



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE OPPOSITION TO PROPOSED ZONE CHANGE OF SECTION 6, T21N, R3W, TOWN OF BROCKWAY JACKSON COUNTY, WISCONSIN

RESOLUTION 04-07-15P

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; and

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

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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

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 12-04-12J to establish a position generally in opposition to frac sand mining; and

WHEREAS, the extent of frac sand mining or non-metallic mining activity in Jackson County area appears to be increasing, such that John Scholze, Andrea Eswein and Sharon R. Schleitz, owners and Milestone Materials, in Jackson County, Wisconsin, is seeking a proposed zone change for the property located in NE1/4-SE1/4, the NW1/4-SE1/4, the SW1/4-NE1/4, and the west ten acres of the SW1/4-NE1/4, all in Section 6, T21N, R3W, Town of Brockway in Jackson County to potentially expand into the frac sand mining or non-metallic mining operations.

NOW, THEREFORE, BE IT RESOLVED that the Ho-Chunk Nation opposes the request by John Scholze, Andrea Eswein and Sharon R. Schleitz, owners and Milestone Materials for a proposed zone change for Section 6, Town of Brockway (T21N, R3W), and any future effort to engage in frac sand mining or non-metallic mining in Jackson County or any nearby county.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 9 constituting a quorum were present at a meeting duly called and convened and held that on the 7th day of April, 2015, adopted the foregoing resolution at said meeting by an affirmative vote of 9 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.

Kathleen Lone Tree-Whiterabbit
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

4.7.15
Date

