

Environmental Management

Two hundred years ago Wabanaki people knew as much about their environment as a highly trained scientist does today, and their language could convey that information and knowledge to their community.

Barry Dana
Penobscot

The ability of a nation to manage the resources within its borders is a sovereign right. Plant, animal, and aquatic species, and timber and water resources are important to tribal members for food, use in ceremonies, as medicines, for traditional forms of art, and as business opportunities for the tribe.

Nationally:

For centuries, American Indians have been stewards of the land and its resources. Federally recognized tribes have a government-to-government relationship with the United States and most do not have to comply with state regulations or work with state agencies.

In many parts of the country, tribes are using their knowledge of the environment to take a leadership role in setting high standards for pollution control, water quality, and sustainable harvesting. Through their sovereignty, five federally recognized tribes in other states have been able to establish Class I Air Quality status through the Environmental Protection Agency (EPA). Class I areas receive the highest degree of protection with only a small amount of certain kinds of additional air pollution allowed. This has forced the areas surrounding these reservations to clean up air pollution so levels meet the high standards on the reservation. Similar rights have been granted for water quality as well.

Maine:

In 1999 Maine successfully petitioned the EPA to take control of the permitting process for pollution outputs. The tribes are exploring opportunities to work with the state and federal agencies, private industry, and other partners to protect their environmental resources. Through these partnerships, the tribes serve as leaders in their communities in environmental health and protection.

Each tribe collaborates and has formed cooperative agreements with local, state and federal agencies, organizations, and non-profits to meet the needs of the tribe, surrounding communities, and the environment. All of the tribes monitor and report findings on water quality to the EPA, helping to fill a gap in state staffing to cover Maine's vast territory. The tribes also record valuable data about invasive species and the health and status of aquatic and land plants and animals.

Environmental Management Newspaper Headlines:

Regionwide tribal coalition embraces Kyoto Protocol

By Diana Graettinger

Bangor Daily News

June 30, 2006

Members of the United South and Eastern Tribes did something that the U.S. government has refused to do- endorsed the principles described in the Kyoto Protocol, tribal officials announced Wednesday.

Penobscot leader links conservation, sovereignty

By Misty Edgecomb

Bangor Daily News

April 24, 2001

'Ancestral Penobscots saw environmentalism as a natural outgrowth of their daily life,' said Butch Philips, Penobscot. Today, an environmentally aware American Indian like Phillips must venture into the Legislature and the courts to reserve the tribal traditions.

Environmental Management Wabanaki Quotes:

The tribe has long required that we look at how projects would impact the natural world, so we tend to view potential projects through that lens. We do not clear cut our forest resources, but have a sustainable management plan that reflects our values. We have also designated areas that are important for plant and animal species, and these are held apart and kept safe for tribal use.

Richard Phillips-Doyle

Passamaquoddy

Sakom/Chief, Passamaquoddy Tribe

The Penobscot Nation directly and exclusively develops and implements all management plans for our natural resources. I have developed a professional staff, second to none in the arena of tribal natural resources management. We have received many national, regional, and local awards. A big factor in our success has been due to the dedication and commitment of staff.

John Banks

Penobscot

Director of Natural Resources, Penobscot Indian Nation

Having tribal citizens involved with the protection of our natural resources has been key. They know that their stewardship responsibilities directly impact future generations of tribal members.

John Banks

Penobscot

Director of Natural Resources, Penobscot Indian Nation

Pollution is our worst environmental problem. Traditional foods like fish are now not recommended to eat because contamination made them dangerous. Eating fish is part of who we are; it's part of us and our culture. We are known as 'the people who spear Pollock', but all of a sudden we can't eat this or we'll get cancer and birth defects.

Donald Soctomah

Passamaquoddy

Historic Preservation Officer, Tribal Representative to the State Legislature

The tribe is trying to be a model land owner. Instead of trying to force the surrounding land owners and communities into better care of the environment, the Houlton Band of Maliseet Indians is trying to lead by example.

Sue Young

Natural Resources Director, Houlton Band of Maliseet Indians

Pollution has had an impact on tribal health. Areas where the Maliseet traditionally subsistence hunted or gathered wild plants such as fiddleheads have been impacted so they can't do that as much any more. The Houlton Band of Maliseet Indians is trying to promote an increase in traditional use of the land by reintroducing important native species and habitat.

Sue Young

Natural Resources Director, Houlton Band of Maliseet Indians

The Houlton Band of Maliseet Indians has been monitoring the Meduxnekeag River for fifteen years for baseline data. This information is shared with the Department of Environmental Protection and others to make or revise regulations.

Sue Young

Natural Resources Director, Houlton Band of Maliseet Indians

It's very frustrating to become armed with all this information and not be able to do anything about it. The tribe is treated like little children that have to get approval from the state or the town, but it doesn't come through very often.

Sue Young

Natural Resources Director, Houlton Band of Maliseet Indians

For all other states that have successfully petitioned the EPA to administer water and air pollution permits, tribal lands were not part of the permitting process, but Maine was the first state to include tribal lands in state permitting powers. The state is now able to take control over pollution and quality standards on lands and rivers within Penobscot tribal territories.

Barry Dana

Penobscot

The U.S. Department of Agriculture awarded us a grant to buy 1,200 acres to keep as is, and to protect the Canada lynx.

Victoria Higgins

Micmac

Chief, Aroostook Band of Micmacs

The tribe just received a grant to build a new greenhouse for planting ash seedlings. We're also developing a farmers' market for local produce for tribal elders, members, and the local community. We are growing root stock to sell to nurseries for orchard trees.

Richard Dyer

Micmac

Housing Director, Aroostook Band of Micmacs

I've tried to gather birch bark on tribal lands, but Native woodcutters have harvested this wood to sell. So, I don't gather on tribal territory, but I do gather on my indigenous territory. I've worked out deals with landowners to have access to this material.

Barry Dana

Penobscot

We are the river. The river is us. It is in our veins. It is the absolute center of who we are as a tribal people.

John Banks

Penobscot

Director of Natural Resources, Penobscot Indian Nation

We have our treaty rights to hunt and fish solidified in the Settlement Act. The problem is how fish have been impacted by outside influences, so we can't fish. We have a body of water around our reservation that's not fit for fishing. We're very restricted in terms of how we can practice our right to fish because the fish are not fit to eat.

Kirk Francis

Penobscot

Chief, Penobscot Indian Nation

Tribes Fight to Regulate Pollution Levels in Reservation Waters

The Environmental Protection Agency can grant individual states the authority to issue federal permits controlling the amount of pollution a business may discharge into a body of water. This permission, granted through the Clean Water Act's National Pollution Discharge Elimination System, supersedes the need for a business to obtain separate federal and state permits.

Maine is one of twenty-eight states currently authorized to issue permits for pollution discharge, but in 1999, when the state was applying for this authority, the Penobscot Nation challenged this. The tribe asserted that Maine was unduly influenced by the paper industry. Based on tribal sovereignty, the tribe maintained that all information concerning management of natural resources on its land was an internal matter, not

subject to the Freedom of Information Act. A coalition of paper companies and towns claimed that the regulation of water affected them, and was therefore not an internal tribal matter. Their fear was that if the EPA retained authority over tribal waters, it would in turn grant more regulatory authority to the tribes. At the time of this conflict, the EPA had already granted the authority to regulate waters to eighteen other tribes around the country.

A lengthy court battle ensued, during which the Penobscot and Passamaquoddy tribal governors were threatened with a citation for contempt of court and subsequent jail time when they refused to hand over tribal water records. In August 2007, the court rejected the tribes' argument.

Newspaper Headlines:

Case escalates tribes' effort to define sovereign rights: A legal battle over control of water quality pits Maine's Indian tribes against the state and some paper companies.

By Peter Pochna

Portland Press Herald

February 18, 2001

At stake are such matters as the cleanliness of the Penobscot River, Maine's second largest river, as well as rights of businesses and towns to have a say in how their water discharges are regulated.

'We do not want them (the tribes) to be able to adopt regulations that affect us without our participation. This is a pretty fundamental tenet of our democracy.' Mathew Manahan, attorney with Pierce Atwood representing the coalition of businesses and towns.

Court's rejection of water case disappoints Maine Indian tribes

By Dinan Graettinger

Bangor Daily News

August 10, 2007

Members of the Passamaquoddy Tribe and Penobscot Nation said Thursday they were disappointed at a federal appeals court decision which held that the state had the exclusive right to regulate the water quality of the rivers that pass through tribal lands.

The 1st U.S. Circuit Court of Appeals ruled that the 1980 settlement of claims by the Penobscot Nation and the Passamaquoddy Tribe to most of the land in Maine gives the state unusual authority that trumps tribal claims of sovereignty.

Wabanaki Quotes:

The right to maintain how we viewed and planned for our resources was at the center of how we managed those resources, so much so that the tribe was willing, and I was willing, to go to jail to protect this.

Barry Dana

Penobscot

Our sovereignty is how we're going to protect the Penobscot River. We had a seat at the table when the state was issuing pollution permits to the paper companies and we didn't want to give that up. At the end of the day non-Native people will not be the first to line up and fight for that river. Our sovereignty will help us be there. Our connection to the fish, the land, and the rivers comes from our sovereignty, and our sovereignty comes from our ancestors.

Barry Dana

Penobscot