



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## HO-CHUNK NATION LEGISLATURE OPPOSITION TO FRAC SAND MINING OPERATIONS OF CROELL REDI-MIX AND RELATED JACKSON COUNTY CONDITIONAL USE PERMIT APPROVAL

### RESOLUTION 12-04-12K

**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

#### Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**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

**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,** due to the potential dangers to the environment, the Nation, its Territory and People, from frac sand mining operations, the Legislature adopted Resolution 12-4-12J to establish a position generally in opposition to frac sand mining; and

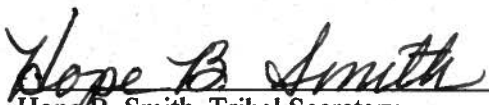
**WHEREAS,** the extent of frac sand mining activity in Jackson County and in the Black River Falls, WI area appears to be increasing, such that Croell Redi-Mix, in Jackson County, WI, is seeking a conditional use permit from Jackson County to potential expand into the frac sand mining operations;


**NOW, THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation opposes the request by Croell Redi-Mix for a conditional use permit, and any future effort to engage in frac sand mining in Jackson County or any nearby county; and

**BE IT FURTHER RESOLVED** that the Nation requests that Jackson County deny any request by Croell Redi-Mix for a conditional use permit for any activity related to frac sand mining, and requests that Jackson County notify the Nation of any future matters scheduled for hearing or consideration by Jackson County in relation to frac sand mining.

#### 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 4<sup>th</sup> 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