

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving a Special Use Permit for Granite Construction, Inc. to Collect 120 Tons of**  
**Sample Rock to Conduct Testing Studies in the Tat Momolikut Rock Quarry Located**  
**in the Sif Oidak District in Anticipation of Entering into a Mining Lease)**

**DEFEATED**  
**RESOLUTION NO. 21-246**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with  
2 the authority to "administer land and other public property, and by law,  
3 ordinance or resolution . . . to manage, protect, preserve and regulate the use of  
4 the property, wildlife, land, air and natural resources (including surface and  
5 ground waters) of the Tohono O'odham Nation" (Constitution, Article VI, Section  
6 1(i)(2)); and

7 **WHEREAS,** in 2007, Granite Construction, Inc. proposed to the Sif Oidak District the  
8 possibility of entering into a mining lease agreement with the District to mine  
9 and expand an existing but inactive 19 acre rock quarry known as the Tat  
10 Momolikut Rock Quarry ("Project Site"); and

11 **WHEREAS,** the Project Site was created in 1972 to provide rock larger than 8 inches for use as  
12 rip-rap for erosion control of the earthen slopes of the Tat Momolikut Dam which  
13 is located on BIA IR 422; and

14 **WHEREAS,** Granite Construction, Inc. is proposing to acquire a mining lease for the 16 acre  
15 Project Site which includes an expansion of the Project Site of an additional 28  
16 acres directly east and adjacent to the existing site for a total of 44 acres  
17 ("Proposed Project"); and

18 **WHEREAS,** the Sif Oidak District has passed six resolutions of support for Granite  
19 Construction, Inc.'s Proposed Project (SODC-08-010, SODC-08-112, SODC-09-142,  
20 SODC-10-118, SODC-12-069, and SODC-16-150); and

21 **WHEREAS,** Granite Construction, Inc. has requested in a letter to be issued a Special Use  
22 Permit (SUP), which is incorporated by this reference, to enter the Project Site on  
23 Thursday, July 22, 2021 for the purposes of: (1) obtaining approximately 120 tons  
24 (5 trucks carrying 24 tons each) of rock samples ("Rock Samples") for process-  
25 testing through a crushing and screening system ("Process-Testing"); (2) sending  
26 the process-tested Rock Samples to landscapers, landscape rock yards, and  
27 landscape architects for a marketability study ("Marketability Studies"); and (3)  
28 to obtain a Toxicity Characteristic Leaching Procedure ("TCLP") test to determine  
29 if any toxic or leachable metals are associated with the rock formation  
30 (altogether the "Testing Studies"); and

31 **WHEREAS,** upon completion of the studies, Granite Constructions, Inc. will submit the  
32 results of the Testing Studies to the Office of the Attorney General (OAG) for its use



**(Approving a Special Use Permit for Granite Construction, Inc. to Collect 120 Tons of Sample Rock to Conduct Testing Studies in the Tat Momolikut Rock Quarry Located in the Sif Oidak District in Anticipation of Entering into a Mining Lease)**

1           in creating a draft lease; and the OAG will in turn distribute the results of the  
2           Testing Studies to Sif Oidak District, Agricultural and Natural Resource  
3           Committee, the Nation's Realty Office; and the Nation's Natural Resources  
4           Department; and

5 **WHEREAS,** the proposed Special Use Permit to Granite Construction, Inc. has been reviewed  
6           by the Agricultural and Natural Resources Committee, which recommends  
7           approval by the Legislative Council.

8 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the  
9           issuance of a Special Use Permit to Granite Construction, Inc., in consultation  
10          with the Nation's Realty Office and other program staff identified by the Nation,  
11          to complete Testing Studies on Rock Samples for the purposes of: (1) obtaining  
12          approximately 120 tons (5 trucks carrying 24 tons each) of rock samples ("Rock  
13          Samples") for process-testing through a crushing and screening system  
14          ("Process-Testing"); (2) sending the process-tested Rock Samples to landscapers,  
15          landscape rock yards, and landscape architects to determine marketability and  
16          value ("Marketability Studies"); and (3) to obtain a Toxicity Characteristic  
17          Leaching Procedure ("TCLP") test to determine if any toxic or leachable metals  
18          are associated with the rock formation (altogether the "Testing Studies").

19 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that upon completion of  
20          their Testing Studies, Granite Construction, Inc., will submit the results of the  
21          Testing Studies, to the Office of the Attorney General, which will in turn distribute  
22          the results to the Sif Oidak District, Agricultural and Natural Resource  
23          Committee, the Nation's Realty Office, and the Nation's Natural Resources  
24          Department for consideration.

25 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the Nation's  
26          chairperson, or his official designee, to execute any documents reasonably  
27          necessary to implement this resolution.

28 **The foregoing Resolution was defeated by the Tohono O'odham Legislative Council on the 14<sup>TH</sup>**  
29 **day of JULY, 2021 at a meeting at which a quorum was present with a vote of 1,244.05 FOR;**  
30 **1,973.95 AGAINST; [01] NOT VOTING and [01] ABSENT, pursuant to the powers vested in the**  
31 **Council by Article VI, Section 1(i)(2) of the Constitution of the Tohono O'odham Nation, adopted**  
32 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**  
33 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**  
34 **Act of June 18, 1934 (48 Stat.984).**

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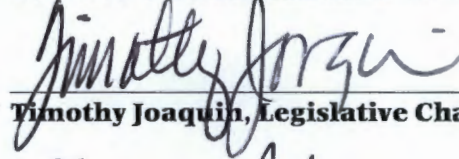
**DEFEATED RESOLUTION NO. 21-246**

**(Approving a Special Use Permit for Granite Construction, Inc. to Collect 120 Tons of Sample Rock to Conduct Testing Studies in the Tat Momolikut Rock Quarry Located in the Sif Oidak District in Anticipation of Entering into a Mining Lease)**

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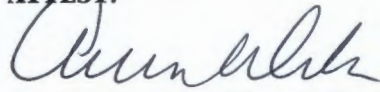
**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Timothy Joaquin, Legislative Chairman**

23 day of July, 2020

**ATTEST:**



**Evonne Wilson, Legislative Secretary**

19 day of July, 2020



**DEFEATED  
RESOLUTION NO. 21-246**

**ACTION: APPROVING A SPECIAL USE PERMIT FOR GRANITE CONSTRUCTION, INC. TO COLLECT 120 TONS OF SAMPLE ROCK TO CONDUCT TESTING STUDIES IN THE TAT MOMOLIKUT ROCK QUARRY LOCATED IN THE SIF Oidak DISTRICT IN ANTICIPATION OF ENTERING INTO A MINING LEASE**

**MOVED: COUNCILWOMAN MARY LOPEZ**

**SECOND: COUNCILWOMAN MARLAKAY HENRY**

**DATE: JULY 14, 2021**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ( )	278.25		X		
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25		X		
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25		X		
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3		X		
	2. JANICE FELIX (Adam P. Andrews)	121.3		X		
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9		X		
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ( )	116.35		X		
	2. EDWARD D. MANUAL (Monica Morgan)	116.35		X		
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( )	108.3	X			
	2. SANDRA D. ORTEGA (Absent) (Delma M. Garcia) (Present)	108.3	X			X
GU VO 270.7	1. GRACE MANUEL ( )	135.35		X		
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35		X		
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ( )	139.25		X	X	
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25		X		
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8		X		
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
<b>TOTAL</b>		<b>3,218.0</b>	<b>1,244.05</b>	<b>1,973.95</b>	<b>[01]</b>	<b>[01]</b>