



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE  
OPPOSITION TO FRAC SAND MINING OPERATIONS OF HI-CRUSH PROPPANTS, LLC  
AND RELATED AIR POLLUTION OR OTHER USE PERMITS  
SEEKING MONROE COUNTY APPROVAL**

**RESOLUTION 09-03-13I**

- 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 Monroe County, WI area is quickly increasing, such that Hi-Crush Proppants, LLC, is seeking an air pollution permit and/or other permits related to frac sand mining, from Monroe County; and

**WHEREAS,** due to the concerns expressed by Ho-Chunk Nation Members residing in Monroe County, and the general concern for the health and welfare for the Nation, its Members and Territory, the Legislature deems it appropriate to oppose any such application by Hi-Crush Proppants, LLC;

**NOW, THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation opposes the request by Hi-Crush Proppants, LLC, to approve its air pollution application, or any other permit it seeks related to frac sand mining in Monroe County or any nearby county; and

**BE IT FURTHER RESOLVED** that the Nation requests that Monroe County deny any request by Hi-Crush Proppants, LLC, for an air pollution permit or any other permit related to frac sand mining, and requests that Monroe County notify the Nation of any future matters scheduled for hearing or consideration by the County in relation to frac sand mining; and

**BE IT FURTHER RESOLVED** that the Nation requests that Monroe County conduct health impact assessments on the effects of frac sand mining in Monroe County and the surrounding area.

**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 **11** constituting a quorum were present at a meeting duly called and convened and held on the **3<sup>rd</sup> day of September, 2013**, 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.

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

9.3.13  
Date

