



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESOLUTION IN OPPOSITION TO FRAC SAND MINING

RESOLUTION 12-04-12J

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article I, Section 1 of the Ho-Chunk Nation Constitution ("Constitution") establishes the territory of the Ho-Chunk Nation, including all lands held by the Nation or the People of the Nation, or by the United States for the benefit of the Nation or the People, and any additional lands acquired by the Nation or the United States for the benefit of the Nation or the People; and
- WHEREAS,** the description of Ho-Chunk Nation territory described in Article I, Section 1 of the Constitution includes the air, water, surface, subsurface, natural resources and any interest therein held by the Nation or the People;
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(m) of the Constitution grants the Legislature the power to enact laws to prevent the sale, disposition, or encumbrance of Ho-Chunk lands, or other Ho-Chunk assets; and
- WHEREAS,** Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation; and
- WHEREAS,** Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and

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- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and
- WHEREAS,** Article V, Section 2(w) of the Constitution grants the Legislature the power to enact laws to regulate hunting, fishing, trapping, recreation and all other related activities on lands within the Nation's jurisdiction; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** increasingly, mining companies are establishing operations throughout the United States to mine for silica and quartz sand (also known as Frac sand) due to the usefulness of such sand for hydraulic fracturing of sub-surface in order to access natural gas and oil preserves; and
- WHEREAS,** the States of Wisconsin, Minnesota and Illinois have seen an increase in frac sand mining; and
- WHEREAS,** many frac sand mining operations are located in former treaty territories of the Ho-Chunk Nation and, now, in close proximity to the Nation's Territory (as defined in the Constitution); and
- WHEREAS,** as the level of frac sand mining activity increases, there has not been an increase in federal, state or local regulation of the industry; and
- WHEREAS,** there are several potential dangers to the health, safety, and welfare of citizens, the community and natural resources that arise from frac sand mining which are being studied by the Wisconsin Department of Natural Resources, other states and other environmental quality experts; and
- WHEREAS,** due to the potential harms posed by frac sand mining, and in light of the Nation's sovereign right and interest in protecting its Territory and People, the Legislature deems it appropriate to adopt a position with respect to frac sand mining;

NOW, THEREFORE, BE IT RESOLVED that the Ho-Chunk Nation shall generally oppose frac sand mining due to the concerns regarding the environmental and public health impacts, including potentially harmful impacts to local water and air quality, including the effects of silica dust created by mining operations on local residents; water contamination and water usage are also environmental concerns within communities where frac sand mines are located. Such mines can use thousands of gallons of water, and many more if they wash the sand, potentially depleting local water sources.

NOW THEREFORE, BE IT RESOLVED that the Nation shall oppose frac sand mining in any location and, more precisely, in locations on or near the sovereign lands and Territory of the Ho-Chunk Nation and its People, not matter how such land is owned; and

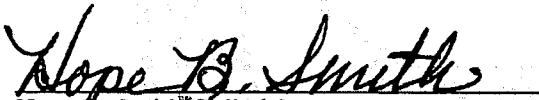
BE IT FURTHER RESOLVED, that the Nation shall oppose frac sand mining on the National, State, Regional, and Local level, as necessary to protect the interests of the Nation, its Territory and People; and


BE IT FURTHER RESOLVED, that the Nation's officials, and appropriate staff, will seek to impact frac sand mining and related zoning and permitting issues on the National, State, Regional, and Local level in order to express the Nation's concerns, but also improve any related laws, regulations, ordinances and notice requirements concerning frac sand mining; and

BE IT FURTHER RESOLVED, that in furtherance of impacting the frac sand mining issue on the National, State, Regional, and Local level, the Nation's Legislators, and appropriate staff, are authorized to engage in governmental relations activity, consistent with this resolution.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 11 constituting a quorum were present at a meeting duly called and convened and held on the 4th day of December, 2012, adopted the foregoing resolution at said meeting by an affirmative vote of 11 members, 0 opposed, and 0 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation, approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.


Hope B. Smith, Tribal Secretary


Date