

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Cooperating Agency Agreement with United States Customs and Border
Protection for VF-300 Vehicle Barrier Fence Project)

RESOLUTION NO. 09-310

1 **WHEREAS, by Resolution No. 04-095 the Tohono O'odham Nation (the "Nation") approved**
2 **construction of a vehicle barrier fence by United States Customs and Border**
3 **Protection of the Department of Homeland Security along portions of the**
4 **international boundary with Mexico on the Nation's lands, on the condition that the**
5 **project would be performed in compliance with federal environmental and cultural**
6 **resources laws, among other conditions; and**

7 **WHEREAS, the Secretary of the Department of Homeland Security then issued a waiver, seeking**
8 **to exempt large portions of the fence building project across the entire United States**
9 **border with Mexico from compliance with numerous federal environmental and**
10 **cultural resource laws, which waiver also included approximately 55 miles of the**
11 **Nation's 75 mile border with Mexico; and**

12 **WHEREAS, after most of the vehicle barrier fence on the Nation's border with Mexico had been**
13 **completed, Customs and Border Protection concluded that several gaps in the fence**
14 **line should be fenced, even though the original plan which was supported by an**
15 **Environmental Assessment study had concluded that they did not require fencing; and**

16 **WHEREAS, Customs and Border Protection has proposed a project called VF-300 to extend the**
17 **vehicle barrier border fence located on the Nation's lands to these gap areas, and has**
18 **proposed preparation of a Supplemental Environmental Assessment in compliance**
19 **with the National Environmental Policy Act ("NEPA"); and**

20 **WHEREAS, the Nation has an interest in participating in the NEPA process surrounding the VF-300**
21 **project; and**

22 **WHEREAS, the Nation can participate more effectively in the VF-300 project by becoming a**
23 **Cooperating Agency with Customs and Border Protection pursuant to 40 C.F.R. Part**
24 **1508; and**

25 **WHEREAS, the Nation has negotiated a Cooperating Agency Agreement with Customs and Border**
26 **Protection to establish certain rights of the Nation to participate in the process of**
27 **preparation of the Supplemental Environmental Assessment and any related NEPA**
28 **processes needed to complete the project; and**

29 **WHEREAS, the attached Cooperating Agency Agreement has been reviewed by the Domestic**
30 **Affairs, Cultural Preservation, and Natural Resources Committees, which recommend**
31 **approval by the Legislative Council.**

RESOLUTION NO. 09-310

(Approving Cooperating Agency Agreement with United States Customs and Border Protection for VF-300 Vehicle Barrier Fence Project)

Page 2 of 3

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:

1. Approves the Cooperating Agency Agreement between Customs and Border Protection of the Department of Homeland Security and the Tohono O'odham Nation substantially in the form attached hereto.
2. Authorizes and directs the Chairperson of the Nation to execute the Cooperating Agency Agreement and any other documentation reasonably necessary to implement the Nation's participation in the VF-300 project.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND Day of MAY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council by Article VI Section 1 (f) 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


Verlon M. Jose, Legislative Chairman

3rd day of June, 2009

ATTEST:


Evonne Wilson, Legislative Secretary

22 day of May, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 3rd day of June, 2009 at 3:01 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


Verlon M. Jose, Legislative Chairman

RESOLUTION NO. 09-310

(Approving Cooperating Agency Agreement with United States Customs and Border Protection for VF-300 Vehicle Barrier Fence Project)

Page 3 of 3


- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46

APPROVED

on the 3 day of June, 2009

DISAPPROVED

at 4:54 o'clock, P.M.



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

Returned to the Legislative Secretary on the 4 day of

June, 2009, at 8:50 o'clock, a.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING COOPERATING AGENCY AGREEMENT WITH UNITED STATES CUSTOMS AND BORDER PROTECTION FOR VF-300 VEHICLE BARRIER FENCE PROJECT

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MAY 22, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			X
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			X
	2. RAYMOND VICTOR ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			X
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ ()	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE <i>(Absent)</i> (Frederick Jose) <i>(Present)</i>	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			X
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[06]

**PASSED VOTES