

"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

Environmental Management



*Figure 1 Mount Katahdin from Compass Pond.
Photo by James Eric Francis, Sr.*

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.

Penobscot leader links conservation, sovereignty

Bangor Daily News - April 24, 2001

[More Headlines >](#)

Maliseet Tribal members Julie Ivey and David Joseph recording benthic macroinvertebrate data in the Meduxnekeag River. Image courtesy of the Houlton Band of Maliseet Indians.



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.

"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

"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

"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

"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

Appendix A

Environmental Management 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 Phillips, Penobscot. Today, an environmentally aware American Indian like Phillips must venture into the Legislature and the courts to reserve the tribal traditions.

Court's rejection of water case disappoints Maine Indian tribes

By Diana 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.

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.

Penobscot Indian Nation Receives Grant of nearly \$149,000 to Improve Water Quality

Boston, Mass. - July 25, 2012 - The Penobscot Indian Nation has received a grant from the U.S. Environmental Protection Agency for \$148,924 to help reduce nonpoint source water pollution on their tribal lands. [Continue reading >](#)

Penobscots sue attorney general over who has authority over river surrounding reservation

By Judy Harrison - Bangor Daily News - August 22, 2012 - The Penobscot Indian Nation has sued the Maine attorney general and the heads of the Maine Department of Inland Fisheries and

Wildlife and the Maine Warden Service over who has authority over the waters of the Penobscot River surrounding the reservation. [Continue reading >](#)

Appendix B

Environmental Management in Their Own Words

"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

"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

"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 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."



Figure 2 Rabbit Pond, Nahmakanta Public Reserve Land, University of Maine Department of Ecology and Environmental Sciences

-Richard Dyer, Micmac
Aroostook Band of Micmacs



*Figure 3 Eagle Lake old growth forest, Maine
Bureau of Parks and Lands.*

"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 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