

**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 specifically authorizes and empowers the Tribal Business Council to protect and preserve the natural resources of the Tribes, including the preservation of traditional medicinal herbs grown in the wild; and
- WHEREAS,** It has come to the attention of the Tribal Business Council that traditional medicinal herbs grown in the wild are being taken by non-Indians from within the exterior boundaries of the Fort Berthold Reservation and, in some instances, tribal members are selling the wild medicinal herbs to non-Indians; and
- WHEREAS,** It is the considered judgment of the Tribal Business Council to protect and preserve the wild medicinal herbs for cultural and traditional usage by tribal members, and that said wild medicinal herbs shall not be sold or commercially sold by Indians or non-Indians; and
- WHEREAS,** No person shall excavate, remove, damage or otherwise alter, deface or adversely affect the traditional medicinal herbs grown in the wild of the Three Affiliated Tribes unless such activity is pursuant to traditional medicinal purposes; and
- WHEREAS,** No person shall sell, purchase, exchange, transfer, transport, receive, possess or offer to sell, purchase or exchange any wild medicinal herbs if such resource is excavated or removed from the exterior boundaries of the Fort Berthold Reservation in violation of traditional medicinal purposes; and
- WHEREAS,** The criminal penalties for any activity found to be in violation of this Resolution shall result in a Class I misdemeanor, including the forfeiture of any traditional medicinal herbs collected from a natural, or wild, setting, including, but not limited to, *Echinacea Angustifolia*, which is a purple coneflower plant that is sold to pharmaceutical and botanical companies for usage as a herbal or homeopathic medicine; and
- WHEREAS,** The Office of the Prosecution may bring an action for civil penalties, including forfeiture and damages, against any person who is alleged to have engaged in an activity which is violative of this Resolution, including any person who is not subject to the criminal jurisdiction of the Three Affiliated Tribes; and

WHEREAS, The District Court of the Three Affiliated Tribes may consider as factors the commercial value of the medicinal herbs collected from a natural, or wild, setting (native plant flora) involved, or the cost of restoration and repair of the wild medicinal herbs; and

WHEREAS, The District Court of the Three Affiliated Tribes pursuant to its jurisdictional authority may exclude any person from within the boundaries of the Fort Berthold Reservation found to be in violation of this Resolution; and

WHEREAS, The exclusion from the exterior boundaries of the Fort Berthold Reservation shall be intended to be remedial in nature and not punitive, such relief shall also be intended to compel individuals to obey and respect the laws of the Three Affiliated Tribes; and

NOW, THEREFORE, BE IT RESOLVED, The Tribal Business Council of the Three Affiliated Tribes hereby amends the traditional and cultural medicinal herbs resolution, identified as Resolution No. #96-169-DSB; and

BE IT FURTHER RESOLVED, That the Natural Resources Department, Department of Fish and Wildlife, shall assist the Cultural Preservation Officer in developing Code provisions for the protection and preservation of the native plant flora, which shall be specifically identified, including the drafting of provisions for an application and permit process; and

BE IT FURTHER RESOLVED, That this Resolution shall go into effect immediately on this 12th day of September, 1996.

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 Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of September, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 12th day of September, 1996.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council