TITLE: Support for Penobscot Nation River Rights

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Penobscot Indian Nation (“Penobscot Nation”) is a federally-recognized sovereign Indian tribe with its seat of government located at Indian Island, Penobscot County, Maine; and

WHEREAS, the Penobscot River watershed is the aboriginal home of the Penobscot Nation, and the Penobscot Nation’s Reservation includes the islands, waters, and resources of the Penobscot River from Indian Island northward; and

WHEREAS, the Penobscot Indian people have, since time immemorial, relied upon the health of the Penobscot River, including the fish and other natural resources of the River, for physical, cultural and spiritual survival and sustenance; and

WHEREAS, the Nation has an inherent right, and the United States has an unique legal trust obligation, to protect the health and welfare of the Penobscot River and Penobscot Indian people; and

WHEREAS, the Attorney General of the State of Maine has issued an opinion that the Penobscot River is not part of the Penobscot Indian Reservation and thereby threatened the right of the Penobscot people to take fish from the river for sustenance without interference by state authorities and the right of Penobscot law enforcement officials to enforce certain laws of the Penobscot Nation governing hunting and trapping on the river; and
WHEREAS, in order to protect rights of the Penobscot Nation and Penobscot people concerning our relationship to the Penobscot River as confirmed by Congress in the Maine Indian Claims Settlement Act of 1980, the Penobscot Nation has commenced legal action for declaratory and injunctive relief against the Attorney General of the State of Maine and other state officials in the U.S. District Court for the District of Maine, Penobscot Nation v. Maine Attorney General / United States v. Maine (D. Me. Case No. 1:12-cv-254-GZS); and

WHEREAS, Congress, in passing the Maine Indian Claims Settlement Act, intended to protect the Penobscot Nation’s sustenance fishing, hunting, and trapping rights along with all related regulatory authority in the Main Stem of the Penobscot River; and

WHEREAS, if successful, the State of Maine’s attack on the sustenance rights of the Penobscot Nation could have an adverse impact on other tribal governments subject to settlement acts as well as treaty fishing rights nationwide; and

WHEREAS, NCAI and Penobscot Nation recognize the historic efforts by the Department of Justice, Department of the Interior, Environmental Protection Agency to protect the inherent rights of the Penobscot People.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby declare its support for the Penobscot Nation, its inherent rights in the Penobscot River, and the right to exercise its culture as recognized in the Maine Indian Claims Settlement Act of 1980 and hereby calls upon the State of Maine to honor this commitment; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary