo Districts with the intent to receive District support for each**
12 **proposed IFT site; and**

13 **WHEREAS, at the conclusion of the site visits USBP will present final proposed site locations to all**
14 **three districts, Legislative Council oversight committees, and then to the Legislative**
15 **Council for approval by Council resolution; and**

16 **WHEREAS, USBP will present a second Legislative Council resolution authorizing USBP to**
17 **proceed with NEPA, Section 106 NHPA and other environmental federal compliance**
18 **requirements; and**

19 **WHEREAS, USBP also will negotiate and submit for Legislative Council approval of a draft lease**
20 **and MOU with the Tohono O'odham Nation and USBP will obtain all required studies,**
21 **surveys, reports, appraisals, clearances, permits, and other required documentation**
22 **and approvals by the Nation and the Bureau of Indian Affairs in accordance with**
23 **applicable tribal and federal law before any set-up or construction of the IFT Program;**
24 **and**

25 **WHEREAS, USBP has presented this proposal to the Chukut Kuk, Hickiwan, and Gu-Vo Districts,**
26 **and to the Legislative Council Domestic Affairs Committee, Agricultural and Natural**
27 **Resources Committee, and the Cultural Preservation Committee.**

28 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
29 **authorizes the USBP, in consultation with the Nation's Realty Office, and other**
30 **program staff identified by the Nation, to conduct initial site visits for the Integrated**

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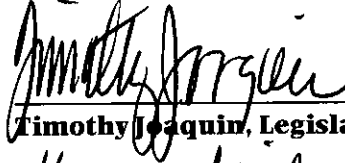
(Authorizing United States Customs and Border Protection to Conduct Initial Site Visits within the Tohono O'odham Nation for the Integrated Fixed Tower Program)

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1 Fixed Tower Program within the Chukut Kuk, Hicciwan, and Gu-Vo Districts of the
2 Tohono O'odham Nation.

3 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH Day
4 of APRIL, 2012 at a meeting at which a quorum was present with a vote of 2,577.95 FOR; 202.65
5 AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
6 Article VI, Section 1 (i)(2) and (j) of the Constitution of the Tohono O'odham Nation, adopted by the
7 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
8 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
9 18, 1934 (48 Stat. 984).

10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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15 Timothy Joaquin, Legislative Chairman

16 14 day of April, 2012

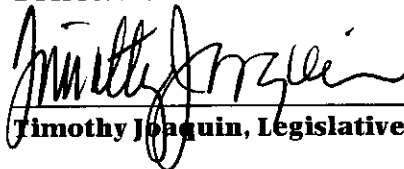
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19 ATTEST:

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22 Evonne Wilson, Legislative Secretary

23 13 day of April, 2012.

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26 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
27 Nation on the 16 day of April, 2012 at 10:39 o'clock, A.M.,
28 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
29 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
30 submittal.

31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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35 Timothy Joaquin, Legislative Chairman

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41 APPROVED

on the 16 day of April, 2012

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43 DISAPPROVED

at 4:15 o'clock, P.M.

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47 NED NORRIS, JR., CHAIRMAN
48 TOHONO O'ODHAM NATION
49

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Returned to the Legislative Secretary on the 17 day of

April, 2012, at 9:24 o'clock, a.M.


Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING UNITED STATES CUSTOMS AND BORDER PROTECTION TO CONDUCT INITIAL SITE VISITS WITHIN THE TOHONO O'ODHAM NATION FOR THE INTEGRATED FIXED TOWER PROGRAM

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN SARA MAE WILLIAMS

DATE: APRIL 13, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (<i>Absent</i>) (Sara Mae Williams) (<i>Present</i>)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X		X	
	2. PAMELA ANGHILL (<i>Absent</i>) (Roselda Lewis) (<i>Present</i>)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35		X		
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30		X		
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			X
SCHUK TOAK 169.8	1. FRANCES B. CONDE (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			X
TOTAL		2,780.60	2,577.95	202.65	[01]	[03]