



## **Ponca Tribe of Oklahoma**

*"Rich In Culture and Tradition"*

"Equal Opportunity Employer"

**Resolution No: 51-07062022**

### **A RESOLUTION INCORPORATING INTO TRIBAL LAW PRE-EXISTING AND IMMUTABLE RIGHTS OF AND RESPONSIBILITIES FOR THE HEALTH AND WELFARE OF NI'SKA AND NI'ZI'DE, ALSO KNOWN AS THE ARKANSAS AND SALT FORK RIVERS AND ALL PONCA WATERBODIES**

**Whereas**, the Ponca Tribe of Indians of Oklahoma is a federally recognized Indian Tribe, existing from time in memoriam, which for many generations has governed itself to provide for the common peace and the common protection of its Tribal members and of the natural environment upon which the Tribe's members and all life depend; and

**Whereas**, the Ponca People have always recognized that they, like all people, are a part of Nature, that Nature provides all physical sustenance and thereby gives people the opportunity for intellectual, moral, social, and spiritual growth, and that Nature has its own inherent rights to exist and naturally evolve; and

**Whereas**, this understanding of the human dependence upon natural systems of life and Nature's rights has been formally incorporated into Tribal law through **Resolution 01-01092018**, adopted by action of the Ponca Tribal Business Committee, which is authorized by the Ponca Constitution to exercise all executive, legislative, and judicial powers of the Tribe; and

**Whereas**, the Ponca people have always honored their sacred relationship with Water, or Ni Waxube, which is both the source of all life and a sacred entity with her own life; and

**Whereas**, the Ponca people have always lived in a relationship of reciprocity and close kinship with the Rivers and waterbodies, both on their original homelands and on their territory today. The Rivers and waterbodies support and sustain the Ponca people, and the Ponca people and all peoples bear the responsibility to protect the Rivers and waterbodies; and

**Whereas**, in history past, over two million acres of Treaty recognized Ponca land was seized by the federal government, and the Ponca Tribe acquired a small territory at the mouth of the Ni'Shude (Missouri River) and Ni'obara (Niobrara River). Since the time of the Ponca People's forced removal and relocation from their original homelands in Nebraska and South Dakota to what is now the State of Oklahoma, the Tribe's very life and culture have been dependent upon,



shaped by, and centered around Ni'ska (also known as the Arkansas River) and Ni'zi'de (also known as the Salt Fork River) as well as other waterbodies on our new homelands; and

**Whereas**, all native species within and dependent upon the Ni'ska and Ni'zi'de ecosystems and Ponca waterbodies, defined as waterbodies within the jurisdiction of the Ponca Tribe, are vital to the Ponca Tribe's subsistence and to its cultural, legal, and economic interests and must therefore be protected by the Ponca Tribe in their natural forms, diversity, and integrity; and

**Whereas**, the very heart of the Tribe's duty to its Tribal Members is to ensure the protection and survival for future generations of Ni'ska, Ni'zi'de, all Ponca waterbodies, their ecosystems, all living species within them, and all living species which depend upon the Rivers and Ponca waterbodies; and

**Whereas**, today, these life-giving Rivers and waterbodies are increasingly contaminated by various human activities that endanger the health, welfare, and existence of all living beings who depend upon them, including the Ponca people; and

**Whereas**, the Ponca Tribe is suffering the premature loss of countless Tribal Members' lives which results from the growing toxicity of the Rivers, Ponca waterbodies, and the ecosystem; and other species within the Rivers and waterbodies and their community of life are dying prematurely with the Ponca People; and

**Whereas**, historically the Ponca people have protected the health and wellbeing of Ni'ska, Ni'zi'de, and Ponca waterbodies and the life they support through the establishment of the Ponca Constitution, the enactment of Tribal law, the declaration of an historical site that touches a riverbank, and the consecration of the Rivers' banks as ceremonial grounds; and

**Whereas**, the Business Committee of the Ponca Tribe has formally incorporated into Tribal law, through **Resolution No. 01-01092018**, the Tribe's long-standing recognition that Nature is an indivisible, self-regulating community with inherent rights, including "the right to clean water as a source of life." That resolution also provides that violation of Nature's rights constitutes a Crime Against Nature which may be prosecuted in Ponca Tribal Court as specified by the resolution; and

**Whereas**, since the adoption of that Resolution, the environmental and climate crisis and the attendant threats to the Rivers, Ponca waterbodies, the Ponca people, and the world-wide global community of life have continued to increase – an undeniable reality made clear by recent floods, droughts, and wildfires, so unprecedented in their extremity that they can only be attributed to the climate chaos caused by human activities; and

**Whereas**, there is therefore an immediate and urgent need to enact additional legislation to protect all living entities within the Indian Country subject to the jurisdiction of the Ponca Tribe of Oklahoma, and that legislation must secure the highest protections for the Rivers' and waterbodies' inherent and legal rights; and

**Whereas**, today, by this resolution, the Ponca Tribe acts through its Business Committee to protect the Tribe by recognizing additional rights of the Rivers and Ponca waterbodies and



enacting additional protections for them for the benefit of the Tribe, its future generations, and all living things that, together, form the community of life that includes the Ponca people; and

**Whereas**, the Business Committee therefore adopts this Resolution as a statute establishing Tribal law which identifies the fundamental and inalienable rights of the Ponca people, the Rivers and waterbodies themselves, their ecosystems, and their species, as well as the mechanism for enforcing those rights and the penalties for violations; and

**Whereas**, in adopting this Resolution, the Business Committee reaffirms the Tribe's recognition of the Rights of Nature and her entities and, in accordance with that reaffirmation and incorporation, also reaffirms the sacred status of Ni'ska, Ni'zi'de, and all Ponca waterbodies and their fundamental and inalienable rights.

**THEREFORE, BE IT RESOLVED THAT** the Ponca Tribe recognizes that Ni'ska, Ni'zi'de, and all Ponca waterbodies are living entities with whom the Ponca have an inherent relationship under customary laws in accordance with longstanding Ponca Tribal beliefs and practices, and which possess fundamental rights in accordance with longstanding Ponca tribal beliefs and practices; and

**BE IT FURTHER RESOLVED THAT** this resolution is hereby adopted as a statute incorporating into Tribal law the longstanding Ponca Tribal beliefs that Ni'ska, Ni'zi'de, and all Ponca waterbodies possess inherent fundamental, and inalienable rights including the right to naturally exist and regenerate; the right to clean and unpolluted water; the right to natural groundwater and surface water recharge; the right to a healthy natural environment and native biodiversity; and the right to perform their natural ecosystem functions; and

**BE IT FURTHER RESOLVED THAT** the rights to clean and unpolluted water and to a healthy natural environment and native biodiversity are rights held in common with the Ponca people and with Ni'ska, Ni'zi'de, and all Ponca waterbodies; and

**BE IT FURTHER RESOLVED THAT** any person or entity that violates the rights recognized by this resolution shall be subject to civil penalties including, but not limited to, monetary fines, injunction of activities, imposition of mitigation requirements, or any combination of the foregoing, and any person or entity who is subject to Ponca criminal jurisdiction and who violates the rights recognized by this resolution shall be subject to criminal penalties; and

**BE IT FURTHER RESOLVED THAT** the inherent and long-recognized rights incorporated into Tribal law by this resolution may be enforced by the Ponca Tribe or a member or members thereof in accordance with this statute and with the Ponca Tribe's existing Rights of Nature statute, **Resolution 01-01092018**, which is hereby incorporated into this resolution; and

**BE IT FURTHER RESOLVED THAT** any monetary penalties awarded for violation of the rights of these Rivers or waterbodies shall be collected by the Tribe for use in furtherance of the Rivers' and waterbodies' protection, including future enforcement of the rights recognized by this enactment and **Resolution 01-01092018**; and

**BE IT FINALLY RESOLVED THAT** that the provisions of this statute shall be effective immediately upon passage of this resolution.

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**CERTIFICATION**


We, the undersigned, hereby affirm that an official meeting of the Ponca Tribal Business Committee, held on the 6TH day of July, 2022, at which a quorum was present, the above resolution was presented and approved by a vote of 6 FOR; 0 AGAINST; 1 ABSENT; 0 ABSTAIN.



Oliver Little Cook, Chairman



Robert Collins, Vice-Chairman




Carla Carney, Secretary/Treasurer



Matilda De La Garza, Member



Leota White, Member



Deborah Margerum, Member



Earl Howe, III, Member