



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE HO-CHUNK NATION OPPOSITION TO EXPANSION OF EXISTING RAILROAD SYSTEM IN LA CROSSE COUNTY

RESOLUTION 04-22-14H

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(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,** the Burlington Northern railroad runs trains through existing routes in the city of La Crosse, Wisconsin, in La Crosse County, where the Ho-Chunk Nation owns land and operates a District 2 Branch Office for tribal member and government activities; and
- WHEREAS,** many Ho-Chunk Nation tribal members reside in La Crosse County, which is aboriginal territory for the Ho-Chunk Nation; and
- WHEREAS,** Burlington Northern currently transports explosive oil on the La Crosse railroad line through neighborhoods, the La Crosse River marsh and in proximity to Ho-Chunk Nation lands and tribal members; and
- WHEREAS,** Burlington Northern recently proposed to expand its rail traffic and develop a second rail line in the La Crosse area to accommodate the transportation of hazardous crude oil; and
- WHEREAS,** there are several potential dangers to the health, safety, and welfare of citizens, the community and natural resources that arise from the transportation of hazardous, volatile oil that are unacceptable to many in the La Crosse area, including citizens and government officials; and
- WHEREAS,** there have been two derailments of trains within ninety (90) minutes of La Crosse since February 2014, which led to hazardous oil spills; and
- WHEREAS,** due to the potential harm from the oil transported by Burlington Northern, the La Crosse Area tribal members adopted a motion to request that the Nation oppose such activity; and
- WHEREAS,** 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 the use and proposed expansion of the La Crosse County rail system to transport hazardous substances, including crude oil.

NOW THEREFORE, BE IT RESOLVED that the Ho-Chunk Nation opposes the use and expansion of the rail system in La Crosse County for the transport of hazardous oil due to the concerns regarding the environmental and public health hazards, including potentially harmful impacts to the Nation's lands and tribal members; contamination of the environment, and related threats to the surrounding communities and natural environment; and

BE IT FURTHER RESOLVED that the Nation shall oppose the use and expansion of the rail system in La Crosse County with impacts 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's officials, appropriate staff, and approved counsel are authorized to oppose, through governmental relations or otherwise, the rail line expansion and transport of hazardous crude oil on or near the Nation's lands and Territory at the National, State, Regional, and Local levels.

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 10 constituting a quorum were present at a meeting duly called and convened and held that on the 22nd day of April, 2014, adopted the foregoing resolution at said meeting by an affirmative vote of 10 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

4.22.14
Date