

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Lease and Memorandum of Understanding with the United States Customs and Border Protection for the Pisinemo District/Kupk/Dirtburn Temporary Camp and approving Joint Use of the Premises for the US Border Patrol and the Tohono O'odham Nation Police Department)

RESOLUTION NO. 13-204

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 a temporary camp at the Pisinemo District/Kupk/Dirtburn**
19 **Temporary Camp Site that consists of approximately three (3) acres, which land**
20 **designation has been incorporated in a lease and a Memorandum of Understanding**
21 **(MOU); and**

22 **WHEREAS, the USBP has acknowledged that any waivers issued by the Secretary of the**
23 **Department of Homeland Security pursuant to section 102(c) of the Illegal**
24 **Immigration Reform and Immigrant Responsibility Act of 1996, as amended, do not**
25 **apply to the construction and operation of the Temporary Camp Site, and that it would**
26 **remain subject to federal and Nation's environmental, cultural resources, realty, and**
27 **other laws; and**

28 **WHEREAS, the Pisinemo District/Kupk/Dirtburn Temporary Camp Site premises will be available**
29 **for use by the Tohono O'odham Nation Police Department; and**

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1 **WHEREAS, the USBP plans to install perimeter fencing on the premises, and deploy mobile**
2 **trailers and other temporary structures, including temporary horse stalls, as**
3 **necessary to support the operations of the temporary camp; and**

4 **WHEREAS, the environmental assessment, site survey, and Geo-Technical studies have been**
5 **completed for the three (3) acres located at the Pisinemo District/Kupk/Dirtburn**
6 **Temporary Camp Site along with the 8.8 miles of roadway from Federal Route 21 on**
7 **Federal Route 24 to the Temporary Camp Site turn off that also includes .8 miles from**
8 **Federal Route 24 to the Pisinemo District/Kupk/Dirtburn Temporary Camp Site; and**

9 **WHEREAS, this Resolution and the attached documents have been reviewed by the Domestic**
10 **Affairs, the Agricultural and Natural Resources, and the Cultural Preservation**
11 **Committees, which recommend approval by the Legislative Council.**

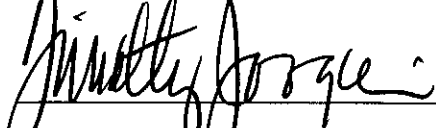
12 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation Legislative Council approves**
13 **the Lease and MOU substantially in the form attached hereto for the Pisinemo**
14 **District/Kupk/Dirtburn Temporary Camp Site, and authorizes the Chairman of the**
15 **Nation to execute both documents.**

16 **BE IT FURTHER RESOLVED that the USBP Patrol Agent in Charge of the Casa Grande Station will**
17 **provide a quarterly status update to the District Chairperson of the Pisinemo District**
18 **and the communities of Kupk and Dirtburn of its intent to utilize the Temporary Camp**
19 **Site.**

20 **BE IT FINALLY RESOLVED that the Treasurer of the Nation shall divide the revenues from the Lease**
21 **50% to Pisinemo District and 50% to the Nation.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH Day**
23 **of JUNE, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-AGAINST;**
24 **[01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI,**
25 **Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
26 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
27 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

28
29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

30 

31
32 **Timothy Joaquin, Legislative Chairman**

33 **7 day of June, 2013**

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ATTEST:

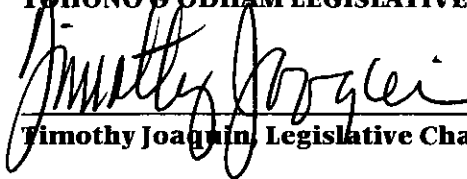


Evonne Wilson, Legislative Secretary

7 day of May, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7 day of June, 2013 at 3:11 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

APPROVED

on the 10 day of June, 2013

DISAPPROVED

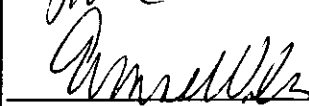
at 9:02 o'clock, A.M.



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

Returned to the Legislative Secretary on the 10 day of

June, 2013, at 9:12 o'clock, A.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING A LEASE AND MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES CUSTOMS AND BORDER PROTECTION FOR THE PISINEMO DISTRICT/KUPK/DIRTBURN TEMPORARY CAMP AND APPROVING JOINT USE OF THE PREMISES FOR THE US BORDER PATROL AND THE TOHONO O'ODHAM NATION POLICE DEPARTMENT

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILMAN TONY MURRIETTA

DATE: JUNE 04, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			X
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	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			
	2. PAMELA ANGHILL ()	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 (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER (Diana Manuel)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X		X	
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (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. MARIA ACKERMAN ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	[01]	[02]