

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 Papago Farms Forward Operating Base Expansion and
approving continued use of the Joint Use Facility for the US Border Patrol
and the Tohono O'odham Nation Police Department)

RESOLUTION NO. 13-205

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 expanding the current Papago Farms Forward Operating Base**
19 **(FOB) from the current two (2) acres to approximately five (5) acres, which land**
20 **designation has been incorporated in a new lease and new Memorandum of**
21 **Understanding (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 such a facility, and that the facility would**
26 **remain subject to federal and Nation's environmental, cultural resources, realty, and**
27 **other laws; and**

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1 **WHEREAS, the new facility will be a joint use facility that will serve as a police substation for the**
2 **Tohono O'odham Nation Police Department; and**

3 **WHEREAS, the USBP plans to construct and place the items listed in the newly proposed lease**
4 **including a new modular building, horse corrals, an expanded leach field, an**
5 **expanded helicopter pad, an ATV shed and storage, above ground JP5 aviation fuel,**
6 **upgrade current communication/camera tower, security lighting, security fencing**
7 **with card reader access gate, RV plug banks, and plans to re-drill the water well that**
8 **is currently at the site; and**

9 **WHEREAS, the original acreage has environmental assessment that was completed and the**
10 **additional acreage will have an amended environmental assessment conducted prior**
11 **to any construction in coordination with the Tohono O'odham Nation and with the**
12 **Bureau of Indian Affairs as a cooperating agency; and**

13 **WHEREAS, the Tohono O'odham Nation has agreed to waive its right to an appraisal of the land**
14 **and the Tohono O'odham Nation has agreed to a rental payment of Three Thousand**
15 **Dollars (\$3,000.00) per year which exceeds the fair market value appraisal in**
16 **comparison with the land appraised in Pisinemo District; and**

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

20 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation Legislative Council approves**
21 **the Lease and MOU substantially in the form attached hereto for the expanded Papago**
22 **Farms Forward Operating Base, and authorizes the Chairman of the Nation to execute**
23 **both documents.**

24 **BE IT FINALLY RESOLVED that the Treasurer of the Nation shall divide revenues from the lease,**
25 **50% to Chukut Kuk District and 50% to the Nation.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH Day**
27 **of JUNE, 2013 at a meeting at which a quorum was present with a vote of 2,564.80 FOR; 215.80**
28 **AGAINST; [02] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
29 **Article VI, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
30 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
31 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
32 **Stat. 984).**

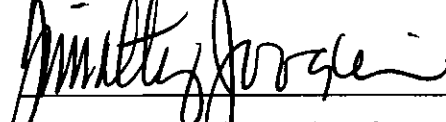
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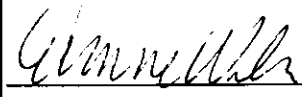
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
7 day of June, 2013

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 3:12 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
 DISAPPROVED

on the 10 day of June, 2013
at 9:05 o'clock, A.M.



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

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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 PAPAGO FARMS FORWARD OPERATING BASE EXPANSION AND APPROVING CONTINUED USE OF THE JOINT USE FACILITY FOR THE US BORDER PATROL AND THE TOHONO O'ODHAM NATION POLICE DEPARTMENT

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILWOMAN PAMELA ANGHILL

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		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	X	
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90		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	2,564.80	215.80	[02]	[02]