

RESOLUTION OF THE GOVERNING BODY OF  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 5(j) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to protect and preserve the property, wildlife, and natural resources of the Tribes; and
- WHEREAS,** The Fort Berthold Reservation, as well as a substantial portion of the continental United States, has been experiencing extreme drought conditions for three consecutive years; and
- WHEREAS,** In the Spring of 1988, the Tribal Business Council, in consonance with affirmative actions taken by the governments of the State of North Dakota and many of the political subdivisions of the State in response to the drought conditions then existent, passed Resolution #88-227-TL whereby the Council imposed a total ban on the use of all types of fireworks (with the exception of community-sponsored public displays thereof) within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS,** In response to the current severity of the continued drought conditions, the Governor of the State of North Dakota, approximately one week ago, formally declared a State-wide fire emergency and imposed wide-ranging open burning restrictions throughout the State; and
- WHEREAS,** In conjunction with such declaration, the government of the Three Affiliated Tribes and the Fort Berthold Agency of the Bureau of Indian Affairs issued a joint public announcement five days ago, wherein the Tribal government and the federal agency formally concurred in similar restrictions on open burning and other potential fire-causing activities within the exterior boundaries of the Reservation; and

**WHEREAS,** On April 21, 1990, North Dakota officials publicly stated that the long-term dry weather in the State has resulted in such a deteriorating situation throughout North Dakota that the drought is more aptly characterized as a "natural disaster" and, within the past twenty-four hours, the Governor of North Dakota formally declared the State a drought disaster area; and

**WHEREAS,** It is the considered judgment of the Tribal Business Council that the extended drought conditions existent on the Fort Berthold Reservation necessitate and dictate a broad and comprehensive governmental action by the Three Affiliated Tribes imposing a general ban on the presence of fireworks within the Reservation boundaries, with the intent of providing greater protection of the natural resources, wildlife and property on the Reservation;

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes, pursuant to its Constitutional power and authority, hereby formally declares that, until further official action and notice, there shall be forthwith imposed a total ban on the possession, storage, offer for sale, exposure for sale, sale, and use of fireworks of any nature or kind within the exterior boundaries of the Fort Berthold Reservation; provided, however, that supervised community-sponsored public displays of fireworks may be conducted, if any such display has been officially authorized by the government of the Three Affiliated Tribes with reasonable conditions and restrictions imposed thereon and, if required, by any other governmental entity with concurrent jurisdiction and authority within the exterior boundaries of the Fort Berthold Reservation.


**BE IT FURTHER RESOLVED,** That any person adjudged by the Fort Berthold Tribal District Court to have violated said ban shall be subject to the imposition of a maximum penalty in the amount of Fifty Dollars (\$50.00), in addition to the confiscation of the fireworks associated with the violation.

**BE IT FURTHER RESOLVED,** That Resolution #88-027-TL is hereby rescinded in all respects.


CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 25th day of April, 1990; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 25th day of April, 1990.

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council