

RESOLUTION NO. 92-048 - JJR

RESOLUTION OF THE GOVERNING BODY  
OF THE  
THREE AFFILIATED TRIBES  
OF THE  
FORT BERTHOLD INDIAN 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, the Tribal Business Council desires to do all things possible to improve the quality of the environment on the Fort Berthold Indian Reservation;

NOW, THEREFORE, BE IT RESOLVED that it shall be unlawful for any person or entity to discharge, or threaten to discharge pollution into the land, air or waters of the Reservation environment, which discharge or threatened discharge presents an imminent and substantial endangerment to the health, safety and welfare of the Reservation population.

BE IT FURTHER RESOLVED, that the Tribal Business Council upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health or welfare of persons within the extension boundaries of the Fort Berthold Reservation, or where such endangerment is to the fish, wildlife, or other natural resources, products, or goods of the Three Affiliated Tribes within the extension boundaries of the Fort Berthold Reservation, the Tribal Business Council may bring suit on behalf of the Three Affiliated Tribes in Tribal Court to restrain immediately any person or persons causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

BE IT FURTHER RESOLVED, that the Tribal Business Council, or the Natural Resource Department at the request of the Council, shall be empowered to take such action as may be necessary to protect the public's health, safety or welfare by issuing written orders to the person or persons responsible for the discharge or threatened discharge to cease and desist those polluting activities causing imminent and substantial endangerment. Such action may be taken without prior notice or hearing by requiring that the person or persons causing or

contributing to such pollution or threatened pollution: immediately discontinue such discharge; and appear before the Tribal Business Council or its designated agency at the time and place specified in such written order; and provide information pertaining to the violations and conditions alleged in such order.

BE IT FURTHER RESOLVED, that in addition to other civil fines and remedies, the Tribal Business Council or its designated agency may assess the owners and/or operators of the pollution source(s) for all governmental and administrative costs incurred, including legal fees and expenses related to the Tribe's response to such discharge or threatened discharge of pollution into or about the Reservation environment.

BE IT FINALLY RESOLVED, that the title of this ordinance shall be the "Emergency Pollution Control Ordinance."

BE IT STILL FURTHER RESOLVED, that the Three Affiliated Tribes do not waive, alter, or otherwise diminish their sovereign immunity whether expressed or implied by virtue of enacting this resolution. Nor do the Three Affiliated Tribes waive, alter, or otherwise diminish their rights, privileges, remedies, or services guaranteed by applicable federal law.

#### CERTIFICATION

I the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitutes a quorum, 6 were present at a Regular Meeting, 18<sup>th</sup> thereof duly called, noticed, convened, and held on the 18<sup>th</sup> day of May 18, 1992; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, and 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting).

Dated this 18<sup>th</sup> day of May, 1992.

John J. Ralich  
Secretary, Tribal Business Council

ATTEST: \

Walter S. Walker  
Chairman, Tribal Business Council